

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#
January 11, 2021

AGENDA

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

Council Study Session

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Todd Berg, Fire Chief

SUBJECT: Fire Truck Discussion

Background:

CITY COUNCIL MEETING

VIRTUAL meeting being
conducted by electronic
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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- Elliott - 7 p.m.

Administer Ceremonial Oath of Office

- a. Council member Marquita Butler
- b. Council member Kris Lawrence-Anderson

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. Resolution Designating Official Newspaper
- Approve resolution Designating Official Newspaper for 2021
- b. Resolution Declaring Commitment to the Brooklyn Center City Charter
- Approve resolution Declaring Commitment to the Brooklyn Center City Charter
- c. Resolution Recognizing the Contributions of Ethnic Populations and Heritage Celebrations
- Approve a resolution Recognizing the Contributions of Ethnic Populations and Heritage Celebrations
- d. Resolution Approving the 2021 Fee Schedule
- Motion to approve a resolution adopting the 2021 Fee Schedule
- e. 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.
- f. Resolution Approving the Adoption of a Fair Housing Policy
- Motion to adopt a resolution approving the Fair Housing Policy
- g. Resolution Designating Depositories of City Funds for 2021
- Motion to approve a resolution designating depositories of City funds for the 2021 fiscal year.
- h. Resolution Opting not to Waive Limited Tort Liability for 2021
- Motion to approve a resolution adopting the no waiver option for statutory tort liability insurance.
- i. Resolution Granting Corporate Authority for Signing of Checks and Transactions of Financial Business Matters
- Motion to approve a resolution granting corporate authority for signing checks and transactions of financial business matters to the City Manager and Finance Director for the City of Brooklyn Center.
- j. Annual Appointment of municipal trustees to the Brooklyn Center Fire Relief Association board of trustees
Appoint municipal trustees to the Brooklyn Center Fire Relief Association board of trustees.

7. Presentations/Proclamations/Recognitions/Donations

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.

- a. An Ordinance Amending Chapter 27 and 19 of the City Code of Ordinances Regarding the Operation of Snowmobiles, All-Terrain Vehicles, Off-Highway Motorcycles and Other Recreational Vehicles within the City

- *Motion to:*

- *Open the public hearing;*
- *Take public input; and*
- *Close the public hearing.*

- *Motion to approve the second reading, and adopt Ordinance Amending Chapter 27 and 19 of the City Code of ordinances regarding the operation of snowmobiles, all-terrain vehicles, off-highway motorcycles and other recreational vehicles within the City*

- *Approve a resolution approving a summary publication of the above ordinance.*

- b. 2021 Proposed Utility Rates

- *Motion to:*

- *Open the public hearing;*
- *Take public input; and*
- *Close the public hearing*

Motion to approve:

- *Resolution for 2021 Water Utility Rates*
- *Resolution for 2021 Sanitary Sewer Utility Rates*
- *Resolution for 2021 Storm Sewer Utility Rates*
- *Resolution for 2021 Street Light Rates*
- *Resolution for 2021 Recycling Rates*

9. Planning Commission Items

10. Council Consideration Items

- a. Resolution Requesting Approval for a New Fire Truck Purchase
City Council to authorize City Manager Boganey to sign purchase agreement for a new fire truck.
- b. Resolution Selecting Presiding Officers-Mayor Pro Tem and Acting Mayor Pro Tem
- Appoint the Mayor Pro Tem and Acting President Pro Tem for 2021
- c. Resolution Amending the Hospitality License for Radisson Hotel
- Approve the resolution with amended conditions

11. Council Report

12. Adjournment

State of Minnesota

*County of Hennepin
City of Brooklyn Center*

I, Marquita Butler do solemnly swear to support the Constitution of the United States of America, the Constitution of the State of Minnesota, and to discharge faithfully the duties devolving upon me as Council Member of the City of Brooklyn Center and Commissioner of the Economic Development Authority and Housing and Redevelopment Authority of Brooklyn Center, Minnesota, to the best of my judgment and ability.

Subscribed and sworn to before me this 11th day of January, 2021

City Clerk

Council Member

State of Minnesota

*County of Hennepin
City of Brooklyn Center*

*I, Kris Lawrence-Anderson do solemnly swear to support the
Constitution of the United States of America, the Constitution of the
State of Minnesota, and to discharge faithfully the duties devolving upon
me as Council Member of the City of Brooklyn Center and Commissioner
of the Economic Development Authority and Housing and
Redevelopment Authority of Brooklyn Center, Minnesota, to the best of
my judgment and ability.*

Subscribed and sworn to before me this 11th day of January, 2021

City Clerk

Council Member

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Resolution Designating Official Newspaper

Background:

Section 12.01 of the Brooklyn Center City Charter requires the City Council to annually designate a legal newspaper of general circulation of the City as its official newspaper in which the City will publish ordinances, bids, public hearing notices, advertising for proposals, assessments, bonds, financial reports, and other matters as required by law. Sun Media has once again requested that the City Council consider designating Brooklyn Center Sun-Post to be the official newspaper for 2019. Brooklyn Center Sun-Post meets all necessary requirements of a qualified newspaper. The rate structure is as follows:

- \$11.90 per column inch (9 lines per inch= \$1.32 per line).

Budget Issues:

Legal publications are a budgeted item.

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/2/2020	Resolution Letter
Sun Post Quote 2021	1/5/2021	Backup Material

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DESIGNATING OFFICIAL NEWSPAPER

WHEREAS, Section 12.01 of the Brooklyn Center City Charter requires the City Council to annually at its first meeting of the year designate a legal newspaper of general circulation in the city as its official newspaper in which shall be published such ordinances and other matters as are required by law to be so published and such other matters as the council may deem it advisable and in the public interest to have published in this manner; and

WHEREAS, the *Brooklyn Center Sun-Post* has previously been so designated; and

WHEREAS, the *Brooklyn Center Sun-Post* meets all necessary requirements for designation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the *Brooklyn Center Sun-Post* is hereby designated as the official newspaper for the City of Brooklyn Center for the year 2021.

January 11, 2021
Date

Mayor

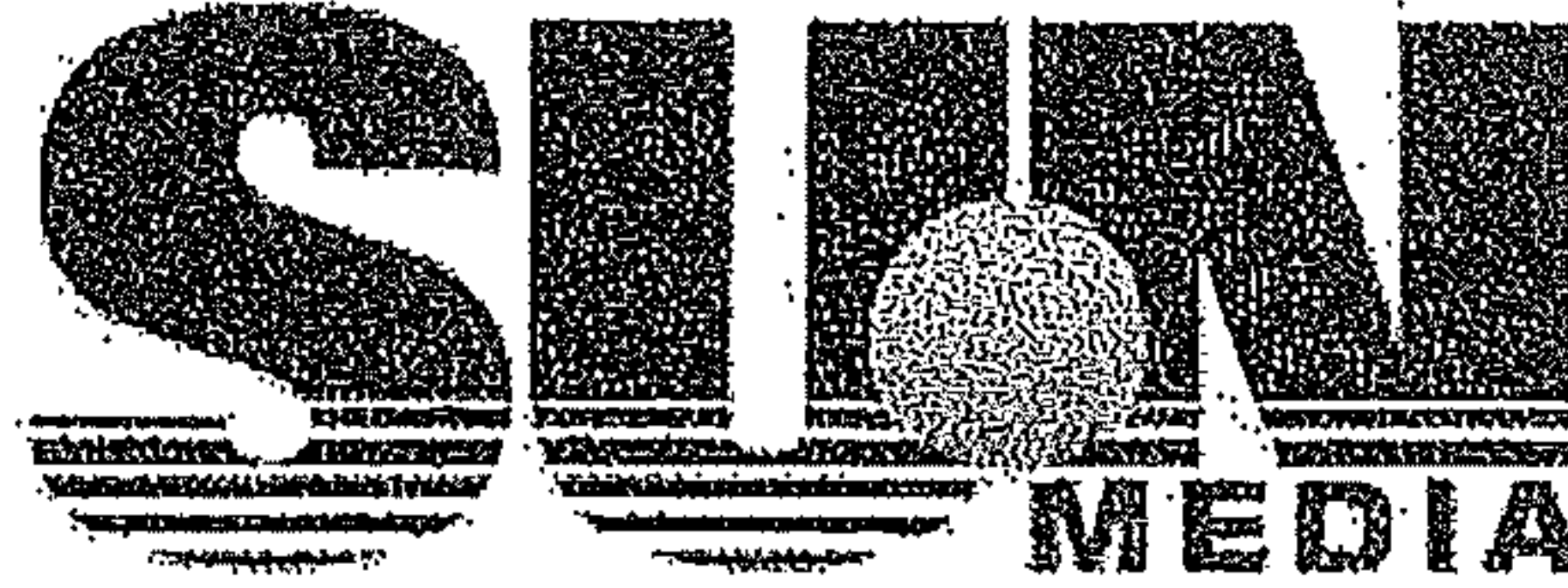
ATTEST: _____
City Clerk

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.



January 4, 2021

City of Brooklyn Center
City Council
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

Dear City Council Members:

Please accept the following bid from the **Brooklyn Center Sun-Post** for legal newspaper designation for the City of Brooklyn Center. This newspaper is qualified by the State of Minnesota as a legal newspaper under Minnesota Statutes Section 331A.02, Subd. 1.

The following rate structure for legal is effective January 1, 2021:

First insertion:	\$11.90 per column inch
Subsequent insertions:	\$7.00 per column inch
Characters per inch:	320
Lines per inch:	9

A notarized affidavit will be provided for each notice published. Additional affidavits are \$2.50 each. A \$20.00 charge will be assessed on legal notices that require typing. All published legal notices are posted on the *Sun-Post* website at no additional charge.

The *Sun-Post* is published weekly on Thursdays. The deadline is 2:00 p.m. on Thursday for publication the following Thursday. Please email legal notices to publicnotice@apgecm.com.

Thank you for considering the *Sun-Post* as the official newspaper for the City of Brooklyn Center for the upcoming year. We appreciate the opportunity to serve the needs of your community.

Sincerely,

A handwritten signature in cursive script that reads "Tonya Orbeck".

Tonya Orbeck
Legal Notice Manager
Adams Publishing Group
763-691-6001

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Resolution Declaring Commitment to the Brooklyn Center City Charter

Background:

The City Manager is directed to place this resolution for re-adoption on the agenda for the first meeting of the City Council each January as information as and reminder of Council/Manager responsibilities.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/5/2021	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DECLARING COMMITMENT TO THE BROOKLYN CENTER CITY CHARTER

WHEREAS, Brooklyn Center voters in 1966 adopted a City Charter creating a Council/Manager form of government; and

WHEREAS, said Charter provides that the City Council shall determine all matters of policy, and the City Manager shall be the head of the administrative branch of the City Government; and

WHEREAS, the Charter provides that there be no separate administrative boards or commissions other than advisory boards or commissions; and

WHEREAS, numerous advisory commissions have served the City since adoption of the Charter; and

WHEREAS, the Charter provides that the City Manager shall control and direct all departments and divisions of the City and shall have the right to take part in Council discussion and shall recommend such measures as deemed necessary; and

WHEREAS, the Charter prohibits Council members from dictating the appointment of any person to office or employment by the City Manager except as provided in Chapter 6 of this Charter; and

WHEREAS, the Charter requires the Council to deal with and control the administrative service solely through the City Manager and prohibits any Council member from giving orders to any subordinate of the City Manager, either publicly or privately; and

WHEREAS, the City Manager is charged by the Charter to see that the City Charter and the laws and resolutions of the City are enforced; and

WHEREAS, the Council as a whole also has an obligation to ensure that its business is conducted pursuant to the City Charter and the norms of acceptable and courteous business behavior; and

WHEREAS, Council members must depend upon the City Manager and staff to provide them with a great amount of background information, data, and expertise to aid in deliberating issues, developing policy, and administering the Council's responsibilities; and

RESOLUTION NO. _____

WHEREAS, the effectiveness of the services provided by the staff is in large part determined by a relationship of trust and mutual respect between the staff and the City Council.

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

1. To rededicate itself to the spirit and letter of the City Charter and to commit itself to ensuring compliance by the City Council collectively and individually with that spirit and letter of the City Charter.
2. To rededicate itself to the checks and balances of the City Charter that keep City government accountable.
3. To pledge that in its dealings with citizens and City staff, that the City Council will treat such citizens and staff with respect and courtesy. The Council shall deal with staff in accordance with the City Charter through the City Manager.
4. To discharge its responsibilities as intended and established by federal, state, and local laws and the City Charter, and to do so in a fair and impartial manner for the good of the whole City and without regard for personal gain or interests.
5. To direct the City Manager to place this resolution for re-adoption on the agenda for the first meeting of the City Council each January hereafter, as information and reminder of Council/Manager responsibilities.

January 11, 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.

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Resolution Recognizing the Contributions of Ethnic Populations and Heritage Celebrations

Background:

Since 2003, as part of the City Council's goal of inclusiveness, one of the aspects was to recognize the various ethnic populations and their contributions as well as heritage celebrations. The proposed resolution implements that Council policy by an inclusive list of celebrations and contributions in one resolution. By adopting this resolution, the City acknowledges these many events that occur throughout the course of the year. This list is reviewed and amended annually.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Enhanced Community Image, Inclusive Community Engagement, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/5/2021	Resolution Letter

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF ETHNIC
POPULATIONS AND HERITAGE CELEBRATIONS

WHEREAS, the City Council has established a goal to promote the inclusion of all residents in Brooklyn Center's community life by emphasizing opportunities to include all residents in the community's activities and plans; and

WHEREAS, the City Council recognizes that its cultural composition has changed significantly over the past two decades, with its ethnic population over half of its total population; and

WHEREAS, Brooklyn Center is strengthened by the rich cultural diversity of its people, and welcomes individuals of all races, religions, and cultural backgrounds; and

WHEREAS, each individual brings a part of his or her own heritage and over time each heritage becomes part of our common heritage, leading us to become a more united people; and

WHEREAS, the City Council recognizes the vital contributions ethnic populations have made to the strength and diversity of our community and recognizes their rich legacy of ingenuity, perseverance, and achievement; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following heritage celebrations and all other heritage celebrations reflected in Brooklyn Center's population are recognized for the purpose of encouraging our citizens to learn more about the history of ethnic populations and how they have contributed to the culture and heritage of our community:

February	African American History Month
March	Irish-American Heritage Month
March 25	Greek Independence Day
April 14	Pan American Day
May	Asian and Pacific American Heritage Month
May	Jewish American Heritage Month
May 17 (Syttende Mai)	Norwegian Constitution Day
May 21	World Day for Cultural Diversity
June	Caribbean-American Heritage Month
June 6	Swedish National Day
September 15-October 15	Hispanic Heritage Month
October	Italian American Heritage Month
October 6	German-American Day
November	American Indigenous Heritage Month

RESOLUTION NO. _____

January 11, 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.

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

BY: Barb Suciu, City Clerk

SUBJECT: Resolution Approving the 2021 Fee Schedule

Background:

Before you tonight for approval is the 2021 Fee Schedule. This is a comprehensive document that entails all of the fees for the city and is approved annually. The changes to the 2021 Fee Schedule include:

Budget Issues:

No budget issues related to this item

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
2021 Fee Schedule	1/5/2021	Backup Material
Resolution	1/5/2021	Resolution Letter



2021

FEE SCHEDULE

Licenses, Permits, Miscellaneous Services

Adopted March 1987
Updated 1/1/2020

6301 Shingle Creek Parkway ~ 55430-2199
763-569-3000

www.cityofbrooklyncenter.org

Introduction

In March 1987, the Brooklyn Center City Council approved an amendment to the City Ordinances that removed the fees for licenses and permits from the City Ordinances and established fees by Council resolution. The resolutions establishing fees for licenses and permits were collated into the following fee schedule, and it is updated whenever fees are amended or new fees are established. It provides a means by which fees for permits, licenses, and miscellaneous services are incorporated into one document to aid employees who need to collect fees or provide public information regarding fees. Fees for licenses and permits are set forth by Council resolution. Fees for copies, research projects, maps, and ordinances are generally set by the City Manager.

Fees relating to the Community Center and Centerbrook Golf Course can be obtained directly from the Department of Community Activities, Recreation, and Services and are not included in this fee schedule.

Fees relating to the Earle Brown Heritage Center can be obtained directly from the Heritage Center and are not included in this fee schedule.

Table of Contents

Licenses 2-4

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Miscellaneous Services..... 11-19

Licenses

City of Brooklyn Center

License Type	Annual Fee	Expiration	City Code Reference
Amusement Device Operator Kiddie Ride	\$15/location, plus \$15/machine Res. 87-31 \$10/ride	June 30	23-2101 Minn. Stat. 449.15
Animals (Cats and Dogs) Commercial Kennel	Res. No. 97-180 \$100	September 30	1-102
Bowling Alley	Res. No. 97-180 \$20/alley	December 31	23-209.01
Cesspool Cleaning	Res. No. 87-31 \$25	April 30	7-501
Christmas Tree Sales Deposit	Res. No. 97-180 \$60/lot \$100/lot	January 5	23-1301
Entertainment	Res. No. 2020-17 \$300	December 31	23-301
Filling Station First Nozzle/Hose Each Additional Nozzle/Hose	Res. No. 97-180 \$90 \$10	December 31	23-402
Filming & Photography	\$400		23-2500 Ord. No. 2017-02
Fireworks Temporary Stand Permanent Structure	Res. No. 2004-65 \$350/location \$100/location	December 31	19-403
Garbage and/or Rubbish Collection Company Vehicle	Res. No. 97-180 \$85 \$25	June 30	7-103
Hospitality Accommodations Level I Level II Level III	Res. No. 2017-19 \$150 \$200 \$300	April 30	23-2401
Liquor – Civil Penalties		Res. No. 2019-116	11-107
Offense	Civil Fine	Suspension/ Revocation	
First offense	\$500	None	
Second offense	\$1,000	1 day suspension	
Third offense	\$1,500	3 day suspension	
Fourth offense	\$2,000	5 day suspension	
Fifth offense	\$2,000	Revocation	
Liquor – Consumption and Display Temporary (maximum 10 days for City)	Res. No. 2017-203 \$300 \$25	December 31 N/A	11-106
Liquor – Off-Sale 3.2 Malt Liquor	Res. No. 2017-203 \$100	December 31	11-106
Liquor – Off-Sale Brew Pub	Res. No. 2017-203 \$200	December 31	11-106
Liquor – Off-Sale Microdistillery	Res. No. 2017-203 \$200	December 31	11-106

Licenses

City of Brooklyn Center

License Type	Annual Fee	Expiration	City Code Reference
Liquor – Off-Sale Small Brewer License	Res. No. 2017-203 \$200	December 31	11-106
Liquor – On-Sale 3.2 Malt Liquor Temporary	Res. No. 2017-203 \$500 \$10/day	December 31 N/A	11-106
Liquor – On-Sale Brew Pub On-Sale Intoxicating On-Sale 3.2 Percent Malt Liquor	Res. No. 2017-203 \$6,500 \$500	December 31	11-106
Liquor – On-Sale Brewer Taproom	Res. No. 2017-203 \$600	December 31	11-106
Liquor – On-Sale Club Up to 200 members 201-500 members 501-1,000 members 1,001-2,000 members 2,001-4,000 members 4,001-6,000 members Over 6,000 members	\$300 \$500 \$650 \$800 \$1,000 \$2,000 \$3,000	December 31	11-106
Liquor – On-Sale Intoxicating Hotels & Clubs Earle Brown Heritage Center Culinary Class	Res. No. 2017-203 \$6,500 \$5,000 \$100	December 31	11-106
Liquor – On-Sale Microdistillery Cocktail Room	Res. No. 2017-203 \$600	December 31	11-106
Liquor – On-Sale Sunday Sales	Res. No. 2017-203 \$200	December 31	11-106
Liquor – On-Sale Temporary Maximum 3 consecutive days; no more than 12 days per year Special Event Permit Maximum 10 consecutive days; no more than 40 days per year	\$25/per day \$25/per day		11-106
Liquor – On-Sale Wine	Res. No. 2017-203 \$2,000	December 31	11-106
Massage Establishment Establishment Investigation – Establishment Masseur or Masseuse Investigation – Masseur/Masseuse	Res. No. 87-31 \$3,000 \$1,500 \$50 \$100	December 31	23-1703
Mechanical Systems	Res. No. 97-180 \$60	April 30	23-1500
Motor Vehicle Dealer Class A Class B	Res. No. 97-180 \$250 \$75	April 30	23-1202

Licenses*City of Brooklyn Center*

License Type	Annual Fee	Expiration	City Code Reference
Pawnbroker Establishment Investigation	Res. No. 2004-101 \$3,000 \$1,500	December 31	23-603
Rap Parlors, Conversation Parlors, Adult Encounter Groups, Adult Sensitivity Groups, Escort Services, Model Services, Dancing Services, or Hostess Services Investigation	Res. No. 87-31 \$1,500 \$1,500	December 31	23-1804
Rental Single Family Dwelling Initial License/New Owner Renewal License (no change in license holder) Two Family Dwelling Each Rental Unit Multiple Family Dwelling Each Building Each Unit Minimum Base Fee License Reinstatement Conversion to Rental A residential property converted to a rental property or a registered residential vacant building re-occupied as a rental property. This applies to lawful single-family and Single-family attached dwellings.	Res. No. 2005-152 \$400 \$300 \$200 \$200 \$18 \$450 Res. No. 2011-65 \$100 Res. No. 2008-150 \$500	Varies	12-901 12-910 12-902
Saunas or Sauna Baths Establishment Investigation	Res. No. 87-31 \$3,000 \$1,500	December 31	23-1602
Secondhand Goods Dealer Investigation	Res. No. 98-227 \$750, plus \$1.50 per reportable transaction \$1,500	December 31	23-652
Sign Hanger	Res. No. 97-180 \$60	April 30	34-160
Taxicab	Res. No. 2004-101 \$100/vehicle	December 31	23-702
Tobacco Related Products Investigation	Res. No. 97-180 Res. No. 2014-57 \$150 \$150	December 31	23-101

Permits*City of Brooklyn Center*

Permit Type	Fee	City Code Reference
Administrative Land Use Outdoor church & civic functions, charities, carnivals, etc. Off-site signs for civic functions or community events Outdoor nursery & garden center sales & displays Miscellaneous outdoor sales, displays, or promotional events Miscellaneous outdoor sales, displays, or promotional events for gasoline service stations Car wash fundraisers	 \$25/10 days \$25/10 days per location \$100/30 weeks \$50/10 days \$50/30 days \$25/10 days	 35-800 Res. No. 99-172; 2005-65
Alarm Fire Police	 1/No Charge 2/\$150 3+/\$300 1-4/No Charge 5/\$50; after 5, each alarm increased by \$25	 23-2006 Res. No. 93-233

Permits*City of Brooklyn Center*

Permit Type	Fee	City Code Reference
Building and Fire Protection		3-103
Valuation \$1 to \$1,000 Valuation \$1,001 to \$2,000	\$49.50 \$49.50 for the first \$1,000 plus \$3.25 for each additional \$100 or fraction thereof, to and including \$2,000	Res. No. 2018-09
Valuation \$2,001 to \$25,000	\$82.00 for the first \$2,000 plus \$14.85 for each additional \$1,000 or fraction thereof, to and including \$25,000	
Valuation \$25,001 to \$50,000	\$423.55 for the first \$25,000 plus \$10.70 for each additional \$1,000 or fraction thereof, to and including \$50,000	
Valuation \$50,001 to \$100,000	\$691.05 for the first \$50,000 plus \$7.45 for each additional \$1,000 or fraction thereof, to and including \$100,000	
Valuation \$100,001 to \$500,000	\$1,063.55 for the first \$100,000 plus \$6 for each additional \$1,000 or fraction thereof, to and including \$500,000	
Valuation \$500,000 to \$1,000,000	\$3,463.55 for the first \$500,000 plus \$5.10 for each additional \$1,000 or fraction thereof, to and including \$1,000,000	
Valuation \$1,000,001 and up	\$6,013.55 for the first \$1,000,000 plus \$4 for each additional \$1,000 or fraction thereof	
Plan Check Fee	65% of the amount of the permit fee	
Investigation Fee	Same amount as building permit fee	
Residential Siding Replacement up to 4 units	\$150	
Residential Family Roof Replacement up to 4 units, not including flat roofs	\$150	
Residential Solar Panel Installation	\$200	
Egress Window	\$100 up to two windows; \$150 for 3 or more	
Window or Door Replacement	\$100 up to two windows; \$150 for 3 or more	
Residential Deck up to 4 units	\$200	

Permits

City of Brooklyn Center

Permit Type	Fee	City Code Reference
Cesspool Cleaning Permit	\$18.75	7-502 Res. No. 87-32
Courtesy Bench Permit Inspection	\$50/bench \$50/bench	23-902 23-903 Res. No. 2007-47
Demolition Permit	\$50	23-1501 Res. No. 2005-65
Electrical Minimum Fee for one inspection trip	\$50 per trip	3-103 Res. No. 2020-20
Two trip fee (Every job where wiring will be Covered needs a rough-in and final inspection. Examples: remodel or new bath, kitchen, porch, basement, laundry, detached garage, swimming pool, etc.)	\$100 (includes two inspections)	
Service changeout	\$110	
Temporary service	\$55	
Service changeout with one or two remodeled or added rooms	\$160 includes two inspections	
Subpanel change out	\$50	
New or major remodel of apartment or condominium (this includes main service, feeders, house panel, circuit breakers, and temp power)	\$100 per unit	
Residential maximum (includes new houses, townhouses, remodels with 50% or more of the lights, receptacles and switches being replaced	\$190 includes three inspections	
Outside electrical reinstalled after siding replacement, house, duplex, triplex, four-plex, attached townhouses, and apartments	\$50 first unit plus \$25 each additional unit	
Electronic inspection fee for these items only: furnace, air conditioning, bath fan, fireplace, or receptacle for water heater vent. Must email required pictures.	\$40	
Solar fees for PV System: Residential & Commercial		
0 – 5,000 watts	\$90	
5,001 – 10,000 watts	\$150	
10,001 – 20,000 watts	\$225	
20,001 – 30,000 watts	\$300	
30,001 – 40,000 watts	\$375 plus \$25 for each additional	

Permits*City of Brooklyn Center*

Commercial Electrical Fees	
<u>Description</u>	<u>Fee Calculation</u>
Valuation \$1 to \$1,000	\$50.00
Valuation \$1,001 to \$2,000	\$50 for the first \$1,000 plus \$3.25 for each additional \$100 or fraction thereof, to and including \$2,000
Valuation \$2,001 to \$25,000	\$82.00 for the first \$2,000 plus \$14.85 for each additional \$1,000 or fraction thereof, to and including \$25,000
Valuation \$25,001 to \$50,000	\$423.55 for the first \$25,000 plus \$10.70 for each additional \$1,000 or fraction thereof, to and including \$50,000
Valuation \$50,001 to \$100,000	\$691.05 for the first \$50,000 plus \$7.45 for each additional \$1,000 or fraction thereof, to and including \$100,000
Valuation \$100,001 to \$500,000	\$1,063.55 for the first \$100,000 plus \$6.00 for each additional \$1,000 or fraction thereof, to and including \$500,000
Valuation \$500,000 to \$1,000,000	\$3,463.55 for the first \$500,000 plus \$5.10 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
Valuation \$1,000,000 and up	\$6,013.55 for the first \$1,000,000 plus \$4 for each additional \$1,000 or fraction thereof
Re-inspection Fee (in addition to all other fees)	\$50
Investigation Fee (working without a permit) the fee is doubled	
Refunds issued only for permits over	\$1

Permits

City of Brooklyn Center

Permit Type	Fee	City Code Reference
Flood Plain Use Up to 1 acre 1 acre to 5 acres Over 5 acres	\$50 \$50/acre \$250 plus \$37.50 per acre for each acre or fraction thereof over 5 acres	35-2182 Res. No. 2005-65
Housemoving Permit Code Compliance Review Prior to Moving Structure into City	\$200 \$100	23-1501 Res. No. 2005-65
Land Disturbing Activities Permit	Res. No. 2005-162 \$50	35-235
Mechanical Systems Valuation \$0 to \$500 Valuation \$501 to \$50,000 Valuation Over \$50,000 Mechanical Plan Review (only when submitted without a building permit) 2" and less diameter pipe 1-3 fixtures Additional openings 2" and over diameter pipe 1-3 fixtures Additional opening Residential Air Conditioner Installation Residential Air Conditioner & Furnace Installation Residential Boiler or Fireplace up to 4 units Residential Furnace Installation Residential Gas Stove or Dryer up to 4 units	Res. No. 2018-09 \$25 \$25 plus 2% of value of any amount in excess of \$500 \$1,012.50 plus 1% of value of any amount in excess of \$50,000 65% of base permit fee \$5.75 each \$2.50 each \$15 each \$3.25 each \$60 \$60 \$60 \$60 \$60	3-103
Planning Commission Fees* Zoning Code Text Amendment Rezonings Site and Building Plan Preliminary Plat Final Plat Variance Interim Use Permit (IUP) IUP Extension/Amendment Special Use Permit (SUP) SUP Amendment Extension of Special Use Permit Appeal Planned Unit Development (PUD) PUD Amendment Comprehensive Plan Amendment * For all Planning Commission Applications, a refundable escrow of \$1,000 will be added to the fee to cover any additional costs associated with the review of the application. Additional escrow may be required subject to the determination of the City Planner.	Res. No. 2019-03 \$500 \$1,050 \$750 \$400 \$200 \$200 \$250 \$150 \$250 \$250 \$100 \$200 \$1,800 \$700 \$1,050	35-210 35-230 15-104 35-240 35-310 35-310 35-220 35-220 35-220 35-251 35-355 35-355

Permits*City of Brooklyn Center*

Permit Type	Fee	City Code Reference
Plumbing Minimum Fee Repair or alteration of existing system New residential or commercial building Plumbing Plan Review (only when submitted without a building permit) Residential Water Heater up to 4 units Residential Water Softener up to 4 units Residential Water Heater and Softener up to 4 units Plumbing Fixtures	Res. No. 2018-09 \$25 2% of estimated cost 2% of estimated cost 65% of base permit fee \$60 \$60 \$60 \$60 up to 3 fixtures; \$10 for each additional	3-103
Right-Of-Way Administration Fee Excavation Fee Obstruction Fee Pole Attachment Fee Extension Delay Penalty	Res. No. 2018-42 \$100 per permit \$250 per permit \$200 per permit \$1,500 per site \$50 per permit \$50/day for pavement; \$25/day for boulevard/turf	25-1009
Sewer and Water Sewer or water connection Sewer or water disconnection Sewer and water disconnection New commercial sewer and water connection New residential sewer and water connection Commercial/Industrial fire line Water/Sewer repair Storm Water Minimum Fee	Res. No. 2005-65 \$50 \$50 \$90 \$150 \$100 \$50 \$50 \$50 \$50	3-103
Sign 50 sq. ft in area or less Over 50 sq. ft in area Minimum Fee Footing inspection, when required	Res. No. 2005-65 \$50 \$50/1st 50 sq. ft and \$15.00 for each additional 50 sq. ft or fraction \$50 \$50	34-150

Miscellaneous Services

City of Brooklyn Center

Service	Fee
Abatement Application (Assessing) Taxpayer caused only (others no charge)	\$45
Abatement (City-Facilitated)/Administrative Service Charge Cost up to \$999 or less \$1,000 to \$4,999 or Higher \$5,000 to \$9,999 \$10,000 to \$14,999 \$15,000 or more Each junk or inoperable vehicle	Res. No. 2008-150 \$150 75 \$300 150 \$750 \$1,250 \$1,750 \$150
Accident Reports (Police)	< 10 pages no charges \$0.25 per page \$0.15 per page, if subject of data \$0.50 per report, commercial user [defined as a user who requests access to more than five reports per month Minn. Stat. 169.09, Subd. 13(5) (f)]
Administrative Penalty System Fees Level 1 Level 2 Level 3 Level 4 Violation Type (Ordinance reference) Waste container setback violation (7-102) Local Traffic and Parking (27) Parking Surface violation (12-316) All other city code violations, designated as a misdemeanor or petty misdemeanor Animal (10) Failure to register a vacant property (12-1500) Failure to obtain a permit or license Tenant protection violation (12-912D)	Res. No. 2010-79 \$60 \$125 \$300 Level 1 1 2 2 2 2 3 4
Appeal Filing Fee – Chapters 12 and 19	\$50 Res. No. 2005-65
Beekeeping Registration	\$40 Res No. 2019-26
Business Subsidy Application Fee Escrow for consulting services related to review of application	\$3,000 \$10,000
Hearing Request Deposit	\$20
Special Assessment Charge for unpaid fine amounts that are specially assessed	\$30

Service	Fee
Copy Charges for Public Government Data Requests Not from the Data Subject 100 Pages or Fewer Black and White Photocopies 8.5 x 11 or 8.5 x 14 Two-Sided Copy (8.5 x 11 or 8.5 x 14) All Other Public Government Data Requests The City will charge the requester actual costs of <i>searching</i> for and <i>retrieving</i> the data, including the cost of employee time, and for <i>making, certifying, compiling, and transmitting</i> copies of the data or the data themselves Exception: There will be no charges for searching, retrieving, compiling, and electronically transmitting readily available data	Minn. Stat. 13.03, Subd. 3 (c) < 10 pages no charge \$0.25 \$0.50 Actual Costs Labor – \$0.40 per minute Paper – \$0.01 per sheet Black/White Photocopier – \$0.01 per page Color Photocopier - \$0.07 per page Black/White Printer – \$0.02 per page Color LaserJet Printer – \$0.09 per color page Other Actual Costs that may or may not be included – refer to the document <i>Fees for Providing Copies of Public Government Data</i> compiled by the State of Minnesota, Department of Administration, Information Policy Analysis Division at www.ipad.state.mn.us or 651-296-6733 Total Actual Costs require that you add labor cost at \$0.40 per minute to the supply and materials costs to establish total actual costs
Copy Charges for Public Government Data Requests by the Subject of Data When the requester is the subject of the data, the City <i>will not charge for searching for and retrieving data</i> . The requester will be charged the actual costs associated with <i>making, certifying, compiling, or transmitting</i> copies of the data themselves. Exception: There will be no charge for compiling and electronically transmitting readily available data.	Actual Costs <10 pages no charge \$0.15 per page
Dogs Registration – Dangerous and Potentially Dangerous Contest Declaration Hearing Fee Review Declaration Hearing Fee Contest Sterilization Requirement for Potentially Dangerous Boarding Fee Impounding Penalty	\$35/annual Res. No. 2004-132 \$250 Res. No. 2014-43 \$100 Res. No. 2014-43 \$250 Res. No. 2015-31 Joint & Cooperative Agreement with PUPS \$31/day
Fingerprinting (Police) Brooklyn Center resident or Brooklyn Center business owner and/or owner's employees (Saturday 1:00 pm to 7:00 pm)	\$10/card

Service	Fee
Franchise (Natural Gas) Residential Commercial A Commercial Industrial B Commercial C SVDF A SVDF B LVDF	Ord. No. 2019-03 \$1.66/month \$1.74/month \$5.63/month \$22.50/month \$56.23/month \$107.96/month \$107.96/month
Franchise (Electric) Residential Small Commercial & Industrial – Non-Demand Small Commercial & Industrial – Demand Large Commercial & Industrial Public Street Lighting Municipal Pumping – Non-Demand Municipal Pumping – Demand	Ord. No. 2019-02 \$1.65/month \$4.25/month \$22.75/month \$103.00/month \$13.50/month \$13.50/month \$13.50/month
Inspections Fire Inspection, Commercial Initial Inspection First Re-Inspection Second Re-Inspection Third Re-Inspection Fourth and Subsequent Re-Inspections Fire Inspection, Daycare Re-inspection A re-inspection fee for the second re-inspection and each subsequent re-inspection shall be collected from the applicant, owner, or responsible party. Properties with 1 to 3 units Properties with 4 or more units Re-Occupancy Inspection A property maintenance re-occupancy inspection fee is required for registered vacant buildings. Apartment/Condo Townhome Single Family Duplex (same owner) Triplex (same owner) Fourplex (same owner)	Res. No. 2011-55 No Charge No Charge \$100 \$150 \$200 \$50/each Res. No. 2009-130 Res. No. 2008-150 \$100 \$100 for each common area, plus \$50 for each unit/Res. No. 2008-151 \$115 \$195 \$195 \$275 \$415 Res. No. 2009-29 \$550 Res. No. 2009-29
Intoxilyzers Logs (Police)	\$5/page
Maps 8 1/2 x 11 8 1/2 x 11 with Imaging (aerials) 11 x 17 11 x 17 with Imaging (aerials) 24 x 24 24 x 24 with Imaging (aerials) 23 x 36 23 x 36 with Imaging (aerials)	\$3 \$5 \$4 \$6 \$10 \$15 \$15 \$25
NSF Check (Finance)	\$30

Miscellaneous Services*City of Brooklyn Center*

Service	Fee
Posting and/or Removal of Posting for Residential Properties Identified as Unsafe for Human Occupancy	Res. No. 2005-65 \$50
Police Reports (Police)	< 10 pages no charge \$0.25 per page \$0.15 per page, if subject of data \$0.50 per page, commercial user
Recycling Utility Minimum charge per household per quarter Certification for collection with property taxes	Res. No. 2019-128; 2019-162 \$11.98/quarter \$50
Right of Way Registration	\$1,000/New \$25/Renewal
Sanitary Sewer Utility Base Rate Quarterly Residential Single Family Apartment Senior Citizen Non-Residential Rate SAC charge set by MCES Certification for collection with property taxes Line cleaning charge Sanitary Sewer Connection	Res. No. 2019-125; 2019-163 \$89.14 \$62.39 \$49.02 \$3.76 per 1,000 gallons Fee established by MCES \$50 Labor, materials, equipment, and overhead Established annually by resolution
Satisfaction/Sub Agreements (Community Development)	\$50
Site Plans/Surveys (Community Development) 8 1/2 x 11 copies	\$5
Special Assessment Interest Rate	Res. No. 2020-104 3.0 Percent
Special Assessment Search (Assessing)	\$25
Special Computer Search (Police)	\$7/each address
Storm Sewer Utility (quarterly rates) Base Rate Cemeteries and Golf Courses Parks Single Family, Duplex, Townhouse School, Government Buildings Multiple Family, Churches Commercial, Industrial Vacant Land Certification for collection with property taxes Private facility cleaning charge	Res. No. 2019-126; 2019-164 \$62.05/acre \$15.52/acre \$31.02/acre \$15.52/lot \$77.57/acre \$186.13/acre \$310.24/acre As assigned \$30 Labor, materials, equipment, and overhead

Service	Fee
Street Light Utility (quarterly rates) Single, Double, and Multiple Family Residential Parks Schools, Government Buildings, Churches Retail and Service-Office Commercial and Industrial Vacant Land and Open Space Certification for collection with property taxes	Res. No. 2019-127; 2019-165 \$6.55/dwelling unit \$10.90/acre \$21.80/acre \$32.69/acre \$32.69/acre As Assigned \$50
Street and Storm Drainage Special Assessment Rates R-1 zoned, used as one-family site that cannot be subdivided R-2 zoned, or used as a two-family site that cannot be subdivided R-3 zoned (per unit) Partial Street Reconstruction R-1 zoned, used as one-family site that cannot be subdivided R-2 zoned, or used as a two-family site that cannot be subdivided R-3 zoned (per unit) Pavement Rehabilitation R-1 zoned, used as one-family site that cannot be subdivided R-2 zoned, or used as a two-family site that cannot be subdivided R-3 zoned (per unit) The residential assessment rates for street and storm drainage construction and pavement rehabilitation shall not apply to R-4, R-5, R-6, or R-7 zoned districts. The assessment rates for street reconstruction and pavement rehabilitation for R-4, R-5, R-6, or R-7 zoned property shall be based on an evaluation of the project cost and project benefit for each project.	Res. No. 2020-105 \$4,707 per lot (street) \$1,412 per lot (storm drainage) \$62.7600 per front foot with a \$4,707 per lot minimum (street) \$18.8267 per front foot with a \$1,412 per lot minimum (storm drainage) <u>Assess. frontage x \$62.7600</u> (street) Number of residential units <u>Assess. frontage x \$18.8267</u> (storm) Number of residential units \$3,530 per lot (street) \$47.0667 per front foot with a \$3,530 per lot minimum (street) <u>Assess. frontage x \$47.0667</u> (street) Number of residential units \$1,556 per lot (street) \$20.7467 per front foot with a \$1,556 per lot minimum (street) <u>Assess. frontage x \$20.7467</u> (Street) Number of residential units
Tow to City Property (Police)	Tow charge plus \$15 administrative fee
Tree Contractor Registration	Res. No. 2000-09 \$35

Miscellaneous Services*City of Brooklyn Center*

Service	Fee
Tree Removal Each non-assessed diseased tree/stump removal (by agreement) Special Assessments Service Charge Capitalized Interest Charge (assessed trees only)	\$50 \$30/parcel on which a special assessment is levied \$30/per tree
Vacant Building Registration An annual registration fee shall be collected from the applicant, owner, or responsible party. Category 1 – property vacant for less than 1 year and does not have any code violation or has not been issued a compliance notice for code violations Category 2 – property vacant for less than 1 year and has a code violation(s) or has been issued a compliance notice for code violations Category 3 – property vacant for 1 year up to 3 years Category 4 – property vacant for 3 years or more	Res. No. 2008-151 \$100 \$400 \$1,000 \$3,000
Vacation – Street, Alley, Easement (Engineering)	\$125 Res. No. 92-132
Video Tape Duplicating (Police)	\$20
Water and Sanitary Sewer Connection Commercial/Industrial Water > 5 Acres Commercial/Industrial Sewer > 5 Acres Commercial/Industrial Water < 5 Acres Commercial/Industrial Sewer < 5 Acres Retail/Office Water > 5 Acres Retail/Office Sewer > 5 Acres Retail/Office Water < 5 Acres Retail/Office Sewer < 5 Acres Multi Family Water > 5 Acres Multi Family Sewer > 5 Acres Multi Family Water < 5 Acres Multi Family Sewer < 5 Acres Single Family Water per connection Single Family Sewer perconnection	Res. No.2001-161 \$10,000 \$5,000 \$5,000 \$3,000 \$5,000 \$3,000 \$3,000 \$1,500 \$5,000 \$3,000 \$3,000 \$1,500 \$1,000 \$1,000

Service	Fee
Water Utility	Res. No. 2019-124; 2019-166; 2020-80
Water Conservation	
Rate 5/8" and 3/4" Meter	\$16.61 Quarterly Base Charge
0-30,000 gallons per quarter	\$2.77 per 1,000 gallons
30,001-60,000 gallons per quarter	\$3.45 per 1,000 gallons
60,001 or more gallons per quarter	\$5.15 per 1,000 gallons
Base Rate	
Quarterly Minimum Rate	
1" Meter	\$48.27
1 1/2" Meter	\$62.06
2" Meter	\$120.67
3" Meter	\$241.36
4" Meter	\$406.86
6" Meter	\$930.95
8" Meter	\$1,763.17
10" Meter	\$2,350.90
Water Meter Charge 5/8" or 3/4"	\$149.00
Water Meter Charge Larger than 3/4"	Actual cost + \$2.00
Certification for collection with property taxes	\$50
Quarterly Fire Service Line Charge	\$12.50/Res. No. 2007-140
Fire protection inspection	\$52
Private hydrant maintenance	Labor, materials, equipment, and overhead
Service Restoration, Monday through Friday (except holidays) Between the hours of 7:30 AM and 3:00 PM	\$31
Service Restoration, Saturday, Sunday, and Holidays Between the hours of 3:00 PM and 7:30 AM	\$83
Assistance with Seasonal Shut-down and Restoration of Commercial Irrigation Systems, Monday through Friday (except holidays) Only Between the hours of 3:00 PM and 7:30 AM	\$45 per hour, 1 hour minimum
Hydrant Meters (water use will be paid in addition to the rental fee at the Commercial Rate)	Res. No. 2020-80
5/8" or 3/4" Meter	
Deposit	\$250
Rental Fee (per month or portion thereof)	\$25
3" Meter	
Deposit	\$2,500
Rental Fee (per month or portion thereof)	\$150
Penalty for violation of odd-even sprinkling	\$25
Water Conservation Violations (based on preceding 12-month period)	Res. No. 2020-80
First Offense	Warning
Second Offense	\$25
Subsequent Offenses	\$50

Miscellaneous Services*City of Brooklyn Center*

Service	Fee
Weed Inspection/Removal	Res. No. 2000-09
Weed Cutter's Fee	\$45/hour
Re-inspection Fee	\$100
Special Assessments Service Charge	\$30 per parcel on which a special assessment is levied
Capitalized Interest Charge (assessed weeds only)	\$10 per notice
Well Water Test	\$10
Zoning Letters (Community Development)	\$75

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING THE 2021 FEE SCHEDULE

WHEREAS, the City of Brooklyn Center has a comprehensive fee schedule that is used by staff during the year; and

WHEREAS, this this fee schedule has been amended for the fees for 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the 2021 Fee Schedule be adopted.

January 11, 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.

Council Regular Meeting

DATE: 1/11/2021

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. 7; 6019 Brooklyn Boulevard (PIN 03-118-21-12-0017): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$32,300.

Parcel No. 14; 6121 Brooklyn Boulevard (PIN 34-119-21-43-0005): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$8,700.

Parcel No. 15; 6201 Brooklyn Boulevard (PIN 34-119-21-43-0007): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$9,200.

Parcel No. 29; 5930 Brooklyn Boulevard (PIN 03-118-21-12-0006): This parcel requires both permanent easements and temporary construction easements with total compensation being

offered in the amount of \$9,400.

Parcel No. 30; 5950 Brooklyn Boulevard (PIN 03-118-21-12-0101): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$5,900.

Parcel No. 33; 6101 Beard Avenue (PIN 03-11-821-12-0075): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$1,500.

Parcel No. 36; 6110 Brooklyn Boulevard (PIN 34-119-21-43-0042): This parcel requires a temporary construction easement with total compensation being offered in the amount of \$10,000.

Parcel No. 40; 6200 Brooklyn Boulevard (PIN 34-119-21-43-0030): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$7,500.

To date, including the above 8 parcels, we have acquisition agreements with 27 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 7, 14, 15, 29, 30, 33, 36 and 40 is \$84,500 which is being funded out of the Capital Projects Fund.

To date, including the above 8 parcels, the total value of the permanent easements and temporary construction easements for the project is \$335,676.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/4/2021	Cover Memo
Easement Status	1/4/2021	Cover Memo
Parcel 7	1/4/2021	Cover Memo
Parcel 14	1/4/2021	Cover Memo
Parcel 15	1/4/2021	Cover Memo
Parcel 29	1/4/2021	Cover Memo
Parcel 30	1/4/2021	Cover Memo
Parcel 33	1/4/2021	Cover Memo
Parcel 36	1/4/2021	Cover Memo
Parcel 40	1/4/2021	Cover Memo

Member
moved its adoption:

introduced the following resolution and

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. 7; 6019 Brooklyn Boulevard (PIN 03-118-21-12-0017) the sum of \$32,300 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. 14; 6121 Brooklyn Boulevard (PIN 34-119-21-43-0005) the sum of \$8,700 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. 15; 6201 Brooklyn Boulevard (PIN 34-119-21-43-0007) the sum of \$9,200 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. 29; 5930 Brooklyn Boulevard (PIN 03-118-21-12-0006) the sum of \$9,400 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. 30; 5950 Brooklyn Boulevard (PIN 03-118-21-12-0101) the sum of \$5,900 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. 33; 6101 Beard Avenue (PIN 03-11-821-12-0075) the sum of \$1,500 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. 36; 6110 Brooklyn Boulevard (PIN 34-119-21-43-0042) the sum of \$10,000 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. 40; 6200 Brooklyn Boulevard (PIN 34-119-

RESOLUTION NO. _____

21-43-0030) the sum of \$7,500 for land and damages; 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 Brooklyn Center, Minnesota, that

1. The City Manager is hereby authorized to execute the memorandum of agreement for Parcels 7, 14, 15, 29, 30, 33, 36 and 40 for permanent easements and temporary construction easements that will be conveyed to the City, in the name of the City of Brooklyn Center.

January 11, 2020

Date

Mayor

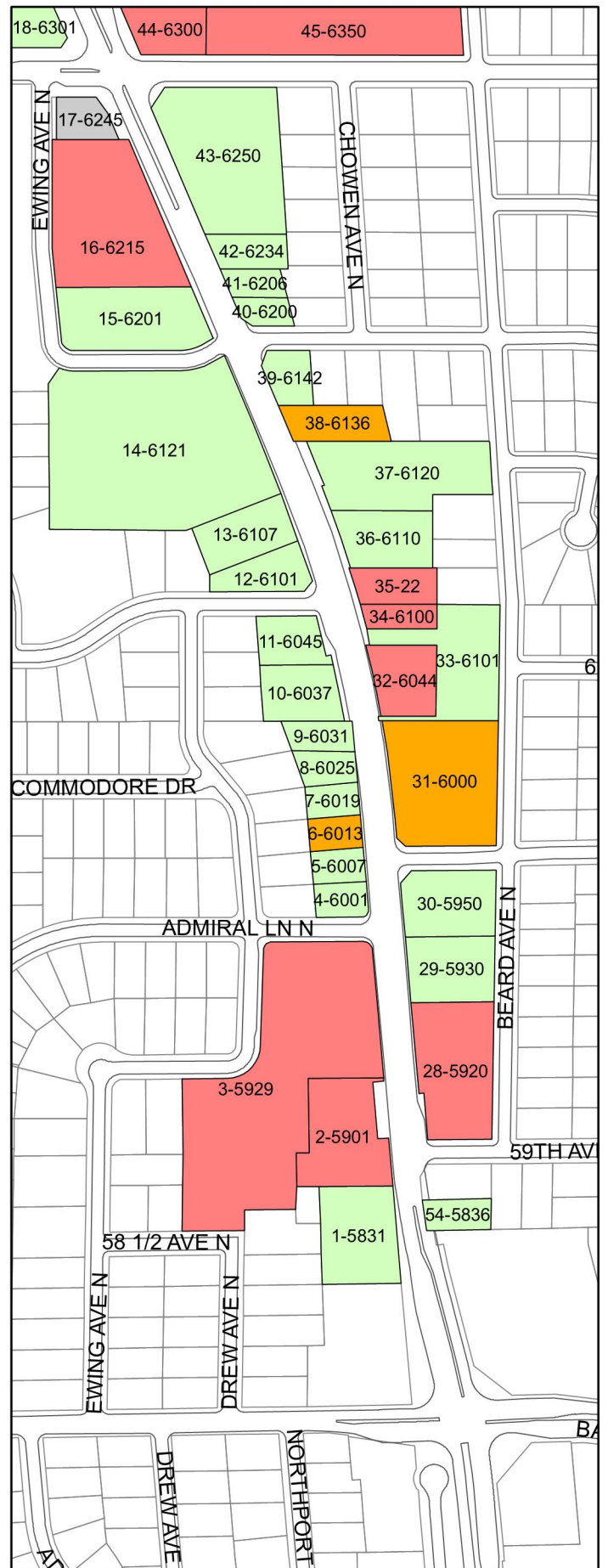
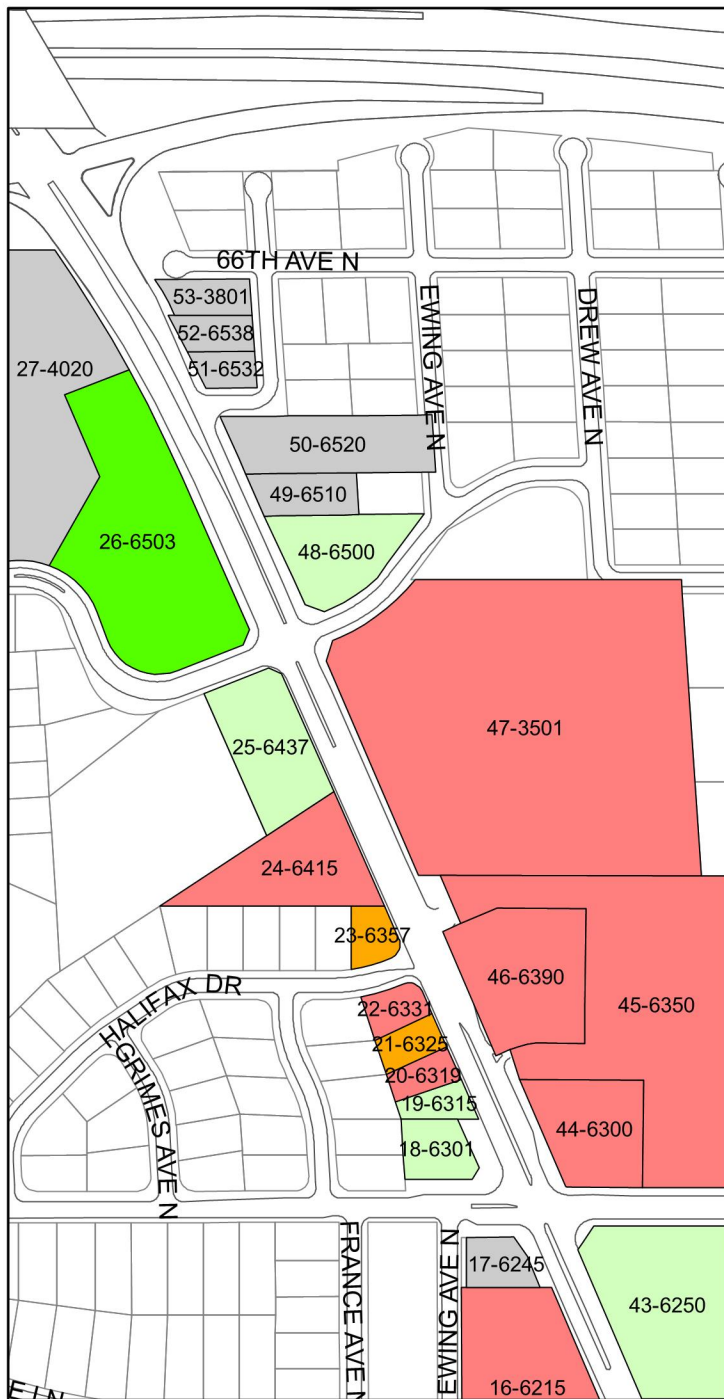
ATTEST: _____
City Clerk

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: 7
Fee Owners: SALEM INC.

On this 6 day of October, 2020, SALEM INC., A MINNESOTA 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 \$ 32,300.00 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)
SALEM INC.

City of Brooklyn Center

By: *JA Tushnet R & R*

By: _____

Its: _____

Its: _____



September 30, 2020

SRF No. 11765-D0290

SALEM INC.
Attn: Lateshia Roberts
6825 Zenith Boulevard North
Brooklyn Center, MN 55429

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6019 BROOKLYN BOULEVARD
PARCEL No.: 7

Dear Lateshia:

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 **\$32,300.00**, 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.



Matthew Marsh
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 10 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.

SALEM 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.: 7
Fee Owners: SALEM INC.

Legal Description of property to be acquired:

See Attached Exhibit A

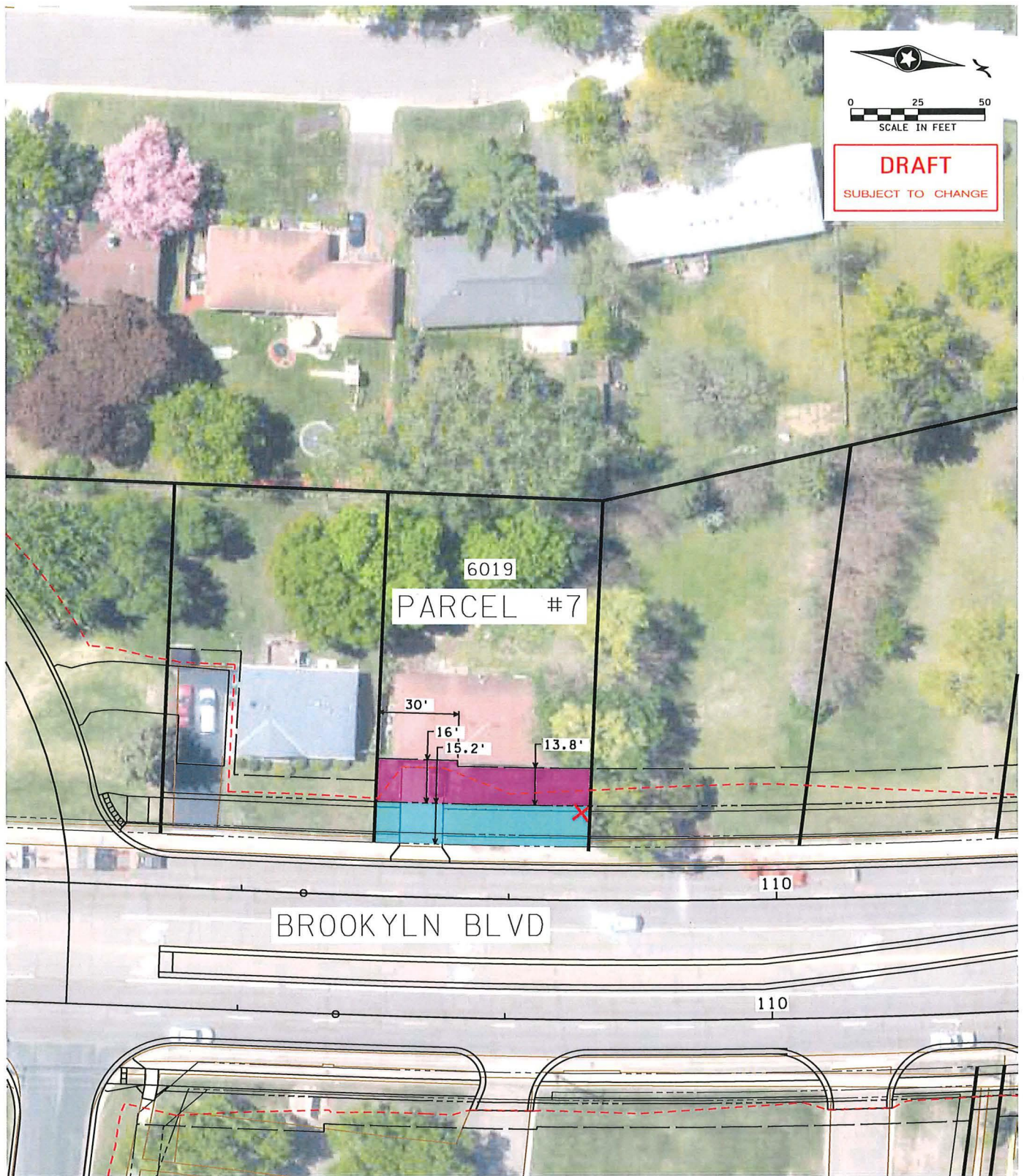
ACQUISITION INFORMATION

Drainage and Utility Easement: 1,214 square feet
Temporary Construction Easement: 1,172 square feet

VALUATION

Land Value Before Taking	= \$228,000.00
Land Value After Taking	= <u>\$195,700.00</u>
Drainage and Utility Easement	= \$ 7,871.00
Temporary Easement	= \$ 1,497.00
Indicated Damages	= \$ 824.00
Severance	= <u>\$ 22,008.00</u>
TOTAL (rounded)	= \$ 32,300.00

Exhibit A



DRAFT
SUBJECT TO CHANGE

6019
PARCEL #7

BROOKLYN BLVD

110

110

PID	ADDRESS			PARCEL LINE EXISTING R/W EXISTING PE TEMP EASE PROPOSED D&U CONST LIMITS TREE REMOVAL TREE W/IN TEMP EASE	
03-11-821-12-0017	6019 BROOKLYN BOULEVARD				
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]		
	10400	1214	1172		
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014			SRF		DATE
CITY OF BROOKLYN CENTER		2021-05		7/9/2020	7

3:02:37 PM
7/9/2020
H:\Projects\11000\11765\Design\Graphics\Right of Way\11765_gr07.dgn



Appraisal Receipt and Disclosure

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

County: Hennepin

Property Address: 6019 Brooklyn Boulevard Parcel No: 7

Owner(s): SALEM 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 6 day of October, 2020

Owner(s):
SALEM INC.

SRF Consulting Group Inc.

By: [Signature]

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

Its: _____

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by SALEM INC., A MINNESOTA 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 6 day of October, 2020

GRANTORS
SALEM INC.

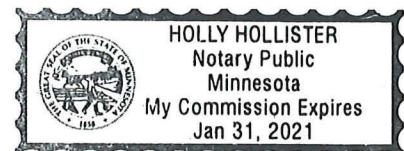
By: Terry McAfee

Its: Director

STATE OF Minnesota)
) ss
COUNTY OF Hennepin)

The foregoing instrument was acknowledged before me this 6 day of October, 2020
by Terry McAfee the Director
of SALEM INC., A MINNESOTA CORPORATION, Grantors.

Holly Hollister
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 7 TE
EASEMENT DESCRIPTION
OWNER: SALEM, INC.
P.I.N. 03-118-21-12-0018

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1478715

A 13.80 foot temporary easement for construction purposes over, under, across and through the following described property:

All that part of Lot 3, Block 1, PEARSON'S NORTHPORT 3RD ADDITION which lies southwesterly of a line run parallel with an distant 42 feet southwesterly 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 minutes curve (delta angle 17 degrees 20 minutes 35.2 seconds) for 867.16 feet and there terminating.

Said temporary easement lying westerly of and adjacent to a line run parallel with and distant 35.00 feet westerly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet; thence southeasterly 598.85 feet along a tangential curve concave to the southwest having a radius of 22896.14 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.92 feet along a compound curve concave to the west having a radius of 2842.62 feet and a central angle of 17 degrees 33 minutes 15 seconds and said described line there terminating.

Together with a 2.20 foot temporary easement for construction purposes over, under, across and through the South 30.00 feet of said Lot 3. Said temporary easement lies westerly of and adjacent to a line run parallel with and distant 48.80 feet westerly of said described line.

Said temporary easement to expire November 30, 2022.

PERMANENT
EASEMENT
FOR DRAINAGE &
UTILITY/SIDEWALK/TRAIL
PURPOSES

THIS INDENTURE, Made this 6 day of October, 2020 by
SALEM INC., A MINNESOTA 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:

SALEM INC.

By:

Jerry McAfee

Its:

Director

STATE OF Minnesota)
) ss
COUNTY OF Hennepin)

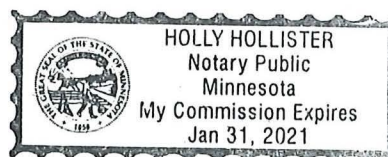
The foregoing instrument was acknowledged before me this 6 day of October, 2020 by Jerry McAfee the Director of SALEM INC., A MINNESOTA CORPORATION, Grantor.

[Signature]
Notary Public

County of Hennepin

State of Minnesota

My Commission Expires: 1-31-21



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 7 PE
EASEMENT DESCRIPTION
OWNER: SALEM, INC.
P.I.N. 03-118-21-12-0017

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1478715

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

All that part of Lot 3, Block 1, PEARSON'S NORTHPORT 3RD ADDITION which lies southwesterly of a line run parallel with an distant 42 feet southwesterly 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 minutes curve (delta angle 17 degrees 20 minutes 35.2 seconds) for 867.16 feet and there terminating.

Said perpetual easement being that part of said described property lying easterly of a line run parallel with and distant 35.00 feet westerly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet; thence southeasterly 598.85 feet along a tangential curve concave to the southwest having a radius of 22896.14 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.92 feet along a compound curve concave to the west having a radius of 2842.62 feet and a central angle of 17 degrees 33 minutes 15 seconds and said described line there terminating.



MEMORANDUM OF AGREEMENT

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

Parcel No: 14
Fee Owners: The Sanctuary at Brooklyn Center, LP

On this 19th day of October, 2020, The Sanctuary at Brooklyn Center, LP, a Minnesota limited partnership 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 \$8700⁰⁰ 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)

The Sanctuary at Brooklyn Center, LP

By: [Signature]
HS: General Partner

By:

Its:

City of Brooklyn Center

By:

Its:



September 30, 2020

SRF No. 11765-D0290

The Sanctuary at Brooklyn Center, LP
c/o SCA Properties LLC
4099 Tamiami Trail N, Suite 403
Naples, FL 34103

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6121 BROOKLYN BOULEVARD
PARCEL No.: 14

To Whom It May Concern:

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 **\$8,700.00**, 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

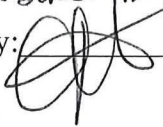
Matthew Marsh
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 7th 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.

The Sanctuary at Brooklyn Center, LP
By: *SA Shelby Sanctuary Brooklyn Center LLC*
Its: *Shelby Sanctuary*

By:  _____

Its: *Anthony Spivey* _____



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.: 14

Fee Owners: The Sanctuary at Brooklyn Center, LP

Legal Description of property to be acquired:

See Attached Exhibit A

ACQUISITION INFORMATION

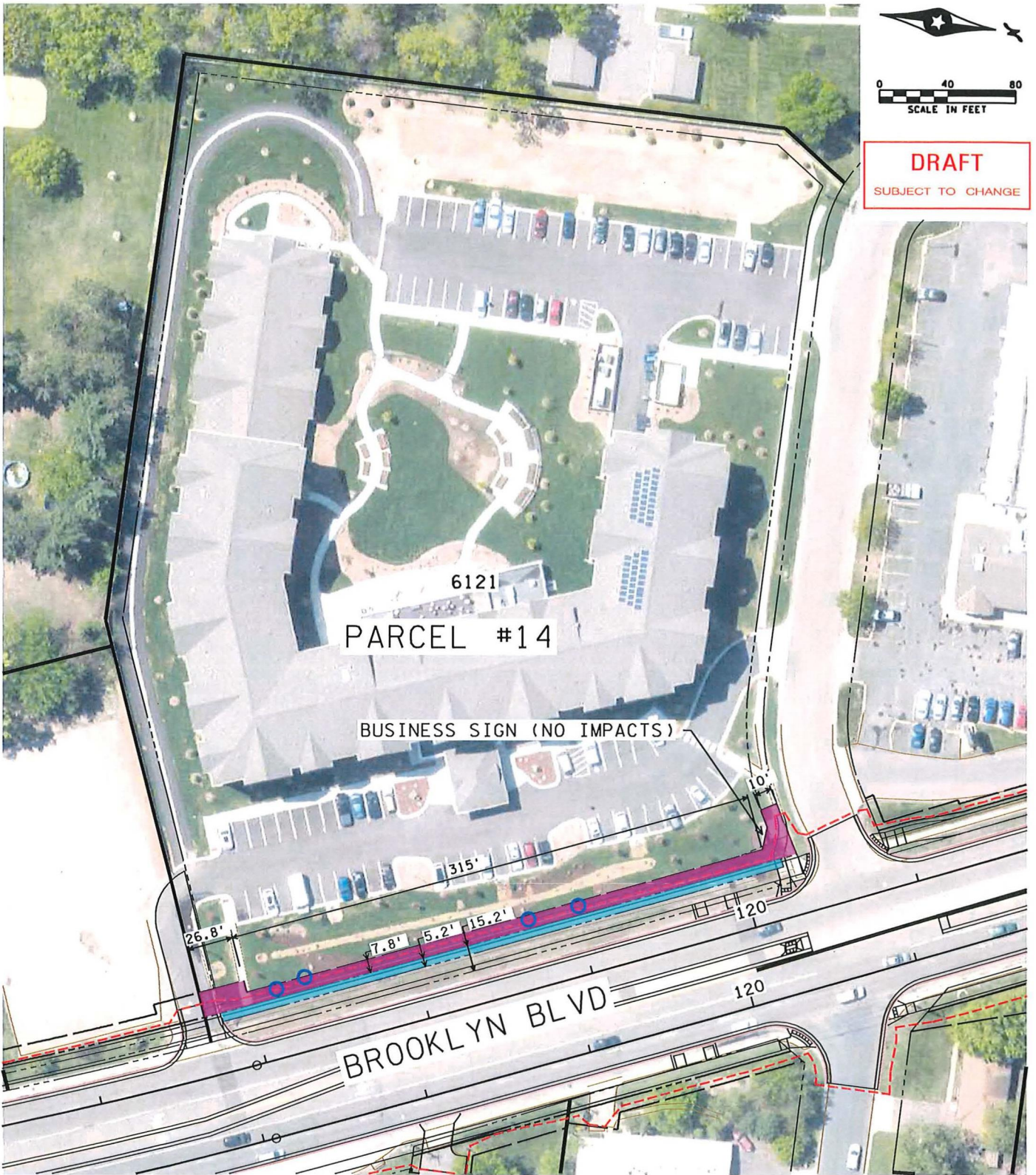
Drainage and Utility Easement: 1,772 square feet

Temporary Construction Easement: 3,306 square feet

VALUATION

Land Value Before Taking	= \$1,505,800.00
Land Value After Taking	= <u>\$1,497,100.00</u>
Drainage and Utility Easement	= \$ 1,418.00
Temporary Easement	= \$ 1,826.00
Indicated Damages	= <u>\$ 5,295.00</u>
TOTAL (rounded)	= \$ 8,700.00

Exhibit A



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

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

County: Hennepin

Property Address: 6121 Brooklyn Boulevard, Parcel No: 14

Owner(s): The Sanctuary at Brooklyn Center, LP

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 14th day of October, 2020

Owner(s):

The Sanctuary at Brooklyn Center, LP

By: [Signature]
Its General Manager

By: [Signature]

Its: [Signature]

SRF Consulting Group Inc.

Contact: Matthew Marsh

Address: 3701 Wayzata Boulevard, Suite 100
Minneapolis, MN 55416

Phone: 763-249-6703

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by The Sanctuary at Brooklyn Center, LP, a Minnesota limited partnership, (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 19th day of October, 2020

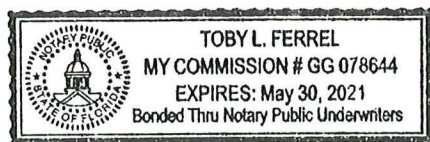
GRANTORS

The Sanctuary at Brooklyn Center, LP
By: SA Shellen Ginn Audrey Hestley Certificate
By: Toby L. Ferrel

Its: Anthony J. Ginn

STATE OF Fla. Mn)
COUNTY OF Collin) ss

The foregoing instrument was acknowledged before me this 19th day of October, 2020,
by Chris Wohlmann the Authorized Sign
of The Sanctuary at Brooklyn Center, LP, a Minnesota limited partnership, Grantors.



Toby L. Ferrel
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 14 TE

EASEMENT DESCRIPTION

OWNER: THE SANCTUARY AT BROOKLYN CENTER, LP

P.I.N. 34-119-21-43-0005

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 1, Block 1, CHRYSLER MOTORS CORPORATION 2ND ADDITION lying north of the North line of Lot 23, AUDITOR'S SUBDIVISION NO. 25, Hennepin County, Minnesota.

Said temporary easement lying westerly of and adjacent to a line run parallel with and distant 35.00 feet westerly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet; thence southeasterly 598.85 feet along a tangential curve concave to the southwest having a radius of 22896.14 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.92 feet along a compound curve concave to the west having a radius of 2842.62 feet and a central angle of 17 degrees 33 minutes 15 seconds and said described line there terminating.

Together with a 6.20 foot temporary easement for construction purposes over, under, across and through the southeasterly 27.00 feet of said described property. Said temporary easement lies westerly of and adjacent to a line run parallel with and distant 42.80 feet southwesterly of said described line.

Together with a temporary easement for construction purposes over, under, across and through that part of said Lot 1 described as beginning at the intersection of the north line of said Lot 1 with a line run parallel with and distant 42.80 feet southwesterly of said described line; thence southerly along said parallel line a distance of 18.10 feet; thence North 84 degrees 29 minutes 15 seconds West a distance of 13.89 feet; thence South 60 degrees 24 minutes 22 seconds West a distance of 10.42 feet; thence North 29 degrees 35 minutes 38 seconds West a distance of 10.26 feet to the northerly line of said Lot 1; thence northeasterly along said northerly line a distance of 23.82 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 19th day of October, 20 20 by
The Sanctuary at Brooklyn Center, LP, a Minnesota limited partnership, 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:

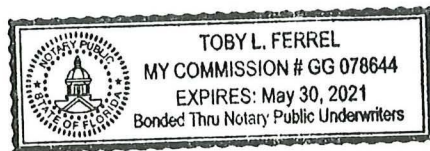
The Sanctuary at Brooklyn Center, LP
By SCA Shultz Sanctuary Brooklyn Center, LLC
SS: General Partner

By: [Signature]

Its: Anthony Signer

STATE OF Florida)
) ss
COUNTY OF Collier)

The foregoing instrument was acknowledged before me this 14th day of October, 2020 by Chris Wohlbrant the Anthony Signer of The Sanctuary at Brooklyn Center, LP, a Minnesota limited partnership, Grantor.



Toby L. Ferrel
Notary Public
County of Collier
State of FL
My Commission Expires: 5/30/21

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 14 PE

EASEMENT DESCRIPTION

OWNER: THE SANCTUARY AT BROOKLYN CENTER, LP

P.I.N. 03-118-21-12-0002

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1434369

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 1, Block 1, CHRYSLER MOTORS CORPORATION 2ND ADDITION lying north of the North line of Lot 23, AUDITOR'S SUBDIVISION NO. 25, Hennepin County, Minnesota.

Said perpetual easement being that part of said described property lying northeasterly of a line run parallel with and distant 35.00 feet southwesterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet; thence southeasterly 598.85 feet along a tangential curve concave to the southwest having a radius of 22896.14 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.92 feet along a compound curve concave to the west having a radius of 2842.62 feet and a central angle of 17 degrees 33 minutes 15 seconds and said described line there terminating.



MEMORANDUM OF AGREEMENT

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

Parcel No: 15
Fee Owners: Huey Sam Fung and Nhi Hue Fung

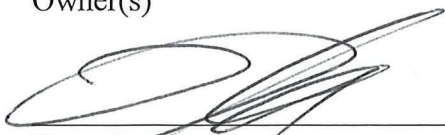
On this 28 day of October, 2020, Huey Sam Fung and Nhi Hue Fung, husband and wife, as joint tenants, Owners of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center and Hennepin County.

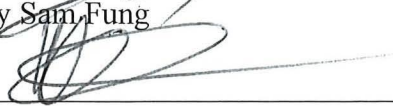
This agreement is now made and entered as a Memorandum of all the terms, and the only terms, agreed upon in connection with the above transaction. It is hereby acknowledged and agreed upon between the parties that:

1. The 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 \$ 9,200.00 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)



Huey Sam Fung


Nhi Hue Fung

The City of Brooklyn Center

By: _____

Its: _____



September 30, 2020

SRF No. 11765-D0290

Huey Sam Fung
Nhi Hue Fung
6201 Brooklyn Boulevard
Brooklyn Center, MN 55429

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6201 BROOKLYN BOULEVARD
PARCEL No.: 15

Dear Huey and Nhi:

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 **\$9,200.00**, 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 \$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.



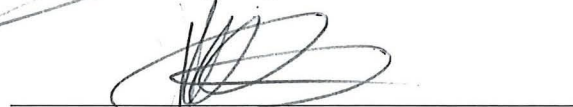
Matthew Marsh
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 28 day of OCT, 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.



Huey Sam Fung

Nhi Hue Fung



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.: 15
Fee Owners: Huey Sam Fung and Nhi Hue Fung

Legal Description of property to be acquired:

See Attached Exhibit A

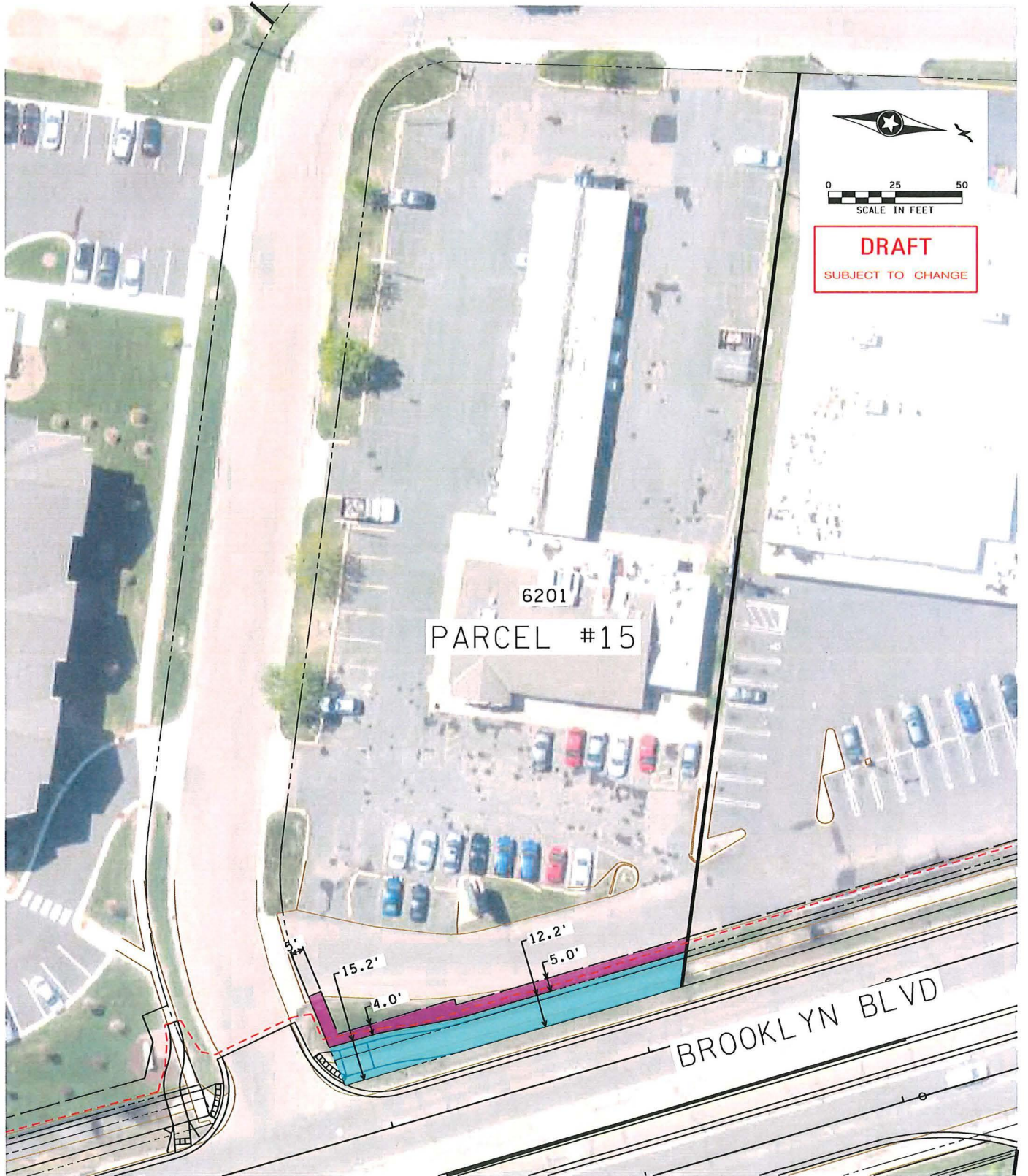
ACQUISITION INFORMATION

Drainage and Utility Easement: 1,742 square feet
Temporary Construction Easement: 781 square feet

VALUATION

Land Value Before Taking	= \$690,700.00
Land Value After Taking	= <u>\$681,500.00</u>
Drainage and Utility Easement	= \$ 7,436.00
Temporary Construction Easement	= <u>\$ 1,696.00</u>
TOTAL (rounded)	= \$ 9,200.00

Exhibit A



PID	ADDRESS			PARCEL LINE EXISTING R/W EXISTING PE TEMP EASE PROPOSED D&U CONST LIMITS TREE REMOVAL TREE W/IN TEMP EASE		
34-11-921-43-0007	6201 BROOKLYN BOULEVARD					
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]			
	54300	1742	781			
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014				SRF	DATE	PARCEL
CITY OF BROOKLYN CENTER		2021-05			7/9/2020	15



Appraisal Receipt and Disclosure

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

County: Hennepin

Property Address: 6201 Brooklyn Boulevard Parcel No: 15

Owner(s): Huey Sam Fung and Nhi Hue Fung

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:

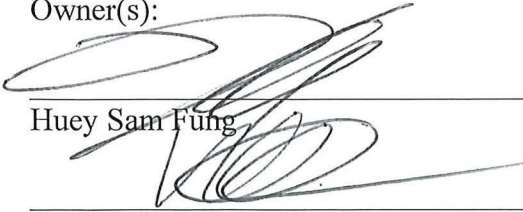
1. The owner's appraisal must be prepared by a qualified appraiser who is licensed under Minnesota appraisal licensing laws.
2. Payment for the appraisal will be reimbursed within 30 days after receiving a copy of the appraisal and the paid receipt from the appraiser. (Upon agreement between the acquiring 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 28 day of October, 2020

Owner(s):


Huey Sam Fung

Nhi Hue Fung

SRF Consulting Group Inc.

Contact: Matthew Marsh

Address: 3701 Wayzata Boulevard, Suite 100

Minneapolis, MN 55416

Phone: 763-249-6703

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by Huey Sam Fung and Nhi Hue Fung, husband and wife, as joint tenants, (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 November, 2020.



Huey Sam Fung

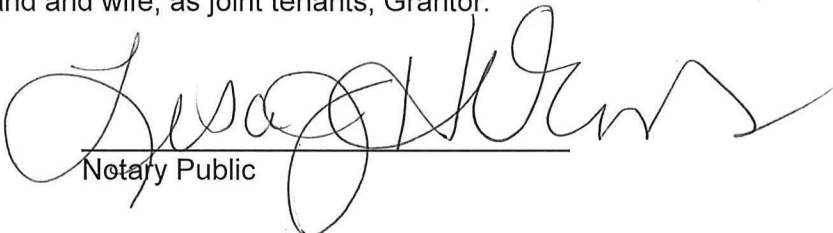


Nhi Hue Fung

STATE OF MN)
COUNTY OF Hennepin) ss

The foregoing instrument was acknowledged before me this 10 day of November, 2020,
by Huey Sam Fung and Nhi Hue Fung, husband and wife, as joint tenants, Grantor.





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 15 TE
EASEMENT DESCRIPTION
OWNER: HEUY SAM FUNG
P.I.N. 34-119-21-43-0006

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1440464

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

Lot 2, Block 1, EWING LANE ADDITION

Said temporary easement being that part of said Lot 2 described as beginning at the intersection of the north line of said Lot 2 with a line run parallel with and distant 32.00 feet southwesterly of the following described "Line A"; thence southeasterly along said parallel line a distance of 88.11 feet; thence southeasterly deflecting to the right 05 degrees 36 minutes 00 seconds a distance of 30.71 feet to the intersection with a line run parallel with and distant 35.00 feet southwesterly of said "Line A"; thence southeasterly along said parallel line a distance of 19.48 feet to the southeasterly line of said Lot 2; thence southwesterly along said south line a distance of 20.11 feet; thence North 29 degrees 35 minutes 38 seconds West a distance of 5.00 feet; thence North 60 degrees 24 minutes 22 seconds East a distance of 17.00 feet; thence North 23 degrees 48 minutes 56 seconds West a distance of 45.43 feet; thence North 66 degrees 34 minutes 44 seconds East a distance of 2.29 feet to the intersection with a line run parallel with and distant 37.00 feet southwesterly of said "Line A"; thence northwesterly along said parallel line a distance of 90.29 feet to the northerly line of said Lot 2; thence easterly along said north line a distance of 5.46 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 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet; thence southeasterly 598.85 feet along a tangential curve concave to the southwest having a radius of 22896.14 feet and a central 01 degree 29 minutes 55 seconds and said described "Line A" there terminating.

Said temporary easement to expire November 30, 2022.

PERMANENT
EASEMENT
FOR DRAINAGE &
UTILITY/SIDEWALK/TRAIL
PURPOSES

THIS INDENTURE, Made this 28th day of October, 2020 by

Huey Sam Fung and Nhi Hue Fung, husband and wife, as joint tenants, 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.

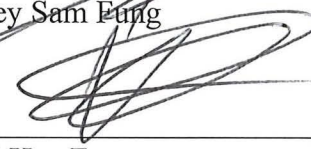
To have and to hold the Easement and right of way unto the Grantee for the purposes herein stated.

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:

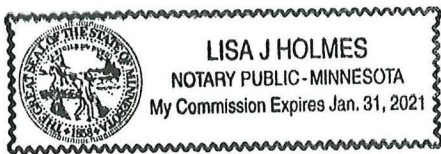


Huey Sam Fung


Nhi Hue Fung

STATE OF MN)
COUNTY OF Hennepin) ss

The foregoing instrument was acknowledged before me this 10th day of November, 2020 by Huey Sam Fung and Nhi Hue Fung, husband and wife, as joint tenants, Grantor.





Notary Public
County of Hennepin
State of MN
My Commission Expires: 1/31/21

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 15 PE
EASEMENT DESCRIPTION
OWNER: HUEY SAM FUNG
P.I.N. 34-119-21-43-0006

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1440464

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, EWING LANE ADDITION

Said perpetual easement being that part of said Lot 2 lying easterly of a line described as beginning at the intersection of the north line of said Lot 2 with a line run parallel with and distant 32.00 feet southwesterly of the following described "Line A"; thence southeasterly along said parallel line a distance of 88.11 feet; thence southeasterly deflecting to the right 05 degrees 36 minutes 00 seconds a distance of 30.71 feet to the intersection with a line run parallel with and distant 35.00 feet southwesterly of said "Line A"; thence southeasterly along said parallel line a distance of 19.48 feet to the southeasterly line of said Lot 2 and said described line 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 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet; thence southeasterly 598.85 feet along a tangential curve concave to the southwest having a radius of 22896.14 feet and a central 01 degree 29 minutes 55 seconds and said described "Line A" there terminating.



MEMORANDUM OF AGREEMENT

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

Parcel No: 29
Fee Owners: CAPI USA

On this 20 day of October, 2020, CAPI USA, 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 \$ 9,400 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)
CAPI USA

City of Brooklyn Center

By: [Signature]

By: _____

Its: CEO, CAPI USA

Its: _____



September 23, 2020

CAPI USA
Attn: Ekta Prakash
5930 Brooklyn Boulevard
Brooklyn Center, MN 55429

SRF No. 11765-D0290

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 5930 BROOKLYN BOULEVARD
PARCEL No.: 29

Dear Ekta:

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 **\$9,400.00**, 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 20 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.

CAPI USA

By: 

Its: CEV CAPIUSA



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.: 29
Fee Owners: CAPI USA

Legal Description of property to be acquired:

See Attached Exhibit A

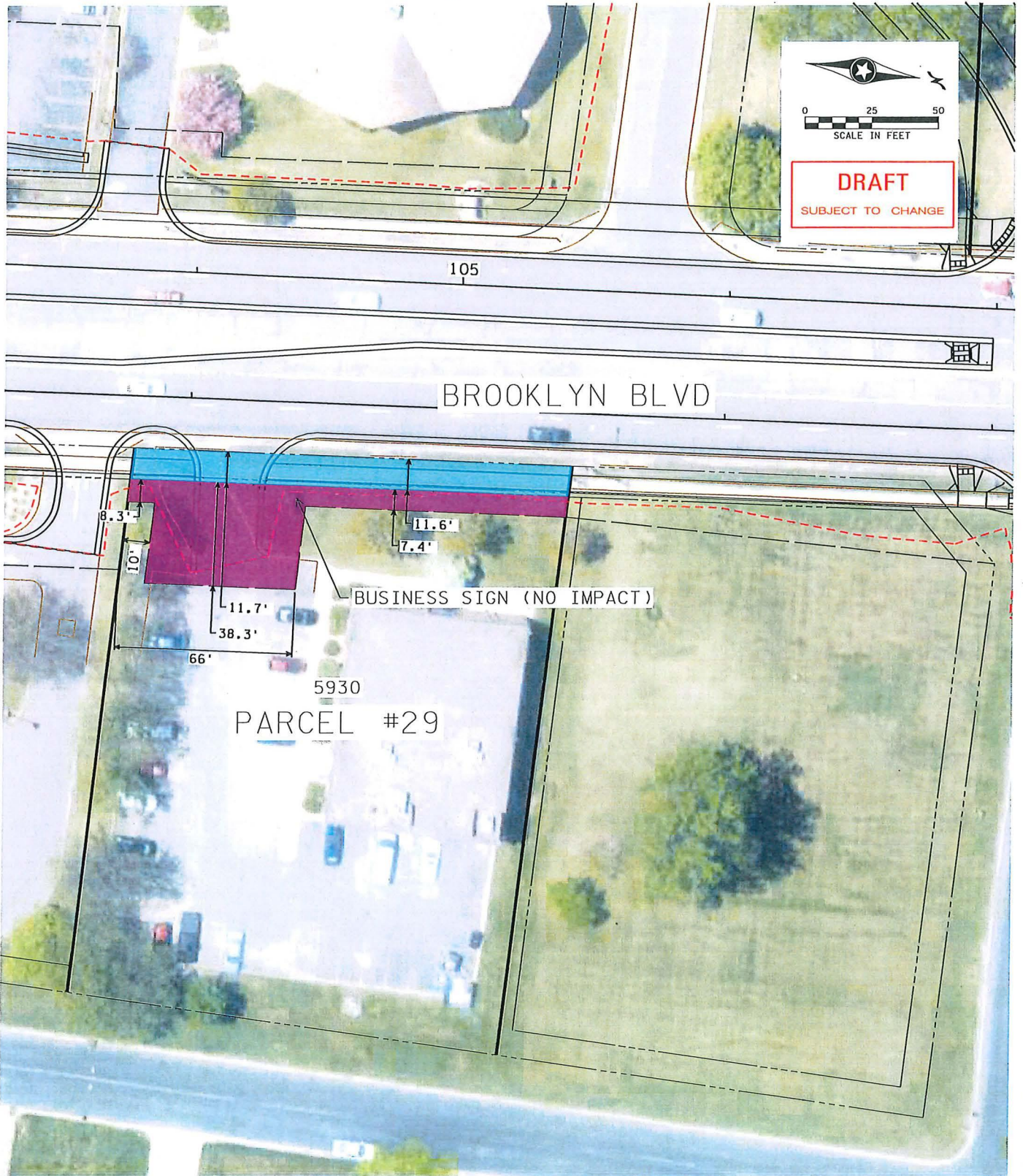
ACQUISITION INFORMATION

Drainage and Utility Easement: 1,901 square feet
Temporary Construction Easement: 2,957 square feet

VALUATION

Land Value Before Taking	= \$328,400.00
Land Value After Taking	= <u>\$319,000.00</u>
Drainage and Utility Easement	= \$ 4,430.00
Temporary Easement	= <u>\$ 4,938.00</u>
TOTAL (rounded)	= \$ 9,400.00

Exhibit A



PID		ADDRESS			PARCEL LINE		
03-11-821-12-0006		5930 BROOKLYN BOULEVARD			EXISTING R/W		
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]		TE [SQ.FT]	EXISTING PE		
					TEMP EASE		
					PROPOSED D&U		
	34300	1901		2957	CONST LIMITS		
					TREE REMOVAL		
					TREE WIN TEMP EASE		
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014						DATE	PARCEL
CITY OF BROOKLYN CENTER		2021-05		7/9/2020		29	



Appraisal Receipt and Disclosure

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

County: Hennepin

Property Address: 5930 Brooklyn Boulevard, Parcel No: 29

Owner(s): CAPI USA

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 September, 2020

Owner(s):
CAPI USA

SRF Consulting Group Inc.

By: [Signature]

Contact: Matthew Marsh

Address: 3701 Wayzata Blvd, Suite 100
Minneapolis, MN 55416

Its: CEO, CAPI USA

Phone: 763-249-6703

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by CAPI USA, 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 20 day of October, 2020

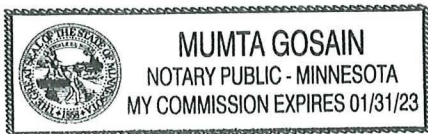
GRANTORS
CAPI USA

By: Eakta Prakash

Its: CEO

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss

The foregoing instrument was acknowledged before me this 20 day of OCTOBER, 2020,
by EKTA PRAKASH the CEO
of CAPI USA, a Minnesota nonprofit corporation, Grantors.



Mumta Gosain
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 29 TE
EASEMENT DESCRIPTION
OWNER: CAPI USA
P.I.N. 03-118-21-12-0006

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1451077

A 7.40 foot temporary easement for construction purposes over, under, across and through the following described property:

That part of the south 161.6 feet of Lot 40 measured along the East line of Lot 40, AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota lying easterly of a line drawn parallel to and 42 feet northeasterly of the following described line:
Commencing at the Northeast corner of Section 3, Township 118, Range 21; thence west along the North line of said Section 3, a distance of 1741.08 feet; thence southeasterly deflecting to the left 111 degrees 58 minutes 07.7 seconds, a distance of 104.54 feet to the point of beginning of the line to be described; thence southeasterly deflecting to the right 17 degrees 20 minutes 35.2 seconds a distance of 1000 feet and there terminating.

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; thence South 05 degrees 02 minutes 26 seconds East, tangent to said curve, a distance of 737.46 feet and said described line there terminating.

Together with a 30.90 foot temporary easement for construction purposes over, under, across and through that part of the North 56.00 feet of the South 66.00 feet of said described property lying easterly of and adjacent to a line run parallel with and distant 38.40 feet easterly of the above described line.

Together with a 0.90 foot temporary easement for construction purposes over, under, across and through that part of the South 10.00 feet of said described property lying easterly of and adjacent to a line run parallel with and distant 38.40 feet easterly of the above described line.

Said temporary easement to expire November 30, 2022.

PERMANENT
EASEMENT
FOR DRAINAGE &
UTILITY/SIDEWALK/TRAIL
PURPOSES

THIS INDENTURE, Made this 20 day of October, 2020 by
CAPI USA, 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:

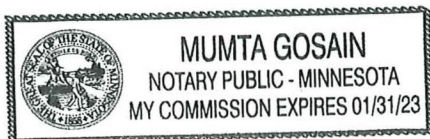
CAPI USA

By: EKTA PRAKASH

Its: CEO

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 20 day of OCTOBER, 20 20 by EKTA PRAKASH the CEO of CAPI USA, a Minnesota nonprofit corporation, Grantor.



Mumta Gosain
Notary Public
County of HENNEPIN
State of MINNESOTA
My Commission Expires: 01/31/2023

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 29 PE
EASEMENT DESCRIPTION
OWNER: CAPI USA
P.I.N. 03-118-21-12-0006

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1451077

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

That part of the south 161.6 feet of Lot 40 measured along the East line of Lot 40, AUDITOR'S SUBDIVISION NO. 216, Hennepin County, Minnesota lying easterly of a line drawn parallel to and 42 feet northeasterly of the following described line:
Commencing at the Northeast corner of Section 3, Township 118, Range 21; thence west along the North line of said Section 3, a distance of 1741.08 feet; thence southeasterly deflecting to the left 111 degrees 58 minutes 07.7 seconds, a distance of 104.54 feet to the point of beginning of the line to be described; thence southeasterly deflecting to the right 17 degrees 20 minutes 35.2 seconds a distance of 1000 feet and there terminating.

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; thence South 05 degrees 02 minutes 26 seconds East, tangent to said curve, a distance of 737.46 feet and said described line there terminating.



MEMORANDUM OF AGREEMENT

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

Parcel No: 30
Fee Owners: CAPI USA

On this 12 day of December, 2020, CAPI USA, 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 \$ 5900 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)
CAPI USA

City of Brooklyn Center

By: [Signature]

By: _____

Its: CEO

Its: _____



September 23, 2020

CAPI USA
Attn: Ekta Prakash
5930 Brooklyn Boulevard
Brooklyn Center, MN 55429

SRF No. 11765-D0290

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 5930 BROOKLYN BOULEVARD
PARCEL NO.: 30

Dear Ekta:

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 **\$5,900.00**, 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.



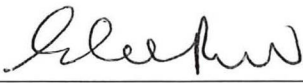
Matthew Marsh
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 20 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.

CAPI USA

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.: 30
Fee Owners: CAPI USA

Legal Description of property to be acquired:

See Attached Exhibit A

ACQUISITION INFORMATION

Drainage and Utility Easement: 204 square feet
Temporary Construction Easement: 1,940 square feet

VALUATION

Land Value Before Taking	= \$388,500.00
Land Value After Taking	= <u>\$382,600.00</u>
Drainage and Utility Easement	= \$ 2,244.00
Temporary Easement	= <u>\$ 3,564.00</u>
TOTAL (rounded)	= \$ 5,900.00

Exhibit A



PID	ADDRESS			PARCEL LINE EXISTING R/W EXISTING PE TEMP EASE PROPOSED D&U CONST LIMITS TREE REMOVAL TREE W/IN TEMP EASE		
03-11-821-12-0101	5950 BROOKLYN BOULEVARD					
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]			
	36500	204	1940			
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014				SRE	DATE	PARCEL
CITY OF BROOKLYN CENTER		2021-05			7/9/2020	30



Appraisal Receipt and Disclosure

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

County: Hennepin

Property Address: 5930 Brooklyn Boulevard, Parcel No: 30

Owner(s): CAPI USA

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 September, 20 20

Owner(s):
CAPI USA

SRF Consulting Group Inc.

By: [Signature]

Contact: Matthew Marsh

Address: 3701 Wayzata Blvd, Suite 100

Minneapolis, MN 55416

Phone: 763-249-6703

Its: CEO

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by CAPI USA, 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 20 day of October, 2020.

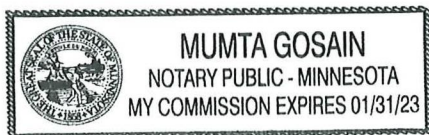
GRANTORS
CAPI USA

By: CEO

Its: Eakta Prakash, Eakta Prakash

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss

The foregoing instrument was acknowledged before me this 20 day of OCTOBER, 2020,
by EKTA PRAKASH the CEO
of CAPI USA, a Minnesota nonprofit corporation, Grantors.



Mumta Gosain
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 30 TE
EASEMENT DESCRIPTION
OWNER: CAPI USA
P.I.N. 03-118-21-12-0101

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE No. 1451076

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

That part of Lot 1, Block 1, STEEN ADDITION embraced within that part of the north 80.8 feet of the south 242.4 of Lot 40, as measured along the East line of Lot 40, AUDITOR'S SUBDIVISION No. 216, Hennepin County, Minn., lying easterly of a line drawn parallel to and 42 feet northeasterly of the following described line: Commencing at the Northeast corner of Section 3, Township 118, Range 21; thence west along the North line of said Section 3, a distance of 1741.08 feet; thence southeasterly, deflecting to the left 111 degrees, 58 minutes, 07.7 seconds, a distance of 104.54 feet to the point of beginning of the line to be described; thence southeasterly, deflecting to the right 17 degrees, 20 minutes, 35.2 seconds, a distance of 1000 feet and there terminating.

Said temporary easement being that part of said described property lying westerly of the East 204.00 feet of said described property and lying easterly 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; thence South 05 degrees 02 minutes 26 seconds East, tangent to said curve, a distance of 737.46 feet 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 20 day of October, 2020 by
CAPI USA, 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:

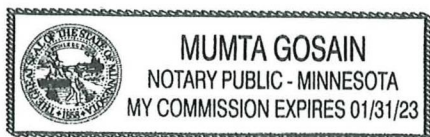
CAPI USA

By: CEO

Its: EKTA PRAKASH, CEO

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss

The foregoing instrument was acknowledged before me this 20 day of OCTOBER, 2020 by EKTA PRAKASH the CEO of CAPI USA, a Minnesota nonprofit corporation, Grantor.



Mumta Gosain
Notary Public
County of HENNEPIN
State of MINNESOTA
My Commission Expires: 01/31/2023

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 30 PE
EASEMENT DESCRIPTION
OWNER: CAPI USA
P.I.N. 03-118-21-12-0101

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE No. 1451076

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 1, Block 1, STEEN ADDITION embraced within that part of the north 80.8 feet of the south 242.4 of Lot 40, as measured along the East line of Lot 40, AUDITOR'S SUBDIVISION No. 216, Hennepin County, Minn., lying easterly of a line drawn parallel to and 42 feet northeasterly of the following described line: Commencing at the Northeast corner of Section 3, Township 118, Range 21; thence west along the North line of said Section 3, a distance of 1741.08 feet; thence southeasterly, deflecting to the left 111 degrees, 58 minutes, 07.7 seconds, a distance of 104.54 feet to the point of beginning of the line to be described; thence southeasterly, deflecting to the right 17 degrees, 20 minutes, 35.2 seconds, a distance of 1000 feet and there terminating.

Said perpetual easement being that part of said Lot 1 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; thence South 05 degrees 02 minutes 26 seconds East, tangent to said curve, a distance of 737.46 feet and said described line there terminating.



MEMORANDUM OF AGREEMENT

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

Parcel No: 33

Fee Owners: 6939 BAIRD LLC, 8411 BALBOA LLC, BARRY WALLLMAN and NANCY WALLMAN, AS TRUSTEES OF THE BARRY AND NANCY WALLMAN REVOCABLE TRUST DATED DECEMBER 16, 1989, and BMW HOLDINGS LLC,

On this 26 day of Oct, 2020, 6939 BAIRD LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 35.0522% TENANT IN COMMON INTEREST, 8411 BALBOA LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 16.3252% TENANT IN COMMON INTEREST, BARRY WALLMAN AND NANCY WALLMAN, AS TRUSTEES OF THE BARRY AND NANCY WALLMAN REVOCABLE TRUST DATED DECEMBER 16, 1989, AS TO AN UNDIVIDED 10.0356% TENANT IN COMMON INTEREST and BMW HOLDINGS LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 38.5870% TENANT IN COMMON INTEREST, 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 \$ 1,500.00 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)

City of Brooklyn Center

6939 BAIRD LLC

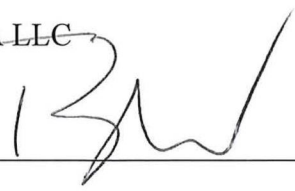
By: _____

By: _____

Its: _____

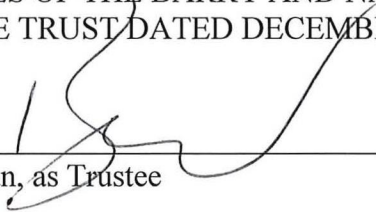
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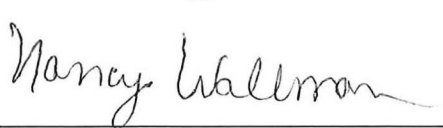
8411 BALBOA LLC

By: _____

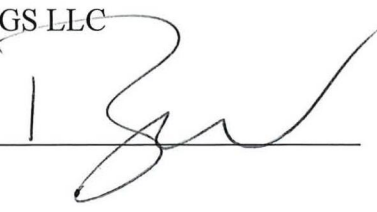
Its: _____

BARRY WALLMAN AND NANCY WALLMAN
AS TRUSTEES OF THE BARRY AND NANCY WALLMAN
REVOCABLE TRUST DATED DECEMBER 16, 1989


Barry Wallman, as Trustee


Nancy Wallman, as Trustee

BMW HOLDINGS LLC

By: _____

Its: _____



September 30, 2020

SRF No. 11765-D0290

6939 BAIRD LLC
c/o Halverson and Blaiser Group, Ltd.
Attn: Dallas Hanson
7800 Metro Parkway, Suite 300
Bloomington, MN 55425

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6101 BEARD AVENUE NORTH
PARCEL No.: 33

Dear Dallas:

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 **\$1,500.00**, 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.



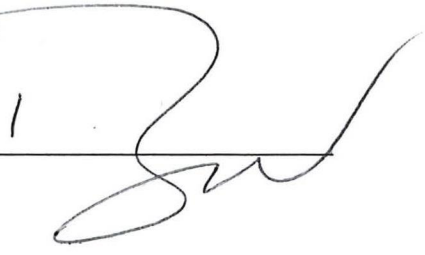
Matthew Marsh
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 26 day of OCT, 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.

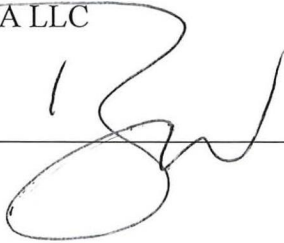
6939 BAIRD LLC

By: 

Its: _____

8411 BALBOA LLC

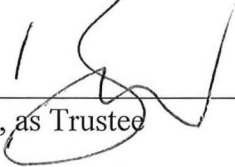
By: _____



Its: _____

BARRY WALLMAN AND NANCY WALLMAN
AS TRUSTEES OF THE BARRY AND NANCY WALLMAN
REVOCABLE TRUST DATED DECEMBER 16, 1989

Barry Wallman, as Trustee

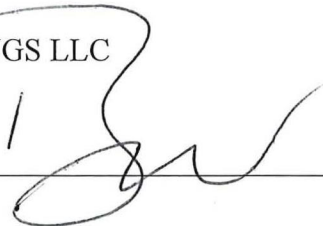




Nancy Wallman, as Trustee

BMW HOLDINGS LLC

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.: 33

Fee Owners: 6939 BAIRD LLC, 8411 BALBOA LLC, BARRY WALLMAN
AND NANCY WALLMAN, AS TRUSTEES OF THE BARRY AND NANCY
WALLMAN REVOCABLE TRUST DATED DECEMBER 16, 1989, and BMW
HOLDINGS LLC

Legal Description of property to be acquired:

See Attached Exhibit A

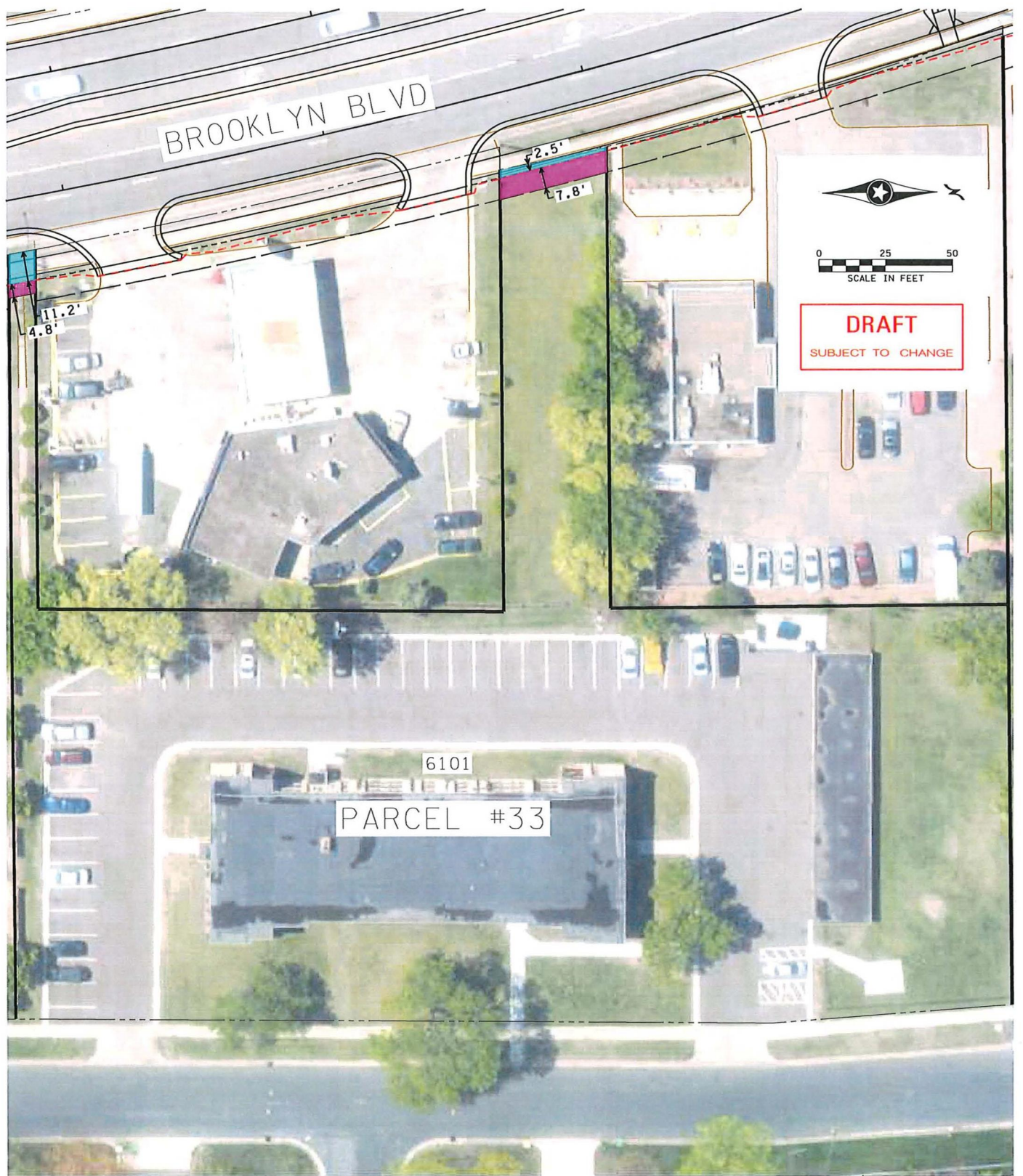
ACQUISITION INFORMATION

Drainage and Utility Easement: 202 square feet
Temporary Construction Easement: 372 square feet

VALUATION

Land Value Before Taking	= \$523,300.00
Land Value After Taking	= <u>\$521,800.00</u>
Drainage and Utility Easement	= \$ 896.00
Temporary Easement	= <u>\$ 497.00</u>
TOTAL (rounded)	= \$ 1,500.00

Exhibit A



PID	ADDRESS			PARCEL LINE	
03-11-821-12-0075	6101 BEARD AVENUE			EXISTING R/W	
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]	EXISTING PE	
	51900	202	372	TEMP EASE	
				PROPOSED D&U	
				CONST LIMITS	
				TREE REMOVAL	
				TREE WIN TEMP EASE	
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014				SRF	DATE
CITY OF BROOKLYN CENTER					7/9/2020
					PARCEL 33



Appraisal Receipt and Disclosure

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

County: Hennepin

Property Address: 6101 Beard Avenue North, Parcel No: 33

Owner(s): 6939 BAIRD LLC, 8411 BALBOA LLC, BARRY WALLMAN AND NANCY WALLMAN, AS TRUSTEES OF THE BARRY AND NANCY WALLMAN REVOCABLE TRUST DATED DECEMBER 16, 1989, and BMW HOLDINGS LLC

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.)

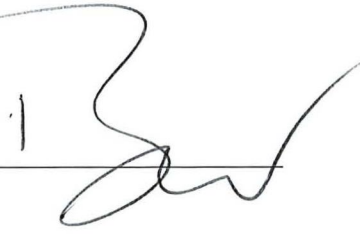
If you choose to obtain your own appraisal, we would request that the appraiser be instructed to provide you with two copies of his/her appraisal report.

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

Appraisal received this 26 day of OCT, 2020

Owner(s):
6939 BAIRD LLC

SRF Consulting Group Inc.

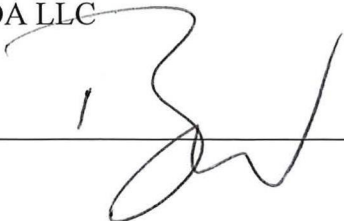
By: 

Contact: Matthew Marsh
Address: 3701 Wayzata Blvd, Suite 100
Minneapolis, MN 55416

Its: _____

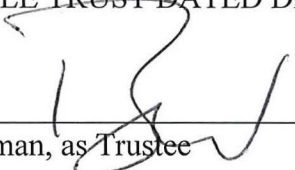
Phone: 763-249-6703

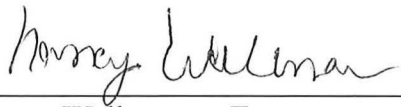
8411 BALBOA LLC

By:  _____

Its: _____

BARRY WALLMAN AND NANCY WALLMAN
AS TRUSTEES OF THE BARRY AND NANCY WALLMAN
REVOCABLE TRUST DATED DECEMBER 16, 1989

 _____
Barry Wallman, as Trustee

 _____
Nancy Wallman, as Trustee

BMW HOLDINGS LLC

By:  _____

Its: _____

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by 6939 BAIRD LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 35.0522% TENANT IN COMMON INTEREST, 8411 BALBOA LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 16.3252% TENANT IN COMMON INTEREST, BARRY WALLMAN AND NANCY WALLMAN, AS TRUSTEES OF THE BARRY AND NANCY WALLMAN REVOCABLE TRUST DATED DECEMBER 16, 1989, AS TO AN UNDIVIDED 10.0356% TENANT IN COMMON INTEREST and BMW HOLDINGS LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 38.5870% TENANT IN COMMON INTEREST, (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.

All-purpose Acknowledgment California

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

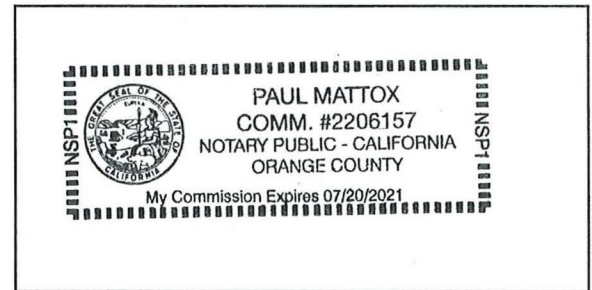
County of Orange

On 10/26/2020 before me, Paul Mattox, Notary Public (here insert name and title of the officer),

personally appeared Barry Wallman

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



Notary Seal

WITNESS my hand
and official seal.

Signature

For Bank Purposes Only

Description of Attached Document

Type or Title of Document Temporary construction Easement Grant

Document Date 10/26/2020 Number of Pages 6

Signer(s) Other Than Named Above _____

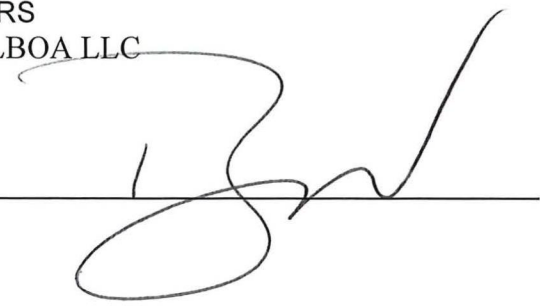
Account Number (if applicable) _____



F001-000DSG5350CA-01

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 26TH day of Oct, 2020

GRANTORS
8411 BALBOA LLC

By: 

Its: _____

STATE OF _____)
COUNTY OF _____) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ the _____ of 8411 BALBOA LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 16.3252% TENANT IN COMMON INTEREST, on behalf of the limited liability company, Grantors.



Notary Public

All-purpose Acknowledgment California

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

On 10/26/2020 before me, Paul Mattox, Notary Public (here insert name and title of the officer),

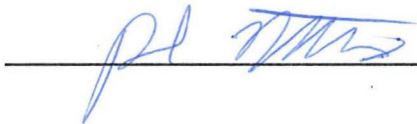
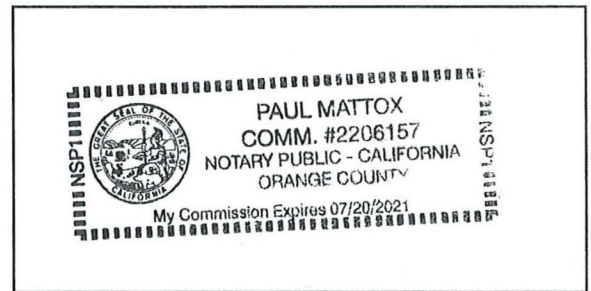
personally appeared Barry Wallman

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand
and official seal.

Signature

Notary Seal

For Bank Purposes Only

Description of Attached Document

Type or Title of Document Temporary construction Easement GrantDocument Date 10/26/2020Number of Pages 6

Signer(s) Other Than Named Above _____

Account Number (if applicable) _____

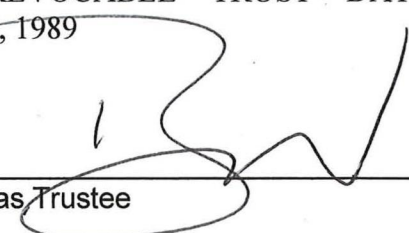


F001-000DSG5350CA-01

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 26TH day of Oct, 2020

GRANTORS

BARRY WALLMAN AND NANCY WALLMAN,
AS TRUSTEES OF THE BARRY AND NANCY
WALLMAN REVOCABLE TRUST DATED
DECEMBER 16, 1989



Barry Wallman, as Trustee



Nancy Wallman, as Trustee

STATE OF _____)
COUNTY OF _____) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
BARRY WALLMAN AND NANCY WALLMAN AS TRUSTEES OF THE BARRY AND NANCY
WALLMAN REVOCABLE TRUST DATED DECEMBER 16, 1989, AS TO AN UNDIVIDED
10.0356% TENANT IN COMMON INTEREST, on behalf of the trust, Grantors.



Notary Public

All-purpose Acknowledgment California

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

On 10/26/2020 before me, Paul Mattox, Notary Public (here insert name and title of the officer),

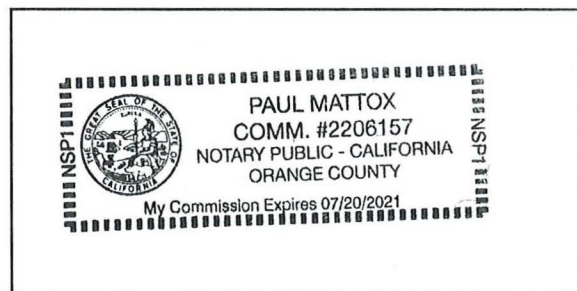
personally appeared Barry Wallman and Nancy Wallman

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand
and official seal.

Signature



Notary Seal

For Bank Purposes Only

Description of Attached Document

Type or Title of Document Temporary construction Easement Grant

Document Date 10/26/2020 Number of Pages 6

Signer(s) Other Than Named Above _____

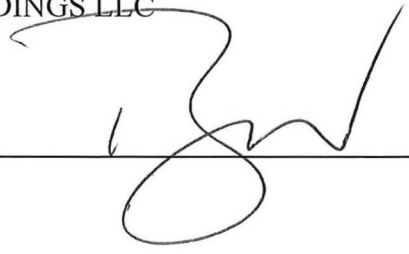
Account Number (if applicable) _____



FO01-000DSG5350CA-01

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 26TH day of Oct, 2020

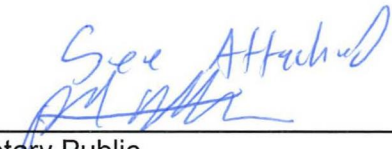
GRANTORS
BMW HOLDINGS LLC

By: 

Its: _____

STATE OF _____)
COUNTY OF _____) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ the _____ of BMW HOLDINGS LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 38.5870% TENANT IN COMMON INTEREST, on behalf of the limited liability company, Grantors.



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

All-purpose Acknowledgment California

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

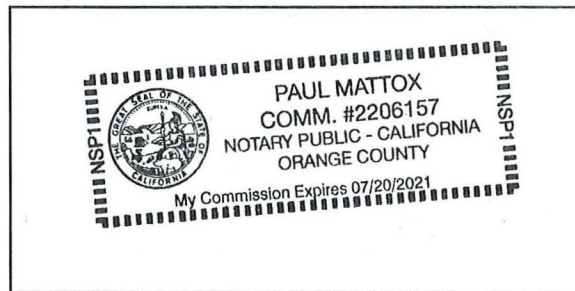
County of Orange

On 10/26/2020 before me, Paul Mattox, Notary Public (here insert name and title of the officer),

personally appeared Barry Wallman

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



Notary Seal

WITNESS my hand
and official seal.

Signature

For Bank Purposes Only

Description of Attached Document

Type or Title of Document Temporary construction Easement Grant

Document Date 10/26/2020

Number of Pages 6

Signer(s) Other Than Named Above

Account Number (if applicable)



F001-000DSG5350CA-01

Exhibit A
(Temporary Easement)

PARCEL 33 TE

EASEMENT DESCRIPTION

OWNER: 6939 BAIRD LLC, 8411 BALBOA LLC, BARRY WALLMAN AND NANCY WALLMAN
REVOCABLE TRUST, AND BMW HOLDINGS LLC

P.I.N. 03-118-21-12-0075

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1486787

A 4.80 foot temporary easement for construction purposes over, under, across and through the following described property:

Tract A, Registered Land Survey No. 1192, Hennepin County, Minnesota

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.

Together with a 3.00 foot temporary easement for construction purposes over, under, across and through that part of said Tract A lying northerly of a line run parallel with and distant 200.00 feet southerly of the most northerly line of said Tract A and it westerly prolongation. Said temporary easement lying easterly of and adjacent to a line run parallel with and distant 35.80 feet easterly of the above described line.

Said temporary easement to expire November 30, 2022.

PERMANENT
EASEMENT
FOR DRAINAGE &
UTILITY/SIDEWALK/TRAIL
PURPOSES

THIS INDENTURE, Made this 16th day of October, 2020 by
6939 BAIRD LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 35.0522% TENANT IN
COMMON INTEREST, 8411 BALBOA LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN
UNDIVIDED 16.3252% TENANT IN COMMON INTEREST, BARRY WALLMAN and NANCY WALLMAN, AS
TRUSTEES OF THE BARRY AND NANCY WALLMAN REVOCABLE TRUST DATED DECEMBER 16, 1989, AS TO
AN UNDIVIDED 10.0356% TENANT IN COMMON INTEREST, and BMW HOLDINGS LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 38.5870% TENANT IN COMMON INTEREST,
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.

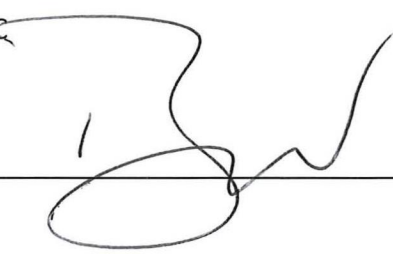
To have and to hold the Easement and right of way unto the Grantee for the purposes herein stated.

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 set Grantor's hand this 26TH day of OCT, 2020.

GRANTORS

6939 BAIRD LLC

By: _____

Its: _____

STATE OF _____)

) ss

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ the _____ of 6939 BAIRD LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 35.0522% TENANT IN COMMON INTEREST, on behalf of the limited liability company, Grantors.

See Attached

Notary Public

All-purpose Acknowledgment California

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

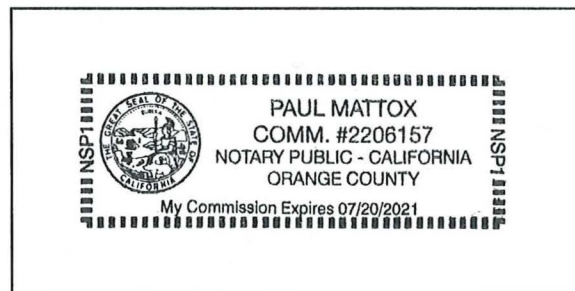
On 10/26/2020 before me, Paul Mattox, Notary Public (here insert name and title of the officer),

personally appeared Barry Wallman

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand
and official seal.



Notary Seal

Signature 

For Bank Purposes Only

Description of Attached Document

Type or Title of Document Permanent Easement For Drainage and Utility/Sidewalk/Trail Purposes

Document Date 10/26/2020 Number of Pages 6

Signer(s) Other Than Named Above _____

Account Number (if applicable) _____

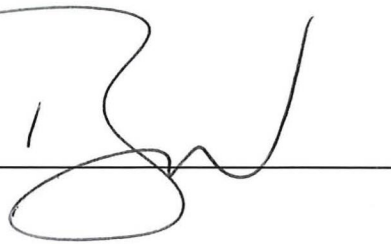


F001-000DSG5350CA-01

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 26TH day of Oct, 2020

GRANTORS

8411 BALBOA LLC

By: 

Its: _____

STATE OF _____)

) ss

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ the _____ of 8411 BALBOA LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 16.3252% TENANT IN COMMON INTEREST, on behalf of the limited liability company, Grantors.

See Attached

Notary Public

All-purpose Acknowledgment California

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State of California

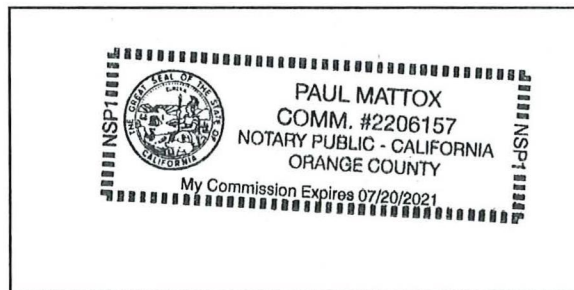
County of Orange

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personally appeared Barry Wallman

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



Notary Seal

WITNESS my hand
and official seal.

Signature

For Bank Purposes Only

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Type or Title of Document Permanent Easement For Drainage and Utility/Sidewalk/Trail Purposes

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Signer(s) Other Than Named Above _____

Account Number (if applicable) _____



F001-000DSG5350CA-01

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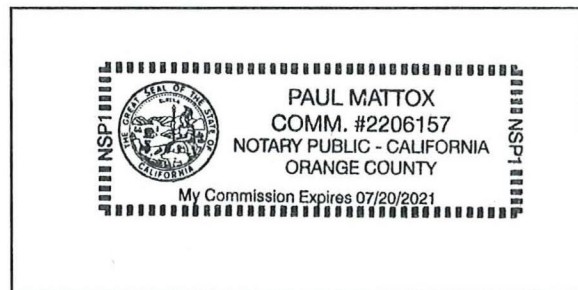
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personally appeared Barry Wallman and Nancy Wallman

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Notary Seal

WITNESS my hand
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Signature

For Bank Purposes Only

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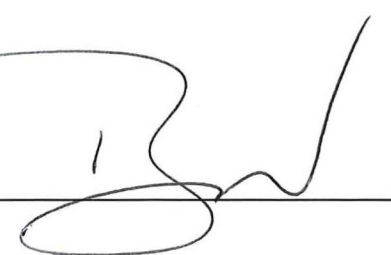


F001-000DSG5350CA-01

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 26TH day of Oct, 2020.

GRANTORS

BMW HOLDINGS LLC

By: 

Its: _____

STATE OF _____)

) ss

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ the _____ of BMW HOLDINGS LLC A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 38.5870% TENANT IN COMMON INTERST, on behalf of the limited liability company, Grantors.

See Attached

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

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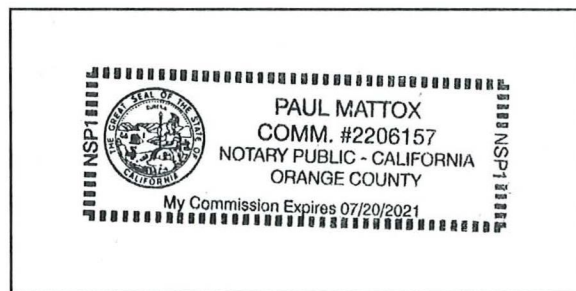
County of Orange

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personally appeared Barry Wallman

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

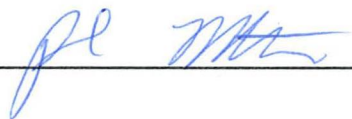
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



Notary Seal

WITNESS my hand
and official seal.

Signature



For Bank Purposes Only

Description of Attached Document

Type or Title of Document Permanent Easement For Drainage and Utility/Sidewalk/Trail Purposes

Document Date 10/26/2020 Number of Pages 6

Signer(s) Other Than Named Above _____

Account Number (if applicable) _____



F001-000DSG5350CA-01

Exhibit A
(Permanent Easement)

PARCEL 33 PE

EASEMENT DESCRIPTION

OWNER: 6939 BAIRD LLC, 8411 BALBOA LLC, BARRY WALLMAN AND NANCY WALLMAN
REVOCABLE TRUST, AND BMW HOLDINGS LLC

P.I.N. 03-118-21-12-0075

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE No. 1486787

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

Tract A, Registered Land Survey No. 1192, Hennepin County, Minnesota

Said perpetual easement being that part of said Tract A 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: 36
Fee Owners: DUOOS BROS. AMERICAN LEGION POST 630 HOUSING CORPORATION

On this 21st day of OCTOBER, 2020, DUOOS BROS. AMERICAN LEGION POST 630 HOUSING CORPORATION, a Minnesota 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 \$ 10,000 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)
DUOOS BROS. AMERICAN LEGION
POST 630 HOUSING CORPORATION

City of Brooklyn Center

By: 

By: _____

Its: 

Its: _____



SRF No. 11765-D0290

ADMINISTRATIVE SETTLEMENT MEMORANDUM

Date: December 18, 2020

To: Mike Albers
Project Engineer

From: Cindy Wiste, Senior Associate

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6110 Brooklyn Boulevard
PARCEL NO.: 36

The certified offer was made on September 23, 2020 in the amount of \$6,000.00. The acquisition consists of 1,776 square feet of temporary construction easement. The owners are asking for additional compensation for business impacts due to construction and the construction of the median in Brooklyn Boulevard. They are asking for an additional \$4,000.00.

In lieu of additional costs foreseeable in condemnation, we are recommending settlement in the amount of \$10,000.00.

	Certified value:	\$ 6,000.00
Description of administrative adjustments:		
Adjusted value for business impacts		\$ 4,000.00
	Total Adjustments:	\$ 4,000.00
	SETTLEMENT TOTAL:	\$10,000.00

APPROVAL:

By: _____

Date _____

Its: _____



September 23, 2020

SRF No. 11765-D0290

DUOOS BROS. AMERICAN LEGION POST
630 HOUSING CORPORATION
Attn: Brian Pratt
6110 Brooklyn Boulevard
Brooklyn Center, MN 55429

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6110 BROOKLYN BOULEVARD
PARCEL No.: 36

Dear Brian:

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 **\$6,000.00**, 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 21st 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.

DUOOS BROS. AMERICAN LEGION POST
630 HOUSING CORPORATION

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.: 36
Fee Owners: DUOOS BROS. AMERICAN LEGION POST 630 HOUSING CORPORATION

Legal Description of property to be acquired:

See Attached Exhibit A

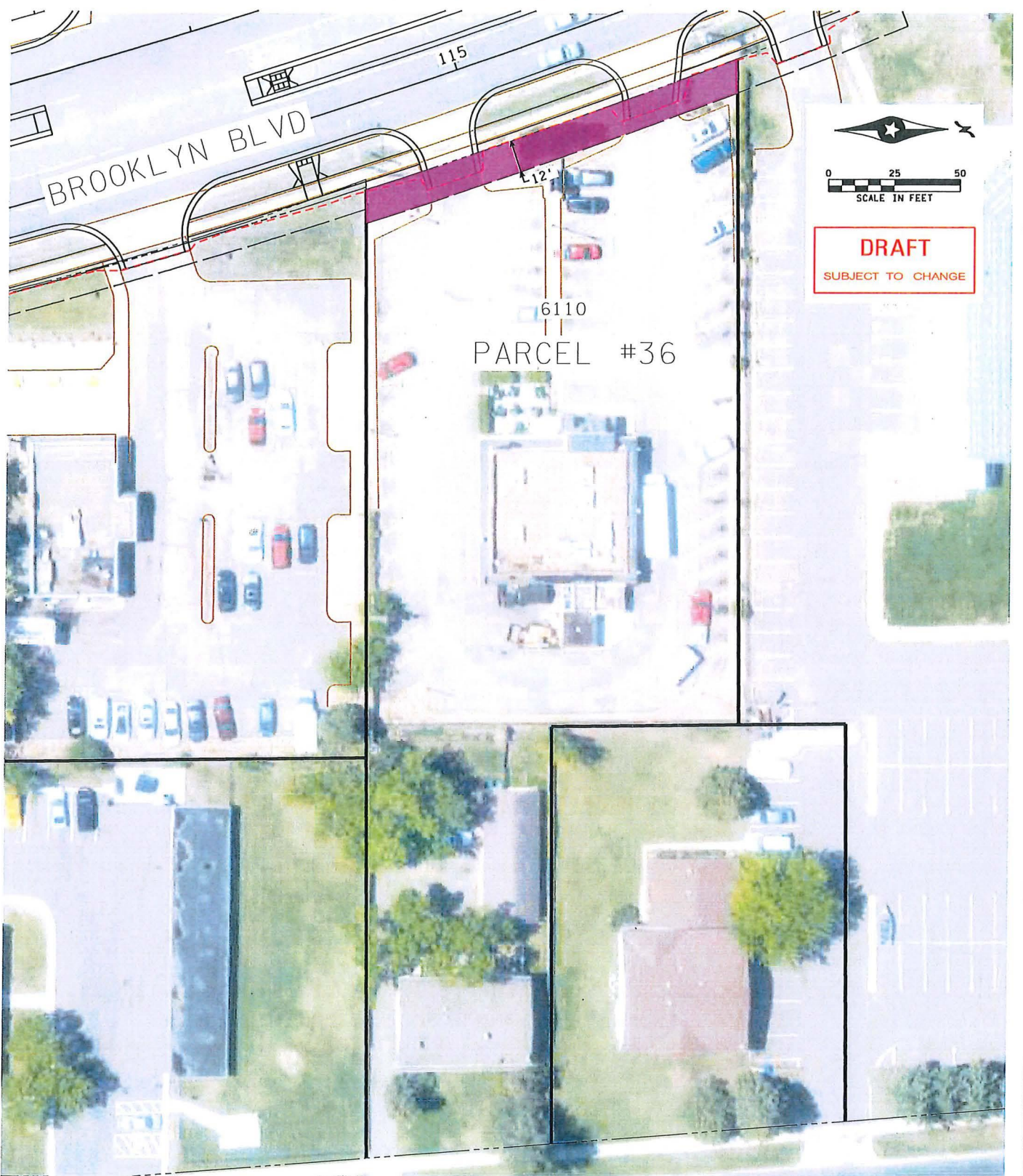
ACQUISITION INFORMATION

Temporary Construction Easement: 1,776 square feet

VALUATION

Land Value Before Taking	= \$379,200.00
Land Value After Taking	= <u>\$373,200.00</u>
Temporary Easement	= \$ 3,559.00
Indicated Damages	= <u>\$ 2,400.00</u>
TOTAL (rounded)	= \$ 6,000.00

EXHIBIT A



PID	ADDRESS			PARCEL LINE EXISTING R/W EXISTING PE TEMP EASE PROPOSED D&U CONST LIMITS TREE REMOVAL TREE W/IN TEMP EASE		
34-11-921-43-0042	6110 BROOKLYN BOULEVARD					
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]			
	31600	0	1776			
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014				SRE	DATE	PARCEL
CITY OF BROOKLYN CENTER		2021-05			7/9/2020	36



Appraisal Receipt and Disclosure

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

County: Hennepin

Property Address: 6110 Brooklyn Boulevard, Parcel No: 36

Owner(s): DUOOS BROS. AMERICAN LEGION POST 630 HOUSING CORPORATION

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.)

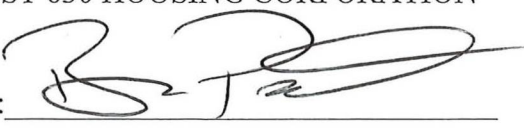
If you choose to obtain your own appraisal, we would request that the appraiser be instructed to provide you with two copies of his/her appraisal report.

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

Appraisal received this 21st day of OCTOBER, 2020

Owner(s):
DUOOS BROS. AMERICAN LEGION
POST 630 HOUSING CORPORATION

SRF Consulting Group Inc.

By: 

Contact: Matthew Marsh

Address: 3701 Wayzata Blvd, Suite 100
Minneapolis, MN 55416

Phone: 763-249-6703

Its: 

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by DUOOS BROS. AMERICAN LEGION POST 630 HOUSING CORPORATION, a Minnesota 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 21st day of OCTOBER, 2020

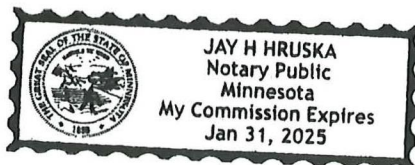
GRANTORS
DUOOS BROS. AMERICAN LEGION POST 630
HOUSING CORPORATION

By: [Signature]

Its: [Signature]

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss

The foregoing instrument was acknowledged before me this 21 day of OCTOBER 2020
by BRIAN PRATT the OPERATIONS MANAGER
of DUOOS BROS. AMERICAN LEGION POST 630 HOUSING CORPORATION, a Minnesota
corporation, 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 36 TE

EASEMENT DESCRIPTION

OWNER: DUOOS BROS. AMERICAN LEGION POST 630 HOUSING CORPORATION

P.I.N. 34-119-21-43-0042

PROPERTY DESCRIPTION AND OWNER ACCORDING TO LANDTITLE PROPERTY REPORT, No. 606822

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

Lot 2, Block 1, P.B.C. FIRST ADDITION.

Said temporary easement being that part of said Lot 2 lying westerly of a line run parallel with and distant 44.00 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.



MEMORANDUM OF AGREEMENT

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

Parcel No: 40
Fee Owners: Hayder Albatushi and Uroba Albatushi

On this 13 day of November, 2020, Hayder Albatushi and Uroba Albatushi, husband and wife, as joint tenants, 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 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 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 \$ 7500.00 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)

The City of Brooklyn Center

Hayder Albatushi 11-13-20
Hayder Albatushi

By: _____

UROBA ALBATUSHI 11-13-20
Uroba Albatushi

Its: _____



SRF No. 11765-D0290

ADMINISTRATIVE SETTLEMENT MEMORANDUM

Date: December 28, 2020

To: Mike Albers
Project Engineer

From: Cindy Wiste, Senior Associate

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6200 Brooklyn Boulevard
PARCEL No.: 40

The certified offer was made on September 30, 2020 in the amount of \$6,000.00. The acquisition consists of 912 square feet of temporary construction easement and 651 square feet of permanent drainage and utility easement. The owners are asking for additional compensation in the amount of \$1,500.00.

In lieu of additional costs foreseeable in condemnation, we are recommending settlement in the amount of \$1,500.00

Certified value: **\$ 6,000.00**

Description of administrative adjustments:
Requested additional easement compensation: **\$ 1,500.00**

Total Adjustments: **\$ 1,500.00**

SETTLEMENT TOTAL: **\$ 7,500.00**

APPROVAL:

By: _____

Date: _____

Its: _____



September 30, 2020

SRF No. 11765-D0290

Hayder Albatushi
Uroba Albatushi
4918 63rd Avenue North
Brooklyn Center, MN 55429

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6200 BROOKLYN BOULEVARD
PARCEL No.: 40

Dear Hayder and Uroba:

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 **\$6,000.00**, 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.



Matthew Marsh
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 13 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.

Hayder ALBATUSHI 11-13-20
Hayder Albatushi

UROBA ALBATUSHI 11-13-20
Uroba Albatushi



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.: 40
Fee Owners: Hayder Albatushi and Uroba Albatushi

Legal Description of property to be acquired:

See Attached Exhibit A

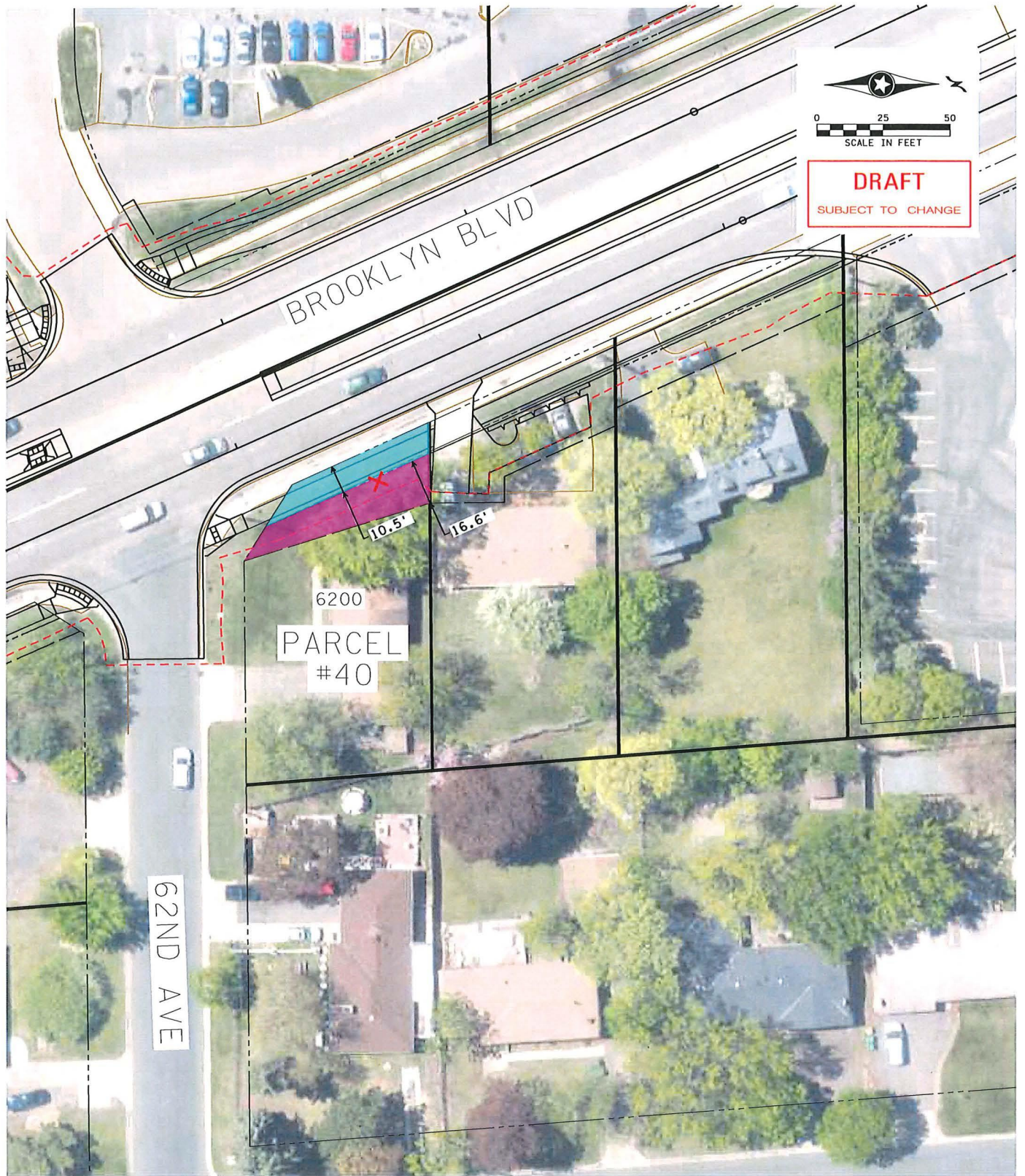
ACQUISITION INFORMATION

Drainage and Utility Easement: 651square feet
Temporary Construction Easement: 912 square feet

VALUATION

Land Value Before Taking	= \$190,000.00
Land Value After Taking	= <u>\$184,000.00</u>
Drainage and Utility Easement	= \$ 944.00
Temporary Easement	= \$ 1,281.00
Indicated Damages	= \$ 1,800.00
Severance Damage	= <u>\$ 1,891.00</u>
TOTAL (rounded)	= \$ 6,000.00

Exhibit A



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 6200 Brooklyn Boulevard

Parcel No: 40

Owner(s): Hayder Albatushi and Uroba Albatushi

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 13 day of November, 2020

Owner(s):

Hayder Albatushi 11-13-20
Hayder Albatushi

Uroba Albatushi 11-13-20
Uroba Albatushi

SRF Consulting Group Inc.

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

PERMANENT
EASEMENT
FOR DRAINAGE &
UTILITY/SIDEWALK/TRAIL
PURPOSES

THIS INDENTURE, Made this 13 day of November, 2021 by Hayder Albatushi and Uroba Albatushi, husband and wife, as joint tenants, 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.

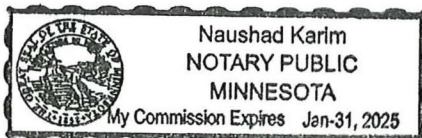
WITNESS, The hand of the GRANTOR:

Hayder Albatushi
Hayder Albatushi

Uroba Albatushi
Uroba Albatushi

STATE OF Minnesota)
COUNTY OF Hennepin) ss

The foregoing instrument was acknowledged before me this 13 day of November, 2020 by Hayder Albatushi and Uroba Albatushi, husband and wife, as joint tenants, Grantor.



Naushad Karim
Notary Public
County of Hennepin
State of Minnesota
My Commission Expires: 1/31/2025

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 40 PE
EASEMENT DESCRIPTION
OWNER: HAYDER ALBATUSHI
P.I.N. 34-119-21-43-0030

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE No. 1461491

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

Lot 3, 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 North line of Section 3, Township 118, Range 21, distant 1741.08 feet west of the Northeast corner thereof, run southeasterly at an angle of 68 degrees, 01 minutes, 52.3 seconds with said North Section line for 104.53 feet; thence deflect to the right at an angle of 17 degrees, 20 minutes, 35.2 seconds, for 536.92 feet to the point of beginning of the line to be described; thence run northwesterly along the last described course for 100 feet; thence deflect to the left of a 2 degree 00 minutes curve (delta angle 17 degrees, 20 minutes, 35.2 seconds) for 867.16 feet; thence deflect to the left of a 0 degree, 15 minute curve (delta angle 1 degree 29 minutes 54.8 seconds) for 599.42 feet and there terminating; and except a triangular piece adjoining and northeasterly of the above described line and southwesterly of the following described line: Beginning at a point on the above described line distant 20 feet northwesterly of its intersection with the Southerly line of said Lot 3; thence run southeasterly to a point on a said Southerly line distant 20 feet easterly of said intersection:

Block 2, "LAWN RIDGE", Hennepin County, Minnesota.

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 and said described line there terminating.

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by Hayder Albatushi and Uroba Albatushi, husband and wife, as joint tenants, (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.

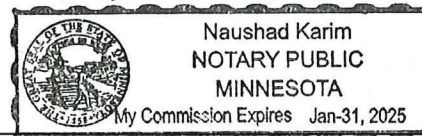
IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 13 day of November, 2020

Hayder Albatushi
Hayder Albatushi

UROBA ALBATUSHI
Uroba Albatushi

STATE OF Minnesota)
COUNTY OF Glenn County) ss

The foregoing instrument was acknowledged before me this 13 day of November, 2020 by Hayder Albatushi and Uroba Albatushi, husband and wife, as joint tenants, Grantor.



Notary Public

Naushad Karim
11/13/2020

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 40 TE
EASEMENT DESCRIPTION
OWNER: HAYDER ALBATUSHI
P.I.N. 34-119-21-43-0030

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE No. 1461491

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

Lot 3, 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 North line of Section 3, Township 118, Range 21, distant 1741.08 feet west of the Northeast corner thereof, run southeasterly at an angle of 68 degrees, 01 minutes, 52.3 seconds with said North Section line for 104.53 feet; thence deflect to the right at an angle of 17 degrees, 20 minutes, 35.2 seconds, for 536.92 feet to the point of beginning of the line to be described; thence run northwesterly along the last described course for 100 feet; thence deflect to the left of a 2 degree 00 minutes curve (delta angle 17 degrees, 20 minutes, 35.2 seconds) for 867.16 feet; thence deflect to the left of a 0 degree, 15 minute curve (delta angle 1 degree 29 minutes 54.8 seconds) for 599.42 feet and there terminating; and except a triangular piece adjoining and northeasterly of the above described line and southwesterly of the following described line: Beginning at a point on the above described line distant 20 feet northwesterly of its intersection with the Southerly line of said Lot 3; thence run southeasterly to a point on a said Southerly line distant 20 feet easterly of said intersection:

Block 2, "LAWN RIDGE", Hennepin County, Minnesota.

Said temporary easement is being that part of said described property lying westerly of the East 88.00 feet of said Lot 3 and lying easterly 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.

Said temporary easement to expire November 30, 2020.

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekmen, Community Development Director

SUBJECT: Resolution Approving the Adoption of a Fair Housing Policy

Background:

At the March 9, 2020, City Council meeting, the City Council held a discussion regarding various housing policy actions. At that meeting numerous housing related efforts were discussed, and a work plan developed. As part of the work plan, adoption of a fair housing policy was discussed and the City Council directed staff to work with the Housing Commission to draft a fair housing policy.

A fair housing policy is required for cities to participate in the Metropolitan Council's livable communities account, which offers grant programs that support development projects. The policy outlines a city's position on fair housing and identifies how fair housing resources are gathered and disseminated. It also outlines the process for how the city will address fair housing complaints.

The Housing Commission has met over several months on multiple occasion working to create a Fair Housing Policy.

- The Commission initially reviewed numerous versions of Fair Housing Policies throughout Minnesota. The commission initially determined to draft a Fair Housing Policy that incorporated many of the functions from Bloomington and Richfield's policy.
- The Housing Commission discussed the draft ordinance with attorney Robert Alsop, with Kennedy and Graven.
 - The general feedback with the draft policy was well written and covered the common items address in a fair housing policy.
- Feedback was requested from multiple agency's such as ACER, Housing Justice Center, Homeline, etc. Feedback from Homeline was received and reviewed by the Housing Commission.
- Further, the Housing Commission reviewed and discuss online content relating to Fair Housing. With the review of the Housing Commission a page has already been created and published on the City's webpage.

Overview of Draft Housing Policy:

- Staff training on fair housing state and federal laws including the complaint and referral process.
- In person or online information provided by the city for numerous fair housing resources
- The adoption of certain policies that support fair housing practices
- Includes requirement for the internal review of ordinances and city functions relating to fair housing
- Outlines expectations for community engagement
- Affirms furthering fair housing

Most of the actions identified in the Fair Housing Policy are activities that the city has already been doing;

however, the policy serves to gather information, resources and the city's obligations in one place. The draft Fair Housing Policy is attached.

At the November 9th, City Council meeting, the City Council reviewed the draft of the fair housing policy. The Council requested to view the feedback from Homeline. They also requested another attempt to obtain feedback from ACER and the Housing Justice Center.

The feedback from Homeline, Kennedy and Graven, ACER, and Housing Justice Center is attached. The policy has been updated based on the feedback received. Feedback was also requested from Dr. Lewis and Dr. Goetz and a draft of the fair housing policy was sent immediately following the housing work session discussion. However, no feedback has been received.

Strategic Priorities and Values:

Resident Economic Stability

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/31/2020	Resolution Letter
Fair Housing Policy	1/5/2021	Backup Material
Homeline Feedback	11/17/2020	Backup Material
City Attorney Feedback	11/17/2020	Backup Material
ACER Feedback	12/31/2020	Backup Material

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

A RESOLUTION APPROVING THE ADOPTION OF A FAIR HOUSING
POLICY

WHEREAS, the Federal Fair Housing Act (FHA) prohibits discrimination in housing because of a person's race/color, sex, national origin, religion, familial status, or disability; and

WHEREAS, the City is obligated to comply with the FHA and not discriminate in housing on the basis of someone's protected class and to not adopt programs and policies that cause a disparate impact on a protected class; and

WHEREAS, the City is committed to fair housing and wants to ensure it is effectively serving its citizens that have fair housing concerns; and

WHEREAS, the City believes that adoption of a local policy will assist the City in serving its citizens regarding fair housing and achieving its housing goals.

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

1. The Fair Housing Policy is hereby approved and adopted.
2. City staff is authorized to carry out the policy effective immediately.

January 11, 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.

**City of Brooklyn Center
Housing and Redevelopment Authority
Fair Housing Policy**

1. Purpose/Vision

Title VIII of the Civil Rights Act establishes federal policy for providing fair housing throughout the United States. The intent of Title VIII is to ensure equal housing opportunities for all citizens. Furthermore, the City of Brooklyn Center, as a recipient of federal funds, is obligated to certify that it will affirmatively further fair housing.

The City of Brooklyn Center strives to advance its commitment to inclusion and equity by developing this Fair Housing Policy to further the goal of creating a community where all residents will thrive.

2. Fair Housing Policy Statement

It is the policy and commitment of the City of Brooklyn Center to ensure that fair and equal housing opportunities are available to all persons in all housing opportunities and development activities funded by the city regardless of race, color, religion, gender identity, sexual orientation, marital status, status with regard to public assistances, familial status, national origin, citizenship status, or disability. This is done through meaningful access to fair housing information and referral services for all constituents and through internal practices and procedures that promote fair housing throughout the community.

3. General Practices

The City of Brooklyn Center commits to the following steps to promote awareness and competency of fair housing issues in all of its government functions.

a. Intake and Referral

The City of Brooklyn Center has designated the Multi-Family Housing Specialist as the responsible authority for the intake and referral of all fair housing complaints. At a minimum, the Multi-Family Housing Specialist will be familiar with state and federal fair housing laws, the complaint process for filing discrimination complaints, and the state and federal agencies that handle complaints.

The date, time, and nature of the fair housing complaint and the referrals and information given will be fully documented.

The Multi-Family Housing Specialist will advise the City Council and Housing Commission on City programs and policies affecting fair housing and identify issues and concerns where appropriate.

b. Meaningful Access

- i. **Online Information.** The City of Brooklyn Center will display information about fair housing prominently on its website. The website will include links to various fair housing resources, including the Department of Housing and Urban Development, Minnesota Department of Human Rights, Mid-Minnesota Legal Aid, and others, as well as links to state

and federal fair housing complaint forms. In addition, the City will post the following documents on its website as they are adopted:

1. Reasonable Accommodation Policy
2. Limited English Proficiency (LEP Policy)
3. Americans with Disabilities Act (ADA) Policy regarding access to City services
4. The State of Minnesota's Olmsted Plan
5. Fair Housing Policy
6. Tenant rights and responsibilities Handbook

ii. **In-Person Information.** The City of Brooklyn Center will provide fair housing information to anyone requesting the following information in person at the city offices; information provided will include:

1. A list of fair housing enforcement agencies;
2. *Fair Housing: Equal Opportunity for All* information booklet;
3. Fair housing complaint forms for enforcement agencies; and
4. Tenant rights and responsibilities Handbook.

iii. **Languages.** The City of Brooklyn Center is committed to providing information in the native language of its residents, including but not limited to English, Spanish, Somali and Hmong. The City will work to ensure that information is available in these languages.

c. **Require landlords to provide Brooklyn Center's fair housing policy to new applicants and tenants.**

d. **Staff and Officials Training.** The City will provide training on an ongoing basis to its staff and housing officials on fair housing considerations.

e. **Housing Analysis.** The City will review its housing inventory and community needs annually to examine the availability and affordability of both rental and owner-occupied housing for all residents in order to have such information available for future City actions.

f. **Code Analysis.** The City will review its municipal code annually, to identify impediments to accessing housing and any potential for disparate impact or treatment. As the codes are identified to have a disparate impact, they will be repealed, mitigated or amended as necessary.

g. **Project Planning and Analysis.** City planning functions and development review will consider whether potential projects may perpetuate segregation or lead to displacement of protected classes for developments seeking financial assistance from the City. In cases where this may be found to be the case action will be taken which may include reducing or removing impacts from the project, or implementing mitigating measures to counter their effects.

- h. Community Engagement.** The City will seek community input, particularly from underrepresented populations in the community, with regard to fair housing issues, development, zoning, and land use changes facilitated by the City.
- i. Affirmatively Furthering Fair Housing.** As a subrecipient of federal funds, the City will, as requested by Hennepin County as the entitlement jurisdiction, participate in the Regional Analysis of Impediments, as organized by the regional Fair Housing Implementation Council (FHIC), an ad hoc coalition of Community Development Block Grant (CDBG) entitlement jurisdictions and others working together to affirmatively further fair housing. The City will review the recommendations from the analysis for potential integration into City planning documents, including the Comprehensive Plan and other applicable documents.

Jesse Anderson

From: Eric Hauge <erich@homelinemn.org>
Sent: Thursday, October 1, 2020 1:17 PM
To: Jesse Anderson
Cc: Mike Vraa
Subject: Re: Brooklyn Center Draft Fair Housing Policy

Jesse,

Mike shared your email and the draft policy, so we took a brief look at it.

As written, the policy seems appropriate and not in contradiction with the city's obligations to further fair housing efforts. That being said, it's not entirely clear about any specific city commitment to take proactive steps--and this document seems like an important opportunity to explicitly state proactive steps the city will take rather than just citing an intent to participate in the AI process and review/possible implementation of recommendations. The city could consider any number of recommendations from the [2017 addendum to the 2014 AI \(see pages 221-231\)](#)--most if not all are still relevant, and there's likely more to add that are directly and currently topics in Brooklyn Center. Such additional actions could be specified under items #3 f & h (Code Analysis & Community Engagement) 1) Brooklyn Center has multiple crime-free ordinance requirements that could be reviewed for their impact on fair housing/discrimination (if I'm not mistaken, I think the current mayor has expressed interest in such a review), and 2) the community engagement piece could be more detailed about how the city will actually seek that input from underrepresented populations in the community.

Just our quick thoughts. Thanks for the opportunity to comment.

--

Eric Hauge (*he, him, his*)
Executive Director
HOME Line
[612-255-8863](tel:612-255-8863)
homelinemn.org

On Wed, Sep 30, 2020 at 1:24 PM Mike Vraa <mikev@homelinemn.org> wrote:

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

From: Jesse Anderson <janderson@ci.brooklyn-center.mn.us>
Date: Wed, Sep 30, 2020 at 12:01 PM
Subject: RE: Brooklyn Center Draft Fair Housing Policy
To: mikev@homelinemn.org <mikev@homelinemn.org>

Hi Mike,

I was writing to see if you have any feedback relating to the attached Fair Housing Policy?

Jesse Anderson | Deputy Director of Community Development/HRA Specialist

City of Brooklyn Center

6301 Shingle Creek Parkway | Brooklyn Center, MN 55430

Direct: 763-569-3420 | General: 763-569-3330

General Email: communitydevelopment@ci.brooklyn-center.mn.us

www.cityofbrooklyncenter.org | janderson@ci.brooklyn-center.mn.us



From: Jesse Anderson

Sent: Tuesday, September 1, 2020 10:49 AM

To: 'mikev@homelinemn.org' <mikev@homelinemn.org>

Subject: Brooklyn Center Draft Fair Housing Policy

Hi Mike,

I hope you are doing well. The Brooklyn Center Housing Commission is drafting a Fair Housing policy and would like feedback from Home line. I have attached the draft document, if you would be able to provide feedback that would be appreciated.

Thank you for your time,

Jesse Anderson | Deputy Director of Community Development/HRA Specialist

City of Brooklyn Center

6301 Shingle Creek Parkway | Brooklyn Center, MN 55430

Direct: 763-569-3420 | General: 763-569-3330

General Email: communitydevelopment@ci.brooklyn-center.mn.us

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VIII. Recommendations

The data and analysis running throughout this Addendum has generally suggested that the Twin Cities region implement a two-pronged planning approach to fair housing. It is imperative that the members of the Fair Housing Implementation Council (FHIC) work to facilitate the mobility of residents who wish to locate in communities that offer them greater opportunities while simultaneously investing in human capital development and physical improvements in places of concentrated poverty to increase opportunities for residents there. The appropriate balance between these two approaches will vary based on geography and other factors, however these basic guidelines should be employed:

- Investment in construction of new affordable housing should prioritize expanding affordability regionally and within jurisdictions, including in areas with access to opportunity, as defined through a community engagement process, that may include, but are not limited to, quality schools, transportation, economic opportunity, and other public resources. Construction of new units in areas of concentrated poverty, and particularly in areas of concentrated poverty where 50% or more of the residents are people of color, should be considered only as part of a comprehensive community investment strategy to address targeted community housing needs. Preservation of existing affordable housing in these areas should be prioritized over new construction.
- Community development investment, to include investments in both people and physical places, should be focused on areas of concentrated poverty, and particularly areas of concentrated poverty where 50% or more of the residents are people of color.
- In areas where gentrification is believed to be occurring, preserving the affordability of existing housing and securing property for development of new affordable units should be a priority.
- Enforcement of fair housing laws and efforts to prevent housing discrimination are key to opening up a variety of housing options throughout the region in areas of all types of opportunity.

To implement these guidelines, the following pages contain ten goals, each supported by a list of fair housing recommendations corresponding to fair housing issues raised in this report and paired with an implementation timeframe and responsible parties.

The members of the FHIC, who will primarily be the responsible entities for carrying forward the recommendations, are diverse in their character, politics, resources, demographics, and challenges. Accordingly, the recommendations here are generally drafted so as to allow various courses and mechanisms that arrive at the desired ends. In this way, individual FHIC

jurisdictions have the latitude to consider and implement the recommended strategies in the ways that are most feasible within their respective jurisdictions. While overly-prescriptive recommendations in this document would limit the effectiveness of some jurisdictions' implementation actions, specificity is important. Implementation must balance many considerations, some of which may conflict with one another in certain contexts. Accordingly, progress cannot be measured via conformance to a checklist; rather, these recommendations are tools and strategies that can be effective in various contexts in addressing impediments to meeting the requirement to affirmatively further fair housing. Each FHIC entitlement jurisdiction will, in its Consolidated Plan and Annual Action Plan, describe in greater detail the specific steps and actions it plans to take toward the recommendations listed here. Their annual Consolidated Annual Performance Evaluation Reports (CAPERs) will document actual progress toward implantation of the recommendations.

A final note about the responsible parties listed on the following pages: Public Housing Authorities (PHAs) and Housing and Redevelopment Authorities (HRAs) are intended to mean those authorities that administer Housing Choice Vouchers and are controlled by a FHIC member. For example, the Minneapolis Public Housing Authority and Saint Paul Public Housing Authority are not party to this Addendum and are not intended to be bound by these recommendations. The Hennepin County HRA is an instrument of the County, but does not administer Housing Choice Vouchers; therefore, those recommendations that are the responsibility of HRAs are not applicable to Hennepin County HRA.

No.	Recommendation	Fair Housing Issue Addressed	Time-frame	Responsible Parties
Goal #1: Improve Opportunities for Mobility within the Region Renter households attempting to use a housing choice voucher or to access public housing may face barriers to moving within the region, particularly from urban to suburban locations, which can in turn limit access to opportunities desired by these households. The recommendations included in this section address policies related to voucher use, voucher holder mobility, and PHAs/HRA policies. They build on recent legislation (the passing of a Section 8 source of income protection in Minneapolis) and research (Family Housing Fund's "Enhancements and Best Practices Designed to Expand Resident Choice and Mobility in Minneapolis").				
1A	Develop a communication strategy to inform rental property managers and housing choice voucher holders of the recently-passed source of income protection ordinance.	Fair Housing Enforcement and Education is Needed	2017	Minneapolis, MPHA
1B	Collect and present local data to elected officials illustrating the need for source of income protection. Advocate for source of income protection legislation across the region.	Access to Housing is Reduced for Some Groups	2018	Entitlements and Subrecipients
1C	Develop and implement an ongoing campaign to promote the acceptance of HCVs, especially in suburban communities. Require HCV acceptance for housing using public funds, and monitor for compliance.	Distribution of Affordable Housing	Ongoing, beginning 2018	Entitlements, Met Council
1D	Monitor findings related to the Family Housing Fund's research on pooling vouchers for use in high-opportunity areas as well as its voucher mobility research for MPHA and study applicability for other PHAs. Specifically: a) Evaluate recommendations in "Enhancements and Best Practices Designed to Expand Resident Choice and Mobility in Minneapolis" to determine MPHA's implementation approach for those that are most promising. b) Determine recommendations in "Enhancements and Best Practices Designed to Expand Resident Choice and Mobility in Minneapolis" that are relevant to other PHAs and HRAs and develop an implementation approach. c) Develop a demonstration program to pool HCVs across multiple PHA/HRAs and examine results relative to expanding mobility and choice for low-income families.	Multifaceted Values on Neighborhoods and Housing Regulations and Policies Impact Housing Development Regulations and Policies Impact Housing Development	Parts (a) and (b) – 2017, Part (c) – 2018 2018-2021 2017 2018	PHAs HRAs PHAs HRAs PHAs HRAs PHAs HRAs
1E	Monitor the success of Met Council's mobility program for strategies that can be adapted or duplicated elsewhere.	Multifaceted Values on Neighborhoods and Housing	2018-2021	PHAs HRAs
1F	Review and update tenant screening policies related to criminal background based on revised HUD guidance issued in 2016.	Regulations and Policies Impact Housing Development	2017	PHAs HRAs
1G	Review residency preferences for impact on mobility across the region. Amend as needed to better advance regional fair housing choice.	Regulations and Policies Impact Housing Development	2018	PHAs HRAs

Goal #2: Reduce Resident Displacement Low- and moderate-income residents displaced from their housing in a tight housing market with very low vacancy rates can face extreme challenges in locating affordable housing while the vacated units tend to become less affordable. These twin consequences – greater demand for affordable housing and a market that provides less of it – compound the effects of displacement and underscore the importance of countering it. Some of the strategies proposed here are designed to reduce pressure on individual residents to leave their residences; others are neighborhood-based strategies focused on preemptively securing affordable units in areas where displacement pressure is anticipated.					
2A	Research state law regarding just cause eviction ordinances. As possible, work toward and advocate state, regional, and/or local adoption of just cause eviction ordinances.	Displacement Causes a Loss of Affordable Housing	2019	Entitlements	
2B	Monitor state legislation regarding right of first refusal statutes and develop program to implement locally as appropriate. Consider implementation for manufactured/mobile home communities and multi-unit rental properties.	Displacement Causes a Loss of Affordable Housing	Ongoing	Entitlements Met Council (Partners: MHP, HOME Line)	
2C	Research and create property tax abatement programs and market them to homeowners in areas of increasing displacement.	Displacement Causes a Loss of Affordable Housing	2019	Minneapolis and Saint Paul (Partners: HOME Line, MHP)	
2D	Promote policies that provide for rehabilitation and preservation of existing affordable housing in areas where displacement is known to be occurring.	Distribution of Affordable Housing	2018	Entitlements	
Goal #3: Increase Access to Homeownership Households of color have significantly lower homeownership rates than white households. In addition to inhibiting housing choice, diminished access to mortgage lending and homeownership opportunities also reduces these households' ability to build wealth. Research indicates a variety of factors that contribute to this gap, including lower mortgage loan application rates, higher mortgage loan application denial rates, less resources available for downpayments, steering towards subprime or otherwise inferior loan products, and higher foreclosure rates. This goal contains several strategies designed to address these factors, along with the development of a regional partnership to consider additional ways to expand homeownership opportunities.					
3A	Use distribution of government financial relationships (within banking regulations) to incentivize fair and affordable housing by financial institutions, using research such as U of M Responsible Banking study. Meet with lenders to inform them of jurisdictions' goals for furthering fair housing in homeownership. Invite lenders to coordinate business and charitable programs accordingly. Require that financial institutions report on home mortgage lending and other fair lending activities.	Access to Housing is Reduced for Some Groups	2018	Entitlements	
3B	Develop partnerships with credit counseling agencies to reach communities of color and build a pipeline of potential homebuyers.	Access to Housing is Reduced for Some Groups	2018	Entitlements	

3C	Increase FHIC and public-sector participation in the Homeownership Alliance. Consider topics such as expanded first time homebuyer programs, expansion of homeownership options through land trusts and cooperatives, increased efforts to help low-income households build savings, identify shortcomings in Minnesota's Contract for Deed law, and advocate for legislative improvements in the law.	Access to Housing is Reduced for Some Groups	2018	FHIC, Entitlements, Subrecipients, PHAs/HRAs
3D	Work with public and non-profit agencies to expand information and services related to fair lending and foreclosure prevention, such as: - Affirmative marketing for quality lending products, including financing options for Muslim homebuyers (and others who may be averse to interest-bearing mortgages for cultural or faith-based reasons), and information on identifying subprime mortgage products - Increased fair lending enforcement - Increased foreclosure prevention and defense advocacy services. Ensure that all outreach efforts are accessible to non-English speaking residents, including oral presentations of information.	Access to Housing is Reduced for Some Groups	2017	Entitlements (Partners: Housing Justice Center, MMLA, SMRLS)
3E	Conduct code enforcement to make sure that lender-owned, post-foreclosure properties have effective repair, maintenance, and security services, especially in areas of concentrated poverty where a majority of residents are people of color.	Access to Housing is Reduced for Some Groups	Ongoing, beginning in 2017	Entitlement Cities
Goal #4: Expand Funding for Affordable Housing Presently, the Low Income Housing Tax Credit program provides funding for the majority of new affordable housing constructed or rehabilitated in the region. However, production levels fall short of need, and, in many cases, do not provide deep enough subsidy levels to support very low-income households. The following recommendations address the need to cultivate new funding sources for affordable housing production and preservation, both at the regional and local levels, including, but not limited to, resources to address the needs of households with incomes below 30% AML.				
4A	Develop an overarching strategy to increase funding for affordable housing that includes: - Identifying more resources for affordable housing. These may include regional approaches to expanding funds for affordable housing and local approaches by individual jurisdictions (tax increment financing, tax abatement, special tax levy authority, general tax levy authority, general funds, and/or other local sources). - Working with a marketing firm and local stakeholders, including organizations operating in communities of color, to develop a campaign to raise awareness among the public about housing affordability and its connection to education, jobs, and other infrastructure. Campaign should build political will, counter NIMBYism, and include an appeal to philanthropies for funding.	Distribution of Affordable Housing	Ongoing, beginning 2017	Entitlements (Partner: MHP)

4B	Use locally-controlled resources to preserve naturally occurring affordable housing. Work with GMHF to support NOAH Fund, publish success stories, market to susceptible property owners, increase capitalization and funding sources.	Distribution of Affordable Housing	Ongoing	Entitlements (Partner: Greater Minnesota Housing Fund)
Goal #5: Improve Fair and Affordable Housing Planning A serious and sustained effort to expand fair and affordable housing will require ongoing planning, research, and capacity-building. This set of recommendations focuses on developing capacity at the local level through technical assistance and plan review, along with training on fair housing implications of local policy and investment decisions. Also included are recommendations to advance analyses around fair housing issues such as zoning and gentrification. Finally, enhancing the FHIC by establishing a fair housing advisory committee will allow for ongoing feedback and guidance during implementation of fair housing activities and future fair housing planning efforts.				
5A	Met Council should build its capacity to serve as a resource for information and best practices on fair housing planning and policy for local government staff. Local governments should support and assist Met Council's efforts to provide technical assistance.	Segregation & Disparate Access to Opportunity	2018	Met Council
5B	Continue to review and provide feedback on comprehensive plans to ensure they adequately describe a plan to meet affordable housing need.	Distribution of Affordable Housing	2017	Met Council
5C	When using CDBG and other funding for community and economic development activities consider prioritizing areas that have shown a commitment to expanding affordable housing.	Segregation & Disparate Access to Opportunity	2019	Counties
5D	Work with local research partner to analyze zoning codes in areas not covered by this study (i.e., cities within the region that are not entitlements or subrecipients) for fair housing issues.	Regulations and Policies Impact Housing Development	2020	FHIC (Partner: CURA, IMO, or other organization with zoning research capacity)
5E	Monitor continued research into gentrification and loss of affordable housing to identify areas where it may be occurring.	Displacement Causes a Loss of Affordable Housing	Ongoing, beginning 2017	Entitlements (Partners: CURA, IMO, MHP)
5F	Review where investments in creation, preservation and/or rehabilitation of affordable housing using LIHTCs are occurring in the region. Keep HousingLink LIHTC database current and study trends over time in the development of tax credit projects.	Distribution of Affordable Housing	Ongoing, beginning 2017	MHFA, Suballocators (Partner: HousingLink)
5G	Develop and deliver a fair housing education and training program for elected officials and municipal staff focused on concepts such as disparate impact and the impact of public infrastructure investments on fair housing choice.	Fair Housing Enforcement and Education is Needed	2019	FHIC Municipalities and Counties

				(Partners: Housing Justice Center, MMLA, SMRLS)
5H	Establish a standing fair housing advisory committee to provide input and guidance to the FHIC regarding fair housing planning and implementation. Strive to increase diversity on the FHIC to be more representative of the regional population.	Multifaceted Values on Neighborhoods and Housing	2017	FHIC
Goal #6: Expand Locations of Affordable Housing When affordable housing is limited to some communities and lacking in others, the effect is decreased housing choice for residents of the region. Municipal zoning codes and other regulatory tools can be modified or employed to reduce restrictions on the development of affordable housing in areas where it may presently be prohibitive. Such actions can open up new housing opportunities in communities of choice. This goal contains several strategies related to zoning changes, but also includes actions recommended by MN Challenge than can be taken in individual jurisdictions to lower the cost of affordable housing development, and other opportunities to expand affordable housing opportunities in communities where it is needed.				
6A	Adopt zoning code amendments to either (1) have the definition of “family” more closely correlate to neutral maximum occupancy restrictions found in safety and building codes; (2) increase the number of unrelated persons who may reside together to better allow for nontraditional family types; or (3) create an administrative process that allows for a case-by-case approach to determining whether a group that does not meet the code’s definition of family or housekeeping unit is nonetheless a functionally equivalent family.	Regulations and Policies Impact Housing Development	2018	Crystal, Minneapolis
6B	Amend zoning maps as appropriate to rezone large-lot single-family zones to higher density / lower minimum lot area standards and allow for infill development or conversion of large single-family dwellings to two-family and triplex units to allow more density on the same footprint or minimum lot size; where environmental protections effectively prohibit denser development patterns, alternatively consider focused redevelopment strategies in areas served by existing water and sewer. Consider reducing administrative barriers to PUD and cluster development approvals which support affordable housing.	Regulations and Policies Impact Housing Development	2018	Apple Valley, Blaine, Burnsville, Eagan, Eden Prairie, Minnetonka
6C	Amend zoning codes to reflect more flexible and modern lot design standards such as increasing maximum height allowances, increasing minimum density or floor area ratios, increasing maximum floor area ratios (FAR), decreasing minimum parcel sizes, and decreasing minimum livable floor areas of individual dwelling units.	Regulations and Policies Impact Housing Development	2018	Lakeville

6D	Consider development incentives such as density bonuses and expedited permitting processes or fee waivers for voluntary inclusion of affordable units or mandatory set asides in cases where local government funding or approvals are provided, should be adopted across all jurisdictions to encourage or require mixed-income, affordable units.	Regulations and Policies Impact Housing Development	2018	All local governments with zoning authority
6E	Review and update zoning codes as necessary for consistency with the state Planning Act regarding manufactured and modular homes. Review conditional permit use criteria and inclusionary zoning provisions to ensure they support and encourage this type of alternative affordable housing.	Regulations and Policies Impact Housing Development	2018	Lakeville
6F	Consider allowing reductions in off-street parking requirements where there is a showing that shared parking, bike parking, or access to public transportation reduces the actual need or demand for off-street vehicle parking; consider adopting maximum off-street parking restrictions.	Regulations and Policies Impact Housing Development	2018	Brooklyn Park
6G	Consider relaxing or offering measures to mitigate the cost of some requirements related to building materials, height, trees, windows, parking, basement space, and outdoor play areas, especially when applied to affordable housing developments.	Regulations and Policies Impact Housing Development	2018	Minneapolis
6H	Consider adoption of an inclusionary zoning ordinance requiring set-asides of affordable housing units or payment-in-lieu (of set asides) into a designated affordable housing fund for developments requiring city funding, site location assistance, or planning approvals.	Regulations and Policies Impact Housing Development	2018	Apple Valley, Blaine, Brooklyn Center, Brooklyn Park, Burnsville, Coon Rapids, Crystal, Eagan, Eden Prairie, Hopkins, Minnetonka, Plymouth, Richfield, Saint Paul
6I	Analyze the MN Challenge recommendations related to reducing the cost of affordable housing for feasibility at the local level; implement as appropriate. The 11 recommendations from the MN Challenge report are: a) Support appropriate density b) Contribute local financial resources c) Identify and acquire sites d) Reduce parking requirements e) Waive or reduce fees f) Streamline administrative processes g) Revise material, site, and design requirements	Distribution of Affordable Housing	2018	Entitlements and Subrecipients

	h) Consider manufactured and modular housing i) Be open to all affordable housing developments j) Adopt inclusionary housing and/or mixed income policies k) Address community opposition				
6J	Monitor relevant legislative proposals (including a recent proposal by HAVEN (Housing Advocates for Vitality and Equality Now)), the Qualified Allocation Plans of MHFA and local suballocators, and state legislative changes related to 4% tax credits and Private Activity Bonds. Advocate for and implement policies that direct affordable projects toward strategic ends (i.e. preservation focus, location of new units in areas of opportunity, income restrictions to serve extremely low-income households).	Distribution of Affordable Housing	2018	MHFA, Suballocators	
6K	Ranked list of municipalities in QAP should be re-examined for impact on perpetuating concentrations of affordable housing; consider whether other measures of affordable housing need may be more effective.	Regulations and Policies Impact Housing Development	2017	Washington County	
Goal #7: Institute Effective and Meaningful Community Engagement Public planning and investment decisions are too often made without the engagement and active participation of the affected communities, particularly when those are communities of color. Jurisdictions across the region should allocate resources to fund proper engagement with their communities and ensure that effective, culturally-appropriate mechanisms are in place to meaningfully engage communities around housing and related issues. Planning processes should be reconstructed to require and accommodate engagement that is impactful and not merely a “check the box” exercise.					
7A	Explore options for amplifying community voices in local planning decisions. Plan to include non-English speakers, and those of oral traditions.	Concentrated Poverty Requires Place-Based Investment	2018	Minneapolis and Saint Paul	
7B	Maintain data on the racial and ethnic composition of local elected and appointed boards and commissions; encourage representation reflective of the communities served.	Concentrated Poverty Requires Place-Based Investment	2019	Met Council (Partner: Nexus Community Partners’ Boards and Commissions Leadership Institute)	
7C	Review LEP plans and update as needed to better serve the needs of all cultures and communication needs.	Fair Housing Enforcement and Education is Needed	2018	Entitlements	

7D	Commit staff resources to efforts to enhance engagement with communities of color regarding available housing programs and needs. Entitlement jurisdictions should be intentional regarding their community outreach to open and maintain lines of communication within communities of color. Consideration should be given to the designation of a specific staff member to facilitate these intentional engagement efforts.	Fair Housing Enforcement and Education is Needed	2020	Entitlements and Subrecipients
7E	Develop tenant training programs, one targeted to high school students, and one targeted to specific immigrant communities, and work with local school districts and existing community organizations on a program and schedule for delivery of the training.	Fair Housing Enforcement and Education is Needed	2018	FHIC (Partners: HOME Line, SMRLS, MMLA)
7F	Improve coordination with school districts. Consider the impacts of affordable housing development and public sector investments on the segregation or integration of affected schools.	Concentrated Poverty Requires Place-Based Investment	Ongoing	Entitlements
Goal #8: Invest in Place-Based Community Improvements Focusing investment in defined communities most affected by poverty is needed in order to enhance the physical environment, increase the opportunities available to the community's residents, and also to build the human capital of the people residing there. Place-based investment is more impactful than a strategy of smaller investments made in a number of different communities simultaneously and is key to creating real change in a place and its people. The strategies described here include several different platforms from which a place-based investment model can be employed.				
8A	Consolidated Plans should contain place-based strategies, focusing available funding on improving the human capital and physical resources in specific, defined high-poverty areas.	Concentrated Poverty Requires Place-Based Investment	2018	Entitlements
8B	Review capital improvement planning models to ensure process is informed by data on concentrated poverty and areas of low opportunity.	Concentrated Poverty Requires Place-Based Investment	2019	Entitlements
Goal #9: Support Multicultural Housing Needs The ethnic and cultural diversity in the Twin Cities region requires that jurisdictions work closely with existing ethnic and cultural organizations to reach and interact with these populations in appropriate ways. Not only do methods of application for housing units need to be adapted, but channels for disseminating information about housing programs and about one's rights under the Fair Housing Act need to be opened through organizations that are trusted by the community. Cultural housing needs, such as large units to house multigenerational families, should be considered.				
9A	Routinely review PHA subsidy standards, LIHTC QAPs, and other housing program policies and occupancy standards to ensure accommodation of units for large, multigenerational families.	Multifaceted Values on Neighborhoods and Housing	Ongoing, annually. Beginning 2018	Suballocators PHAs HRAs Entitlements
9B	Ensure applications for housing program assistance are available online as well as in hard copy and that both options are advertised; work with cultural organizations to implement effectively.	Access to Housing is Reduced for Some Groups	Ongoing, beginning 2017	Entitlements, Subrecipients, PHAs, HRAs

9C	Explore partnerships to disseminate fair housing information and resources to undocumented residents through existing organizations that have earned the trust of the communities they serve.	Fair Housing Enforcement and Education is Needed	2018	FHIC
Goal #10: Support Residents' Fair Housing Rights Work to prevent housing discrimination remains an important consideration for the jurisdictions in the Twin Cities region. The strategies here involve support for existing organizations that are providing fair housing education and enforcement, a recommendation for a region-wide program of fair housing testing to determine areas of particular concern for compliance with the Fair Housing Act, and a review of local affirmative marketing plans for sufficiency in protecting protected classes from discrimination in the rental of subsidized housing units. Additionally, residents engaged in this analysis described code enforcement actions that had significant unintended consequences such as displacement and homelessness. These issues are addressed by the strategies in this section as well.				
10A	Continue dialogue between code enforcement, child welfare agencies, and housing rehabilitation programs to discuss linkages that would provide assistance to tenants living in substandard conditions.	Displacement Causes a Loss of Affordable Housing	2018	Entitlements
10B	Ensure local code enforcement departments are trained to minimize substandard housing conditions without creating vulnerability to tenants. Ensure staff are trained to maintain communication and status updates with complainants as well as property owners.	Fair Housing Enforcement and Education is Needed	2018	Entitlement Cities
10C	Monitor and provide financial support for the efforts of existing community-based organizations in offering fair housing education in culturally-appropriate ways to non-English speaking communities; education materials should include general information about landlord and tenant responsibilities as well. A "what to do if you're facing eviction" insert could be helpful.	Fair Housing Enforcement and Education is Needed	2018	FHIC (Partners: MMLA, SMRLS, HOME Line)
10D	Conduct region-wide fair housing testing specifically in the areas of steering and discrimination on the basis of familial status.	Fair Housing Enforcement and Education is Needed	2019	FHIC (Partners: SMRLS, MMLA)
10E	Review affirmative marketing plans and enact as appropriate policies or provisions that ensure non-discrimination in the lease of publicly-subsidized rental housing.	Fair Housing Enforcement and Education is Needed	2019	Entitlements

Jesse Anderson

From: Alsop, Robert A. <ralso@Kennedy-Graven.com>
Sent: Thursday, October 8, 2020 9:30 AM
To: Jesse Anderson
Subject: RE: Fair Housing Policy

Jesse:

Sorry for the delay in getting back to you but I'm surprised by my inability to produce the policies you have requested. When I mentioned during our meeting that these policies are available, it was based on my knowledge that many other metro cities had the same fair housing policy (i.e. Bloomington) and I thought some of our city attorneys had already drafted some of these policies. I am also rather familiar with LEP policies and practices because I have advised many HRA's how to comply with the Federal mandate to have an LEP policy if getting federal funds (i.e. public housing or Section 8).

As it turns out, I have not found anyone with policies referenced in the City's proposed Fair Housing Policy. I'm still waiting for confirmation from Bloomington but their Human Rights department did not have the policies readily available even though their policy indicates that they are posted on the City's web site. I could provide you with a general LEP policy but I'm not sure it carries much weight unless the city also adopts the standard practices for implementing an LEP policy (which can be quite burdensome unless the City is mandated to have such a policy under Federal law). As I indicated during our meeting, the best thing the City can do for fair housing efforts is to educate!!! This can be done without formally adopting the various policies referenced in the proposed fair housing policy. One of our cities, Richfield, has a good fair housing policy and web site that educates by directing residents to the resources for protecting their rights under the Fair Housing Act without necessarily adopting specific policies. Here is a link to their web site:

<https://www.richfieldmn.gov/departments/community-development/housing/fair-housing>

Sorry for changing directions midstream here but I think this approach puts the City in the best position to promote the Fair Housing Act as well as other related laws without imposing additional obligations under newly adopted policies. I can still come up with these policies if the City wants them.

Let me know or let me know if you want to discuss further.

Thanks

Bob Alsop



Robert A. Alsop | Kennedy & Graven, Chartered
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Minneapolis, MN 55402
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From: Jesse Anderson <janderson@ci.brooklyn-center.mn.us>
Sent: Wednesday, September 30, 2020 12:03 PM

Jesse Anderson

From: Nelima Sitati Munene <nelima@acerinc.org>
Sent: Wednesday, December 2, 2020 3:45 PM
To: Jesse Anderson
Cc: Vandali Vang
Subject: Re: Housing Commission - Fair Housing Policy

Hi Jesse,

Thank you so much for your follow up call. I have read the policy again, and here are our comments.

We like the policy as written in general. We especially like section (c) which calls for landlords to ensure tenants have knowledge of this policy. Here are some questions and suggestions:

b) iii. Languages. The City of Brooklyn Center is committed to providing information in the native language of its residents. The City will provide information in languages other than English as needed. - could the City identify the main languages spoken in Brooklyn Center, and ensure the information is at least readily available in these languages?

f. Code Analysis. The City will review its municipal code annually, to identify impediments to accessing housing and any potential for disparate impact or treatment. - We like the commitment to annually review the municipal code, but what action will be taken? We would like a commitment to either repealing or amending codes that result in disparate impact. Otherwise, there is not much need for a Fair Housing policy.

g. Project Planning and Analysis. City planning functions and development review will consider whether potential projects may perpetuate segregation or lead to displacement of protected classes, and will apply the City's Inclusionary Housing Policy (when adopted) in the case of developments seeking financial assistance from the City - Similarly, then what action will be taken? There should be some commitment for remedial action. This action does not necessarily have to be prohibitive. For example, there might be a need to support demolition of uninhabitable affordable housing, because we want people to live in healthy housing, which would result in disparate impact, but a remedial process would be to replace same number of units of affordable housing. Similarly, we encourage the city to make a commitment to advancing additional ordinances that promote access to housing beyond the Mixed Income Housing policy.

Thank you so much for your work on this.

Nelima.

On Wed, Sep 30, 2020 at 12:01 PM Jesse Anderson <janderson@ci.brooklyn-center.mn.us> wrote:

Hi,

I was writing to see if you have any feedback relating to the attached Fair Housing Policy? Thank you for your time.

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Mark Ebensteiner, Finance Director

SUBJECT: Resolution Designating Depositories of City Funds for 2021

Background:

At the beginning of each fiscal year, in accordance with Minnesota Statutes 118A.02 and City Council Policy 2.22.4.A, the City Council considers a resolution authorizing depositories for City funds. The resolution includes banks with a presence in Brooklyn Center as well as any banks with whom the City deals on a regular basis throughout the year. The attached resolution designates banks which may not currently hold City funds but which may during the fiscal year, become a depository for City funds. Other financial depositories, such as the 4M Funds, are included because we are members of those depositories. Not all investment dealers/brokers are part of the City's current program but are authorized, after filing the appropriate Broker Certification Form, a requirement of Minnesota Statutes 118A, to transact business with the City of Brooklyn Center. If the City has no contact or activity with a dealer/broker during the previous fiscal year, that firm is removed not included in the succeeding year's list. All banks, depositories, investment dealers and brokers, with the exception of the Federal Reserve Bank of Minneapolis, are checked for certification by FDIC, SIPC or other certification as required by Minnesota Statutes 118A. All of this documentation is reviewed by the City's auditors during the financial statement audit each year.

Budget Issues:

There is no direct financial impact on the City.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Resolution Designating Depositories of City Funds for 2021	1/6/2021	Resolution Letter

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DESIGNATING DEPOSITORIES OF CITY FUNDS

WHEREAS, Section 7.01 of the City Charter provides the City Council with authority over City funds that includes the safekeeping and disbursement of public monies; and

WHEREAS, Section 7.10 of the City Charter provides that City funds shall be disbursed by check bearing the actual or facsimile signature of the City Manager and City Treasurer.

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

1. That US Bank, NA is hereby designated as a depository for funds of the City of Brooklyn Center for operational banking and investment purposes.
2. That the following named bankers and brokers are hereby designated as additional depositories to be used for investment purposes:

Federal Reserve Bank of Minneapolis

Wells Fargo Bank, N.A.

Minnesota Municipal Money Market Fund (4M Fund)

Minnesota Municipal Money Market Plus Fund (4M Plus Fund)

Minnesota Municipal Money Market Time Series Pools (4M Time Series)

Oppenheimer & Co., Inc

Wells Fargo Securities, LLC

Moreton Capital Markets, LLC

The City Treasurer is hereby authorized to deposit funds in accounts guaranteed by the Federal Deposit Insurance Corporation (FDIC), the Securities Insurance Protection Corporation (SIPC), successors of the FDIC or SIPC or other governmental institutions insuring the safety and liquidity of public monies. Funds deposited with designated depositories in excess of the insurance limits available through FDIC, SIPC or its successor institutions shall be covered by collateral in the form of government securities held in the City's name or other collateral proposed by the institution and approved by the City of not less than 110% of the value of the uninsured deposits.

RESOLUTION NO. _____

3. That the following named clearinghouses for credit card transactions are hereby designated for accepting payments:

Wells Fargo Merchant Services
Elavon Incorporated
Sage Payment Solutions
Chase Paymentech

4. Wells Fargo Institutional Trust Services is hereby designated as the safekeeping depository for investment instruments in the City's investment portfolio and as clearinghouse for the City's investment portfolio transactions.
5. That the City Council authorizes the City Manager, the City Treasurer, or the Deputy City Treasurer to act for the City in all of its business activities with these designated depositories.

January 11, 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.

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Mark Ebensteiner, Finance Director

SUBJECT: Resolution Opting not to Waive Limited Tort Liability for 2021

Background:

Each year the City must choose whether to waive tort liability limit protections of Minnesota Statutes 466.04 as part of the insurance policy renewal application process. M.S. 466.04 states that the maximum liability for a city for any claim is \$500,000 with an aggregate maximum of \$1,500,000 per incident. In past years the City Council has chosen not to waive the liability limits and the regular premium for insurance has covered all claims.

If the City were to waive the limits set by statute, it would be prudent to purchase additional insurance coverage to cover possible higher awards in liability claims. Premiums for such insurance would be approximately \$6,700 per year.

Budget Issues:

The 2021 budget anticipates leaving the no waiver option in place for 2021 and has anticipated insurance premiums based on that no waiver option. Waiving the statutory limits would require that at approximately \$6,700 in additional premium costs be allocated for 2021 and in each succeeding year.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Non-Waiver of Liability Limits Resolution	1/6/2021	Resolution Letter

Member _____ introduced the following resolution and moved
its adoption:

RESOLUTION NO. _____

RESOLUTION OPTING NOT TO WAIVE LIMITED TORT LIABILITY FOR
2021

WHEREAS, the City of Brooklyn Center has an option to waive its protection under
the tort liability limitation contained in Minnesota Statutes 466.04; and

WHEREAS, the statutory tort limit for 2021 is \$500,000 per individual with an
aggregate of \$1,500,000 per incident; and

WHEREAS, the City of Brooklyn Center has not opted to waive its rights to limited
tort liability in past years and is required to make a declaration of its intention every year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Brooklyn Center, Minnesota, that the City does not waive the monetary limits on municipal tort
liability established by Minnesota Statutes 466.04 for 2021.

January 11, 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.

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Mark Ebensteiner, Finance Director

SUBJECT: Resolution Granting Corporate Authority for Signing of Checks and Transactions of Financial Business Matters

Background:

Many investment firms require the adoption of a resolution by the corporate board, in this case the City Council, authorizing specific officers to transact financial business involving treasury notes, certificates of deposit and other securities. The attached resolution fulfills that requirement by appointing the City Manager, and the Finance Director, who serves as the City Treasurer, as the officers authorized to transact such business.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Resolution Granting Corporate Authority	1/6/2021	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION GRANTING CORPORATE AUTHORITY FOR SIGNING OF
CHECKS AND TRANSACTIONS OF FINANCIAL BUSINESS MATTERS

WHEREAS, the City Treasurer must be a signatory to any and all checks issued by the City in payment of obligations of the City; and

WHEREAS, specific individuals must be designated by the City Council as authorized to sell, assign and endorse for transfer various financial instruments in the regular conduct of City business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that Cornelius L. Boganey, City Manager, and Mark Ebensteiner, Finance Director, are hereby authorized to sell, assign and endorse for transfer certificates representing treasury notes, bonds, or other securities now registered or hereafter registered in the name of this municipality.

January 11, 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.

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Todd Berg, Fire Chief

SUBJECT: Annual Appointment of municipal trustees to the Brooklyn Center Fire Relief Association board of trustees

Background:

Annually, the Council approves the three Municipal Officials to serve on Brooklyn Center Fire Relief Association Board. It has to be the current Fire Chief, an elected official, and either another elected official or the City Finance Director. Traditionally it has been the Fire Chief, Mayor and Finance Director

Budget Issues:

None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/7/2021	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPOINTING MUNICIPAL TRUSTEES TO THE BROOKLYN
CENTER FIREFIGHTERS RELIEF ASSOCIATION BOARD OF TRUSTEES

WHEREAS, Article V of the Brooklyn Center Firefighters Relief Association Bylaws states that the Board of Directors shall consist of three (3) officials drawn from the Municipality; and

WHEREAS, the three (3) Municipal Officials must be one (1) elected municipal official and one (1) elected or appointed municipal official who are designated as municipal representatives by the municipal governing board annually, and the chief of the municipal fire department.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the following appointments are hereby approved for 2021:

Elected Municipal Official
Elected or Appointed Municipal Official
Fire Chief

Mike Elliott
Mark Ebensteiner
Todd Berg

January 11, 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.

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

BY: Jesse Anderson, Deputy Director of Community Development

SUBJECT: An Ordinance Amending Chapter 27 and 19 of the City Code of Ordinances Regarding the Operation of Snowmobiles, All-Terrain Vehicles, Off-Highway Motorcycles and Other Recreational Vehicles within the City

Background:

The City of Brooklyn Center has previously adopted Chapter 27-901 to 27-909 (attached) regarding the use of snowmobiles within city limits. Currently the ordinance does not allow for the use of snowmobiles on public streets, roadway, shoulders, inside the bank or slope of any state trunk, county state aid, or county highway. The current ordinance however does not prevent the use of a snowmobile on individual property or on private property with the owner's consent.

In addition, the City Code is silent on the use of other recreational or all terrain vehicles both on private or public property.

The City Council reviewed this topic at their September 24 work session. They directed the item to the Housing Commission for review and a recommendation.

This topic was brought to the Housing Commission for review at their October 20, 2020, meeting. The Housing Commission discussed the ordinances and had several concerns about the proposed ordinance. A summary of their discussion and recommendation is as follows:

1. Housing Commission suggested that recreational vehicles should be a permitted use on residential properties
2. It was also suggested that if recreational vehicles are prohibited on private property, then an exemption should be stated to allow residents who have direct lake access be allowed to operate their recreational vehicles on their property.
3. The Housing Commission approved of the overall changes to the ordinance as they help to clarify and clean up the ordinance.
4. The Housing Commission recommendation was to adopt the proposed ordinance with adding an exemption under 27-902 to allow for the use on private property from the hours of 7am to 10pm.
5. The Housing Commission suggested that any unusually noisy use would be restricted by section 27-903, while still allowing use in section 27-902. The language in 27-903 states that noises that are annoying or cause a disturbance are prohibited. This would place the burden on a neighbor to not only call in the complaint, but provide testimony that the use of the recreational vehicle caused disturbance or annoyed if the matter were to go to court.

At the November 9, 2020 City Council Work Session the City Council provided direction on the ordinance

regarding the operation of snowmobiles, all-terrain vehicles, and off-highway motorcycles. The City Council directed staff to prepare an ordinance that aligned with the Housing Commission's recommendations. The ordinance has been updated with the recommendations from the Housing Commission and the City Council's direction.

At the December 14, 2020 City Council Meeting the Council discussed the ordinances and approved the 1st reading and called for the public hearing to be schedule for January 11, 2021.

Budget Issues:

There are no budget issue to consider with this action.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	12/28/2020	Ordinance
Resolution Approving Summary Publication	12/29/2020	Resolution Letter
Presentation	2/16/2021	Presentation

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 11 day of January, 2021, at 7:00 p.m. or as soon thereafter as the matter may be heard during the regular City Council meeting to consider an ordinance related to the operation of all-terrain vehicles and snowmobiles in the City. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 27 AND 19 OF THE CITY CODE OF ORDINANCES REGARDING THE OPERATION OF SNOWMOBILES, ALL-TERRAIN VEHICLES, OFF-HIGHWAY MOTORCYCLES AND OTHER RECREATIONAL VEHICLES WITHIN THE CITY

THE CITY COUNCIL OF THE CITY OF BROOKLYN CENTER DOES ORDAIN AS FOLLOWS:

ARTICLE I. Section 27-901 of the Brooklyn Center City Code is hereby amended as follows:

SNOWMOBILES, ALL-TERRAIN VEHICLES, OFF-HIGHWAY MOTORCYCLES AND OTHER RECREATIONAL VEHICLES

Section 27-901. DEFINITIONS.

For the purposes of ~~this ordinance~~ Sections 27-901 through 27-908, the terms used herein shall have the following meanings ascribed to them:

Person - includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

Snowmobile - means a self-propelled vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis or runners.

Owner - means a person, other than a lien holder, having ~~the property ownership~~ in or title to ~~snowmobile~~ a recreational vehicle and entitled to the use or possession thereof.

Operate - means to ride in or on and control the operation of a ~~snowmobile~~ recreational vehicle.

Operator - means every person who operates or is in actual physical control of a ~~snowmobile~~ recreational vehicle.

Roadway - means that portion of a highway improved, designed, or ordinarily used for vehicular travel, including the shoulder.

Street or highway - means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

All-Terrain Vehicle or ATV - means a motorized vehicle with (1) not less than three but not more than six low pressure or non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less. An all-terrain vehicle includes Class 1 all-terrain vehicles and Class 2 all-terrain vehicles. An all-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart, or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes. All ATV's must be registered with the Minnesota Department of Natural Resources, unless exempted. ATV's must also be registered with Hennepin County.

Off-Highway Motorcycle - means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under Minnesota Statutes Chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

Recreational Vehicle - means a self-propelled vehicle, including an ATV, off-highway motorcycle, snowmobile, motorized golf cart, utility task vehicle, or any other vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis, or runners, or a vehicle designed for operation on a paved surface that is not licensed by the Minnesota Department of Public Safety or equivalent agency in another state for operation on public roads. A recreational vehicle does not include a mini truck, a wheelchair, or a electronic personal assistive mobility device, as defined in Minnesota Statutes, section 169.011. This term is a general reference to all of the types of vehicles regulated under Sections 27-901 through 27-908.

Utility Task Vehicle – means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

ARTICLE II. Section 27-902 and 27-903 of the Brooklyn Center City Code regarding the operation of snowmobiles within the City are hereby deleted and replaced with the following:

Section 27-902. UNLAWFUL OPERATION. It shall be unlawful for any person to operate a recreational vehicle within the limits of the City, unless such operation is within one of the following exemptions:

1. On public streets or highways in an emergency, but only when travel by automobile

is rendered practically impossible because of the depth of snow on streets and highways. Any such operation may only be on the righthand side of such street or highway and in the same direction as the regular flow of traffic;

2. On public streets or highways when operated in a parade or other civic function authorized by the city council or chief of police;
3. On a public street or highway which has been closed by lawful order to vehicular traffic for the purpose of allowing use by a recreational vehicle;
4. Entirely within an enclosed building when the use of a recreational vehicle is part of a commercial use authorized under the City's zoning regulations;
5. The operation of recreational vehicles by police, fire, ambulance, or other emergency services as part of providing services within the City;
6. The operation of recreational vehicles by City public works staff as part of their official duties;
7. For the immediate loading or unloading of a recreational vehicle onto or from a trailer or other vehicle;
8. For snow removal by the property owner;
9. The operation of recreational vehicles by a public utility company as part of its construction or maintenance activities;
10. The operation of a snowmobile for direct access to adjoining public land or public water on which the operation of snowmobiles is permitted; or
11. The operation of a recreational vehicle on private property between the hours of 9:00 a.m. and 10:00 p.m. with the express consent of the property owner.

All references to the operation of a recreational vehicle within the City under Sections 27-901 through 27-908 are limited to operations occurring under the one of the above exceptions. All other operations of recreational vehicles within the City including, but not limited to, operations on private property, streets, or highways, are prohibited and constitute a violation of this City Code.

Section 27-903. OPERATION RESTRICTIONS AND LIMITATIONS. To the extent the operation of a recreational vehicle is allowed under Section 27-902, it is unlawful for any person to operate such recreational vehicle:

1. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;
2. In a manner so as to create an unreasonably loud, disturbing, unnecessary, or

unusual noise prohibited under Section 19-1203;

3. For more than five hours out of any continuous six-hour period;
4. While under the influence of intoxicating liquor or narcotics or habit-forming drugs;
5. So as to tow any person or thing on a highway except through the use of rigid tow bar attached to the rear of the snowmobile, all-terrain vehicle, off-highway motorcycle or recreational vehicle;
6. At a rate of speed greater than reasonable or proper under all the surrounding circumstances; or
7. If it does not contain all of the equipment required by state law or Section 27-904.

Nothing in this section prohibits a person from bringing a suit against the owner of a recreational vehicle alleging the operation of the recreational vehicle constitutes a prohibited nuisance.

ARTICLE III. Section 27-904 of the Brooklyn Center City Code is hereby amended as follows:

Section 27-904. EQUIPMENT.

1. To the extent the operation of a snowmobile (recreational vehicle) is allowed under Section 27-902, it is unlawful for any person to operate a snowmobile any place within the limits of the City of Brooklyn Center unless it is equipped with the following:
 - 1.a. Standard mufflers which are properly attached and in constant operation, and which reduce the noise of operation of the motor to the minimum necessary for operation. ~~Mufflers shall comply with Regulation NR57 which is hereby adopted by reference.~~ No person shall use a muffler cutout, bypass, straight pipe or similar device on a snowmobile motor, and the exhaust system shall not emit or produce a sharp popping or crackling sound. Mufflers shall comply with Minnesota Rules, Part 6100.5700.
 - 2.b. Brakes adequate to control the movement of and to stop and hold the snowmobile under any conditions of operation.
 - 3.c. A safety or so-called “deadman” throttle in operating condition, so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the driving track.
 - 4.d. At least one clear lamp attached to the front with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp

shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. It shall also be equipped with at least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. The equipment shall be in operating condition when the vehicle is operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility.

5-e. Reflective material at least 16 square inches on each side, forward of the handlebars so as to reflect or beam light at a 90-degree angle.

2. No recreational vehicle shall be operated within the limits of the City unless it is equipped with the equipment required by Minnesota Rules, Part 6102.0040.

3. A recreational vehicle may not be modified by any person in any manner that will amplify or otherwise increase total noise emissions to a level greater than that emitted by the recreational vehicle as originally constructed, regardless of the date of manufacture.

ARTICLE IV. Section 27-905 of the Brooklyn Center City Code is hereby deleted and replaced with the following:

Section 27-905. PROHIBITION ON PERSON IN LAWFUL CONTROL. It shall be unlawful for any person who is in lawful control of a recreational vehicle to permit it to be operated contrary to Sections 27-901 through 27-908.

ARTICLE V. Section 27-906 of the Brooklyn Center City Code is hereby amended as follows:

Section 27-906. LEAVING SNOWMOBILE, ALL-TERRAIN VEHICLE, OFF-HIGHWAY MOTORCYCLE OR RECREATIONAL VEHICLE UNATTENDED. Every person leaving a ~~snowmobile~~ recreational vehicle in a public place shall lock the ignition, remove the key, and take same with ~~him~~ them.

ARTICLE VI. Section 27-907 of the Brooklyn Center City Code is hereby amended as follows:

Section 27-907. CHASING ANIMALS FORBIDDEN. It is unlawful to intentionally drive, chase, run over or kill any animal, wild or domestic, with a ~~snowmobile~~ recreational vehicle.

ARTICLE VII. Section 27-908 of the Brooklyn Center City Code is hereby amended as follows:

Section 27-908. VIOLATIONS. Every person convicted of a violation of any of the provisions of ~~this ordinance~~ Sections 27-901 through 27-907 shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a period of not more than ninety (90) days, or both, but in either case the costs of prosecution may be added. As an alternative to issuing a criminal citation, the City may issue an administrative citation and impose a civil

penalty under Chapter 18 of the City Code for a violation of any provision of Sections 27-901 through 27-907.

ARTICLE VIII. Section 27-909 of the Brooklyn Center City Code is hereby amended by deleting it as follows:

~~Section 27-909. SEVERABILITY. Should any section, subdivision, clause or other provision of this ordinance be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole, or of any part thereof, other than the part held to be invalid.~~

ARTICLE IX. Section 19-1203 of the Brooklyn Center City Code is hereby amended by as follows:

Section 19-1203. RADIOS, TAPE AND DISC PLAYERS, ETC. PROHIBITED NOISE NUISANCES. The following are declared to be public nuisances and are prohibited within the City.

Subdivision 1. No person shall play, use, or operate on public or private property any radio, tape or disc player, musical instrument, phonograph, or other machine or device for the production or amplification of sound in such a manner, considering the time and place and the purpose for which the sound is produced, as to unreasonably disturb the peace, quiet, or repose of a person or persons of ordinary sensibility.

Subdivision 2. The play, use, or operation of any radio, tape or disc player, musical instrument, phonograph, or other machine or device for the production or amplification of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from said machine or device shall be prima facie evidence of a violation of this section.

Subdivision 3. When sound violating this section is produced by a machine or device that is located in or on a vehicle, the vehicle's owner is not present, the person in charge of the vehicle at the time is guilty of the violation.

Subdivision 4. This section shall not apply to sound produced by the following:

- a. Amplifying equipment used in connection with activities for which permits have been granted;
- b. Anti-theft devices; and
- c. Machines or devices for the production of sound on or in authorized emergency vehicles.

Subdivision 4. To run or operate a recreational vehicle, as defined in Section 27-901, in a manner so as to create an unreasonably loud, disturbing, unnecessary, or unusual noise which is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace, or safety of a reasonable person of ordinary sensibilities who might be in its vicinity.

ARTICLE X. Effective Date. This ordinance shall become effective after adoption and upon thirty days following its legal publication.

Adopted this ____ day of _____, 2020.

Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

(~~Strikeout~~ indicates material to be deleted, double underline indicates new material.)

Member
resolution and moved its adoption:

introduced the following

CITY OF BROOKLYN CENTER
HENNEPIN COUNTY

RESOLUTION NO. 2020-__

RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO.
2020-__

WHEREAS, the City Council of the City of Brooklyn Center is considering the adoption of the above-referenced ordinance concerning the operation of snowmobiles and recreational vehicles within the City (“Ordinance”); and

WHEREAS, City Charter, Section 3.05 requires the publication of a proposed ordinance in the City’s official newspaper at least one week prior to the final passage; and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication of adopted ordinances by title and summary in the case of lengthy ordinances or those containing maps or charts; and

WHEREAS, the City Council determines publishing the entire text of the Ordinance is not in the best interests of the City as the Ordinance is readily available to the public on the City’s website; and

WHEREAS, the City Council determines the following summary clearly informs the public of the intent of Ordinance and where to obtain a copy of the full text.

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

1. The summary language of the Ordinance provided below is hereby approved for publication in the City’s official newspaper prior to final approval as required by City Charter, Section 3.05, and for publication after adoption as required by Minnesota Statutes, section 412.191, subdivision 4.
2. The City Clerk is authorized to modify the language of the summary as needed to identify whether the Ordinance is being considered or was adopted by the City Council, to make any other corrections as may be needed, or to not publish the summary if the City Council determines not to proceed to a second reading. If the City Council substantially changes the text of the Ordinance so that the summary is no longer accurate, the City Clerk is authorized to correct the summary as needed to reflect the changes.

3. The City Clerk is hereby authorized and directed to publish the summary language and to complete all other ordinance formalities required by Minnesota Statutes, section 412.191, subdivision 4 if the City Council adopts the Ordinance.
4. The following summary language is approved for publication in lieu of publishing the entire text of the Ordinance:

CITY OF BROOKLYN CENTER
SUMMARY PUBLICATION OF PROPOSED ORDINANCE

AN ORDINANCE AMENDING CHAPTERS 27 AND 19 OF THE CITY CODE OF
ORDINANCES REGARDING THE OPERATION OF SNOWMOBILES,
ALL-TERRAIN VEHICLES, OFF-HIGHWAY MOTORCYCLES AND
OTHER RECREATIONAL VEHICLES WITHIN THE CITY
Ordinance No. 2020-_____

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.

Snowmobile and Recreational Vehicle Ordinance

Public Hearing & 2nd Reading



City Council Meeting, January 11, 2021
Meg Beekman, Community Development Director

Background

- September 24 – City Council reviewed this topic at a work session and directed it to the Housing Commission
- October 20 – Housing Commission discussed the ordinance and made several recommendations
- November 9 – Housing Commission's recommendations were brought back to City Council for a work session and City Council directed changes to the ordinance
- December 14 – City Council Approved 1st reading and Called for Public hearing on January 11.



Ordinance Proposal

- Adds definitions for ATVs, Off-highway motorcycles and recreational vehicles
- Amends the language to limit certain operation of recreational vehicles on private property
- Clarifies when such vehicles are allowed on streets:
 - for emergency use due to snow
 - for a parade or other approved function



3

Ordinance Proposal

- Allows use on private property between 9am and 10pm
- Allows use inside a commercial building in compliance with zoning regulations
- Allows use by emergency services or public works staff as part of their duties.



4

Ordinance Proposal Restrictions

- Cannot operate in a careless manor
- Cannot be unreasonably loud to persons whom are within the vicinity
- Cannot use for more then 5 hours out of any continuous six hour period.
- Cannot use under the influence of intoxicating liquor or narcotics
- Cannot use at an unreasonable speed considering the surrounding circumstances.
- Cannot use without proper equipment such as a muffler, brakes, safety throttle, a clear lamp, and reflective material.
- Cannot operate with modification that would increase noise emissions.



5

Staff Feedback

- The prosed ordinance was discussed internally with staff
- The recommendation was to move noise portions of the ordinance from chapter 27 to chapter 19
- These changes would have no substantive affect on the provisions of the ordinance



6

Council Action

Motion to open the public hearing; Take public input; and Close the public hearing.

Motion to approve the second reading, and adopt Ordinance Amending Chapter 27 and 19 of the City Code of ordinances regarding the operation of snowmobiles, all-terrain vehicles, off-highway motorcycles and other recreational vehicles within the City

Approve a resolution approving a summary publication of the above ordinance.



7

Questions?



8

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Mark Ebensteiner, Finance Director

SUBJECT: 2021 Proposed Utility Rates

Background:

At the October 19, 2020 joint work session of the City Council and Financial Commission, staff presented the expected expenditures for operation of the City's utility services for 2021. The expenditures include total direct and indirect costs including depreciation of capital assets and administrative costs. Along with those costs are projections of the revenues needed for 2021 and for the next fifteen years to keep operations running smoothly and fund the infrastructure improvements needed in each of the utility systems. The cash flow analysis for each of the five utilities indicate anticipated rate changes necessary to maintain sufficient cash balances during the construction of the utility improvements associated with the City's 15-year Capital Improvement Plan (CIP).

For 2021, rate increases are proposed Water, Sanitary Sewer, and Storm Sewer in order to maintain cash reserves, fund normal operations, pay for debt service and finance infrastructure improvements. Rates for the various utilities for 2021 are shown in comparison to 2020 below:

Fund	Description	2020 Rate	2021 Rate	Change
Water	Base Charge - Residential (quarterly)	\$16.61	\$17.44	\$0.83 / quarter
Consumption Charge - Residential Meters	Tier I (0 - 30 gallons)			\$0.14 / 1,000 gallons
	Tier II (31 - 60 gallons)	\$2.77	\$2.91	\$0.17 / 1,000 gallons
	Tier III (61 and greater)	3.45	3.62	\$0.17 / 1,000 gallons
Consumption Charge - Non-residential	(Per 1,000 gallons)	5.15	5.41	\$0.26 / 1,000 gallons
		\$3.66	\$3.84	\$0.18 / 1,000 gallons
Sanitary Sewer	Base Charge (quarterly)	\$89.14	\$93.59	\$4.45 / quarter
Consumption Charge - Non-residential	(Per 1,000 gallons)	\$3.76	\$3.95	\$0.19 / 1,000 gallons
Storm Sewer	Base Charge (quarterly)	\$15.52	\$15.98	\$0.46 /quarter
Street Light	Base Charge (quarterly)	\$6.55	\$6.55	No change
	Base Charge			

Recycling	(quarterly)	\$11.98	\$11.98	No change
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The quarterly utility bill for a household using 18,000 gallons of water (considered the typical residential user) is shown in comparison to 2020 rates as follows:

Fund	2020 Bill	2021 Bill	\$ Change/quarter
Water	\$66.47	\$69.82	\$3.35
Sanitary Sewer	89.14	93.59	4.45
Storm Sewer	15.52	15.98	0.46
Street Light	6.55	6.55	-
Recycling	<u>11.98</u>	<u>11.98</u>	=
Total	\$189.66	\$197.92	\$8.26

The proposed rates would become effective on January 11, 2021.

City Code sections 11.02 and 11.06 require a notice and hearing prior to the City Council setting new utility rates. The Public Hearing Notice was published in the Brooklyn Center Post on December 31, 2020.

Budget Issues:

Rate changes have been incorporated in the 2021 budget.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
2021 Utility Rate PP Presentation	1/4/2021	Presentation
2021 Water Utility Rates Resolution	1/4/2021	Resolution Letter
2021 Sanitary Sewer Utility Rates Resolution	1/4/2021	Resolution Letter
2021 Storm Sewer Utility Rates Resolution	1/4/2021	Resolution Letter
2021 Street Light Rates Resolution	1/4/2021	Resolution Letter
2021 Recycling Rates Resolution	1/4/2021	Resolution Letter

Public Hearing Utility Rates for 2021



City Council Meeting 1-11-2021
Mark Ebensteiner, Finance Director

Rate Considerations

- Maintain service levels
- Stabilize rate changes
- Provide cash for operating needs
- Provide cash for capital projects
- Provide cash for debt service



Utility Improvements

Total
upcoming
projects in
Utility funds:

\$17,156,000

Project	Storm Drainage Utility	Sanitary Sewer Utility	Water Utility	Street Light Utility
Ryan Lake Industrial Park Area Improvements	\$200,000	\$190,000	\$300,000	\$10,000
Northwest Area Mill and Overlay	\$400,000	\$200,000	\$390,000	\$50,000
Lyndale Avenue Improvements	\$110,000	\$130,000	\$20,000	\$20,000
Brooklyn Boulevard Corridor Phase 2 - Bass Lk Rd to I-94	\$240,000	\$240,000	\$180,000	\$250,000
61st & Perry Avenues Storm Sewer Improvement	\$175,000			
65th Avenue Trunk Storm Sewer Rehabilitation	\$477,000			
Lift Station No. 8 Rehabilitation		\$442,000		
Lift Station No. 9 Rehabilitation		\$571,000		
Lift Station No. 9 Force Main Replacement		\$314,000		
Well No. 10 and High Service Pump (HSP) Rehab (BW)			\$96,000	
2021 Subtotal	\$3,592,000	\$3,867,000	\$3,366,000	\$410,000
2022				
Woodbine Area Improvements	\$600,000	\$1,530,000	\$2,850,000	\$130,000
Storm Water Ponds 12-001, 12-006 & 57-003 Rehab	\$125,000			
Freeway and Highway Utility Crossing Replacement		\$194,000	\$393,000	
Well No. 7 and Water Treatment Plant HSP No. 1			\$99,000	
2022 Subtotal	\$725,000	\$1,724,000	\$3,342,000	\$130,000



2021 Proposed Rate Changes

Fund	Description	2020 Rate	2021 Rate	Change
Water	Base Charge - Residential (quarterly)	\$16.61	\$17.44	\$0.83 / quarter
Consumption Charge - Residential Meters	Tier I (0 - 30 gallons)	\$2.77	\$2.91	\$0.14 / 1,000 gallons
	Tier II (31 - 60 gallons)	3.45	3.62	\$0.17 / 1,000 gallons
	Tier III (61 and greater)	5.15	5.41	\$0.26 / 1,000 gallons
Consumption Charge - Non-residential	(Per 1,000 gallons)	\$3.66	\$3.84	\$0.18 / 1,000 gallons
Sanitary Sewer	Base Charge (quarterly)	\$89.14	\$93.59	\$4.45 / quarter
Consumption Charge - Non-residential	(Per 1,000 gallons)	\$3.76	\$3.95	\$0.19 / 1,000 gallons
Storm Sewer	Base Charge (quarterly)	\$15.52	\$15.98	\$0.46 /quarter
Street Light	Base Charge (quarterly)	\$6.55	\$6.55	No change
Recycling	Base Charge (quarterly)	\$11.98	\$11.98	No change



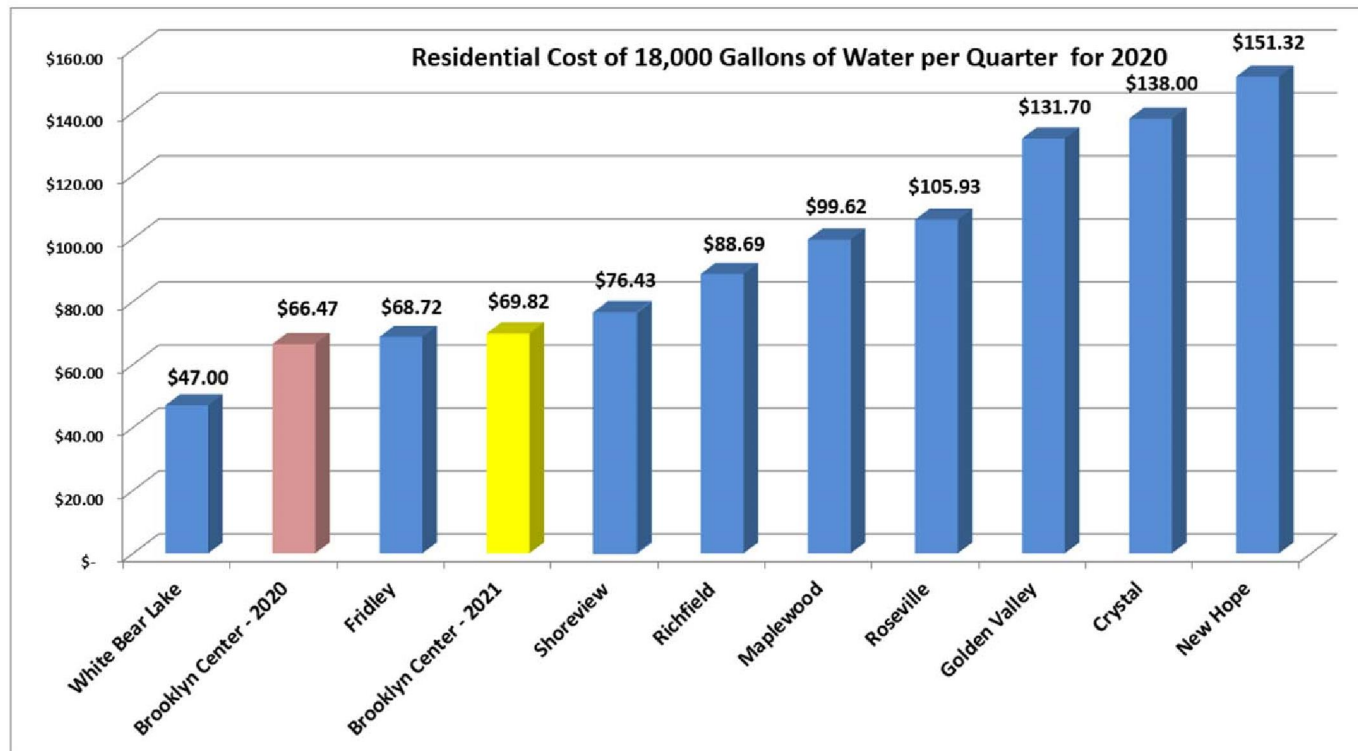
2021 Proposed Rate Changes

The quarterly utility bill for a household using 18,000 gallons of water (considered the typical residential user) is shown in comparison to 2020 rates as follows:

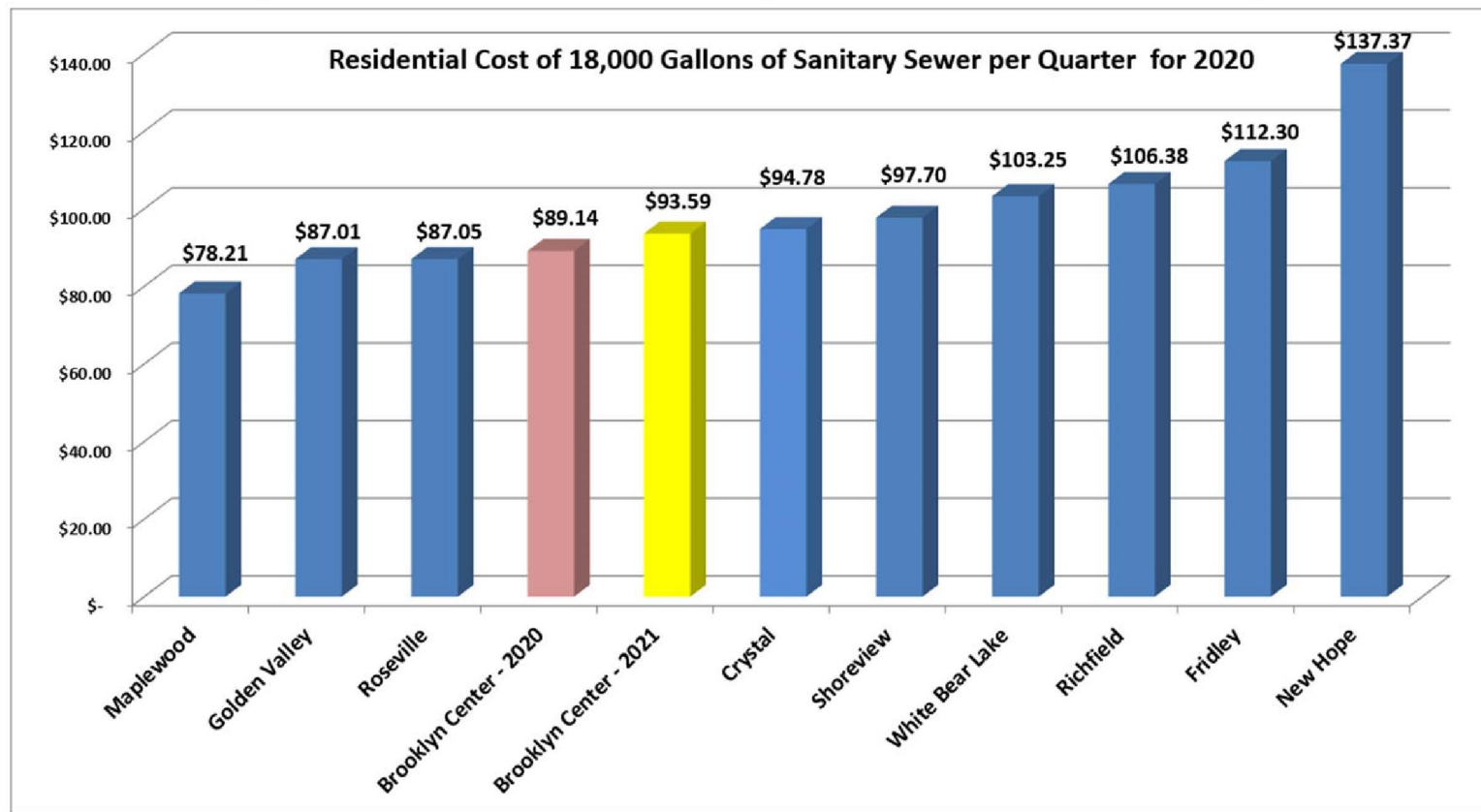
Fund	2020 Bill	2021 Bill	\$ Change/quarter
Water	\$66.47	\$69.82	\$3.35
Sanitary Sewer	89.14	93.59	4.45
Storm Sewer	15.52	15.98	0.46
Street Light	6.55	6.55	-
Recycling	<u>11.98</u>	<u>11.98</u>	=
Total	\$189.66	\$197.92	\$8.26



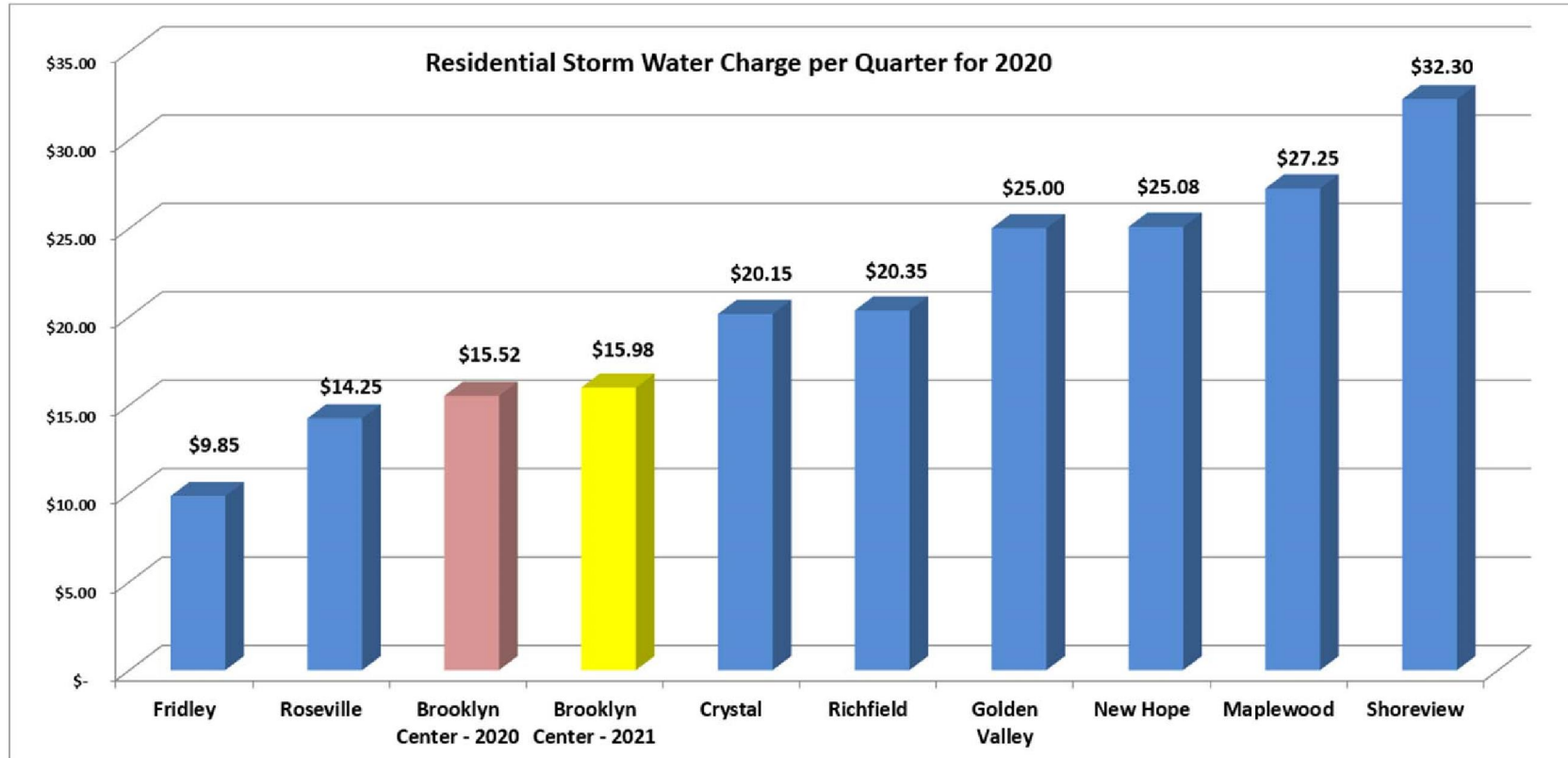
Water Utility Rate Comparison



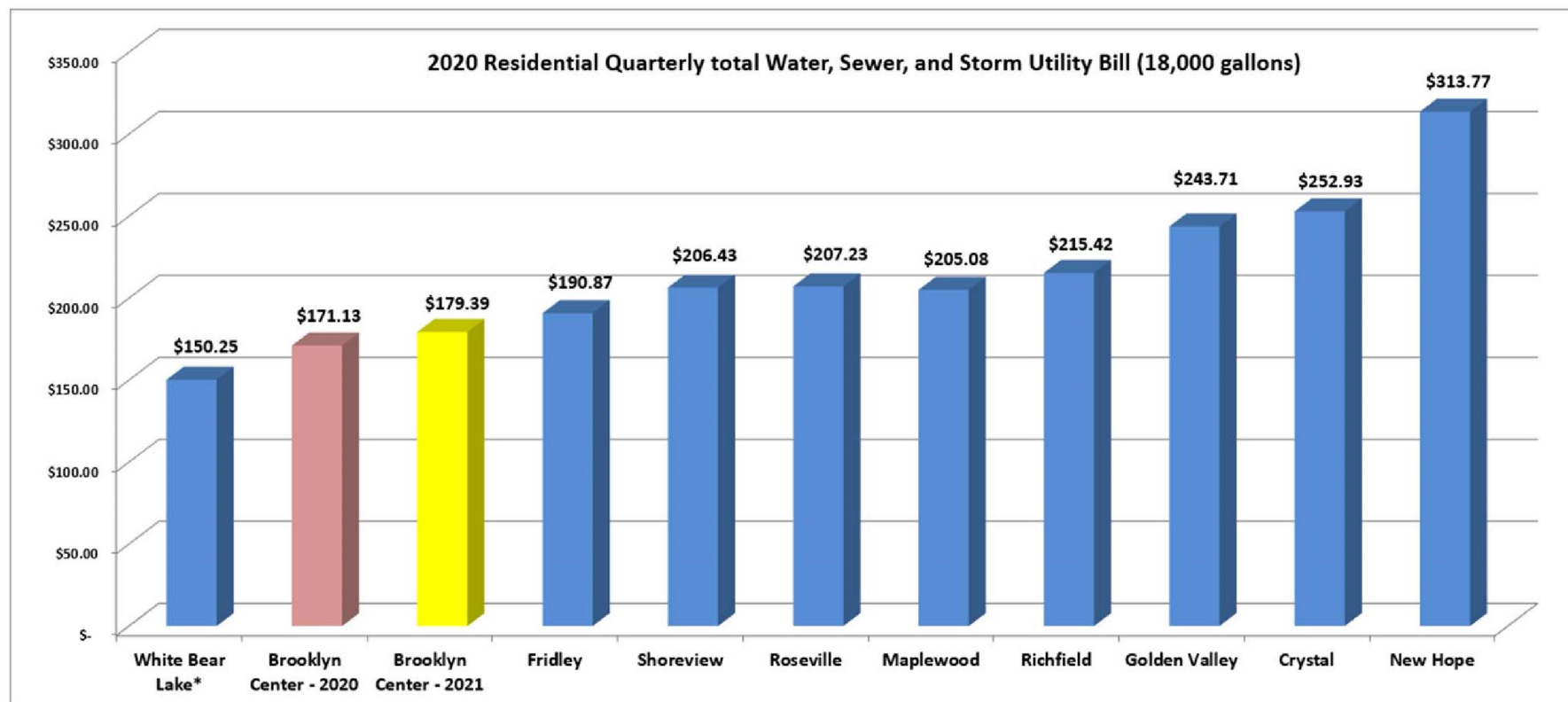
Sanitary Sewer Utility Rate Comparison



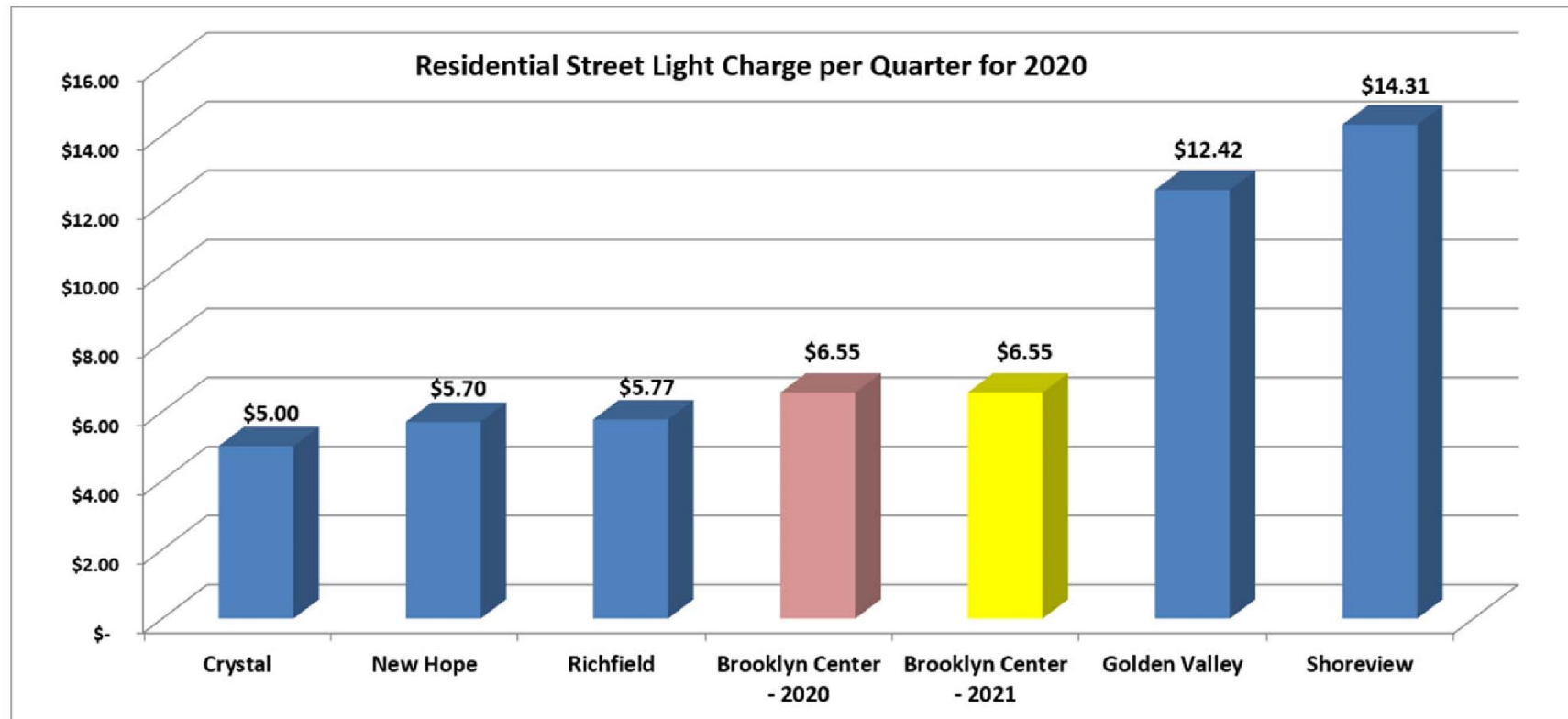
Storm Drainage Utility Rate Comparison



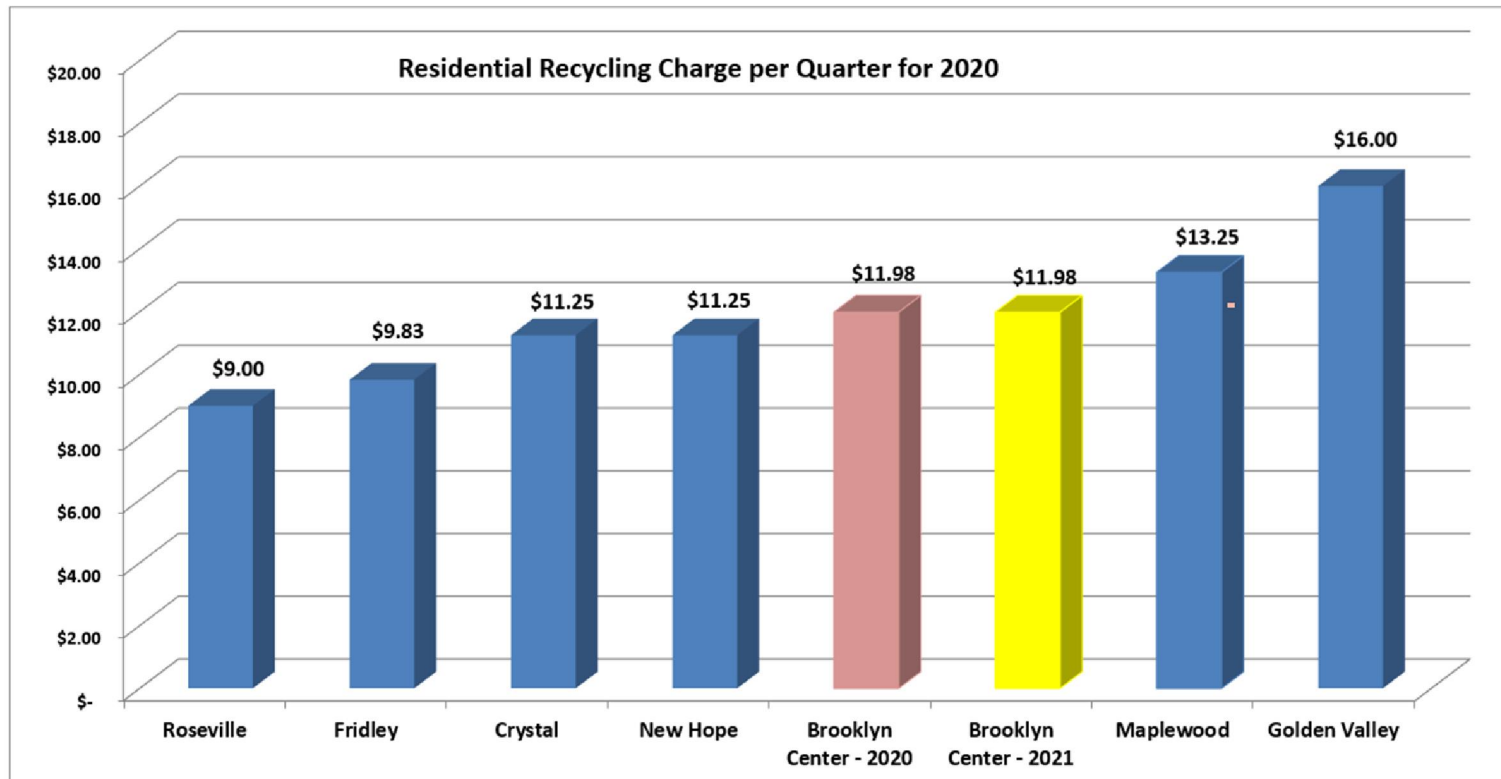
Water, Sewer, Storm Utility Rate Comparison



Street Light Utility Rate Comparison



Recycling Utility Rate Comparison



Next Steps

- Open public hearing for comments on proposed 2021 utility rates
- Council consideration of:
 - Resolution adopting 2021 water utility rates
 - Resolution adopting 2021 sewer utility rates
 - Resolution adopting 2021 storm sewer utility rates
 - Resolution adopting 2021 street light rates
 - Resolution adopting 2021 recycling rates
- Questions?



Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ADOPTING 2021 WATER UTILITY RATES, FEES AND CHARGES

WHEREAS, the City of Brooklyn Center Charter requires that municipal utilities be self-supporting through revenue provided by a uniform schedule of rates, fees and charges; and

WHEREAS, this uniform schedule shall be called the “Public Utility Rate Schedule” and shall be adopted by resolution of the City Council; and

WHEREAS, the City Council has reviewed data provided on delinquent utility charges.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following Water Utility rates, fees and charges are hereby adopted and shall be effective for all billings issued on or after January 11, 2021.

2021 WATER UTILITY RATE SCHEDULE
Water Rates, Fees and Charges

Base Rate

Year 2021 \$3.84 per 1,000 Gallons

Quarterly Minimum Rate

<u>Meter Size</u>	<u>2021 Quarterly Minimum Charge</u>
1”	\$ 50.68
1 ½”	\$ 65.16
2”	\$ 126.70
3”	\$ 253.43
4”	\$ 427.20
6”	\$ 977.50
8”	\$ 1,851.33
10”	\$ 2,468.45

Water Conservation Rate

<u>Meter Size</u>	<u>Base Charge (minimum charge per quarter)</u>
5/8” and 3/4”	\$ 17.44
<u>Thousands of Gallons</u>	<u>Consumption Charge (per 1,000 gallons used)</u>
0 to 30	\$ 2.91
31 to 60	\$ 3.62
61 and greater	\$ 5.41

RESOLUTION NO. _____

Fees

Water Meter Charge 5/8" or 3/4" \$149.00

Water Meter Charge Larger than 3/4" Actual Cost + \$2.00

Other Charges

Delinquent account, quarterly charge No Additional Charge

Certification for collection with property taxes \$50.00
(Utility accounts with an outstanding balance
owed of \$200.00 or greater)

Fire Service Line Charge \$ 12.50 per quarter

January 11, 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.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ADOPTING 2021 SEWER UTILITY RATES, FEES AND CHARGES

WHEREAS, the City of Brooklyn Center Charter requires that municipal utilities be self-supporting through revenue provided by a uniform schedule of rates, fees and charges; and

WHEREAS, this uniform schedule shall be called the “Public Utility Rate Schedule” and shall be adopted by resolution of the City Council; and

WHEREAS, the City Council has reviewed data provided on delinquent utility charges.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following Sewer Utility rates, fees and charges are hereby adopted and shall be effective for all billings issued on or after January 11, 2021.

2021 SEWER UTILITY RATE SCHEDULE

Sewer Rates, Fees and Charges

Base Rate Quarterly Residential
(Minimum quarterly charge)

	Single Family	Apartment	Senior Citizen
Year 2021	\$93.59	\$65.51	\$51.47

Non-Residential Rate

Year 2021	\$3.95 per 1,000 Gallons
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Fees

SAC Charge set by MCES

Fee Established by MCES

Charges

Delinquent account, quarterly charge

No Additional Charge

Certification for collection with property taxes
(Utility accounts with an outstanding balance
owed of \$200.00 or greater)

\$50.00

Line cleaning charge

Labor, materials, equipment and overhead

Sanitary Sewer Connection

Established annually by resolution

January 11, 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.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ADOPTING 2021 STORM SEWER UTILITY RATES, FEES AND CHARGES

WHEREAS, the City of Brooklyn Center Charter requires that municipal utilities be self-supporting through revenue provided by a uniform schedule of rates, fees and charges; and

WHEREAS, this uniform schedule shall be called the “Public Utility Rate Schedule” and shall be adopted by resolution of the City Council; and

WHEREAS, the City Council has reviewed data provided on delinquent utility charges.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Center that the following Storm Sewer Utility rates and charges are hereby continued and shall be effective for all billings issued on or after January 11, 2021.

2021 STORM SEWER UTILITY RATE SCHEDULE

Quarterly Rates per Acre

	<u>2021 Minimum Quarterly Charge</u>
Base Rate	\$ 63.92
Cemeteries and Golf Courses	\$ 15.98
Parks	\$ 31.96
Single Family, Duplex, Townhouse	\$ 15.98/lot
School, Government Buildings	\$ 79.90
Multiple Family, Churches	\$ 191.76
Commercial, Industrial	\$ 319.60
Vacant Land	As Assigned

Charges

Delinquent account, quarterly charge	No Additional Charge
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Certification for collection with property taxes (Utility accounts with an outstanding balance owed of \$200.00 or greater)	\$50.00
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Private facility cleaning charge

Labor, materials, equipment and overhead

January 11, 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.

Member
resolution and moved its adoption:

introduced the following

RESOLUTION NO. _____

RESOLUTION ADOPTING 2021 STREET LIGHT RATES AND CHARGES

WHEREAS, the City of Brooklyn Center Charter requires that municipal utilities be self-supporting through revenue provided by a uniform schedule of rates, fees and charges; and

WHEREAS, this uniform schedule shall be called the "Public Utility Rate Schedule" and shall be adopted by resolution of the City Council; and

WHEREAS, the City Council has reviewed data provided on delinquent utility charges.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following Street Light Utility rates and charges are hereby adopted and shall be effective for all billings issued on or after January 11, 2021.

2021 STREET LIGHT UTILITY RATE SCHEDULE

Street Light Rates and Charges

Quarterly Rates

<u>Customer</u>	<u>2021 Minimum Quarterly Charge</u>
Per Dwelling Unit:	
Single, Double and Multiple Family Residential	\$6.55
Per Acre:	
Parks	\$10.90
Schools, Government Buildings, Churches	\$21.80
Retail and Service-Office	\$32.69
Commercial and Industrial	\$32.69
Vacant Land and Open Space	As Assigned
Charges	
Delinquent account, quarterly charge	No Additional Charge
Certification for collection with property taxes (Utility accounts with an outstanding balance owed of \$200.00 or greater)	\$50.00

January 11, 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.

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING 2021 RECYCLING RATES AND CHARGES

WHEREAS, the City of Brooklyn Center is a member of the Hennepin Recycling Group (HRG), which is a joint powers group organized pursuant to Minnesota Statutes Section 471.59 (1987); and

WHEREAS, the purpose of the joint powers agreement is to create an organization by which member cities may jointly and cooperatively provide for the efficient and economical collection, recycling and disposal of solid waste within and without their respective corporate boundaries in compliance with the Minnesota Waste Management Act, Minnesota Statutes Chapter 115A (1987); and

WHEREAS, the HRG has established a curbside recycling program for its member cities to meet the requirements of Hennepin County Ordinance No. 13, Solid Waste Source Separation for Hennepin County; and

WHEREAS, the City of Brooklyn Center must establish rates to fund the City's curbside recycling program and the cost for projected reimbursement of recycling charges from the HRG along with other program operating charges; and

WHEREAS, the recycling program includes a bi-annual curbside cleanup; and

WHEREAS, the City Council has reviewed data provided on delinquent utility charges; and

WHEREAS, Brooklyn Center Ordinance No. 89-11 authorizes the City to establish rates for recycling services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the recycling charges shall be as follows for all billings issued on or after January 11, 2021:

2021 RECYCLING UTILITY RATE SCHEDULE

Recycling Rates and Charges

Minimum Charge per Household per quarter: \$11.98 per quarter

Charges

Delinquent account, quarterly charge No Additional Charge

Certification for collection with property taxes \$50.00
(Utility accounts with an outstanding balance
owed of \$200.00 or greater)

January 11, 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.

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Todd Berg, Fire Chief

SUBJECT: Resolution Requesting Approval for a New Fire Truck Purchase

Background:

The fire department is requesting to purchase a replacement for Engine 3. This truck was scheduled to be replaced in 2017 and is currently 28 years old, nearing the end of its expected life. At the time of this purchase 28 years ago, Brooklyn Center had an abundance of strip malls and was purchased with an aerial water stream that proved effective for strip mall fires. Fast-forward 28 years, and not only has the landscape of the community changed, so has the technology available to extinguish these types of fires. Additionally, within the past 28 years our City's development has transformed to more high-density housing (3-5 story apartments). This on itself is a challenge and will continue to be as the city pursues the development of the Opportunity site. Therefore, the replacement of Engine 3 will be pivotal to the safety and welfare of our citizens as the community continues to redevelop.

Therefore, in 2021, I propose we change the replacement of Engine 3 to a platform ladder ("tower") which will aid in the rapid recovery of people off balconies from high-density housing developments. Currently, we have to help people negotiate the ladder, which makes a rescue very labor-intensive and much slower. A "tower" is much safer for those we serve, and our personnel. This truck would also have an aerial water stream to aid in extinguishing fires out of reach of our hand lines. As technology and the community continue to transform we need to adjust the type of apparatus we purchase to meet the needs of our community. Therefore, as we look to the future and replacement planning of our current ladder (12 years from now), I would propose replacing that ladder truck with an engine. This would allow the central garage fund to recover those funds expended by the purchase of Engine 3. Below is our current Engine 3, and a photo of a similar tower truck.



Unfortunately, under our current fleet replacement program, most of our fire fleet is virtually worth very little at its end of useful life. Currently, we keep our ladder trucks for 25 years and our engines for 20.

Additionally, funding for our fire fleet has been underfunded for many years and was recently adjusted about 4 years ago. Therefore, funding for most of our fleet is way below what will be needed at the time of replacement. The cost of these trucks traditionally goes up between 3 and 5% annually. It makes it hard to forecast what the true need for funding is 20+ years in advance. This problem is not unique to our city but is felt nationwide.

The fire department has strategically made vehicle replacements based on the need of the community and the department's safety. Back in August we were given approval by City Manager Boganey to start the truck replacement process. We met with 4 different vendors and toured trucks similar to the what the need was. The committee of department members have spent numerous hours researching the best value and safety features have recommended to proceed with Rosenbauer of Wyoming, MN. I would like to thank the members: Deputy Chief Hendrickson, Assistant Chief Jones, Firefighters Bauermister, Crass, and Wetterhahn.

Budget Issues:

This process takes a lot of time and careful consideration as this is the most expensive vehicle in the City's fleet. This replacement has been a part of the fire departments budget since 1992. Equipment replacement funds have been transferred from the General fund to the Capital Replacement fund in anticipation of future replacement. As noted, the new equipment is more expensive than initially planned as the needs of the city and fire department have changed.

We have a couple options to consider for financing the purchase.

1.) We could issue equipment certificates with a 5-9 year maturity. Although interest rates are low, after issuance fees and a true interest cost of 0.5 – 1.0% annual payments would range from \$168,000 (9 year) to \$293,000 (5 year) depending on the maturity.

2.) We can utilize current available cash reserves in the capital replacement fund and avoid issuance fees and interest costs. The fire department would then repay the capital replacement fund at an accelerated rate over the next 5-9 years to replenish the cash balance.

We propose to use current available cash reserves in the Capital Replacement Fund to pay for this truck. The accelerated equipment replacement payments from the fire department back to the Capital Replacement Fund would begin in 2022 and would be budgeted through the fire department budget.

Total price not counting any discounts or pre-pays is \$1,417,543.
The truck is expected to take 14-16 months to build.

If we sign by 1/15/2021 we can save a 3% price increase on 1/16/2021. (\$42,000) (not reflected on proposal)

If we pre-pay the chassis amount of \$363,424 due approximately July of 2021 we would deduct \$13,959 off the total price.

If we pre-pay the aerial amount of \$475,914 due approximately October of 2021 we would deduct \$9,249 off the total price.

Final payment of (+/-) \$550,000 due approximately February - April of 2022 when delivery is made.

If we signed this agreement with General Fire Safety/Rosenbauer through the HGAC joint purchasing agreement, the end price should be \$1,394,335.

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Fire Truck Resolution	1/5/2021	Resolution Letter
Proposal	12/8/2020	Cover Memo

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION REQUESTING APPROVAL FOR A NEW FIRE TRUCK PURCHASE

WHEREAS, Fire trucks serve as a valuable life safety tool in protecting the community of Brooklyn Center; and

WHEREAS, Brooklyn Center Fire needs to replace a 1993 Spartan 50' tele squirt fire truck; and

WHEREAS, After researching and meeting with 4 vendors since August 2020. The committee has put forth a recommendation that the City Manager sign a purchase agreement for a 100' Rosenbauer tower fire truck; and

WHEREAS, The purchase order is received through the HGAC joint powers group. Many fire trucks throughout the county are purchased through this cooperative of which the City is a member; and

WHEREAS, The purchase agreement for the new fire truck is \$1,417,543, with the prepayment discounts outlined in the memo the final price would be \$1,394,335; and

WHEREAS, The City will pay the entire discounted amount from our Capital Replacement Fund; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, authorize the purchase of a New Rosenbauer Tower Fire Truck from Custom Fire Apparatus, Inc in the amount of 1,394,335 and authorize the appropriate City officials to execute the purchase order.

January 11, 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.



PURCHASE ORDER

Purchaser		SUPPLIER	
Member #		Contract #	FS12-19 For Years 2019-2021
Purchaser:	City of Brooklyn Center	Supplier:	Rosenbauer Minnesota, LLC
Address 1:	6301 Shingle Creek Parkway	Address 1:	5180 260th Street
Address 2:		Address 2:	PO Box 549
City, State, Zip:	Brooklyn Center, MN 55430	City, State, Zip:	Wyoming, MN 55092

Purchase Order Number:		Delivery in Calendar Days:	425
Date:			

Quantity	Description	Price	Price (Extended)
1	One (1) Rosenbauer Aerial, complete with Rosenbauer Commander chassis and Rosenbauer King Cobra Platform per attached specifications.	\$1,417,543.00	\$1,417,543.00
*Note: If chassis amount of \$363,424.00 is paid upon arrival at our plant in Minnesota, deduct \$13,959.00 each			
*Note: If aerial amount of \$475,914.00 is paid upon arrival at our plant in Minnesota, deduct \$9,249.00 each			
TOTAL			\$1,417,543.00

NOTES:	
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Rosenbauer Dealer :	General Safety Fire Apparatus
Salesperson:	Steven Harris
Signature:	

Purchaser:	City of Brooklyn Center
Print Name:	
Title:	
Date	
Signature:	



APPENDIX C CHANGE ORDER POLICY

This change order policy is intended to reflect the increased cost of changes which result in delayed deliveries, confused paperwork, poor production flow and increased potential of trucks being built to incorrect specifications. With your cooperation, changes can be kept to a minimum which means we will be able to reduce lead times, increase production and maintain costs which will benefit all of us.

Our objective is accurate, high quality and on-time deliveries exceeding our customer expectations.

Changes any time after the order is received may delay the quoted delivery date. Significant design or component changes will have the largest impact on the schedule and quoted delivery date. Changes that occur later in the process will also have the largest impact on the schedule and quoted delivery date.

All time fences are reference to contract execution date if not otherwise stated.

Change Window #1

All changes will be priced at standard pricing and specials will be priced through our normal process. Significant changes made to the vehicle during this time period may result in a delivery extension.

RBM Chassis	0-60 days
RBA Aerial	0-60 days
Rosenbauer Body	0-60 days

Change Window #2

All changes are subject to a 25% mark-up, as well as a \$250.00 change order processing fee. All changes are subject to factory review and may be denied due to engineering or lead time issues.

RBM Chassis	61-75 days
RBA Aerial	61-75 days
Rosenbauer Body	61-120 days

Change Window #3

All changes are subject to a 50% mark-up, and 50% restocking fee on deleted items, as well as a \$250.00 change order processing fee. All changes are subject to factory review and may be denied due to engineering or lead time issues. No major components can be changed at this time; major components are considered engine, transmission, axles, suspension, cab, frame (wheelbase), seats, water pump and water tank.

RBM Chassis	76-120 days
RBA Aerial	76-120 days
Rosenbauer Body	121-180 days

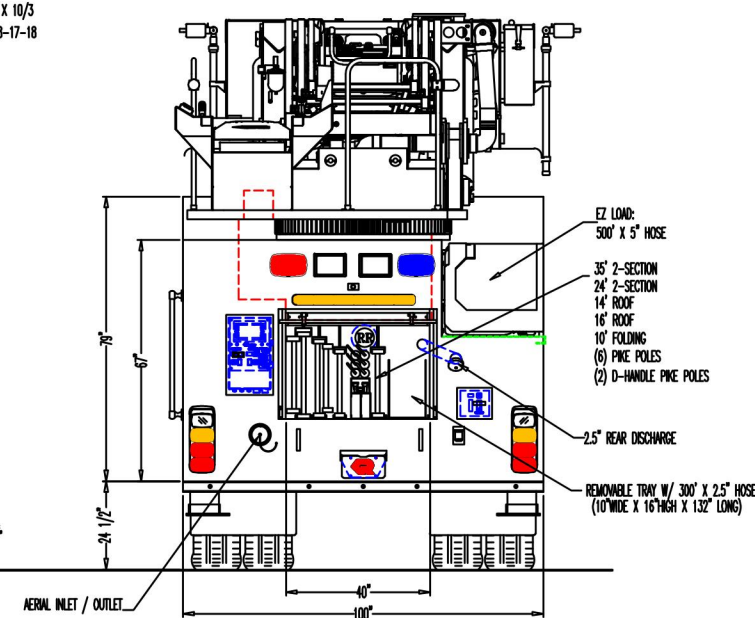
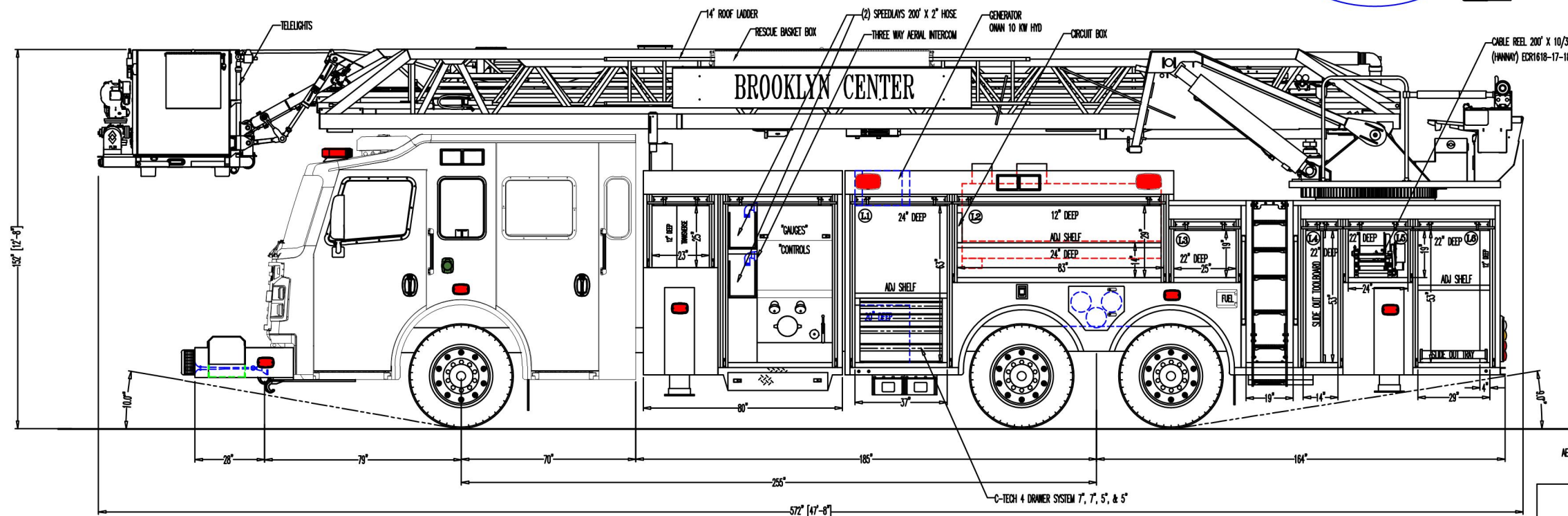
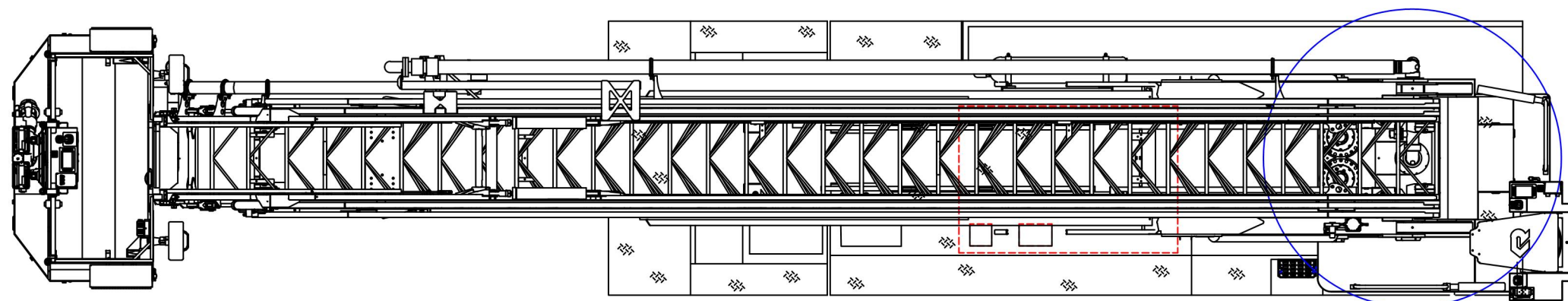
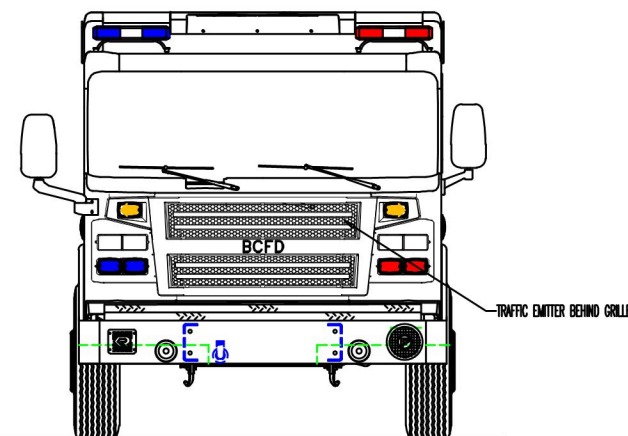
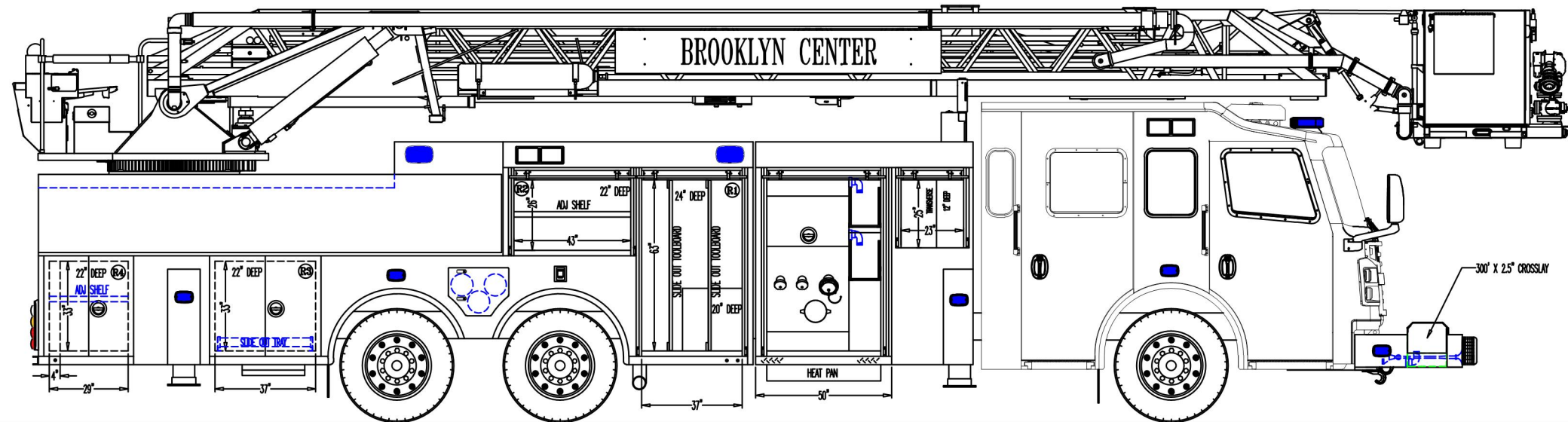
Change Window #4

Changes are not recommended at this time. Any changes requested will be priced on a time and material basis, as well as a \$500.00 change order processing fee. Any changes requested, and that are quoted to the customer, must be approved by the customer within three days or they will not be valid.

RBM Chassis	After 120 days
RBA Aerial	After 120 days
Rosenbauer Body	After 180 days

**Note: Any late change orders that are factory driven will be done at cost and no additional mark up or penalties will apply.*

BUYER INITIALS: _____



- NOTES:
- OVERALL HEIGHT IS IN LOADED CONDITION. UNLOADED HEIGHTS MAY BE 4" ABOVE HEIGHTS SHOWN.
 - DO NOT SCALE DRAWING.
 - ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO ENGINEERING CHANGES.
 - DRAWING MAY OR MAY NOT SHOW ALL ITEMS AS DESCRIBED IN THE WRITTEN DETAIL SPECIFICATIONS.
 - INCLUSION OF AN ITEM ON THE DRAWING DOES NOT CONSTITUTE INCLUSION OF THAT ITEM WITH THE FINAL DELIVERED UNIT.

REVISED: - DATE: -
REVISED: CRL DATE: 12-07-2020 (R-03)
REVISED: CRL DATE: 12-07-2020 (R-02)
DRAWN: CRL DATE: 11-30-2020 (P7698-01)

PROPRIETARY AND CONFIDENTIAL
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APPROVED BY:

MAXIMUM HEIGHT	N/A
MAXIMUM LENGTH	N/A
BODY WIDTH	100"

CHASSIS: ROSENBAUER R7008
PUMP: WATEROUS CSUC20 2000 GPM
TANK: POLY 400 / 20
TYPE: SIDEMOUNT AERIAL
AERIAL: 100-3 XS KING COBRA

-PROPOSED-
BROOKLYN CENTER



ROSENBAUER EXT

JOB NUMBER	DRAWING NUMBER	REV
-	P7870	03

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

BY: Barb Suciu, City Clerk

SUBJECT: Resolution Selecting Presiding Officers-Mayor Pro Tem and Acting Mayor Pro Tem

Background:

Section 2.06 of the City Charter requires the Council to choose from its members a President Pro Tem who shall hold office at the pleasure of the council and shall serve as President in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City.

City Council Resolution No. 92-262, Establishing and Designating an Acting President Pro Tem of the City Council, states the most senior Council member shall preside in the absence of both the Mayor and President Pro Tem, and that in the event two or more members have equal seniority, then that member shall preside who received the most votes in their most recent election.

- Dan Ryan (first elected November 7, 2006)
- Kris Lawrence-Anderson (first elected November 6, 2012)
- April Graves (first elected November 4, 2014)
- Marquita Butler (first elected November 8, 2016)

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Res 92-262	1/11/2019	Backup Material
City Charter	1/11/2019	Backup Material

Member Dave Rosene introduced the following resolution and moved its adoption:

RESOLUTION NO. 92-262

COPY

RESOLUTION ESTABLISHING AND DESIGNATING AN ACTING
PRESIDENT PRO TEM OF THE CITY COUNCIL

WHEREAS, Section 2.06 of the Brooklyn Center City Charter designates the Mayor as presiding officer of the City Council and a president pro tem who serves as president in the Mayor's absence; and

WHEREAS, the presence of three City Council members at a City Council meeting constitutes a quorum; and

WHEREAS, it is possible that both the Mayor and the president pro tem may be absent from such a meeting, consequently leaving no designated presider of the meeting; and

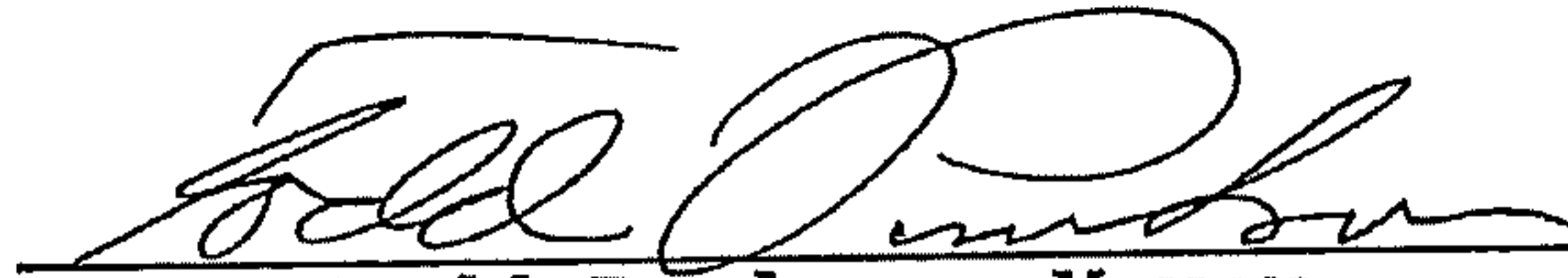
WHEREAS, the City Council desires to provide for an acting president pro tem who shall serve in the absence of the Mayor and president pro tem.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the most senior Councilmember shall preside in the absence of both the Mayor and Mayor pro tem.

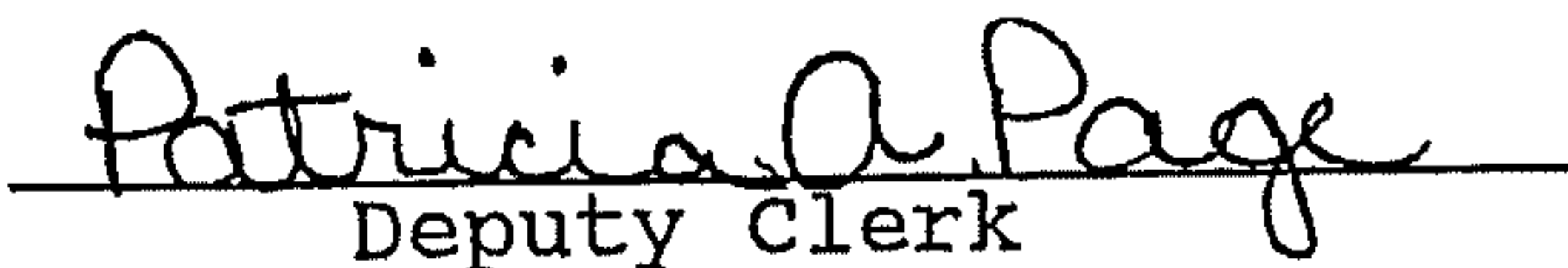
BE IT FURTHER RESOLVED that in the event two or more members have equal seniority, then that member shall preside who received the most votes in their most recent election.

November 23, 1992

Date


Todd Paulson, Mayor

ATTEST:


Deputy Clerk

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

Todd Paulson, Celia Scott, Jerry Pedlar, Dave Rosene, and Philip Cohen; and the following voted against the same: none, whereupon said resolution was declared duly passed and adopted.

- b. A uniform list of initial questions to be asked of all applicants shall be made available to the public and the applicants in advance of interviews. To the extent reasonably practicable, questions asked of all applicants at the interviews shall be uniform.
4. Selection Process. Upon completion of the interview process, the Council may call for a vote to appoint an applicant. Each Council member may cast only one vote for a preferred applicant on each called-for vote to appoint. No vote, which does not result in a majority vote for one candidate, shall result in elimination from consideration of any candidate. Written ballots listing the applicant(s) shall be used. Each Council member's vote shall be recorded. A simple majority of the Council votes shall appoint that applicant to the City Council.
5. If the Council pursues the appointment process but then fails to fill a vacancy within forty-five (45) days from the occurrence of the vacancy, the City Clerk shall call a special election to fill the vacancy. The special election will be held not sooner than one hundred five (105) days and not later than one hundred thirty-five (135) days following the occurrence of the vacancy and to be otherwise governed by the provisions of Section 4.03, Special Elections. If more than two candidates file for the unexpired term, a primary election shall be held.
6. The City shall comply with the Minnesota Data Practices Act in all respects in the collection, management, and dissemination of data on applicants for City Council vacancies.

Section 2.06. THE MAYOR. The Mayor shall be the presiding officer of the Council, except that the Council shall choose from its members a president pro tem who shall hold office at the pleasure of the Council and shall serve as president in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City. The Mayor shall have a vote as a member of the Council and shall exercise all powers and perform all duties conferred and imposed upon the Mayor by this charter, the ordinances of the City, and the laws of the State. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purposes of martial law. The Mayor shall study the operations of the City government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency the Mayor may, with the consent of the Council, take command of the police, maintain order and enforce the law.

Section 2.07. SALARIES. The Mayor and the members of the Council shall receive payment as set by ordinance. No change in salary shall take effect until the January 1 following the next succeeding general municipal election. The City Manager and all the subordinate officers and employees of the City shall receive such salaries or wages as may be fixed by the Council.

Council Regular Meeting

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Curt Boganey, City Manager

SUBJECT: Resolution Amending the Hospitality License for Radisson Hotel

Background:

On November 9, 2020, the City Council approved a Hospitality License with conditions.

The proposed resolution extends the approval with new conditions.

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	1/7/2021	Resolution Letter

Member
resolution and moved its adoption:

introduced the following

RESOLUTION NO. 2021-__

RESOLUTION AMENDING THE CURRENT HOSPITALITY ACCOMMODATIONS
LICENSE ISSUED TO RADISSON HOTEL BROOKLYN CENTER

WHEREAS, in 2020 Nupen Patel (“Applicant”), owner of the Radisson Hotel Brooklyn Center, 2200 Freeway Boulevard, Brooklyn Center, MN 55430 (“Hotel”), submitted an application to the City of Brooklyn Center (“City”) requesting to renew the hospitality accommodations license for the Hotel; and

WHEREAS, the City Council, after notice having been provided to the Applicant, conducted a hearing on the requested license at its October 12, 2020 and directed staff to prepare a resolution authorizing issuance of the requested License with certain conditions to address public health, safety, and welfare;

WHEREAS, the City Council, at its November 9, 2020 meeting, adopted Resolution No. 2020-108 approving the issuance of the license (“Current License”) for the Hotel with certain conditions, including that “No more than 50 lodging units (guest rooms) in the hospitality accommodation may be used as part of the homeless shelter use” (“Lodging Unit Cap”); and

WHEREAS, the Applicant has requested an amendment to the Current License to allow for an increase in the Lodging Unit Cap up to 100 lodging units; and

WHEREAS, City Council has determined that an increase in the number of lodging units is appropriate, provided measures can be put in place that prevent the health, safety and welfare issues previously experienced with the homeless shelter use at the Hotel due to the prior lack of on-site resources to adequately manage the use; and

WHEREAS, the City Council has determined that an increase in the Lodging Unit Cap to 100 is permitted, provided it is done so in a stepped increase and the City reviews and approves each step in the increase and there is a process to decrease the Lodging Unit Cap if the City determines the use at the particular level is placing an unreasonable strain on City services or that the on-site services are not effectively managing the use; and

WHEREAS, the City Council determines it is appropriate to amend the Current License to establish a performance-based stepped increase in the Lodging Unit Cap to give the Applicant an opportunity to expand the homeless shelter use during the pandemic, provide the Applicant complies with the conditions imposed in the Current License, as amended by this Resolution; and

WHEREAS, it is the intent of the amendment authorized herein to continue to allow the Hotel to use at least 50 lodging units for the homeless shelter use, but to allow the Hotel to make a request to the City to increase the Lodging Unit Cap by 25, and after a period of time provide

an opportunity for the Hotel to seek approval from the City to increase the Lodging Unit Cap by an additional 25 up to a total of 100 lodging units.

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

1. The Current License is amended by replacing condition 1.b imposing the Lodging Unit Cap with the following:
 - b. No more than 50 lodging units (guest rooms) in the hospitality accommodation may be used as part of the homeless shelter use, unless the Hotel requests, and the City approves, an increase in that number pursuant to the following procedure:
 - (1) The Hotel may make a written request to the City to increase the number of lodging units that may be used for the homeless shelter use by 25 lodging units, up to a total of 100 lodging units. The Applicant has already submitted a request for the first 25 Lodging Unit increase. City staff has reviewed the request and determines the first increase can be approved. Therefore, the City Manager is authorized to issue written approval for an initial increase of 25 Lodging Units, bringing the current total of authorized homeless shelter Lodging Units to 75 effective as of the date of the written approval.
 - (2) The City shall review future requests and determine whether to approve the increase based on its determination of whether there are sufficient services at the Hotel to adequately manage the increased use. The City may consider the amount of City services being requested or is otherwise being provided to the Hotel as part of its determination. The City shall provide the Hotel a written notice of its decision regarding the requested increase. If denied, the Hotel shall not resubmit a request for an increase within 30 days of the denial. If approved, the number of lodging units that may be used for the homeless shelter use shall be increased by 25 as indicated in the notice. Another request for an increase in lodging units shall not be made within 60 days of an approved increase.
 - (3) If the City determines an approved increase in the number of lodging units has caused the use to exceed the on-site service, or it has placed an unreasonable strain on City resources, the City may issue the Hotel a written revocation of the increase. The Hotel shall, within 30 days of the revocation, return the number of lodging units being used for the homeless shelter use to no more than the previously approved number as indicated in the revocation notice.
 - (4) The Hotel shall keep current records of the number of lodging units being used for the homeless shelter use. At no time shall that number of lodging units being used for the homeless shelter use at the Hotel exceed 100.
2. The City Manager is authorized to approve an increase, and to revoke a previously approved increase, in the Lodging Unit Cap as provided herein.

3. The Current License remains in effect and this amendment does not alter any other term, provision, or condition in the Current License.

Date

Mayor

ATTEST: _____
City Clerk

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

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

**Council/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#
January 11, 2021

AGENDA



ACTIVE DISCUSSION ITEMS

1. Community Celebration Name
2. Mixed-Income Policy and NOAH Preservation Policy Discussion

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items
 - Council Retreat Follow-up
 - 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
 - Earle Brown Name
 - Tobacco Ordinance

MEMORANDUM - COUNCIL WORK SESSION

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: Community Celebration Name

Recommendation:

- Council direction regarding a potential change in the name of the Annual City Celebration.

Background:

For several years staff has discussed ways to improve public participation in the annual City Celebration known as Earle Brown Days. In its earlier stages the Earle Brown Days Committee composed of resident volunteers with staff support assumed the primary role for planning this multi-day event. The City made relatively small direct financial contributions and relied upon committee fundraising to cover much of costs, including fireworks expense.

Over the years, the level of volunteer participation has declined and the City role for planning and funding has increased. Throughout this time, staff has tried a variety of approaches to broaden community participation in events and in planning for the event.

One of the ways to encourage community involvement that has been frequently discussed has been a change in the name of the event. It has been staff's belief for some time that the Earle Brown Days brand does not immediately resonate with the changing community of Brooklyn Center. While we don't assume that a name change will automatically result in increased community involvement and participation. We do believe it could be an important first step toward re-creating a Community Celebration that will be encouraging to residents who feel little connection to the agricultural past of the City.

Furthermore, the current controversy regarding the alleged Ku Klux Klan association by Sheriff Brown can only exacerbate the branding problem for a celebration that is intended to bring the community together. It is impossible to imagine how continuing the use of Earle Brown Days, will help build community, which is the purpose of an annual celebration.

My limited research of the subject suggests that a small percentage of community celebrations are named after individuals. This may be true because it is difficult to identify a who is flawless or someone who clearly personifies or captures the essence of the community.

Staff does not have a recommended new name for an annual community celebration at this time. But we are prepared to come back to the Council if suggestions if you would like.

These suggestions could be easily informed by soliciting input from the community through a variety of survey

methods. We could easily sponsors a contest for the naming of the event. The Council could decide. Obviously, there are numerous approaches that could be used.

We could elect to use a generic name i.e. "Brooklyn Center Days" for the current year and let the community decide over next several months.

At this stage, we are seeking Council direction strictly related to this one event. Unlike the Heritage Center, the community celebration has no direct connection to Sherriff Brown or to the founding history of the community, factors that you may choose to consider as a decision is made regarding the naming of other publicly owned assets.

Policy Issues:

Does the Council have sufficient information to provide direction?

Will a change in the name of annual community celebration best serve the interest of Brooklyn Center residents and stakeholders?

If a change in name is warrant, how should a new name be established?

MEMORANDUM - COUNCIL WORK SESSION

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH:

BY: Meg Beekman, Community Development Director

SUBJECT: Mixed-Income Policy and NOAH Preservation Policy Discussion

Recommendation:

Background:

Overview

Housing and the policy issues related to housing have become some of the most pressing and important matters facing communities today. For most suburban communities, housing comprises a significant majority of a city's land use and tax base. Maintaining and preserving a safe, quality, and desirable housing stock is critical to a community's long term economic health and resiliency. Further, a diverse housing stock which offers a wide range of housing choices and price points ensures that a community can be resilient through economic ups and downs as well as provide housing options for a diverse population throughout their lives. In addition to maintaining a quality and diverse supply of housing, communities are more and more becoming focused on concerns regarding livability and accessibility of housing.

The Twin Cities Metropolitan Area is currently experiencing record low vacancy rates. According to Marquette Advisors' midyear report from August 2019, the average vacancy rate across the seven-county metro area is 2.3 percent. Experts agree that a balanced rental market will typically see an average vacancy rate of around 5 percent. The effect of low vacancy rates over time is increasing rents, a growing interest from outside investors, and landlords in a position to be choosier about who they rent to.

Brooklyn Center's Current Rental Housing

The result of the regional trends described above are being felt in Brooklyn Center. Vacancy rates in the community remain lower than the regional average, hovering around 2 percent. This is common in communities with more affordable rental units.

Thirty-seven percent of Brooklyn Center's housing stock is comprised of rental units. Of the City's single-family housing, about 8 percent are rental. Nearly 100 percent of the multi-family housing in Brooklyn Center are one and two bedroom units built between 1961 and 1971, and nearly all of it is naturally occurring affordable housing (NOAH). Average rents in Brooklyn Center are naturally occurring affordable because the market rents, based on the age and condition of the units make them affordable at around 50 percent AMI in the metropolitan area. Rents in Brooklyn Center are lower than the regional average. Approximately 90 percent of all of the housing units in Brooklyn Center is NOAH.

While NOAH properties are affordable, they can be at risk of being lost as market demand increases and rents continue to go up. They can also experience disinvestment over time, causing deterioration, loss of value, and most importantly poor quality or unsafe living situations if they are not properly inspected and maintained. At present 4.1 percent of all units are legally binding, or subsidized affordable units. 10.9 percent of rental units are legally binding affordable. Subsidized affordable units are housing units that are required to maintain an affordable rent regardless of shifts in market demand. Due to their financing structure, they also must be maintained to a certain minimum standard. One of the goals of affordable housing advocates is to preserve existing NOAH properties by converting them to legally binding affordable units through NOAH preservation programs. With the construction of Sonder Housing, Real Estate Equities will be adding 270 units of legally binding new affordable housing units to the city. These will be the first new construction multi-family housing units built in Brooklyn Center since 1971, and will increase the percentage of legally binding affordable units to 6.6 percent of all units and 17.1 percent of rental units.

The City's 2040 Comprehensive Plan identifies several broad housing goals

2040 Housing & Neighborhood Goals:

- Promote a diverse housing stock that provides safe, stable, and accessible housing options to all of Brooklyn Center's residents.
- Recognize and identify ways to match Brooklyn Center's housing with the City's changing demographics.
- Explore opportunities to improve the City's housing policies and ordinances to make them more responsive to current and future residents.
- Maintain the existing housing stock in primarily single-family neighborhoods through proper ordinances, incentive programs and enforcement.
- Explore opportunities to incorporate new affordable housing into redevelopment areas that promote safe, secure and economically diverse neighborhoods.

In addition to these goals, the 2040 Comprehensive Plan identifies implementation strategies as well as resources and tools for achieving its housing goals. These are contained in Chapters 4 and 9, of the Housing and Implementation chapters respectively (attached).

Background

In April 2018, the City Council discussed several possible policies to address affordable housing issues. The memo from that discussion is attached to this report. Based on that discussion, Council directed staff to move forward with a Tenant Protection Ordinance, and in December 2018, it was adopted.

In March 2020, The City Council discussed housing policy as it centers around two distinct topic areas:

1) Housing choice - What is the composition and condition of the current housing stock? What are the current market demands for housing? How does the city's housing stock relate to the market, and does the city have enough and the right type to meet current and future need?

2) Affordable housing policies - What can the city do to improve livability and accessibility to quality affordable housing for residents? What best practices exist to support an effective approach to addressing the need for affordable housing in the community? What policies are most effective to prevent displacement?

At the work session the Council considered a work plan that would take a comprehensive review of the City's housing policy approach related to these two distinct topic areas and provided direction to staff. The staff report from that meeting is attached.

At that meeting, the City Council expressed support to explore a NOAH preservation program and a mixed-income housing policy (or inclusionary housing policy) as part of the City's strategy to create stable, quality housing for all incomes in the community. The purpose of this discussion is to provide information on these

two policy programs to the Council and get direction on how to proceed.

Mixed-Income Housing Policy

A Mixed-Income Housing Policy, also known as inclusionary housing requires a set aside of a certain percentage of units or fee per unit for affordable housing when new multi-family housing is developed. Mixed-income policies provide developers with clear and consistent expectations of development in the community. A Mixed-Income Housing Policy provides for a value exchange between the local developer and the community, providing affordable housing for residents while the developer receives a new project in their portfolio; however they are not implemented without cost.

Key components of the Mixed-Income Housing Policy include:

- **Applicability** – The policy identifies when it will apply. Different cities have different standards as to when this trigger point occurs. Brooklyn Park’s policy for example applies to all developments that add or create ten or more residential rental units and that receive:
 - City or EDA financial assistance
 - Master or amended PUD (would require a change of city ordinance)
 - Zoning Code Amendments (would require a change of city ordinance);
 - Or Comprehensive Plan Amendments
- **Affordability requirements** – The Policy states what the affordability requirements are. Some mixed income policies have options which allow developers to choose how many units, based on the affordability. Providing options allows flexibility within a project. Below is an example of what that could look like. Some mixed-income policies also allow developers to pay a fee to the city instead of providing units within their developments. Funds paid to the city are then used to create affordable housing elsewhere, either by funding a NOAH preservation program or funding the construction of new affordable units in other locations. Edina’s mixed-income policy is an example of one that provides this option.

Options (choose one)	Min. Number of Units Required	Affordability Standard
---------------------------------	--------------------------------------	-------------------------------

5%	Affordable for HH at 30% AMI
10%	Affordable for HH at 50% AMI
15%	Affordable for HH at 60% AMI

- **Affordability period** – The policy states how long the affordability is required for. 15-20 years is fairly common in these types of policies.
- **Distribution of affordable units** – The policy would typically state that the affordable housing units should be consistent to the market rate units in quality of construction and finish, with units intermixed within the same development.
- **Non-discrimination** – The policy would typically state that developments covered by this Policy must not discriminate against tenants who pay rent with federal, state, or local public assistance, including, but not limited to rental assistance, rent supplements, and Housing Choice Vouchers.
- **Other considerations** - Mixed income policies can also include other types of incentives to encourage or assist the developer with supplying the affordable housing. For example, one of the most expensive aspects of construction that adds cost to projects, and thus drives up rent, is enclosed or underground parking. Reduced parking requirements can have a significant effect on construction

costs. The Council could consider including parking stall reductions as an additional incentive to providing mixed-income units.

Financial Implications

In Brooklyn Center, generally speaking multi-family residential development does not generate high enough rents to cover the cost of construction. Therefore, any new multi-family development would very likely require some form of gap financing in order to be feasible. There are different ways that developers can fill financial gaps:

- Federal low-income housing tax credits (LIHTC)
- State and/or County grant sources
- State loan/mortgage programs
- Local Tax Increment Financing
- Local Tax Abatement
- Local fee waivers
- Land use/zoning concessions

Some of these sources require various forms of affordability and others do not. City required affordability requirements increase financial gaps, which must be filled by local sources. In other words, applying a mixed income housing policy will increase the need for city subsidy and may make some projects financially infeasible altogether. In addition, the Council may need to balance using TIF funds to achieve mixed income affordability goals versus achieving other community benefits that are desired as part of the project.

Ehlers analyzed the cost per unit to construct new affordable units based on their affordability level and the length of time the affordability would be required. This cost represents the likely gap to the project created with the inclusion of those units. Below is a table representing the results of their analysis.

		Total Present Value Affordability Cost Estimate - 222 unit Apartment			
Affordability Requirement	Aff. Units	15 Years		20 Years	
		Total	Per Unit	Total	Per Unit
5% of units @ 30% AMI	12	1,612,186	134,349	1,919,411	159,951
5% of units @ 50% AMI	12	1,113,510	92,793	1,325,705	110,475
5% of units @ 60% AMI	12	864,461	72,038	1,029,196	85,766
10% of units @ 30% AMI	23	3,098,450	134,715	3,688,903	160,387
10% of units @ 50% AMI	23	2,141,955	93,128	2,550,134	110,875
10% of units @ 60% AMI	23	1,664,284	72,360	1,981,437	86,149
15% of units @ 60% AMI	34	2,499,168	73,505	2,975,419	87,512
20% of units @ 30% AMI	45	6,070,977	134,911	7,227,886	160,620
20% of units @ 50% AMI	45	4,198,844	93,308	4,998,993	111,089
20% of units @ 60% AMI	45	3,263,932	72,532	3,885,919	86,354
25% of units @ 80% AMI	56	1,909,718	34,102	2,273,642	40,601
40% of units @ 60% AMI	89	6,463,226	72,621	7,694,884	86,459

Assumptions:

Annualized rental income loss per applicable affordability requirement is discounted to present value based on affordability duration

Affordable rental rates set at 96% of tax credit maximum to provide for utility allowance

Annual rental income reduction discounted at 5.5% for present value

Actual gap for proposed projects will vary depending on specifics

Compliance

Similar to a development agreement, affordability requirements for the development would be outlined in an Affordable Housing Performance Agreement signed by the City and developer. The Performance Agreement would include the location and number of affordable housing units, rental terms and occupancy requirements, timetable for compliance, affordability restrictions and any other terms the City requires. To ensure compliance with the Performance Agreement, the City would require the property owners/managers to conduct annual income certifications for households living in affordable units which would be reviewed by City staff every three years. The income qualification process would follow the Housing and Urban Development (HUD) income certification process. Staff would monitor compliance and the City could charge the property owner a fee to cover staff expenses related to monitoring. This would likely become part of the rental licensing process, but is not currently a function of the program. It would require additional enforcement and additional resources to carry out.

What are other Cities in the region doing to promote mixed-income or inclusionary housing?

The policies and practices to promote mixed-income and affordable housing vary from city to city. A number of other cities in the region have adopted mixed-income housing policies or use them in practice. Brooklyn Park adopted a mixed-income policy in 2018, which was largely based on policies adopted by the City of St. Louis Park and the City of Golden Valley. Cities with known mixed-income policies or practices are listed below:

- St. Louis Park
- Edina
- Golden Valley
- Minneapolis
- St. Paul

- Eden Prairie
- Chaska

Next Steps

Staff will move forward based on the direction provided by the City Council this evening. If the Council chooses to move forward with adopting a mixed-income policy the next steps would be:

- Drafting a mixed-income policy and bringing it back to City Council for consideration
- Implementing the policy

NOAH Preservation Program

As the City has done engagement for the 2040 Comprehensive Plan and the Opportunity Site, many discussions have occurred with renters around the community related to housing. One theme from these discussions has been a concern that the City's focus is too much on new construction of affordable housing in the future on the Opportunity Site, and not enough on improving the experiences and cost of living of existing renters today.

In fact, preserving existing affordable housing can be much more efficient and cost effective than building new affordable housing. Many cities are developing NOAH preservation programs with that goal in mind. A preservation program can be set up in various ways, but essentially how they work is to incentivize existing NOAH property owners into setting aside a percentage of rental units as legally binding affordable units for a set period of time.

The State of Minnesota provides a property tax break for subsidized rental properties under the Low Income Rental Classification Program (LIRC), commonly referred to as the "4d" program. 4d is one of Several tax classifications the State of Minnesota applies to rental property. Class 4d property is taxed at a class rate of 0.75%, approximately 40% less than other classifications. Non-subsidized properties are eligible for the 4d tax classification when a property meets two conditions:

1. The property owner agrees to rent and income restrictions serving households at 60% of the AMI or below.
2. The property receives financial assistance from federal, state or local government requiring rent and income restrictions. At least 20% of the units must meet the income requirements. The 4d tax status applies only to the rent/income-qualifying units. The application deadline to Minnesota Housing is March 31 of each year for taxes payable the following year.

In order to do this, the City would create a NOAH preservation fund. It is estimated that the TIF 3 Housing Fund will have a balance when TIF 3 decertifies at the end of 2021. These funds could be used to seed a NOAH preservation fund. Staff would work with existing rental property owners to provide a modest subsidy for building rehabilitation or capital improvements, which would then be combined with a 4D tax classification benefit to provide a property tax break, currently amounting to 40%. In exchange, the property owner would agree to set aside certain units as affordable for a set period of time. The result is the preservation of NOAH units through a legally binding contract. Staff has drafted a proposed NOAH Preservation Program which is attached to this report for discussion purposes.

Savings to Rental Property Owners (Cost to Other Taxpayers)

Non-4d apartments have a tax class rate of 1.25%. Units classified as 4d have a tax class rate of 0.75% (for the first tier). A bill that would reduce the class rate for affordable rental housing from 0.75% to 0.25% was introduced at the Legislature this year. While it didn't pass this session, it could be reintroduced in future sessions. This would increase the savings per unit that a landlord could achieve, increasing the incentive to participate in the program, also increasing the impact on a city's tax base.

Example One:

- 50-unit building valued at \$4,627,000

- Non-4d property taxes estimate $\$4,627,000 \times 0.0125 = \$57,837.50$
- 4d property taxes (all units): $\$4,627,000 \times .0075 = \$34,702.50$
- **Savings \$23,135 (\$462/unit)**

Example Two:

- 50-unit building valued at \$4,627,000
- Non-4d property taxes estimate: $\$4,627,000 \times 0.0125 = \$57,927.50$
- 4d property taxes (all units): $\$3,453,000 \times .0025 = \$11,567$
- **Savings \$46,360 (\$927.21/unit)**

Another way to analyze the affect of a NOAH Preservation program is on overall tax base. One example to illustrate this is if the City were to have a goal of eventually including 20 percent of its rental units in the preservation program. This would equate to 868 units. At present there are 471 units already included in the 4d program with another 270 under construction. This would mean focusing on adding an additional 127 units into the program. Assuming the tax rate reduction remains at 40 percent, the average unit will see a tax savings of \$600 per year. This would work out to be an annual property tax reduction from these multi-family units of \$76,200.

In addition to the annual property tax reduction, the program would include a one-time upfront incentive in the form of a matching grant that property owners would use for common capital improvements to the building. Minneapolis provides very little incentive. St. Louis Park provides more. For Brooklyn Center, Staff would propose a matching grant up to \$1,000 per unit not to exceed \$25,000 per property to encourage common area improvements and energy improvements to buildings. This would encourage participation as well as improvements to properties that would benefit all renters in the building.

Current 4d Properties in the City

Brooklyn Center 2020 Certification of MN Low-Income Rental Classification			
Address	Total Units	Qualify Percent	Property Name
6130, 6138 BS 6200 France Ave N	23	100%	Ewing Square Townhouses
7256 Unity Ave N	112	100%	Unity Place
6121 Brooklyn Blvd	158	100%	The Sanctuary at Brooklyn Center
6915 Humboldt Ave N	50	100%	Lynwood Pointe
6920 & 6910 Humboldt Ave N, 1302 & 1308 69th Ave N	128	100%	Carrington Drive
Total:	471		

4d Programs in other Cities

Minneapolis, St. Paul, St. Louis Park, Brooklyn Park and Edina have approved 4d programs. All programs are modeled after the program developed by the City of Minneapolis. The programs offer a modest-sized grant and 4d property tax status in exchange for preserving affordability. Brooklyn Park's program is also paired with available financing to encourage nonprofit buyers to purchase NOAH properties to preserve them. It was through this program that they assisted the acquisition of Huntington Place by Aeon.

	Income Limits	Benefits	Time Limit	Building Size	Other

Minneapolis	20% of the units at 60% AMI	\$150 application fee Grant of \$100/unit Max grant=\$1,000	10 years	2+	Energy assessment and improvements encouraged Rent increases for existing tenants < 6% annually
St Paul	20% at 60% AMI (preference to 50%)	\$150 application fee Grant of \$100/unit Max grant=\$1,000	10 years	2+	Rent increases for existing tenants < 3% annually
St Louis Park	20% at 60% AMI	\$150 application fee Grant of \$200/unit Max grant=\$6,000	10 years	3+	Rent increases for existing tenants < 5% annually Energy assessment required Energy improvements encouraged
Edina	20% at 60% AMI	Grant of \$100/unit Max Grant for Energy improvements \$30,000	15 years	4+	Rent increases for existing tenants < 6% annually Energy Assessment and Improvements Encouraged

Area Median Income Rent Limits - 2020

---- Maximum Gross Rents by Bedroom Size (4/1/2020)

	0	1	2	3	4
50%AMI	905	970	1163	1344	1500
60%AMI	1086	1164	1396	1613	1800
70%AMI	1267	1358	1629	1882	2100

Because rents in Brooklyn Center are naturally more affordable, this program has the opportunity to be effective to lock in a percentage of units at 50-60 percent AMI now, before rents increase to the point of being unaffordable. Thus preventing displacement before it occurs. Further, because landlords would not need to necessarily reduce rents to participate in the program, the barrier of entry is low, making it more likely to be successful.

Key Components of a NOAH Preservation Program

- **Applicability** - Different programs include eligibility for different sized buildings. To begin the program staff would recommend focusing on properties with five units or more.
- **Affordability** - Most cities follow the state mandated 60 percent AMI affordability. Because rents in Brooklyn Center are on average more affordable, staff would recommend starting the program with the goal of achieving rents affordable at 50 percent AMI. If the City finds it too difficult to entice property owners to participate at the lower affordability, the program could be reviewed.

- **Affordability Period** - Most cities' programs provide an affordability requirement of 10-15 years.
- **Eligibility** - The policy would include eligibility in terms of which properties could apply for the program. Staff would recommend allowing Type I and II rental license properties only to apply, as these properties have demonstrated they are well maintained and are not experiencing deferred maintenance issues.

Next Steps

Staff has begun drafting a NOAH Preservation program which is attached for discussion purposes this evening. Based on the discussion this evening staff will make changes to the program and bring it back to Council for consideration.

Staff has begun reaching out to local landlords to discuss the program and get feedback on the proposed parameters, as well as solicit interest if a program were to be established. The results of this efforts will be compiled and shared with City Council along with any changes to the program at a future meeting.

Policy Issues:

- **Mixed-Income Housing Policy Discussion**
 - 1) Does the City Council want to move forward with a mixed-income housing policy?
 - 2) If so:
 - When would it apply?
 - What affordability choices would the Council like to offer?
 - What duration should the affordability be for?
 - Are there other incentives the Council would like to consider with the program?
- **NOAH Preservation Program Discussion**
 - 1) Does the City Council want to move forward with a NOAH Preservation program?
 - 2) If so:
 - What considerations or concerns does the Council have about the draft program prepared by Staff?
 - What duration should be considered in terms of affordability?
 - What should be the goals of the program in terms of percentage of rental units to include in the program?
 - Is the City Council comfortable with an affordability level of 50% AMI?

Strategic Priorities and Values:

Resident Economic Stability

ATTACHMENTS:

Description	Upload Date	Type
DRAFT NOAH Preservation Program	8/4/2020	Backup Material
March 9, 2020 Work Session Memo	8/4/2020	Backup Material
April 4, 2018 Work Session Memo	8/4/2020	Backup Material
LIRC Guide	6/23/2020	Backup Material
Chapter 4 - Housing and Neighborhood	8/3/2020	Backup Material

Brooklyn Center 4d affordable housing incentive program

Due to recent housing, economic and demographic trends, Brooklyn Center is experiencing an affordable housing need. Already burdened low- and moderate-income tenants are increasingly paying more than 30 percent of their income on rent and utilities. At the same time, many rental property owners are faced with increased operating and maintenance costs, as well as market opportunities to increase rents.

In response, the city is offering incentives for rental property owners to reduce property tax liability, improve energy efficiency and address conditions of aging buildings, if present. The goal is to preserve affordability, reduce energy use and enhance healthy homes to support tenants and strengthen the bottom line for property owners.

Benefits to property owners

Qualified market rate building owners that agree to keep a minimum of 20 percent of units per building affordable to households making 50 percent of area median income (AMI) for XX years will receive:

- XX-year eligibility for 4d property tax rate, which provides a 40 percent tax rate reduction on qualifying units.*
- City pays the first year fee for the Minnesota Low Income Rental Classification (LIRC) application, also known as 4d tax classification (\$10 per unit)
- Up to \$1,000 matching grant per affordable unit, capped at \$25,000 per property to be spent on common improvements
- Free energy efficiency and healthy homes assessments available to buildings with five or more units.
- Utility rebates for energy efficiency and healthy homes improvement identified in the free assessment
- Reduced renter turnover
- Lower maintenance and operating costs, if owners take advantage of opportunities to make energy efficiency improvements to properties

**Minnesota Statute 273.128 provides that qualifying low-income rental properties, including those enrolled in the Brooklyn Center 4d incentive program, are eligible for 4d tax classification. According to state statute, the first tier of valuation (\$150,000 per unit in 2020) on 4d rental properties is taxed at a rate 40 percent less than 4a and 4b rental property. The actual reduction in property taxes may be slightly higher or lower than 40 percent.*

Eligibility guidelines

Owners of market-rate multifamily properties that meet the following criteria:

- At least 20 percent of rental units in a building are affordable to households whose family income is at or below 50 percent of the area median income (AMI).
- Existing tenants in units that have program-compliant rents do not need to be income qualified.
- Income qualification for tenants is determined upon initial occupancy. Increased income of tenants in affordable units will not violate program requirements.
- Buildings that have at least five rental units; licensed rental properties with license types I or II that are in good standing with no active code compliance violations.
- Buildings can include units with owner occupants, but only rental units are eligible for 4d tax status.

The city will receive and review applications on an annual basis. The city expects to accept applications January through late February. Properties will be selected based on city goals of preserving housing affordability in neighborhoods throughout the city, subject to the availability of city grant funds.

Note: The city reserves the right to deny applications for the 4d incentive program if the owner or property manager applying owns or manages other properties with outstanding code compliance issues.

Process and program requirements

Step 1 (required)

- Property owners submit a 4d program application and rent roll and sign a participation agreement with the city. The participation agreement includes a commitment to accept tenant-based assistance and affirmative fair marketing, and prohibits involuntary displacement of existing tenants.
- The city will draft and record a declaration against the property that limits the rents and incomes on the qualified units for XX years (a recorded document is required for 4d tax classification status). The declaration also limits rent increases to no more than once in a 12-month period, unless the unit is turning over to a new tenant.
- The city will provide a matching grant to each 4d property in the amount of up to \$1,000 per affordable unit, capped at \$25,000 per property. This funding is intended to help property owners common area capital and health, safety and energy efficiency improvements to properties. Owners must certify to the use of the funds for the property.
- Property owners will select the percentage of their building units to restrict, with a minimum of 20 percent.
- Property owners will sign a 4d application once declaration is filed.
- The city will submit a signed 4d application, application fee and declaration to Minnesota Housing on behalf of the property owner for their first year only. Owners are responsible for submitting annual applications to Minnesota Housing to renew 4d tax status. See “Annual Owner Compliance” for additional information.

Step 2 (required)

- Owners of 5 or more unit buildings can sign up for the Multifamily Building Efficiency Program through Xcel Energy and CenterPoint Energy, and complete a free energy assessment by Energy Insight Inc., to receive an energy report of recommended improvements.

Benefits to owners:

- A free energy assessment, including free direct install of low-cost improvements such as LED lights and faucet aerators.
- Qualification to receive rebates for energy efficiency project expenditures if improvements result in at least 15 percent energy savings.

Step 3 (encouraged)

Following a free energy assessment, meet with the city and Center for Energy and Environment (CEE) to discuss energy efficiency improvements and available rebate packages. Property owners can choose from a variety of energy efficiency, weatherization or healthy homes improvements and may qualify for utility company subsidies and rebates that can cover between 25 percent and 90 percent of costs.

Benefit to owners:

- Public recognition for your partnership with the city
- Financial assistance to help cover the cost of energy efficiency upgrades

Modifications to declarations

- The declaration for the 4d program commitments runs with the property. Anyone buying and selling 4d property should contact Jesse Anderson at janderson@ci.brooklyn-center.mn.us to complete an assignment, assumption and consent form transferring the declaration to the new owner.
- Any other changes to the declaration, such as revisions to the Exhibit B document specifying which units in the building are restricted, should also contact Jesse Anderson.

What does annual compliance involve?

To continue to receive 4d status, property owners are required to submit:

- An annual 4d application to Minnesota Housing
- An annual report to the City of Brooklyn Center

2020 rent and income restrictions, Brooklyn Center 4d Affordable Housing Incentive Program

*2020 program rent and income limits based on 50 percent of the Twin Cities area median income (AMI). Rent and income restrictions are adjusted annually, typically in the spring.

Type of unit	50 percent area median income (AMI)
Studio/efficiency	\$905
1 bedroom	\$970
2 bedroom	\$1,163
3 bedroom	\$1,344
4 bedroom	\$1,500
5 bedroom	\$1,655

MEMORANDUM - COUNCIL WORK SESSION

DATE: 3/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Housing Policy Framework (45 minutes)

Recommendation:

- Consider the proposed housing policy framework, and provide direction relating to housing efforts.

Background:

Housing and the policy issues related to housing have become some of the most pressing and important matters facing communities today. For most suburban communities, housing comprises a significant majority of a city's land use and tax base. Maintaining and preserving a safe, quality, and desirable housing stock is critical to a community's long term economic health. Further, a diverse housing stock which offers a wide range of housing choices and price points ensures that a community can be resilient through economic ups and downs as well as provide housing options for a diverse population throughout their lives.

In addition to maintaining a quality and diverse supply of housing, communities are more and more becoming focused on concerns regarding livability and accessibility of housing. The Twin Cities Metropolitan Area is currently experiencing record low vacancy rates. According to Marquette Advisors' midyear report from August 2019, the average vacancy rate across the seven-county metro area is 2.3 percent. Experts agree that a balanced rental market will typically see an average vacancy rate of around 5 percent.

The Twin Cities has been experiencing record low vacancy rates for several years now as are many metro areas throughout the nation. Severe housing shortages are being caused from spikes in construction costs, combined with unprecedented demand for rental housing as millennial and baby boomer generations are finding similar desires for lifestyles that offer more mobility and convenience over the debt and maintenance of home ownership. In addition, as the cost of living outpaces incomes, for many families, home ownership may feel out of reach, and renting becomes the only choice.

The effect of low vacancy rates over time is increasing rents, a growing interest from outside investors, and landlords in a position to be choosier about who they rent to. This has borne out throughout the Twin Cities Metropolitan Area, with the average rent increasing nearly 8 percent year over year to a current unprecedented \$1,254 per month. In addition, the Metropolitan Council continues to see a reduction in the number of landlords accepting Section 8 vouchers. According to the Metropolitan Council, landlords are citing the increased interest for their units from non-voucher holders as the primary reason for the change.

Yet another impact of the increasing value of rental property is the growing number of investors purchasing Class B or Class C rental properties, which are renting for naturally affordable rents, making cosmetic improvements, and increasing rents so that the units are no longer affordable. According to the Minnesota Housing Partnership, the sales of apartment buildings in the metro area jumped 165 percent between 2010 and 2015. Often the change in ownership will also come with a change in policy related to criminal history, acceptance of Section 8 vouchers, or minimum income requirements, resulting in existing tenants being displaced from the property.

Brooklyn Center's Current Rental Housing

The result of the regional trends described above are being felt in Brooklyn Center. Vacancy rates in the community remain lower than the regional average, hovering around 2 percent. This is common in communities with more affordable rental units.

35 percent of Brooklyn Center's housing stock is comprised of rental units. Of those, about 8 percent are single family homes. The Community Development Department is preparing a summary report on the rental licensing program which includes a deeper analysis of rental housing in the City. This will be presented as part of a separate memo.

According to the Metropolitan Council, the following table indicates what is considered affordable rents in the Twin Cities Metropolitan Area:

2019 Rental Housing				
# Bedrooms	30% AMI	50% AMI	60% AMI	80% AMI
Efficiency	\$525	\$875	\$1,050	\$1,400
1 Bedroom	\$562	\$937	\$1,124	\$1,499
2 Bedrooms	\$675	\$1,125	\$1,350	\$1,800
3 Bedrooms	\$780	\$1,300	\$1,560	\$2,080
4 Bedroom	\$870	\$1,450	\$1,740	\$2,320

*Rents include tenant-paid utilities

According to the Census American Community Survey indicates average gross rents in Brooklyn Center:

Average Rents in Brooklyn Center	
# Bedrooms	Rent
Studio	\$760
1 Bedroom	\$914
2 Bedrooms	\$1,057
3 Bedrooms	\$1,309
4 Bedrooms	\$1,607
Gross Rent	\$1,008
*2018 Census American Community Survey	

Average rents in Brooklyn Center are considered naturally occurring affordable because the market rents, based on the age and condition of the units make them affordable at around 50 percent AMI in the metropolitan area. Rents in Brooklyn Center are lower than the regional average. Approximately 90 percent of all of the housing units in Brooklyn Center are considered naturally occurring affordable housing (NOAH). While NOAH properties are considered affordable, they can be at risk of being lost as market demand increases and rents continue to go up. They can also experience disinvestment over time, causing deterioration, loss of value, and most importantly poor quality or unsafe living situations.

At present only 3.7 percent of units are considered legally-binding, or subsidized affordable units. Subsidized affordable units are housing units which are required to maintain an affordable rent regardless of shifts in market demand. Due to their financing structure, they also are required to be maintained to a certain minimum standard. One of the goals of affordable housing advocates is to preserve existing NOAH properties by converting them to legally binding affordable units through NOAH preservation programs. With the construction of Sonder Housing, Real Estate Equities will be adding 270 units of legally-binding new affordable housing units to the city. These will be the first new construction multi-family housing units built in Brooklyn Center since 1971, and will increase the percentage of legally-binding affordable units to 6 percent.

The City's 2040 Comprehensive Plan identifies several broad housing goals

2040 Housing & Neighborhood Goals

- Promote a diverse housing stock that provides safe, stable, and accessible housing options to all of Brooklyn Center's residents.
- Recognize and identify ways to match Brooklyn Center's housing with the City's changing demographics.
- Explore opportunities to improve the City's housing policies and ordinances to make them more responsive to current and future residents.
- Maintain the existing housing stock in primarily single-family neighborhoods through proper ordinances, incentive programs and enforcement.
- Explore opportunities to incorporate new affordable housing into redevelopment areas that promote safe, secure and economically diverse neighborhoods.

In addition to these goals, the 2040 Comprehensive Plan identifies implementation strategies as well as resources and tools for achieving its housing goals. These are contained in Chapters 4 and 9, of the Housing and Implementation chapters respectively (attached).

Issue Identification

As engagement related to the comprehensive plan and various redevelopment sites have occurred throughout the community over the past few years, a number of issues, concerns, and priority areas have bubbled up related to housing. Many of these issues are identified in the 2040 Comprehensive Plan.

As it relates to housing policy within the City of Brooklyn Center, these issues can be categorized into two distinct topic areas:

1. **Housing choice** - What is the composition and condition of the current housing stock? What are the current market demands for housing? How does the city's housing stock relate to the market, and does the city have enough and the right type to meet current and future need?
2. **Affordable housing policies** - What can the city do to improve livability and accessibility to quality affordable housing for residents? What best practices exist to support an effective approach to addressing the need for affordable housing in the community? What policies are most effective to prevent displacement?

In order to address these topic areas related to housing, staff is proposing a framework plan which takes a comprehensive review of the City's housing policy approach, with an emphasis in key focus areas based on priorities issues which merit special attention.

The overall review would include identifying those housing issues which are currently surfacing in the community and prioritizing those which are most pressing. Issues which have broadly been identified that merit special attention include:

- Mitigating and preventing displacement of existing residents as the community redevelops
- Tenant protections
- Creating and expanding home ownership opportunities
- Fair housing policy
- Maintenance and preservation of single family housing stock
- Expanding housing options

Housing Policy Framework

In order to gather data and to identify the needs for additional housing choice in the community, staff is recommending working with a consultant to complete a housing study. A proposed scope of work for the housing study is attached to this memo. The study would include an analysis of regional trends effecting Brooklyn Center's housing, the city's existing housing stock, current rent trends, market demand and gaps analysis. The housing study is

also proposed to include a tenant and home owner survey in order to ascertain whether residents are satisfied with their current housing options, and what housing choices they anticipate needing/wanting over time. The results of this analysis will assist with guiding land use and policy decisions as it pertains to housing stock and choice.

As it relates to the needs around affordable housing, policy approaches fall into one of three categories: 1) Construction of new legally-binding units; 2) Preservation of NOAH units; 3) Tenant protections

In April 2018, the City Council discussed several possible policies to address affordable housing issues. The memo from that discussion is attached to this report. Based on that discussion, Council directed staff to move forward with a Tenant Protection Ordinance, and in December 2018, the city adopted one.

Additional policies which address affordable housing topics are described below. Staff is seeking direction on which policies Council would like to move forward with, would like additional information on, or would like to wait on.

Inclusionary Housing Policy (Creation Policy) – These are a collection of policies which would either encourage or require new affordable units to be included as part of new market-rate residential development projects which receive public subsidy or other discretionary City approvals. Frequently it is in the form of a requirement that a percentage of units be affordable in a new residential development in exchange for public subsidy of the project.

- New developments such as those in the Opportunity Site would be required to include a certain number of affordable units.
- Inclusionary Housing policies ensure that new affordable units are added as market-rate units are built, thus ensuring mixed-income communities.
- Cities such as St. Louis Park and Minneapolis have found that in higher rent developments, a certain percentage of affordable units can be required without increasing the need for additional public subsidy. This is due to the higher than average market rents, which off-set the affordable units. In Brooklyn Center, as is true in communities with lower average rents, the cost of the affordable units would require additional public subsidies in order for a project to be financially feasible.
- Brooklyn Park recently adopted an Inclusionary Housing Policy. As part of their analysis they concluded that any amount of included affordable would create a financial gap in the project and require subsidy. The policy acknowledges this and projects will be looked at on a project by project basis to determine if the gap can be financed.
- Community input on the Opportunity Site has identified many community benefits and goals for the redevelopment in addition to affordable housing; affordable commercial space, a cultural center, civic space, event space, and a recreation center to name a few. All of these uses would require public subsidy in some form or another, not to mention the infrastructure needs of the site. Identifying affordable housing as a singular or primary goal of the development through an inclusionary housing policy inevitably elevates it above other community goals for the site.

NOAH Preservation Program (Preservation Policy) – A preservation program can be set up in various ways, but essentially how they work is to incentivize existing NOAH property owners into setting aside a percentage of rental units as legally binding affordable for a set period of time. The City would create a NOAH preservation fund and identify additional funding sources to grow it. Staff would work with existing property owners to provide a modest subsidy for building rehabilitation, which would then be combined with a 4D tax classification, also known as the Low Income Rental Classification Program (LIRC), to provide a property tax break, currently amounting to 40%. The result is the preservation of NOAH units through legally binding contract.

- The tax break would be proportional to the percentage of units which would be affordable, and not apply to the entire building.
- The LIRC/4D statute defines eligible properties as those which meet two conditions: the owner of the property agrees to rent and income restrictions (serving households at 60% AMI or below) and receives “financial assistance” from federal, state or local government. This presents the possibility of creating a “Local 4D” program in which qualifying properties receive the 4D tax break in return for agreeing to conditions which meet certain local government policy goals.
- The reduction in property taxes would not decrease the City’s revenue from property taxes, as the funds would be distributed to all other properties; however, it would reduce that property’s share of local property taxes.
- The amount of the tax break is a limiting factor as it equates to around \$80/unit per year; however, the program may be an incentive for a property owner in a community where the market rents are already considered affordable, since they would not need to depress their rent rates.
- The city is estimated to have approximately \$320,000 of Housing TIF #3 funds when TIF #3 decertifies at the end of 2021. These funds could be used to seed a NOAH preservation fund.
- NOAH preservation is a more cost efficient form of creating legally binding affordable units compared with new construction, and ensures families are not displaced from their homes. A NOAH preservation program, combined with efforts to support tenant protections could be highly effective at addressing community concerns about displacement. Further, staff could begin to work on setting up such a program in the near term, and begin to identify potential funding sources for it.

Fair Housing Policy (Tenant Protection Policy) - Title VIII of the Civil Rights Act establishes federal policy for providing fair housing throughout the United States. The intent of Title VIII is to assure equal housing opportunities for all citizens. Further, Cities as a recipient of federal community development funds under Title I of the Housing and Community Development Act of 1974, is obligated to certify that it will affirmatively further fair housing.

- The city of Bloomington's Fair Housing Policy is attached as an example. Many other cities within Minnesota have Fair Housing Policies that are written very similar to Bloomington's.
- At present Brooklyn Center does not have a Fair Housing Policy. It is staff's recommendation that this be addressed in the near term, and that the Housing Commission be tasked with reviewing and recommending a policy to be adopted by the City.

Review Rental Licensing through the lens of Tenant Protections (Tenant Protection Policy) - Nearly a third of the City's housing units are rental. With vacancy rates hovering near 3 percent, tenants are not in a favorable position when it comes to negotiating with landlords on lease terms or other accommodations. Nearly all of the City's multi-family residential is considered naturally occurring affordable housing (NOAH). This is primarily due to its age and condition. Brooklyn Center hasn't had new multi-family housing constructed since 1971, and so this particular housing type, like most in the City, is aging. Maintenance varies significantly depending on ownership, as does the quality of property management. Therefore, it is important to continue to monitor the City's NOAH properties through a robust rental license program. However, when the rental license program was established tenant protections was not the focus of the program. A review of the City's ordinances, policies, and procedures through the lens of tenant protections would ensure that the program is serving residents as effectively as possible.

- Community engagement strategies would be necessary to identify problems and potential solutions. Suggested engagement strategies include listening sessions with tenants and landlords; and engaging stakeholders such as Homeline, Housing Justice Center, ACER, etc

- City staff have met with ACER, Homeline, and the Housing Justice Center and discussed some of the issues affecting Brooklyn Center residents already. In addition, the city's housing inspectors spend a significant amount of time interacting with tenants and landlords and understand the complexities of the issues. These resources can be drawn upon to further explore ways to make adjustments to the City's ordinances, policies, and procedures to ensure existing residents are provided safe, secure, stable housing and tenants are afforded protections under the law.
- Staff's recommendation is to move forward with reviewing the city's current policy and ordinance, and to begin to implement improvements. Tenant input could be incorporated into the tenant survey that is part of the housing study.

Single Family Housing Stabilization (Preservation Policy) - Approximately 86 percent of Brooklyn Center's single family housing stock is more than 40 years old. This is a significant portion of the City's housing, therefore it is important to track the condition of these older homes as they are at-risk of deferred maintenance. At the same time, well maintained older homes can be an important source of entry-level housing. When considering the type and age of housing in Brooklyn Center, the 2040 Comprehensive plan recommended the following programs:

- Housing study to assess the condition of the City's housing stock
- Home Ownership Program Assistance Program
 - Down Payment Assistance
 - Home Ownership Education
- Additional Low or No Cost Home improvement funding

Staff recommends moving forward with a review of the city's single family housing programs. The first part of which would be incorporated into the housing study.

Review of Additional Best Practices to Mitigate and Prevent Displacement - Housing Study and Impact Assessment - As was mentioned above, staff is recommending moving forward with a housing study in the near-term. Because issues around the impact of significant development on the city's existing housing, particularly around displacement and gentrification, have been raised in the community, staff is proposing to include within the housing study an impact assessment to evaluate the potential impact of the Opportunity Site in this way. The study would include a literature review of existing research on the topic of displacement and gentrification as it may pertain to Brooklyn Center, as well as case studies and best practices from other places that the community might draw from. The study, as the scope is currently proposed, would assist with providing an informed basis from which policy decisions can be made. The outcome of the study would allow us to identify additional policies and best practices which may forward the city's priorities around housing policy.

Implementation

Housing policy is both an urgent and important need in the community; however, staff capacity is also limited to address these issues in a timely manner. Some items identified above could be undertaken immediately such as the housing study and the creation of a fair housing policy. A NOAH preservation program may be a policy which could also be addressed in the near-term. Other items will take longer to address such as reviewing of the city's rental licensing ordinance.

The City of Brooklyn Park currently facilitates a housing stakeholder group with many of the same stakeholders which Brooklyn Center would very likely ask to participate in similar conversations. Rather than hold a second meeting each month, Brooklyn Park staff has suggested the two cities combine efforts with the group. This also offers the opportunity to share research and resources on topics which are likely to be of a similar nature in terms of housing issues.

It may also be valuable to create subject specific Housing Task Forces, over time, as each housing area is addressed. This can be vetting as work progresses. Not only would this allow greater community engagement, but also ensure that as various areas of focus are under review (i.e. tenant protections, single family preservation, multi-family preservation) that the right people are at the table to provide input and expertise. Though, inevitably, task forces and committees take considerable staff time to facilitate and manage. Ensuring that any engagement that is done is intentional and on topics where input is warranted is critical.

Staff has identified 5 key areas to address over the next 18 months. Other priority areas may arise through continued engagement which would require an adjustment to this framework.

Tentative Time Line

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

Next Steps

Staff recommends moving forward initially with the Housing Commission undertaking the review and drafting of a Fair Housing policy, which would then go to the City Council for final consideration. In addition, staff would recommend proceeding with the housing study and impact assessment as the initial step.

Policy Issues:

- What housing-related issues/topics do you see rising to the surface in the community?
- Are there any major elements you see needing to be addressed in the housing study in order to create a thorough baseline assessment of the City's housing stock?
- Should staff begin working with the Housing Commission on developing a Fair Housing Policy?
- Do you have any questions/concerns with the framework for a Housing Policy Plan as it has been laid out?
- Is the Council comfortable with moving forward with the housing study and gaps analysis?

Strategic Priorities and Values:

Resident Economic Stability, Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Housing Fact Sheet	11/19/2019	Backup Material
April 9, 2018 - City Council Memo - Affordable Housing Policy	11/19/2019	Backup Material
Housing Study Scope of Work	11/19/2019	Backup Material
Example Housing Gaps Analysis	11/19/2019	Backup Material
Chapter 4 - Housing	6/10/2019	Backup Material
Chapter 9 - Implementation Chapter	10/22/2019	Backup Material
Fair Housing Policy Example	8/16/2019	Backup Material
Distribution of Naturally Occurring Affordable Housing Buildings in Hennepin County	11/20/2019	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Community Development	Suciu, Barb	Approved	3/4/2020 - 2:38 PM

MEMORANDUM – COUNCIL WORK SESSION

DATE: April 9, 2018

TO: Curt Boganey, City Manager

FROM: Jesse Anderson, Deputy Director of Community Development

THROUGH: Meg Beekman, Community Development Director

SUBJECT: Affordable Housing Policy

Recommendation:

It is recommended that the City Council consider providing direction to staff regarding potential affordable housing policies for the City.

Background:

In May of 2017, the City Council received copies of emails forwarded by Councilmember Butler from African Career and Education Resource Inc. (ACER) requesting an opportunity to come before the City Council to discuss concerns about the need for affordable housing in Brooklyn Center. In addition Mayor Willson was in contact with a representative of Community Action Partnership of Hennepin County (CAPHC) regarding the same topic.

On July 10, 2017, by consensus the City Council directed staff to invite representatives from ACER and CAPHC to a future work session to present information and have a dialogue on the issue of affordable housing.

On August 14, 2017, the City Council received a presentation from ACER and CAPHC regarding the topic of affordable housing. At the presentation ACER and CAPHC advocated that the City consider adopting policies that would address the region's need for affordable housing, protect tenants, and help preserve naturally occurring affordable housing. The Council directed staff to bring the subject back to a future work session for discussion.

Regional Housing Trends:

The Twin Cities Metropolitan Area is currently experience record low vacancy rates. According to Marquette Advisors' midyear report in August 2017, the average vacancy rate across the Twin Cities metro was 2.4 percent. Experts agree that a balanced rental market will typically see an average vacancy rate of around 5 percent.

The impact of low vacancy rates over time has increased rents, a growing interest from outside investors, and landlords in a position to be choosier about who they rent to. This has borne out throughout the Twin Cities Metropolitan Area as rents have gone up throughout the region. The average rent at the end of July 2017 had increased 3.1-percent year over year. In addition, the Metropolitan Council is seeing a reduction in the number of landlords accepting Section 8

MEMORANDUM – COUNCIL WORK SESSION

vouchers. According to the Metropolitan Council, landlords are citing the increased interest for their units from non-voucher holders as the primary reason for the change.

Yet another impact of the increasing value of rental property is the growing number of investors purchasing Class B or Class C rental properties, which are renting for naturally affordable rents, making cosmetic improvements, and increasing rents so that the units are no longer affordable. According to the Minnesota Housing Partnership, the sales of apartment buildings in the metro area jumped 165 percent between 2010 and 2015. Often the change in ownership will also come with a change in policy related to criminal history, acceptance of Section 8 vouchers, or minimum income requirements, resulting in existing tenants being displaced from the property.

The region is also seeing a loss of smaller-sized rental properties (1-4-units). This is due, in part to single family properties converting back into owner-occupied as the market recovers from the recession, but also a growing number of local investors purchasing smaller properties and flipping them. While some of the proposed policies would impact single family rentals, the primary focus of affordable housing advocates and media attention has been on larger properties (40-units or greater).

Affordable housing advocates have identified potential policies designed to address these issues. The policies fall into one of three categories; 1) preservation policies designed to preserve naturally occurring affordable housing and prevent it from being flipped; 2) tenant protection policies designed to prevent or mitigate displacement; and 3) creation policies designed to create new, legally-binding, affordable housing that will replace the naturally occurring affordable housing that is being lost.

Brooklyn Center's Current Rental Housing:

According to the Metropolitan Council, the following table indicates what is considered affordable rents in the Twin Cities Metropolitan Area:

# of Bedrooms	30% AMI	50% AMI	60% AMI	80% AMI
Efficiency	\$474	\$791	\$949	\$1,265
1-Bedroom	\$508	\$848	\$1,017	\$1,356
2-Bedroom	\$610	\$1,017	\$1,220	\$1,627
3-Bedroom	\$705	\$1,175	\$1,410	\$1,880
4-Bedroom	\$786	\$1,311	\$1,573	\$2,097

*Rents include tenant-paid utilities

According to the Metropolitan Council, the following table indicates average rents in Brooklyn Center:

# of Bedrooms	Survey	5-Year Avg
Efficiency	\$730	\$744
1-Bedroom	\$869	\$801
2-Bedroom	\$1,019	\$925
3+ Bedroom	\$1,281	\$1,147

Our Vision: We envision Brooklyn Center as a thriving, diverse community with a full range of housing, business, cultural and recreational offerings. It is a safe and inclusive place that people of all ages love to call home, and visitors enjoy due to its convenient location and commitment to a healthy environment

MEMORANDUM – COUNCIL WORK SESSION

Brooklyn Center currently has 834 rental license holders. 713 of those are for single family homes. 71 of the licenses are for 2-4-unit properties. 24 are for properties with between 5 and 39 units. 27 licenses are for properties with greater than 40 units. There are approximately 4,300 rental units in the City. The average rents in Brooklyn Center are considered affordable for those making around 50 percent of the Area Median Income. Of the 11,608 total housing units (both rental and owner-occupied) in Brooklyn Center, 89.5 percent are naturally occurring affordable housing. There are currently 402 Section 8 voucher holders in the City.

Brooklyn Center currently has five apartment building that are legally-binding affordable housing, Ewing Square Townhomes (23-units), The Crest Apartments (69-units), Unity Place (112-units), Emerson Chalet Apartments (18-units), and The Sanctuary (158-units). Also, Lynwood Apartment (50-units) is currently applying for Certified Low Income Status, which would make it a legally-binding affordable property. This equates to 3.7 percent of the City's housing stock is legally-binding affordable housing.

Anecdotally, a recent phone survey of 34 Brooklyn Center landlords found a current average vacancy rate of 1.3 percent.

Rents in Brooklyn Center are currently very affordable compared to the region. Low rents may be contributing to the low vacancy rates. If the vacancy rates are in fact below 2 percent, and they remain that low over time, it would be reasonable to expect rents to increase. However, given the current low rents, even an increase in rents of 20-30 percent would result in rents still considered affordable for those making 60-80% AMI.

Affordable Policy Options:

Section 8 Ordinance (Tenant Protection) - Prohibiting discrimination against Section 8 voucher holders and other recipients of government programs. The policy would prohibit landlords from denying any tenants' application based on the applicant receiving government assistance.

- Staff surveyed 34 Brooklyn Center apartments and found that 50 percent indicated that they do not accept section 8 vouchers.
 - Minneapolis recently adopted this ordinance, which allows applicants who feel they have been discriminated against to seek damages through the city's department of Civil Rights.
 - The City of Minneapolis has an active lawsuit filed against them by 55 apartment owners over the legality of this ordinance. The lawsuit argues the mandate conflicts with state law and unfairly forces them to comply with requirements of federal housing voucher programs for low-income residents. It also says the law violates the Minnesota Constitution because it reduces their property values, forces landlords to enter into contracts and represents an unnecessary government intervention in their businesses. Landlords also claim that this could cause landlords to increase rent and/or application criteria as to price out Section 8 vouchers.
- Staff feels that if the ordinance is upheld by the courts, it could be a useful tool to ensure residents are not discriminated against based on their source of income; however additional review would be necessary related to the enforcement of the ordinance. Staff

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recommends that the City monitor the Minneapolis lawsuit then review pending the outcome.

Notice of Intent to Sell (Preservation) – Rental property owners must give advanced notice prior to the sale of a rental property. This gives a preservation buyer an opportunity to match the purchase price. It would also give service providers additional time to relocate residents who would be displaced as a result of the sale.

- Landlords would be concerned about delaying the closing of a property sale, which could have a negative effect on price. Preservation companies such as Aeon have expressed concerns that this could increase the competition for these properties, and thusly increase sales prices.
 - Enforcement would be difficult because the penalty would come after the sale has occurred. If the property has sold, the seller no longer has ties to the property so enforcing a citation could be challenging and may not be a deterrent. In a workgroup in St. Louis Park landlords stated that if there was a \$1000.00 citation for selling without notice, they would likely still sell the property and pay the citation.
 - It is unclear who the seller would need to notify of their intent to sell and what would be done with that information once it was known. Who would decide what buyers could have access to the information? Who would be responsible for disseminating the information?
 - It is possible that this ordinance would dissuade investors, who may opt to purchase property in cities that do not have the additional requirements.
 - St. Louis Park is looking at an alternative ordinance related to tenant transition/protection would address the need for additional time to relocate tenants.
- Staff recommends that the city consider other options such as the tenant transition ordinance.

Tenant Transition/Protection Ordinance (Tenant Protection) – This would require a new owner of a naturally occurring affordable housing property to pay relocation benefits to tenants if the new owner increases rent, rescreens existing residents or implements non-renewals without cause within 3 months after the purchase. The ordinance has the effect of freezing lease terms for 90 days after the sale of a property. The purpose is to allow tenants three (3) months to relocate if necessary.

- This ordinance wouldn't interfere with the sale of naturally occurring affordable housing, however; it would provide assistance to the tenants if necessary.
 - The ordinance would require new buyers to notify tenants within 30 days if substantive changes to the lease are forthcoming, giving tenants time to relocate if necessary.
 - St. Louis Park adopted the Tenant Protection Ordinance in March of 2018.
 - The policy could dissuade potential apartment buyers from buying in Brooklyn Center, who may opt to purchase a property in a city without this policy.
- Staff recommends that the City review this policy further to determine the legality of it, the enforcement mechanism, and what the specific impacts in Brooklyn Center might be.

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Just-Cause Eviction (Tenant Protection) – Also known as Just-Cause Non-Renewal, this would require a landlord to provide a reason if they were going to not renew a tenant's lease that was expiring. Currently landlords must provide a just cause for eviction, which a tenant can appeal in court. There is no appeal process available to tenants who lose their housing due to non-renewal of lease.

- Landlords see this as taking away a valuable management tool for dealing with problem tenants and have the unintended consequence of increasing the number of evictions filed and strengthening screening standards.
 - When St. Louis Park conducted their meetings with landlords and the Multi-family Housing Association, this ordinance received the strongest opposition.
 - The enforcement of this policy would be through the court system and would require a tenant to take legal action against their landlord via a lawsuit.
 - Of the 34 landlords surveyed by staff, the majority of evictions or non-renewals are the result of non-payment of rent or criminal activity.
 - The intent of this ordinance would be to protect tenants from being non-renewed in the event a new owner wants to empty a building in order to do a substantial renovation with the goal of increasing rents.
- Staff recommends that the City consider other options such as the tenant transition ordinance to protect tenants.

Inclusionary Housing Policy (Creation) – These are a collection of policies that could be adopted by the city which would either encourage or require new affordable units to be included as part of new market-rate residential development projects which receive public subsidy or other discretionary City approvals. Frequently it is in the form of a requirement that a percentage of units be affordable in a new residential development in exchange for public subsidy of the project.

- New developments such as the Opportunity Site would be required to include a certain number of affordable units.
 - Inclusionary Housing policies ensure that new affordable units are added as market-rate units are built, thus ensuring mixed-income communities.
 - Cities such as St. Louis Park and Minneapolis have found that in higher rent developments, a certain percentage of affordable units can be required without increasing the need for additional public subsidy. This is due to the higher than average market rents, which off-set the affordable units. In Brooklyn Center, as is true in communities with lower average rents, it is likely that the cost of the affordable units would require additional public subsidies in order for a project to be financially feasible.
- If the Council would like to move forward with this police staff would recommend reviewing the feasibility of future development if an affordable housing policy is adopted.

4D Tax Breaks (Preservation) – Also known as the Low Income Rental Classification Program (LIRC), Minnesota provides a property tax break, currently amounting to 40%, to subsidized rental properties under LIRC, commonly referred to as the 4D program. There is the potential,

MEMORANDUM – COUNCIL WORK SESSION

however, to extend 4D eligibility to certain currently unsubsidized affordable properties, without changing current law. This is because the LIRC/4D statute defines eligible properties as those which meet two conditions: the owner of the property agrees to rent and income restrictions (serving households at 60% AMI or below) and receives “financial assistance” from federal, state or local government. This presents the possibility of creating a “Local 4D” program in which qualifying properties receive the 4D tax break in return for agreeing to conditions which meet certain local government policy goals.

- A government agency would need to provide a financial contribution to a rental apartment with a low income agreement placed on the property. The property could then be eligible to apply for 4D status. This would allow a landlord to make physical improvements to the property in exchange for affordable rents.
 - The reduction in property taxes would not decrease the City’s revenue from property taxes, as the funds would be distributed to all other properties; however, it would reduce that property’s share of local property taxes.
 - The amount of the tax break is a limiting factor as it equates to around \$80/unit per year; however, the program may be an incentive for a property owner in a community where the market rents are already considered affordable, since they would not need to depress their rent rates.
 - Hennepin County is looking into a rehabilitation program for rental properties which would function similarly to the CDBG housing rehabilitation program, but be County funded.
 - The City could also look at funding a program for rental housing rehabilitation.
- Staff recommends working with the County to determine the feasibility of a County-led program. The City could also review EDA or TIF 3 Housing funds to determine the availability of funds for a city program that would provide rental housing rehab assistance in exchange for a 5-10 year affordability requirement. This could be set up as a per unit matching forgivable loan.

Other Policies/Programs

- Identify buildings that are at-risk of being flipped. Reach out to owners of at-risk buildings and gauge their short and long-term plans. Help connect them with preservation buyers on a case-by-case basis.
- Comprehensive Plan – the City is in the process of updating its Comprehensive Plan. If the preservation and/or creation of affordable housing are a priority for the City, it should be reflected in the City’s Comprehensive Plan.
- Education – Work with the Metropolitan Council to provide education on Section 8 voucher programs to dispel some of the negative perceptions of the program.

Policy Issues:

Does the Council believe that the information presented indicates a need for additional policy actions to address the concerns raised regarding affordable housing and the protection of tenant rights?

MEMORANDUM – COUNCIL WORK SESSION

Does the Council require additional information regarding these issues before concluding if further policy actions are necessary?

Which policies if any would the Council want brought back for further consideration?

Which policy does the council consider a higher priority?

Strategic Priorities:

- Resident Economic Stability

Attachments:

US Census Bureau Data

Metropolitan Council Land use Chart

August 14, 2017 Council Work Session Memo

August 14, 2017 Council Work Session Minutes

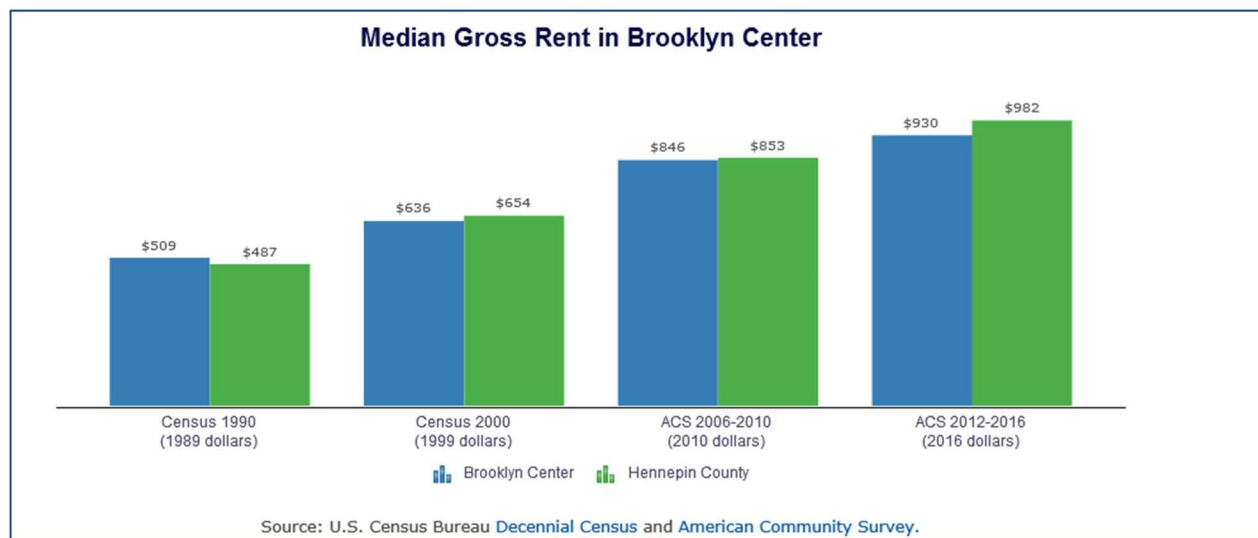
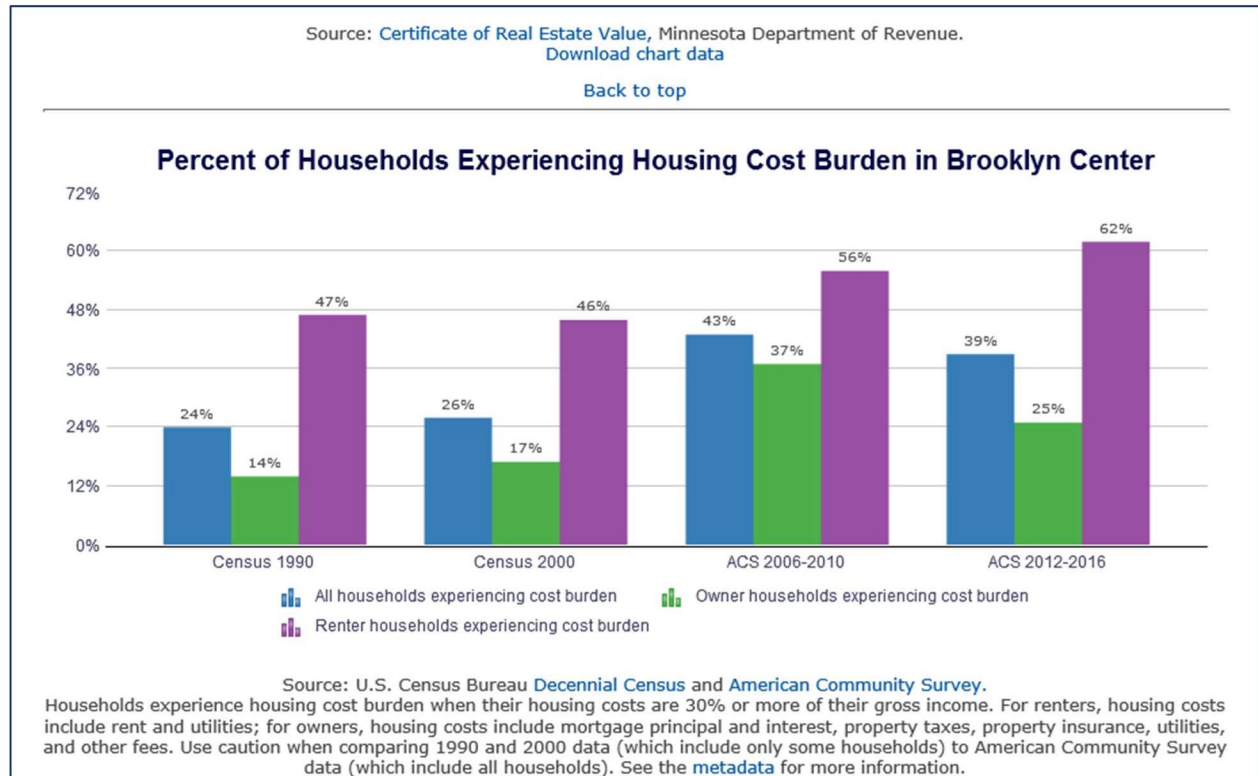
Housing Strategies Table Presented at Previous Work-Session

Mixed-Income Housing Policies among Neighboring Cities Table

Phone Survey of Brooklyn Center Apartments

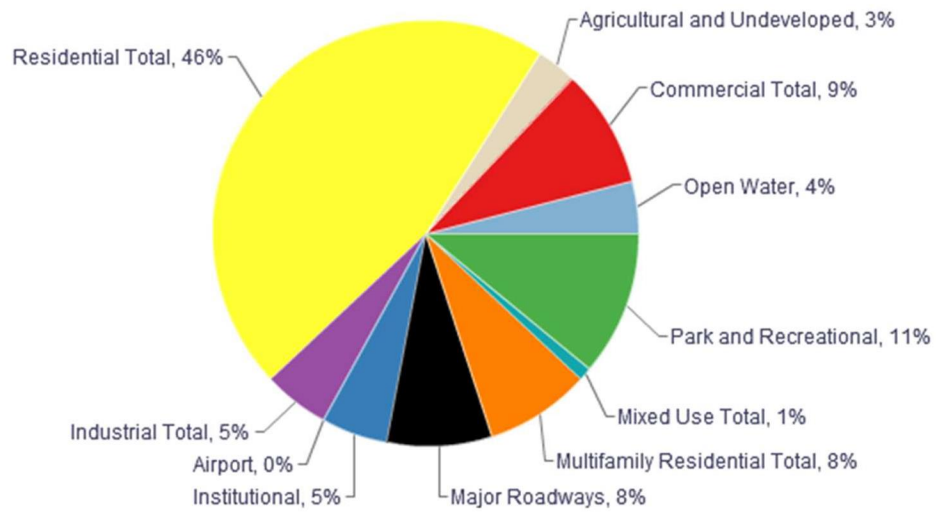
Phone Survey of Brooklyn Center Single Family Property Management Companies:

US Census Bureau Data:



Metropolitan Council Land Use Chart:

Generalized Land Use in Brooklyn Center, 2016



Source: [Metropolitan Council Generalized Land Use Historical Data Set](#)

MEMORANDUM – COUNCIL WORK SESSION

DATE: August 10, 2017
TO: City Council
FROM: Curt Boganey, City Manager 
SUBJECT: Affordable Housing Presentation

Recommendation:

It is recommended that the City Council receive the presentation/report and consider providing direction to staff.

Background:

In May of 2017 the City Council received copies of emails (attached) forwarded by Councilmember Butler from African Career and Education Resource Inc. (ACER) requesting an opportunity to come before the City Council to discuss concerns about the need for affordable housing in Brooklyn Center. In addition Mayor Wilson was in contact with a representative of Community Action Partnership of Hennepin County (CAPHC) regarding the same topic.

On July 10th 2017 by consensus the City Council directed staff to invite representatives from ACER and CAPHC to a future work session to present information and have a dialogue on the issue of affordable housing.

It is my understanding that these groups have collaborated in the past and will jointly present on the issue of Affordable Housing before the City Council. . As stated in the email from Executive Director, Munene the overall goal of the group is to enact or strengthen current policies that will preserve naturally occurring affordable housing, secure the rights and improve the living conditions of tenants living in affordable rental properties.

Enclosed with this report is a copy of Housing Strategies and Tools for the City Of Brooklyn Center (Exhibit A) provided by ACER and 3 Pillars of Affordable Housing Advocacy (exhibit B) provided by CAPHC. These documents represent some of the issues that will be presented to the City Council

Policy Issues:

Does the Council believe that the information presented indicate a need for additional policy actions to address the concerns raised regarding affordable housing and the protection of tenant rights?

Does the Council require additional information regarding these issues before concluding if further policy actions are necessary?

How does the Council want staff to proceed regarding the issues raised about affordable housing and tenant rights?

Excerpt- July 10th 2017 City Council Study Session

Councilmember Butler referenced the document from African Career Education & Resource (ACER) and stated this group would like to present findings related to affordable housing and how the City can ensure that housing remains for those who need it. She asked that this topic be scheduled for a future Work Session agenda. Mayor Willson stated this is the second time the City Council has received this information, noting in the second report they correctly updated Brooklyn Park to Brooklyn Center. He stated he is not opposed to scheduling this topic for a future Work Session. Mr. Boganey asked how much time they will require. Councilmember Butler suggested 20 minutes plus time for questions. Mr. Boganey stated he will contact them to arrive at a date within the next 30 days.

The City Council consensus was to direct staff to schedule this topic for a future Work Session.

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
AUGUST 14, 2017
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Tim Willson at 7:59 p.m.

ROLL CALL

Mayor/President Tim Willson and Councilmembers/Commissioners Dan Ryan, Kris Lawrence-Anderson, April Graves, and Marquita Butler were present. Also present were City Manager Curt Boganey, Director of Business and Development Gary Eitel, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

**AFRICAN CAREER AND EDUCATION RESOURCE, INC. (ACER)
AFFORDABLE HOUSING – CITY MANAGER**

Denise Butler, ACER Project Manager, Nelima Sitati Munene, ACER Executive Director, and Christine Hart with Community Action Partnership of Hennepin County Community Development provided a presentation on the background and purpose of this item.

Councilmember/Commissioner Ryan stated in the *Star Tribune* newspaper, there was an article on the issue of landlords deciding not to take Section 8 anymore and noted it is now in litigation. He stated in some of these cases they may need to wait to see how the items in litigation play out before they can decide how to proceed and help with these issues.

Mayor/President Willson asked what the State Legislature has indicated they are looking to do regarding the suggested local ordinances. Ms. Hart stated cities are still moving forward with these ordinances and then hoping the State makes some changes.

Councilmember/Commissioner Graves stated she believes there are some items they are already working on but there are a few she believes they could look at.

Mayor/President Willson stated he agrees with Councilmember/Commissioner Graves and also would like to explore and continue conversations on these issues. He stated at the Mayor's conference recently, they discussed the same issues and at a City level, they are being asked to look at the issues because it is closer to home and affecting their communities and then hopefully the state will follow suit.

Mr. Boganey stated the three policies that are being proposed are not new and have been used in other places. He asked how they choose these options and from their research, asked if it is their opinion that these are the most effective tools to address these issues being raised.

Councilmember/Commissioner Ryan stated he wished they had been here earlier this evening during the presentation by Brooklyn Alliance for Youth. He noted they discussed how to lift people out of poverty and make changes.

Mayor/President Willson asked if they would like to come back and speak further another time. Ms. Hart stated they would like to do that. Mr. Boganey noted he will add this to the agenda in the near future.

**DISCUSSION REGARDING A LETTER OF INTENT WITH EBERT CONSTRUCTION
FOR THE COMMERCIAL DEVELOPMENT OF APPROXIMATELY 2 ACRES OF
THE NORTHERN PORTION OF LOT 1, BLOCK 1, NORTHBROOK CENTER 2ND
ADDITION (FOUR STORY, 112,000 SF COMMERCIAL STORAGE BUILDING – 57TH
AND LOGAN AVENUES NORTH) – MR. EITEL**

Mr. Eitel Provided a presentation on this item with background and history.

Councilmember/Commissioner Ryan stated the change in the configuration of the roadway makes this site somewhat disadvantaged. He stated due to the problems they have had with this site he feels this would be something he agrees with.

Mr. Eitel stated this is a good site for this building in his opinion, brings income and not a lot of foot traffic, it is a win/win scenario, and noted it's a good-looking building.

It was the consensus of the EDA/City Council to move forward with this plan.

ADJOURNMENT

Councilmember/Commissioner Ryan moved and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session at 9:47 p.m.

Motion passed unanimously.

Housing Strategies Table Presented at Previous Work-Session

HOUSING STRATEGIES & TOOLS FOR THE CITY OF BROOKLYN CENTER

Tools	Description	Opportunities	Challenges	Hennepin County Cities Considering
Identification of buildings; Document the problem	There should be an organized effort to track the most significant examples of this trend as well as identify buildings as soon as they come on the market (if possible before that). The City can also do a housing study that will identify the housing inventory and at-risk properties.	Brooklyn Center is at a great risk given the high percentage of naturally occurring affordable housing (NOAH). Identifying the multi-family housing in Brooklyn Center and documenting the problem gives the City more knowledge and ability to craft a strategic, outcome-oriented approach.		A number of cities have been doing housing studies and research on their housing inventory, particularly with the upcoming Comprehensive Plans.
Notice Period	The City must be given advanced notice prior to the sale of any building.	A Notice Period will give the City more to approach a preservation buyer to rehab the property and prevent displacement. In addition, the City can give service providers advanced notice in order to support tenants.	Developers will push back stating that it is restraining their ability to get the best price (i.e. buyers will lower the price if the market fluctuates in the 90 day time period.) Also, there could be a potential for the price to rise if there is a bidding war between a for-profit and a not for profit developer.	St. Louis Park, Golden Valley, Minneapolis, St. Paul, Bloomington, Richfield
Help preservation buyers to buy at risk buildings	Several of our non-profit housing providers are actively competing in the market for these properties, but they are disadvantaged in competing against for-profit purchasers on price and timing with the complex financial process. The City can help notify preservation buyers when they know properties will be up for sale. (e.g. Seasons Park).	Preservation buyers will keep the rents affordable while enhancing the property.	Preservation buyers often need at least a 90 day notice prior to the property being listed on the market in order to put together a competitive bid.	Many cities have relationships with preservation buyers, and there is frequent communication.

HOUSING STRATEGIES & TOOLS FOR THE CITY OF BROOKLYN CENTER

<i>Right of First Refusal</i>	When owners offer their buildings for sale, they would be required to notify tenants and the designated unit of government. Tenants or the government unit would then have a defined period of time to match the essential terms of the offer (price, timeline, etc.). If they are able to do so, they have the right to purchase the building themselves.	Prevents tenant displacement and can help a preservation buyer be competitive.	It can be hard to anticipate where these purchase opportunities will materialize, making it difficult to know where to push for local ordinances. Could get complicated determining what the offer's "essential terms" are.	Minnesota has a ROFR for manufactured home parks.
<i>Local programs offering rehab financing in return for affordability commitments</i>	Many cities, like Brooklyn Center, have a supply of aging complexes that have deferred maintenance. Many managers of these complexes cite the costs of improvements as a reason to either 1) not make improvements or 2) increase the rents once improvements are made. Municipalities could offer rehab financing (low interest loans, forgivable grants) with commitments to maintain affordability over a set period of time. This could be done with CDBG dollars or in conjunction with Brooklyn Park's current Rental Rehab Program.	Preserves affordable housing units in the City as well as makes the property safe housing for residents.	Administration of the financing (could be done in conjunction with a local nonprofit), funds for the financing.	Bloomington- using their HRA levy money to put \$50,000 every year for a NOAH fund to preserve developments. It has been proposed to
<i>4d Property Tax Program</i>	This is essentially a tax credit given to housing providers who receive a government subsidy, and in exchange provide a percentage of their units at affordable levels (60%/50% AMI) for a set period of time. It has been suggested to staff in Brooklyn Center and we would like to see this move forward.	Increases the number of new affordable housing units in the City.	Providing the pot of money for developers to tap into; the program is voluntary.	This is a program Richfield had when it was funded at the state level. That funding has dried up, and it seems that most people think 4D has gone away. However, the statute allows for "local subsidies."

HOUSING STRATEGIES & TOOLS FOR THE CITY OF BROOKLYN CENTER

<i>Prohibition of Section 8 Discrimination</i>	Changes to business practices in Brooklyn Park has resulted in a number of apartment properties not accepting Housing Choice Vouchers: (We are in the process of compiling the list of properties and will update this document and share it with you) This ordinance would say that properties cannot exclude applicants simply because they use a rent subsidy.	Voucher holders would not lose housing every time a building changes policies and practices. There would also more housing options available to voucher holders.	Oftentimes the challenge will be for the HRA to lessen the administrative burden on landlords participating in the HCV program. The challenge is minimal for the City.	St. Louis Park, Minneapolis, Suggested to Golden Valley, Bloomington, Eden Prairie and Richfield.
<i>Just Cause Eviction</i>	Just Cause Eviction protects tenants from eviction for improper reason as well as prevents involuntary displacement through lease non-renewals or notices to vacate. This would allow landlords to evict a tenant only for certain reasons, such as failure to pay rent or for violation of the lease terms. As an example, what we saw at Crossroads in Richfield could also happen in Brooklyn Center, where the new screening criteria was the reason many tenants' leases to not be renewed. Just Cause would allow these renters to continue living there until they break a condition of their new lease. It can be tied in with rental licensing.	Prevents involuntary displacement and protects tenants from eviction without a proper reason.		St. Louis Park, Minneapolis, Suggested to Golden Valley, Bloomington and Eden Prairie, suggested to Richfield.

HOUSING STRATEGIES & TOOLS FOR THE CITY OF BROOKLYN CENTER

<i>Incentives to address landlord concerns about renting to certain groups of tenants</i>	Risk Mitigation Fund is oftentimes associated with the Housing Choice Voucher program. This Fund can be created as a response to the extremely low vacancy rate and the disparity between cost of living and wages. It serves as a damage fund to supplement costs the security deposit does not fulfill. It also has been offered as short-term vacancy reimbursement.	Incentivizes landlords to participate in voucher programs, providing voucher holders with more access to housing options. Provides insurance to landlords for any monetary losses from potential damage to property.	Funding the RMF; perpetuating stigma that voucher holders cause more damage (no evidence to support this)	Minneapolis HRA, Metro HRA, Dakota County CDA; many models across Minnesota.
<i>Inclusionary Housing</i>	This policy would ensure that with every development that happens, there would be an inclusion of affordable housing. It also can be applied to rehabbed developments.	Increases the number of new affordable housing units in the City.	Only applies to new construction, therefore not addressing the need to preserve and maintain NOAH	St. Louis Park, Edina, Minnetonka, Golden Valley, Eden Prairie, Minneapolis, Richfield is considering and others have shown interest.
<i>Increasing local government leverage through zoning</i>	Brooklyn Center could structure its zoning so as to prevent an owner engaging in conversion actions from doing so before obtaining the city's zoning related approval.	Provides the City of Brooklyn Center with more leverage to intervene.		Minneapolis. Has been presented to Richfield.
<i>Rental assistance</i>	51% of Brooklyn Center households are cost burdened (ACS 2015). Rental assistance would lessen the burden by supplementing income, so housing costs are no more than 30% of income.	Residents would be able to afford housing costs without sacrificing other basic needs.	It is costly and unsustainable. As rent increases, rental assistance is insufficient and cannot serve as many households.	Hennepin County & a number of cities
<i>Comp Plan: Include strong language and solutions regarding affordable housing</i>	As Brooklyn Center completes its Comprehensive Plan, it is encouraged that the Plan has detailed solutions with strong language around the preservation of naturally occurring affordable housing. This plan will guide the City's housing efforts in the next ten years.	Strong language can positively guide the City's housing efforts in the next ten years.		A number of Hennepin County cities

Mixed-Income Housing Policies among Neighboring Cities

City	Policy/Program Type	Affordability Requirements	Affordability Period	Opt-out (alternative) options	Enforcement Tool	Other Notes
St. Louis Park (2015)	City financial assistance for new developments creating at least 10 multi-family units or renovation of an existing multi-family development with at least 10 units.	18% of total units in the development required at 60% AMI or 10% of units required affordable at 50% AMI. - Families may remain in the dwelling unit as long as the income does not exceed 120% AMI.	25 year minimum (considering an increase).	- Subject to City Council approval: - Dedication of existing units - Offsite construction near public transit - Participation in construction of affordable units by another developer within the City	Affordable Housing Performance Agreement between City and Developer prior to Zoning Compliance Permit being issued.	- Implemented 2015 – 6/7 new developments triggered policy with 1,073 units and 281 affordable units produced. - No development has used an opt-out option. - Units must be located within the development and distributed throughout the building unless approved by City Council.
Edina (2015)	Re-zoning or Comprehensive Plan Amendment for all new multi-family development of 20 or more units.	10% of all rentable area at 50% AMI or 20% of all rentable area at 60% AMI.	15 year minimum.	- Dedication of existing units equal to 110%, must be equivalent quality. - New construction at a different site. - Participation in construction of affordable units by another developer within the City.	- Land use restrictive covenant. - PUD ordinance states development must consider affordability.	City will consider incentives for developments with affordable housing including: Density bonuses, parking reductions, TIF, deferred low interest loans from the Edina Foundation, and Tax Abatement.
Golden Valley (policy approved in 2017; ordinance in coming months)	- Market rate residential development with 10 or more units and receive: - Conditional Use Permit (ord.) - Planned Unit Development - Zoning Map Amendment (ord.) - Comprehensive Plan Amendment - Or Financial Assistance	15% of total project units at 60% AMI or 10% of project units at 50% AMI. - Families may remain in the dwelling unit as long as the income does not exceed 120% AMI.	20 year minimum.	Equal or greater amount dedication of existing units.	- Affordable Housing Performance Agreement. - Mix of policy and ordinance.	- City will consider incentives including: - Minimum in 33% reduction in required parking spaces - Minimum of 10% density bonus
Brooklyn Park	- New market rate residential development with 10 or more units and receive: - Planned Development Overlay (ord. required) - Zoning Map Amendment (ord. required) - Comprehensive Plan Amendment - Or Financial Assistance	15% of units at 60% AMI or 10% of units at 50%AMI or 5% of units at 30%AMI	20 year minimum.	Consider an alternative proposed by developer.	- Affordable Housing Performance Agreement. - Mix of policy and ordinance.	Units must be located within the development and distributed throughout the building unless approved by City Council.
Minneapolis (2002)	- City-assisted housing projects of 10 or more units. - City-assistance includes TIF, condemnation, land buy downs, issuance of bonds to finance project, pass-through funding, and other forms of	Varies based on funding source but generally is either 20% of units at 60% AMI or 20% of units at 50% AMI (AHTF)	15 year minimum.	None.		- Only 1-2 projects have taken advantage of the incentive program since 2002. - Currently engaging a consultant to develop an effective system.

	direct subsidy. Density bonus and parking reduction incentive					
Saint Paul (2014)	- City/HRA assisted rentals and homeownership. - Rental development in selected zones – density bonus incentive	Rentals – 30% of units affordable to households earning 60% AMI, of which at least one third will be affordable to 50% AMI, and at least one third will affordable to 30% AMI.	Rental - 10 year minimum .		Development Agreement	Voluntary/incentive density bonus is not being used so policy is currently being revised.
Minnetonka (2004)	- City Assistance - Voluntary/incentive based for all developments.	Rentals – 10% of units at 50% AMI for all developments, 20% of units at 50% AMI if using TIF funding.	30 year minimum.	Considered on a case by case basis.	Development Agreement.	Produced over 500 affordable units since 2004.
Eden Prairie	- City Assistance - Using a voluntary/incentive based approach for all developments; exploring adopting a policy.	- City subsidy – 20% of units at 50% AMI. - Voluntary/incentive – starts at 10% of units at 50% AMI.				
Woodbury (2012)	Voluntary/incentive based – density bonus policy	20% of units at 80% AMI or negotiated.	15 year minimum.			
Chaska	All developments that need City approval	30% of units at 80% AMI.				
Forest Lake (2014)	Voluntary/incentive based – density bonus policy	Negotiable				15% density bonus, flexible parking requirements.

Phone Survey of Brooklyn Center Apartments:

Apartment Name	number of Units	number of vacant units	Rent for a studio	Rent for a 1 bedroom	Rent for a 2 bedroom	Rent for a 3 bedroom	Rent for a 4 bedroom	Do you accept section 8	Has rent increased over the past 2years?	How much has rent increased?	Most common reason for Eviction or non-renewal
4819 Azealia	12	0		750	800			no new	yes	\$15-50	non-renewal
5207 Xerxes	12	0	0	Ave: \$750	Ave \$850			Yes	yes	8%	Disturbance
5240 Drew	10	0			845-950			yes	no		police calls for service
The Avenue	36	0	755	929	1075			no	yes	5% each month	non-payment
Beard Ave	24	0		\$895	1 fl-\$1025, 2-3 fl \$1075			Yes (Typically don't meet criteria)	yes	100 - 2bd - 1bd 75	smoke in units, police calls (pattern)
Brookside Manor	90	0			garden - \$750 2-3 floor \$800			yes	yes	\$20	police calls, disturbance, non-payment
Carrington Dr	128	0	\$735	\$835-855	\$945-975			no	yes	\$50	disturbance, illegal activity, cleanliness, non-payment
The Crest	122	3 for end of march		\$755	\$935			yes	yes	50	non-payment, crime free addendum
Crossings - 6201 Lilac - 55+	81	4 (0 in past few years)	1181-1275 (1bd + den	1081	1190-1750			No (inherited)	yes	2-5%	rarely - non-payment
Crossings - 6125 Lilac - 55+	65			1150							
Earle Brown Farm	120	1		845-920	1010-190			No new ones	yes	3% increase	disturbance, non-payment
Emerson Chalet	18	0		737	870			yes	no		non-payment, 3 strikes
Gateway	252	3	775	850-875-895	995-1045			no	yes	50	late payment, police calls, unit maintenance
Granite City	72	0	849	949	1139			yes	yes	34-55	smoking
Granite Peaks	54	0	849	949	1139			no	yes	34-55	non-payment
Humboldt Courts	36	1	750		900-995			no	yes	75-95	non-payment
Lynwood - mark	50	0		895-925	1050-1190			yes	Yes	2-4%	non-payment of rent
Melrose Gates	217	0		919-949	1129-1159	1159-1189 2bd+1.5ba	1209-1249 2bd+2ba	no	yes	100	non-payment
River Glen	128	0		900	975-1000	1250		yes	yes	50-75	non-payment/late rent
Riverwood Estates	84	2		929	999-1050			no	yes	40	lease violation
Ryan Lake	22	1		800	800-1000			yes	yes	75	non-payment
Summerset	36	3		700	800-850	1150-1200		yes	yes	\$50	non-payment, lease violations
Twin Lake North	276	3		950+	1105-1225+			yes	yes	5%	non-payment, behavior
Unity Place	112	2			904-909	970		yes	yes	30	non-payment
Victoria Townhomes	48	4				1340-1400		no	yes	40-60	tenant not renew

Phone Survey of Brooklyn Center Single Family Property Management Companies:

Management Agency	number of Units	number of vacant units	Rent for a studio	Rent for a 1 bedroom	Rent for a 2 bedroom	Rent for a 3 bedroom	Rent for a 4 bedroom	Rent for a 5 bedroom	Do you accept section 8	Has rent increased over the past 2years?	How much has rent increased?	Most common reason for Eviction or non-renewal
Prosperous	40	0			1050	1250	1450	1550	yes	yes	2-3%	non-payment
Urban homes	2					1300	1400	1500	Yes			NA
Juliana Koi	2	1				1350			no	yes	50	NA
Kathleen Freitag	4	0				1235-1325	1410-1450		no	no		non-payment; destruction of property
Tyang	1	0				1150			no	no		NA
Michelle Nyarecha	1	0				1170-1250			yes	no		non-payment; police violations
Nazeen	2	0			1000	1200			no	yes	5%	NA
Tracy Hinkemyer	7						1350-2000		no	no		NA
Dan tan	4	0			850-950				yes	no		non-payment drugs, noise



Low Income Rental Classification Guide

Fall 2017



The Minnesota Housing Finance Agency does not discriminate on the basis of race, color, creed, national origin, sex, religion, marital status, status with regard to public assistance, disability familial status, gender identity, or sexual orientation in the provision of services.

An equal opportunity employer.

This information will be made available in alternative format upon request.

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chapter 1 – What is Low Income Rental Classification (LIRC)?

1.01 Statute

Minnesota Statute 273.128 provides that qualifying low-income rental properties are eligible for a class rate reduction in property taxes. The LIRC statute specifies the type of properties that are eligible and eligibility criteria required to receive the reduction.

The full statute can be found in Appendix A or at Minnesota's Office of the Revisor of Statutes at www.revisor.mn.gov; Statute 273.128 Certification of Low-Income Rental Property.

1.02 Impact of LIRC

LIRC is a tool to aid in the preservation and sustainability of affordable rental housing in the state of Minnesota.

1.03 Contact

If you have questions regarding LIRC, please call the following Minnesota Housing phone numbers or refer to the agency's website at www.mnhousing.gov:

Toll Free:	800.657.3647
Direct:	651.297.4065
TTY:	651.297.2361
Minnesota Relay Service:	800.627.3529

Chapter 2 – LIRC Qualification

Use the guidelines below to help determine if your property is eligible for LIRC.

2.01 Eligibility

Minnesota property owners may submit a LIRC application if their property is classified as an apartment on January 2 (Assessment Date) and at least 20 percent of the units meet one or more of the following requirements:

- The units are subject to a project-based housing assistance payments (HAP) contract under **Section 8** of the United States Housing Act of 1937.
- The units are rent-restricted and income-restricted units of a qualified low-income housing project receiving tax credits under **Section 42(g)** of the Internal Revenue Code.
- The units are financed by the **Rural Housing Service (RHS)** of the United States Department of Agriculture and receive payments under the rental assistance program pursuant to Section 521(a) of the Housing Act of 1949.
- The units are subject to **60% or less of AMI rent and income restrictions** under the terms of financing provided to the rental housing property by the federal government, the state of Minnesota, or a local unit of government, as evidenced by a document recorded against the property.
 - The restrictions must require assisted units to be occupied by residents whose household income at the time of initial occupancy does not exceed 60 percent of the greater of area or state median income, adjusted for family size, as determined by the United States Department of Housing and Urban Development.
 - The restriction must also require the rents for assisted units to not exceed 30 percent of 60 percent of the greater of area or state median income, adjusted for family size, as determined by the United States Department of Housing and Urban Development.

If you are unsure of your properties eligibility, please contact Minnesota Housing for clarification and guidance.

Chapter 3 – Initial Application

If you believe that your property meets the eligibility requirements for LIRC set forth in Chapter 2 and you have never applied for LIRC before, follow the instructions below to apply.

If you previously qualified for LIRC, follow the instructions for Reapplication in Chapter 4.

3.01 Initial Application Documents

To receive LIRC, you will need to apply for qualification. Use the checklist below to make sure your application is complete.

- ☐ Complete the “Low Income Rental Classification (LIRC) Initial Application” found on Minnesota Housing’s website at www.mnhousing.gov.
 - Read the instructions on page two of the application for pertinent information on properly completing the application.
 - Complete the application in its entirety. Incomplete information may result in a delayed or rejected application.
 - Be sure to write in the expiration date for your “Proof of Qualification” on the application.
 - The property owner is required to sign the initial application.
- ☐ Attach a copy of supporting documentation to prove your eligibility for LIRC. Supporting documentation for the different programs is as follows:
 - Units subject to **project-based** housing assistance payments (HAP) contract,
 - Project-based Section 8 (HAP) contract.
 - Rent-restricted and income-restricted units under **Section 42(g)**,
 - The Section 42(g) Land Use Restrictive Agreement (LURA); *or*
 - If the LURA has not yet been filed, verification of the “Placed in Service” date for Section 42(g) properties is required, and the LURA must be provided when it is received.
 - **Rural Housing Service** Rental Assistance Program units
 - The United States Department of Agriculture Rural Development subsidy contract.
 - Units are subject to **60% or less of AMI rent and income restrictions**
 - The recorded document restricting income and rents under the terms of the financing provided by the federal government, the state of Minnesota, or a local unit of government.
- ☐ Calculate the amount of your annual, non-refundable fee, which is \$10 per qualified unit, or a maximum of \$150, and include a check with your application materials. To calculate the fee, follow the instructions in the “Units” section of the application or use the steps below:
 - Write the number of Qualifying Units on line five of the application. This is the sum of units listed on lines one through four.
 - Write the number of all rental units in the property on line six.
 - Divide line five by line six, and write that amount on line seven.
 - Example: 40 qualified units / 100 total units = 40%

- Finally, multiply line five by \$10 (\$10 per qualified unit) with a maximum of \$150
 - $40 \times 10 = \$400$; in this case you would pay the maximum fee of \$150

The LIRC application fee is non-refundable. If you choose to apply and do not qualify for LIRC, you will not be reimbursed.

- ☐ Mail the application along with proof of qualification and the fee to:
Minnesota Housing
Attn: LIRC
400 Wabasha Street North, Suite 400
St. Paul, MN 55102-1109

The LIRC application, qualifying documents and the non-refundable fee payable to Minnesota Housing must be mailed and postmarked no later than March 31. Late submittals (postmarked after March 31) will be returned to the sender and will not be eligible for the tax rate reduction for taxes payable in the following year.

Chapter 4 – Reapplication

For properties that have previously qualified for LIRC, a reapplication is due each year by March 31. In January, LIRC reapplications will be sent to owners who have previously been approved for LIRC and who had their property certified to the local assessor of their eligibility. If you do not receive a reapplication form you can download a blank form on Minnesota Housing’s website at www.mnhousing.gov.

If a property is no longer eligible for LIRC, please immediately notify Minnesota Housing to have the property removed from LIRC.

4.01 Reapplication Documents

Use the checklist below to make sure your reapplication is complete:

- ☐ Complete the “Low Income Rental Classification (LIRC) Reapplication” found on Minnesota Housing’s website at www.mnhousing.gov.
 - Read the instructions on page two of the reapplication for pertinent information on properly completing the reapplication.
 - Complete the reapplication in its entirety. Incomplete information may result in a delayed or rejected reapplication.
 - If necessary, update any contact information that has changed from the previous year.
 - The LIRC reapplication can be signed by the owner or a duly authorized representative of the owner.
- ☐ Attach a copy of supporting documentation to prove your eligibility for LIRC. Supporting documentation for the different programs is as follows:
 - Units subject to **project-based** housing assistance payments (HAP) contract,
 - Project-based Section 8 (HAP) contract.
 - Rent-restricted and income-restricted units under **Section 42(g)**,
 - The Section 42(g) Land Use Restrictive Agreement (LURA); or
 - If the LURA has not yet been filed, verification of the “Placed in Service” date for Section 42(g) properties is required, and the LURA must be provided when it is received.
 - **Rural Housing Service** Rental Assistance Program units
 - The United States Department of Agriculture Rural Development subsidy contract.
 - Units are subject to **60% or less of AMI rent and income restrictions**
 - The recorded document restricting income and rents under the terms of the financing provided by the federal government, the state of Minnesota, or a local unit of government.
- ☐ Calculate the amount of your annual, non-refundable fee, which is \$10 per qualified unit, or a maximum of \$150, and include a check with your reapplication materials. To calculate the fee follow the instructions in the “Units” section of the reapplication or use the steps below:
 - Write the number of Qualifying Units on line five of the reapplication. This is the sum of units listed on lines one through four.

- Write the number of all rental units in the property on line six.
- Divide line five by line six, and write that amount on line seven.
 - Example: 40 qualified units / 100 total units = 40%
- Finally, multiply line five by 10 (\$10 per qualified unit) with a maximum of \$150
 - $40 \times 10 = \$400$; in this case you would pay the maximum fee of \$150

The LIRC reapplication fee is non-refundable. If you choose to reapply and do not qualify for LIRC, you will not be reimbursed.

- ☐ Mail the reapplication, proof of qualification and the fee to:
- Minnesota Housing
Attn: LIRC
400 Wabasha Street North, Suite 400
St. Paul, MN 55102-1109

The LIRC application, qualifying documents and the non-refundable fee payable to Minnesota Housing must be mailed and postmarked no later than March 31. Late submittals (postmarked after March 31) will be returned to the sender and will not be eligible for the tax rate reduction for taxes payable in the following year.

Chapter 5 – Review and Approval

Owners can certify that their property is eligible or continues to remain eligible for LIRC by submitting their completed application or reapplication materials from January 2 through March 31 of each year. Minnesota Housing reviews LIRC applications as they are submitted.

By June 1 of each year, Minnesota Housing will certify to the appropriate county or city assessor the specific properties and the number of units in the building that qualify under LIRC. In making the certification, the agency relies on the application or reapplication and any other supporting information. Minnesota Housing may request any supporting information that the agency deems necessary from the property owner.

Owner and authorized representatives certify in all LIRC applications and reapplications that the property is in compliance with all applicable requirements of the low-income program that qualifies the property for LIRC. Noncompliance with the requirements of the low-income housing program that qualifies the property for LIRC may result in the denial and withdrawal of LIRC or a loss of some or all LIRC benefits.

Minnesota Housing will perform annual quality reviews. If findings occur during the annual quality review process, the appropriate owners and assessor's offices will be notified that properties no longer qualify for LIRC or that the Qualifying Percentage has been changed.

If you have questions or concerns about the status of your application, contact Steve O'Brien at 651.297.4065 or steve.obrien@state.mn.us.

5.01 Approval

Minnesota Housing will notify new application owners in writing no later than June 15 of that same year to inform them whether their LIRC application has been approved or denied.

If approved:

- You will receive a LIRC Account Number.
- The local assessor will be notified that the property qualifies for LIRC.

Owners who have been approved for LIRC will receive the property class rate reduction for taxes payable the following year. If, upon receipt of your property tax statements from the county, LIRC is not indicated, contact Steve O'Brien at 651.297.4065 or steve.obrien@state.mn.us.

5.02 Denial

New applicants who have applied for LIRC and who have been determined to be ineligible will receive a letter indicating the reasons for denial. The letter will also explain the appeals process.

5.03 Withdrawal

If you are a current participant who has reapplied for LIRC and it has been determined you are no longer eligible, you will be withdrawn from the classification status. A letter will be sent explaining why you were withdrawn.

5.04 Appeal

If you are denied participation in LIRC or are withdrawn from LIRC a letter will be sent explaining why Minnesota Housing came to this conclusion. The letter will provide guidance on how to appeal this decision if you feel we came to it in error.

Chapter 6 – Fair Housing Policy

It is the policy of Minnesota Housing to affirmatively further fair housing in all its programs so that individuals of similar income levels have equal access to Minnesota Housing programs, regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, familial status, gender identity or sexual orientation.

Minnesota Housing's fair housing policy incorporates the requirements of the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendment Act of 1988, as well as the Minnesota Human Rights Act. Housing providers are expected to comply with the applicable statutes, regulations, and related policy guidance. Housing providers should ensure that admissions, occupancy, marketing and operating procedures comply with non-discrimination requirements.

In part, the Fair Housing Act and the Minnesota Human Rights Act make it unlawful, because of protected class status, to:

- Discriminate in the selection/acceptance of applicants in the rental of housing units;
- Discriminate in terms, conditions or privileges of the rental of a dwelling unit or services or facilities;
- Engage in any conduct relating to the provision of housing that otherwise make unavailable or denies the rental of a dwelling unit;
- Make, print or publish (or cause to make, print or publish) notices, statements or advertisements that indicate preferences or limitations based on protected class status;
- Represent a dwelling is not available when it is in fact available;
- Deny access to, or membership or participation in, associations or other services organizations or facilities relating to the business of renting a dwelling or discriminate in the terms or conditions of membership or participation; or
- Engage in harassment or quid pro quo negotiations related to the rental of a dwelling unit

Appendix A – Statute

273.128 CERTIFICATION OF LOW-INCOME RENTAL PROPERTY.

Subdivision 1. Requirement.

Low-income rental property classified as class 4d under section 273.13, subdivision 25, is entitled to valuation under this section if at least 20 percent of the units in the rental housing property meet any of the following qualifications:

- (1) the units are subject to a housing assistance payments contract under Section 8 of the United States Housing Act of 1937, as amended;
- (2) the units are rent-restricted and income-restricted units of a qualified low-income housing project receiving tax credits under section 42(g) of the Internal Revenue Code;
- (3) the units are financed by the Rural Housing Service of the United States Department of Agriculture and receive payments under the Rental Assistance program pursuant to section 521(a) of the Housing Act of 1949, as amended; or
- (4) the units are subject to rent and income restrictions under the terms of financial assistance provided to the rental housing property by the federal government or the state of Minnesota, or a local unit of government, as evidenced by a document recorded against the property.

The restrictions must require assisted units to be occupied by residents whose household income at the time of initial occupancy does not exceed 60 percent of the greater of area or state median income, adjusted for family size, as determined by the United States Department of Housing and Urban Development. The restriction must also require the rents for assisted units to not exceed 30 percent of 60 percent of the greater of area or state median income, adjusted for family size, as determined by the United States Department of Housing and Urban Development.

Subd. 2. Application.

(a) Application for certification under this section must be filed by March 31 of the levy year, or at a later date if the Housing Finance Agency deems practicable. The application must be filed with the Housing Finance Agency, on a form prescribed by the agency, and must contain the information required by the Housing Finance Agency.

(b) Each application must include:

- (1) the property tax identification number; and
- (2) evidence that the property meets the requirements of subdivision 1.

(c) The Housing Finance Agency may charge an application fee approximately equal to the costs of processing and reviewing the applications but not to exceed \$10 per unit. If imposed, the applicant must pay the application fee to the Housing Finance Agency. The fee must be deposited in the housing development fund.

Subd. 3. Certification.

By June 1 of each levy year, the Housing Finance Agency must certify to the appropriate county or city assessors, the specific properties that are qualified under this section and the number of units in the building that qualify. In making the certification, the Housing Finance Agency may rely on the application

and any other supporting information that the agency deems necessary from the property owner.

DRAFT CHAPTER 4: Housing & Neighborhood





INTRODUCTION

This Chapter evaluates Brooklyn Center’s existing housing stock and plans for future housing needs based on household projections, population projections, and identified needs communicated through this planning process. As required in the City’s 2015 System Statement prepared by the Metropolitan Council, understanding and planning for the City’s housing stock is a critical part of the 2040 Comprehensive Plan (Plan). The City’s planned land use includes three residential categories and residential components of new mixed-use designations which together account for approximately half of the City’s land use area. Residential land use will continue to be the largest land use in the community. A diverse housing stock that offers neighborhood stability combined with access to open space, goods and services is essential to a healthy, sustainable, and resilient community. It protects the community’s tax base against market fluctuations; it builds community pride and engagement of existing residents; it helps the community’s economic competitiveness by assisting Brooklyn Center businesses with employee attraction and retention; it provides options for existing residents to remain in the community should their life circumstances (e.g., aging-in-place) change; and it offers future residents access to amenities and levels of service that support a stable and supportive housing and neighborhood environment.

4-1

The first part of this Chapter focuses on the existing housing stock. It summarizes important information regarding the overall number of housing units, the type of units, their affordability, and the profile of their residents. These sections are a summary of more detailed socio-economic data which is attached to this Plan as an Appendix and serves as a supporting resource to this Chapter. Understanding the existing housing stock is key to determining what types of housing products may be demanded over the next 10-20 years and where they should be located.

In conjunction to the statistical or inventory information collected, this Chapter includes a summary of community, stakeholder and policy-maker feedback related to housing and neighborhoods heard throughout this planning process. Additionally, this Chapter addresses the projected housing needs during the planning period and presents some neighborhood and housing aspirations as identified by the City’s residents and policy-makers. The final section of this Chapter links projected housing need to practical implementation tools to help the City achieve its housing goals and identified strategies. The list contained in this Chapter is not exhaustive but provides a starting place from which the City can continue to expand and consider opportunities to meet current and future resident needs.

2040 Housing & Neighborhood Goals

- » Promote a diverse housing stock that provides safe, stable, and accessible housing options to all of Brooklyn Center's residents.
- » Recognize and identify ways to match Brooklyn Center's housing with the City's changing demographics.
- » Explore opportunities to improve the City's housing policies and ordinances to make them more responsive to current and future residents.
- » Maintain the existing housing stock in primarily single-family neighborhoods through proper ordinances, incentive programs and enforcement.
- » Explore opportunities to incorporate new affordable housing into redevelopment areas that promote safe, secure and economically diverse neighborhoods.

** Supporting Strategies found in Chapter 2: Vision, Goals and Strategies*

ASSESSMENT OF EXISTING HOUSING SUPPLY

Overview of Brooklyn Center's Residential Neighborhoods

The City of Brooklyn Center's residential neighborhoods are diverse and include a variety of housing types from single-family neighborhoods to large-scale apartment complexes. Although the City originally incorporated as a village in 1911, it wasn't until the Post-World War II era that the City began to develop on a large scale in which entire blocks and neighborhoods were constructed with tract housing, suburban streets, and neighborhood parks. Like much of the region's first ring suburbs, Brooklyn Center took on the role of a typical bedroom community where residents could get to their jobs in the downtown, stop for groceries at the retail center, and go home and park their cars in their garages for the evening. This pattern of development can be seen throughout the region, but Brooklyn Center had one significant difference for many decades – the regional mall known as Brookdale. The prominence of the mall and its surrounding commercial district played a major role in how neighborhoods were built and developed, which influenced neighborhood patterns and housing types.

Even though the mall is now gone, it continues to have lasting effects on the existing housing types and neighborhoods and will influence future housing as described in subsequent sections of this Chapter. For example, in the decades that the mall and regional retail center was operational much of Brooklyn Center's multi-family and apartment development was concentrated near the mall and its surrounding commercial district and provided a transition to the surrounding single-family neighborhoods. Therefore, even though the mall no longer exists, the apartments developed around the periphery of its retail area in the 1960s continue to be in high demand and provide a critical source of housing for many households.



The following sections identify and inventory the existing housing stock in the community including single-family, attached and apartment uses. Each of these housing types serve a different role in the community, but each type is an important part of the City’s neighborhoods. A summary of the City’s existing residential types and neighborhoods are as follows:

Single-Family Residential

Single-family residential neighborhoods are the dominant land use within the City and single-family detached homes comprise nearly 63 percent of the City’s housing stock. The City’s single-family detached neighborhoods were developed surrounding higher density and higher intensity land uses that included the former regional retail center and the major freeway corridors of I-94 and Highway 100. Most of the single-family neighborhoods are developed on a grid system with traditional ‘urban’ size lots. Exceptions of some larger lots are interspersed within the traditional block pattern and along the Mississippi River where a pocket of residents have views and/or frontage of the river corridor.

The 1950s were the peak decade for housing construction in the City; a period in which owner-occupied housing predominated. While other housing types began to emerge post 1950s, the demand for single-family detached housing continued through 1980 as the remaining land in the community developed. Given the period in which the majority of Brooklyn Center’s housing stock was built, nearly the entire single-family detached housing stock is more than 40 years old. This is a major concern because at 40 years of age exterior components of a building including siding, windows, and roofs often need to be replaced to protect its structural integrity. Because the City became mostly built-out by the late 1970s, nearly all of the City’s housing stock falls into this category, which means the City must be cognizant of potential issues and proactively monitor the situation to ensure neighborhoods are sustainable into the future.



While related to housing age, the size or square footage of single-family homes also plays a significant role in the demographics of a community. Changes to family structure, technology, and other factors alter housing preferences over time, which can lead to functional obsolescence of homes and result in reduced home values because they no longer meet current buyers’ expectations. Brooklyn Center’s single-family housing stock is fairly homogeneous and the overwhelming majority of homes in every neighborhood are less than 1,500 square feet – and in many areas less than 1,000 square feet. This is a relatively modest single-family housing size, and, therefore, the single-family housing stock lacks diversity, which results in lack of choice for current and prospective residents. At the same time, these homes offer an option for small families, single and two-person households, and first time homebuyers.

Because the majority of the City’s single-family housing stock is relatively small, older, and of a homogeneous type as compared to newer larger homes or neighborhoods with more housing variety, housing prices in Brooklyn Center tend to be affordable. Also, given the similar age, size and styles of many of the homes, housing in the community has a fairly consistent price-per-square foot. Affordability in the existing housing stock can be a positive attribute that has the potential to provide long-term stability to residents and neighborhoods. However, as shown in the Background Report residents of Brooklyn Center also tend to have lower median household incomes, which can mean residents may struggle to pay for large-scale capital investments in their homes such as replacing windows or a roof.

Additionally, within the region some communities with similar single-family stock to Brooklyn Center have experienced pressure for tear-downs and major remodeling, and that market trend has yet to reach the City. While that trend may eventually impact the community, at the present time the change and growth impacting the single-family neighborhoods is mostly related to the evolving demographics within the community. This change presents different considerations and challenges because it is not necessarily physical growth or changes to homes and neighborhoods. Instead the community is challenged with how to manage larger numbers of people living within a household such as growing numbers of multi-generational households.



Existing Single-family Neighborhood Perspectives Described in this Planning Process

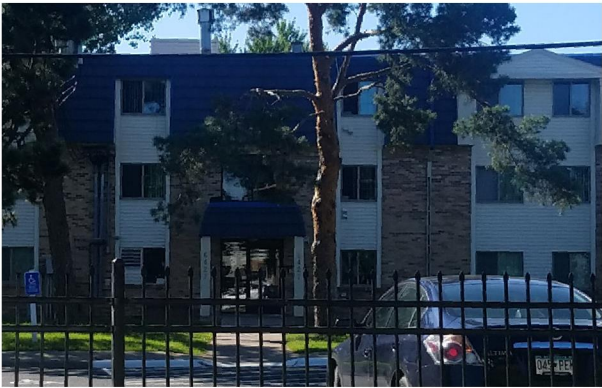
Throughout this planning process policy-makers and residents alike expressed the desire to maintain the affordability of the existing single-family neighborhoods but acknowledged the current challenges of helping residents maintain their structures, blocks and neighborhoods in the face of compounding maintenance due to the age of the City’s neighborhoods. In addition to the physical condition of the structures, residents and policy-makers also acknowledged that as the City’s population and demographics become increasingly more diverse new residents are changing how existing homes are being occupied and, therefore, it would be valuable for the City to evaluate it’s ordinances and policies to ensure they align with the needs of residents. The demographic considerations are identified in subsequent sections of this Chapter, but it is worth noting that the demographic changes can have a significant impact the character of existing single-family residential neighborhoods. Most recognized this as a positive change, but also acknowledged and stated that the City must figure out how to pro-actively address some of these changes to protect the existing neighborhood fabric. For example, multi-generational households are becoming increasingly more prevalent within the City’s single-family neighborhoods which can impact how rooms within a home are used, how many cars may be present at the home, and how outdoor spaces and yards may be used.

Closely related to the demographic changes in the community is the City’s aspiration to promote and maintain neighborhood stability. This objective emerged repeatedly throughout this planning process as residents and policy-makers expressed the desire to identify strategies to help promote and encourage sustainability, resiliency and accessibility within the single-family neighborhoods. In part this objective is the result of several years of turnover within the single-family neighborhoods as long-term residents begin to age and move onto other housing options, new residents and families are moving into the neighborhoods. This life-cycle of housing is common, but the City wants to find ways to ensure new residents want to stay in their homes, their neighborhoods, and the community long-term and invest in making the City a better place for generations to come.



Multi-family Residential

Nearly one third (29 percent) of the City’s housing units are in multi-family residential buildings located throughout the community. Nearly all of these buildings were constructed in the 1960s and 1970s, and are primarily located on major roadways or corridors, and surrounding the former regional retail areas. This means these buildings are nearly 50 years old or older. Just as noted within the single-family neighborhoods, the potential for deterioration and need for significant investment in these aging buildings can pose a threat to the quality of the City’s housing stock if the buildings are not properly maintained, managed and updated.

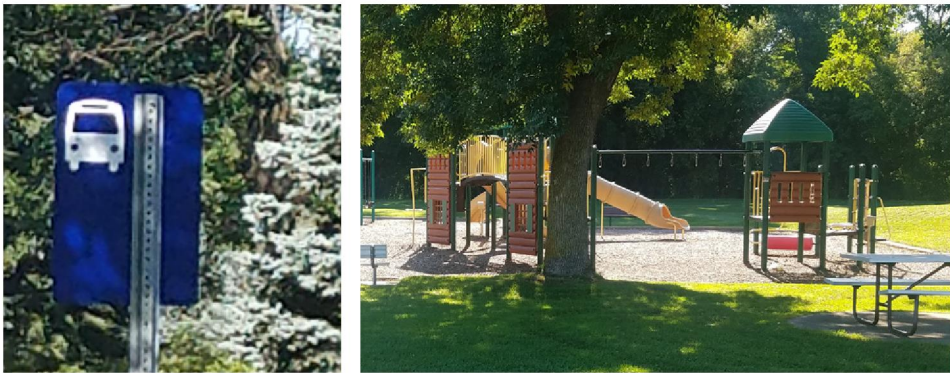


There has been some maintenance and management of the multi-family housing stock, and a few complexes have even incorporated modest upgrades to the interiors. In fact, the City has started one large-scale rehabilitation of a building that would bring higher-market rate rental options to the community once completed. However, this is one project and despite these improvements the City’s multi-family housing stock continues to be one of the most affordable in the region with some of the lowest rental rates in the metropolitan area.

Many of the multi-family areas are near major corridors and are adjacent to high intensity uses that do not necessarily support or serve the residential use with the current development and land use patterns. As a result, many of the multi-family areas do not feel like an incorporated part of the City’s neighborhoods. As discussed in subsequent sections of this Chapter, the City is planning for redevelopment in or adjacent to many of the existing multi-family areas that will hopefully reinvigorate and reconnect the existing multi-family uses into a larger neighborhood context.

Multifamily Neighborhood Perspectives Described in this Planning Process

Throughout this planning process the City’s residents were vocal about the existing multi-family options available in the community and the lack of diversity within the multi-family housing stock. Without a full inventory of all available multi-family units it is difficult to confirm some of the anecdotal comments heard throughout the process, but nevertheless it is important to consider since residents’ testimony provides valuable insight into the existing housing stock. Several residents indicated that there are few options available for larger multi-family units with at least three (3) bedrooms, making it difficult to find stable living options for families with more than two (2) children. Residents also communicated a desire to have housing options that were closer to supportive retail, commercial and services so that they could walk, bike or easily use transit to meet their needs. Despite these challenges, the City’s parks, trails and open spaces were viewed as an integral and important part of their quality of life.



Similarly, to the single-family neighborhoods, the community’s aspiration to create a stable, accessible, and economically diverse multi-family housing stock was established as a short and long-term priority. Though not discussed at length during this planning process, it is widely known and understood that resident turnover, including evictions, is a serious problem that is most concentrated within the multi-family neighborhoods of the City. While this Chapter does not attempt to fully evaluate the causes for turnover and eviction in these neighborhoods, it does acknowledge it as a significant challenge and issue which shapes the character of these areas of the community. Turnover, including evictions, changes how residents feel about the community whether the City is directly involved or not. It has lasting affects on how safe people feel within a community, how invested in an area they want to become and how willing they are to contribute and reinvest in the City. For these reasons, it is imperative that the City tackle these issues and create a more stable, and integrated living environment so all residents feel a part of a neighborhood, and the larger community.

Housing Stock Statistics

The following existing housing stock characteristics support the previous neighborhood descriptions through more detail. This information, coupled with the previous description, provides a valuable baseline from which the City can evaluate and plan for the future of its housing stock.

Total Housing Units

According to data from the Metropolitan Council and the City of Brooklyn Center, there are 11,603 housing units in Brooklyn Center as of 2017. As a fully developed community, new residential development in Brooklyn Center has been limited since the late 1980s. According to the Metropolitan Council, around 100 new housing units have been built since 2000 and these homes were primarily small infill locations or small redevelopment opportunities.



Housing Tenure (Owned and Rented Units)

Nearly 40 percent of the community’s residents rent, and the majority of those renters live in apartment buildings which are integrated throughout the community. The Background Report in the Appendix includes maps illustrating the location of rental housing and demographics of renters. Given that a significant portion of the City’s population lives in apartments, the age of such structures becomes critically important to the overall health of the housing supply. The majority of the apartments were constructed prior to 1979 with the bulk of the units being constructed between 1966 and 1969. This means that the majority of the apartments is more than 50 years old, and that structural deficiencies and major capital improvements may be required in the relatively near term in order for the structures to remain marketable.



Housing Type

Related to housing tenure is housing type. Due to Brooklyn Center’s peak time of housing development in the 1950s, the housing type is predominantly single-family detached homes. As of 2017, there are 8,270 units (71 percent) of single-family housing (attached and detached) and 3,333 (29 percent) classified as multi-family housing.

The type of housing structure can influence not only affordability but also overall livability. Having a range of housing structures can provide residents of a community options that best meet their needs as they shift from one life stage to another. For example, retirees often desire multi-family housing not only for the ease of maintenance, but also for security reasons. Multifamily residences are less susceptible to home maintenance issues or burglary concerns because of on-site management. For those with health concerns, multi-family residences often have neighbors that can also provide oversight should an acute health problem occur.

71% of housing units are single-family

- Sources: Metropolitan Council; US Census; SHC

Approximately 86 percent of Brooklyn Center’s housing stock (over 10,000 units) is more than 40 years old. This is an overwhelming portion of the City’s housing, and it is therefore important to track the condition of these older homes as they are at-risk of deferred maintenance. This can rapidly result in critical structural problems. At the same time, well-maintained older housing can be an important source of entry-level housing because of its relative affordability when compared to newer construction.

86% of housing stock is more than 40 years old

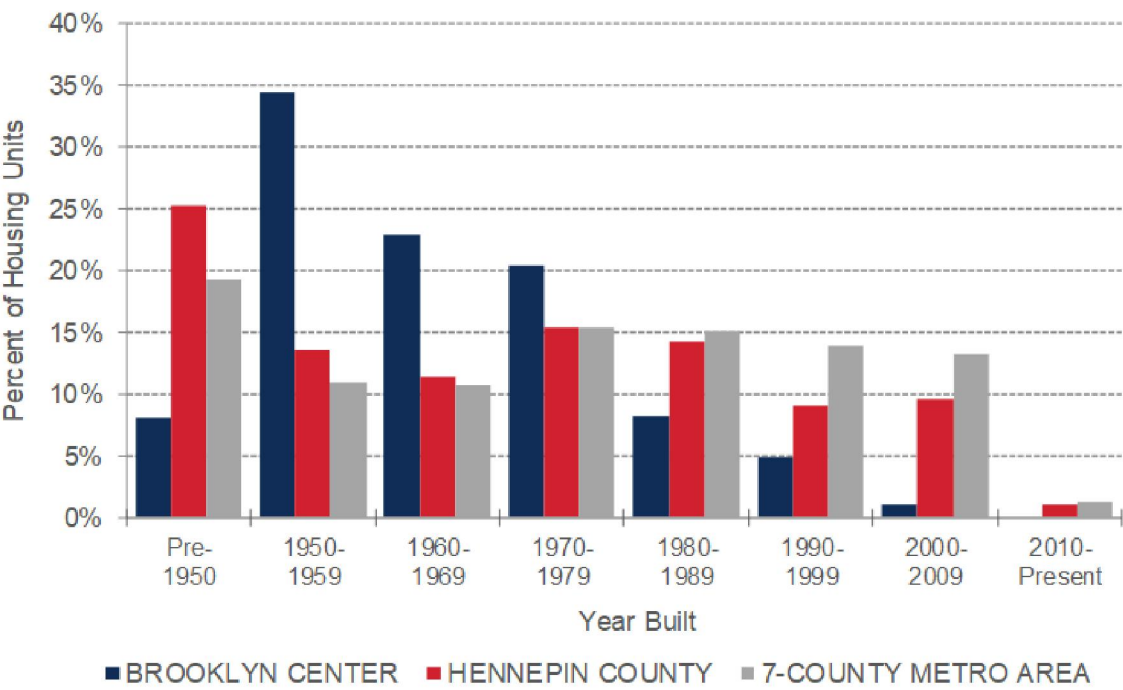
- Sources: US Census; SHC

4-10 The majority (63 percent) of Brooklyn Center’s housing stock consists of detached single-family homes. This is above the proportion found in Hennepin County (55 percent) or throughout the metropolitan area (59 percent). Nevertheless, the City’s housing stock is diversified, with many multi-family units in large structures, as well as a significant number of single-family attached units. More detailed data are included in the Background Report in the Appendix.

Year Built

The age of the housing stock is an important characteristic of the community particularly as it relates to potential structural obsolescence and other limiting factors which correlate to housing values. As described earlier, much of Brooklyn Center’s single-family housing stock was developed post-World War II between 1950 and 1963 and many of the homes in this age range were dominated by rambler architectural styles. As shown on Map 15, entire neighborhoods were all constructed in a relatively short period of time which strongly defines a neighborhood pattern. As shown, most of Brooklyn Center was developed on a fairly regular grid pattern and does not reflect a ‘suburban’ development pattern. This is positive from the perspective that transportation and transit connections should be easier to improve, where necessary, because of the relatively dense population of the neighborhoods. However, aging neighborhoods can present a challenge as major systems (i.e. roof, siding, windows, HVAC, etc.) reach the end of their useful life. This can be particularly difficult if residents are unable to reinvest and maintain their properties, which leads to deferred maintenance and the potential for more significant problems that would become widespread across entire neighborhoods.

Table 4-1. Year Built



Source: US Census: 2011-2015 American Community Survey

Housing Affordability

The Metropolitan Council considers housing affordable when low-income households are spending no more than 30 percent of their income on housing costs. Households are considered low-income if their income is at or below 80 percent of the metropolitan area’s median income (AMI).

The housing stock in Brooklyn Center is affordable relative to other communities in the Twin Cities region. According to the Metropolitan Council, 93 percent of the housing units in 2017 in Brooklyn Center were considered affordable. Moreover, only a small portion (5 percent) of this housing is publicly subsidized. Therefore, most housing is privately-owned and pricing is set by the market. According to the Minneapolis Area Association of Realtors, there were 480 home sales in Brooklyn Center in 2017 with a median sales price of \$186,125. This was roughly 25 percent lower than the Metro Area median sales price of \$247,900. For rental housing, according to CoStar, a national provider of real estate data, the average monthly rent for a market rate apartment in Brooklyn Center in 2017 was \$981 compared to the Metro Area average of \$1,190.

\$186,125

2017 median home sale price
in Brooklyn Center

\$247,900

2017 median home sale price
in the Metro Area

- Source: Minneapolis Area Association of Realtors,



Map 4-1. Estimated Market Value of Owner-Occupied Housing

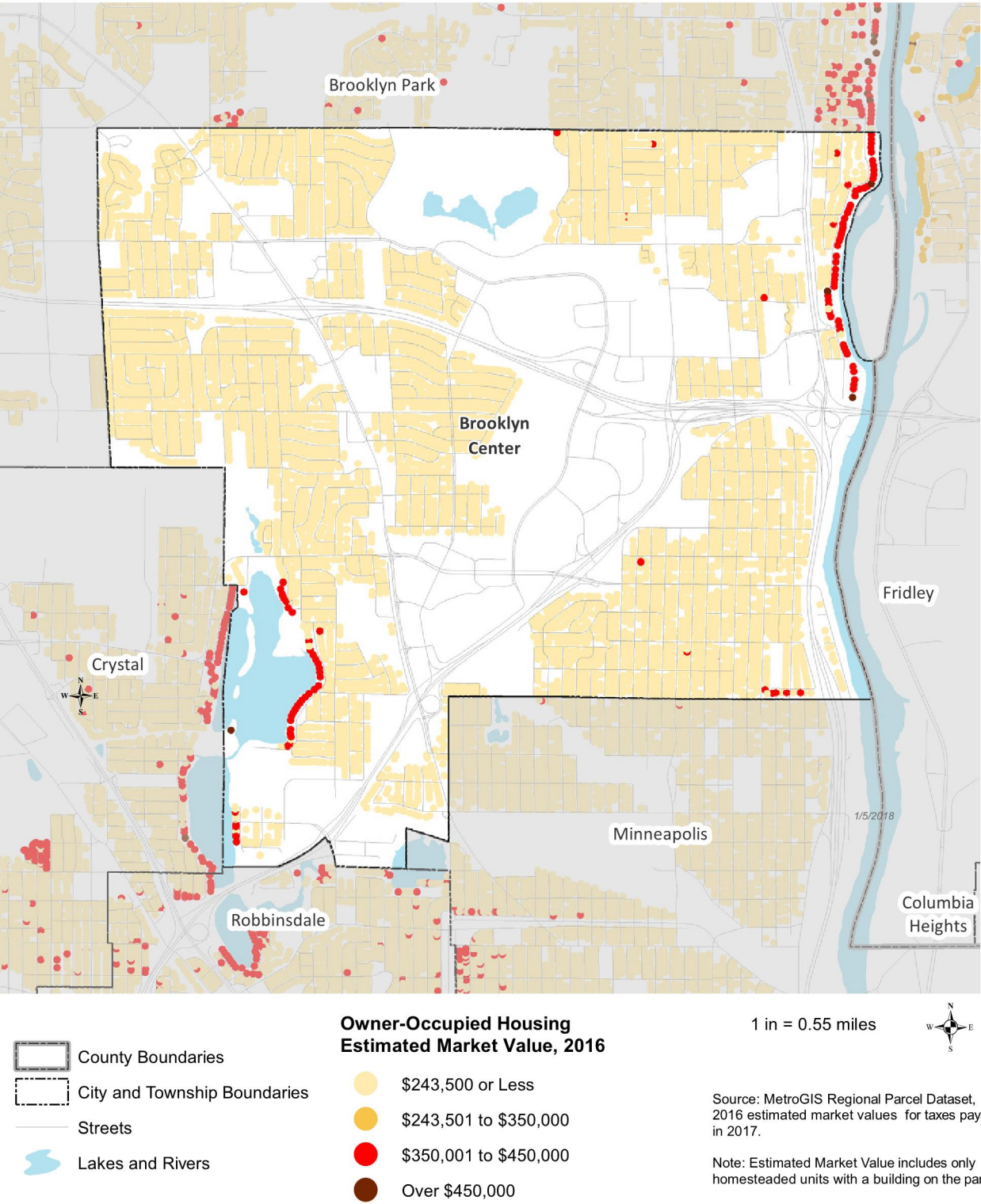


Table 4-2. Existing Housing Assessment

Total Housing Units ¹		11,608	
Affordability ²			
Units affordable to households with income at or below 30% of AMI	Units affordable to households with income 31% to 50% of AMI	Units affordable to households with income 51% to 80% of AMI	
460	4,451	6,029	
Tenure ³			
Ownership Units	Rental Units		
6,911	4,697		
Type ¹			
Single-family Units	Multifamily Units	Manufactured Homes	Other Housing Units
8,275	3,333	0	0
Publicly Subsidized Units ⁴			
All publicly subsidized units	Publicly subsidized senior units	Publicly subsidized units for people with disabilities	Publicly subsidized units: all others
553	22	0	531
Housing Cost Burdened Households ⁵			
Income at or below 30% of AMI	Income 31% to 50% of AMI	Income 51% to 80% AMI	
1,691	1,406	895	

¹ Metropolitan Council, 2016 housing sock estimate. Single-family units include single-family detached homes and townhomes. Multifamily units include units in duplex, triplex, and quadplex buildings as well as those in buildings with five or more units.

² Metropolitan Council staff estimates for 2016 based on 2016 and 2017 MetroGIS Regional Parcel Datasets (ownership units), 2010-2014 Comprehensive Housing Affordability Strategy data from HUD (rental units and household income), and the Council's 2016 Manufactured Housing Parks Survey (manufactured homes). Counts from these datasets were adjusted to better match the Council's estimates of housing units and households in 2016 as well as more current tenure, affordability, and income data from eh American Community Survey, home value data from the Federal Housing Finance Agency, and rents from HousingLink's Twin Cities Rental Revue data.

³ US Census Bureau, 2012-2016 American Community Survey five-year estimates; counts adjusted to better match the Council's 2016 housing stock estimates.

⁴ Source: HousingLink Streams data (covers projects whose financing closed by December 2016)

⁵ Housing cost burden refers to households whose housing costs are at least 30% of their income. Source: US Department of Housing and Urban Development, 2010-2014 Comprehensive Housing Affordability Strategy (CHAS) data, with counts adjusted to better match Metropolitan Council 2016 household estimates.

The high rate of affordability is largely due to the prevalence of smaller and older homes in the single-family neighborhoods, and the age and level of improvements within the multi-family rental neighborhoods. Such small sized properties are typically less expensive because they have significantly less living space than newer homes (average construction square footage has increased each decade since the 1950s). Age and level of update and improvements within the apartment stock, coupled with the average number of bedrooms in the rental units is impacting the relative affordability of the multi-family units. The condition in both the single-family and multi-family housing stock is what is known as Naturally Occurring Affordable Housing (NOAH), because the physical characteristics of the properties are what makes them affordable rather than the affordability being established through a legally binding contract. Although there is a high rate of affordability for existing units, the Metropolitan Council identifies a need for additional affordable units in any new housing construction added to the community through 2040. This condition would most likely be achieved by a legally binding contract, or some other financing mechanism as new affordable housing product would be difficult to achieve without some assistance given construction and land costs. Of the 2,258 projected new housing units, the Metropolitan Council establishes a need of 238 units to be affordable to households at or below 80 percent AMI to satisfy the regional share of affordable housing.

Although nearly all of Brooklyn Center's housing stock essentially fits within the criteria as naturally occurring affordable housing, there are some observable trends that would suggest the price of housing in Brooklyn Center could rise in the coming years. Most recently in 2018 the City's for-sale housing median home sales price surpassed the pre-bust pricing. While the median remains below the regional median, it does indicate growing demand and increased pricing. Significant areas of redevelopment identified on the Future Land Use Plan, including the former regional mall (Brookdale) location, present opportunities for higher-market rates for new housing added. These opportunities have the potential to create a more economically diverse housing stock within the City, which is relatively homogeneous at the time this Plan is written. Given these opportunities, it is important to continue to monitor the City's NOAH stock, and to evaluate and establish policies to incorporate legally binding and protected affordable housing as redevelopment occurs. This is a careful balancing act that requires concerted and direct monitoring, study, and evaluation in order to ensure an economically diverse, sustainable and resilient housing stock for the long-term success of the community.

KEY DEMOGRAPHICS

Age Profile of the Population

The age profile of a community has important ramifications on demand for housing, goods and services, and social cohesion. Tables and figures illustrating the City’s age distribution are presented in the Background Report in the Appendix. Unlike the broader region, in which the population continues to age rapidly, Brooklyn Center’s population grew younger between 2000 and 2010, and has stayed relatively stable since 2010. This is largely due to a significant increase in people age 25 to 34, many of which are starting families and having children. Increases in the number of young families place demands on schools, housing affordability, and the types of retail goods and services needed.

The median age of residents in Brooklyn Center in 2016 was 32.8, which is consistent with the 2010 median age of 32.6. This is younger than 2000 when the median ages was 35.3. With such a young population, it is expected housing units may turn over more frequently. But, as of 2016, more than 60 percent all households have been living in their homes for more than five (5) years. More data about geographic mobility of households is found in the Background Report in the Appendix.

Household & Family Type

Changing family and household structures can also have a profound effect on housing and other community needs. For example, decreasing household size has a direct impact on the amount of housing a household needs. As mentioned, the presence of children not only impacts local schools and parks, but also the types of retailers that can be supported and the nature of housing demanded.

Since 2010, the number of households with children in both single-parent and married couple households has been growing significantly. Meanwhile, the trend among households without children, especially married couples (i.e., empty-nesters) has been on the decline. The percentage of households with children is approaching 40 percent, which is well above the rate in the County and the metro area.



Cost Burdened Households

Cost burden is the proportion of household income spent toward housing and utilities. When lower income households spend more than 30 percent of their income toward housing and utilities this burden is considered excessive because it begins to limit the money available for other essentials such as food, clothing, transportation, and healthcare. According to data from the Metropolitan Council, 4,114 (35 percent) Brooklyn Center households at or below 80 percent average median income (AMI) are considered cost-burdened which means they spend more than 30 percent of household income on housing costs. This percentage is well above the metro area rate of 23 percent. Half of these Brooklyn Center households are lower income households who earn at or less than 30 percent AMI. The high incidence of cost burdened households is correlated with younger wage earners, lower-wage jobs, and a high proportion of older households, many of which are in retirement and no longer working.

FUTURE HOUSING OPPORTUNITIES

Projected Housing Need

As referenced in Chapter 3: Land Use & Redevelopment and the following Table 4-4, the Metropolitan Council’s 2015 System Statement forecasts that Brooklyn Center will add approximately 4,169 new residents and 2,258 new households through 2040 and identifies the following affordable housing allocation to be accommodated between 2020 and 2030.

Table 4-3. Affordable Housing Need Allocation

At or below 30% AMI	103
31 to 50% AMI	0
51 to 80% AMI	135
Total Units	238

Source: 2015 System Statement - Metropolitan Council

Housing Challenges Inform Housing Needs

The Metropolitan Council’s System Statement identifies approximately 10% of the planned housing units for some level of affordability as identified in Table 4-3. As described in other chapters of this Plan, for the first time since the post-World War II housing boom the City is expected to add a significant number of new households. These new households have the opportunity to provide a more diverse housing stock, and add to the options of available for existing and new residents in the community. Redevelopment can reinvigorate and revive

areas of the community with vibrant, experience-rich areas that will benefit everyone in the community. The City is excited for redevelopment to create a dynamic central hub of activity in the community, but also acknowledges that it must be balanced with strong assessment, planning and appropriate protection of its existing housing stock to ensure neighborhood sustainability and stability in all areas of the community.

New housing stock brings the possibility of adverse impacts to existing single-family and multi-family properties if proactive steps are not taken to protect existing naturally occurring affordable housing (NOAH), single-family neighborhoods, and multi-family properties. The City’s policy makers throughout this process discussed and acknowledged that bringing new market-rate, amenity rich housing products could have deleterious affects specifically on existing naturally occurring affordable housing if a plan to protect affordability is not implemented. This is a huge concern as resident stability through access to safe and healthy housing is one of the City’s adopted strategic priorities. If proper tools are not in place there are no protections to keep rents reasonable for residents and to maintain reasonably priced for-sale housing as redevelopment takes holds.

One of the positive aspects of the City’s identified redevelopment areas is that the land proposed for redevelopment does not contain existing housing. In a fully-development community this is unusual for a large redevelopment area, and is positive because no residents will be displaced as a result of the City’s redevelopment aspirations. However, even though residents will not be displaced directly, indirectly, redevelopment could increase the desirability of activities such as flipping single-family homes and converting NOAH multi-family properties for higher-rents.

To address some of these concerns an extensive list of high-level tools have been outlined in Table 4-5 of this Chapter. The City recognizes that this chapter is only the start of an ongoing conversation, and it is the City’s policy-makers intent to continue to be proactive, and to collaborate with non-profits and advocate for a broader regional approach to housing affordability. In addition to the tools identified in Table 4-5, the City is also continuing conversations about:

- Viability of a non-discrimination ordinance related to Section 8 acceptance. Adjacent Cities, including Minneapolis, have attempted to include ordinances in their tool-kit addressing this issue. While the issue is currently in court, Brooklyn Center will continue to monitor the process and may consider adoption of a similar ordinance depending on its outcome.

- The City has discussed developing a more formal housing action plan to better understand the needs of its residents. The plan would work to better understand cost-burdened households, eviction rates and policies, home-ownership racial disparities, and gaps in the housing stock.
- Continuing to revise, enhance and modify its policies and ordinance to respond to residents needs. This includes monitoring best-practices in the region, being agile and open to changes and enhancements. As an example of this type of ordinance or policy response the City recently adopted a Tenant Protection Ordinance that is aimed and protecting the City’s residents ability to maintain stable, safe housing.

The City’s projected housing needs are complex, and are likely to become more complicated as redevelopment occurs. However, the City intends to continue to prioritize discussion and action around creating safe and stable housing throughout the City. The following sections specifically address the new housing expected to be develop in this planning period. The new and redevelopment areas should be considered collectively with the City’s existing neighborhoods to ensure an incorporated, integrated approach to the City’s neighborhoods is achieved to create a dynamic community for generations to come.



New Housing Opportunities in this Planning Period

Recognizing that the land use plan for Brooklyn Center identifies several key areas that are envisioned for new development or redevelopment, this will result in an opportunity to accommodate more housing and increase the City’s number of households. Based on guided residential densities in the development opportunity areas, the City can accommodate the Metropolitan Council’s forecasted households as well as meet the allocated affordable units as shown in Table 4-3 above. As indicated in the Land Use Chapter, depending on how the market responds to these redevelopment areas the City could accommodate anywhere between 2,658 and 3,836 new households by 2040 (Chapter 3: Table 3-5, repeated in the following Table 4-4).

Table 4-4. Future Land Use Densities and Projected Acres, Households & Population

Future Land Use	Density (DU/A)	2020 Acres (Res) ^b	HH	Pop ^c	2030 Acres (Res) ^b	HH	Pop ^c
Transit Orient Development	31.01-130 DU/A	9	279	619	26	814	1,807
Neighborhood Mixed-Use	15.01-31 DU/A	13	195	433	19	285	632
Commercial Mixed Use	10.01 – 25 DU/A	8	80	178	15	150	333
High Density Residential	15.01-31 DU/A	212	3,180	7,060	212	3,180	7,060
TOTAL	--	--	3,734	8,290	--	4,429	9,832

Source: Metropolitan Council, Thrive 2040 Brooklyn Center 2015 System Statement, SHC.

^a Acreages assume that some recently redeveloped areas within these land use designations will not experience redevelopment until post-2040 and therefore households are not calculated. Please refer to Map 3-3 that identifies areas planned for change within this planning period.

^b Note, there are existing households in each of the designations today that would be re-guided for potential redevelopment in the future. This accounts for existing households and those that may potentially develop over the next two years.

^c Calculation multiplies households by 2.22 persons per household (According to the 2016 ACS (Census), for multi-family units (5+ units in structure))

There are three large districts identified in the City with guided land use that allows for significant potential of new development and redevelopment through 2040. These areas have the potential to greatly expand Brooklyn Center’s current housing numbers and choices. Moreover, each opportunity area has the potential to not only provide new forms and types of housing but to catalyze or rejuvenate investment into the City resulting in stronger linkages between neighborhoods and districts that are currently isolated from one another. The following section discusses these areas further.

Future Residential Uses in Planned [Re] Development Opportunity Areas

Transit-Oriented Development (TOD)

Transit-Oriented Development (TOD) is a new land use and redevelopment concept in the City that focuses on existing and planned transit as a major amenity and catalyst for redevelopment. While previous planning efforts have acknowledged the presence of transit in the community, none have embraced it as an opportunity for redevelopment. As this portion of the City redevelops, the location of future transit enhancements has the potential to attract significant new housing development. Therefore, this is where guided densities are the highest. This is purposeful because the area has exceptional visibility and access from Highway 100 and I-94, and will be served by two transit stops (one being a transit hub) for the C-Line Bus Rapid Transit (BRT) and the potential future D-Line BRT. The C-Line BRT is planned to open in 2019 and will mimic the operations of LRT (light rail transit), offering frequent transit service that will connect residents to the larger region. To best support the C-Line, and future D-Line, the City has planned to reinvigorate and re-imagine this central area of the community as a more livable, walkable, and connected neighborhood within the City. In addition, the potential for desirable views of Downtown Minneapolis could result in pressure to build taller structures in this area. Any development of this area should also be seen as an opportunity to support commercial users, improve multi-modal service and access, and allow safe, pleasant, and walkable connections to transit, parks, and other community destinations.

As this area evolves, the desirability of this area as an amenity-rich livable area is likely to improve. As change occurs, the housing within the area is likely to be at market rates adding to a more economically diverse housing stock than is currently available in the community. This would add more housing choices in Brooklyn Center, and it could also support a mix of both market rate and affordable units; provided proper policies are developed to ensure legally binding affordable housing is incorporated into development plans. Communities oftentimes explore policies such as inclusionary zoning as redevelopment accelerates which may become an appropriate consideration in the future, but is likely not to be the best approach given current market conditions. However, in the future if significant increases in the market occur it may warrant further discussion in the City. Regardless of the policy tool (whether regulatory or incentive based) selected, consideration will need to be given to working with any future developer in a possible partnership with the City to help deliver affordable units as part of redevelopment. As described within the Chapter 9: Implementation, the City will continue to explore proper methodology and policies to ensure an economically diverse housing stock is created as housing continues to evolve in the community.



Commercial Mixed-Use Areas

The Commercial Mixed-Use areas generally surround the TOD area and are contemplated for large-scale redevelopment but are equally as focused on supporting business and office users. These areas are generally within one mile of the transit station that serves as a major hub for regional and local transit services, and therefore new housing will still have opportunities to capitalize on this as an amenity. Slightly less dense than the TOD district, these areas may provide exceptional opportunities to introduce multi-family uses such as town homes, row homes, and small lot single-family uses that could cater to larger families and incorporate more units with three or more bedrooms. As indicated in previous sections of this Chapter, the City’s residents expressed a desire to have access to more rental units with more bedrooms and larger square footages. While a detailed market study would likely be needed to confirm the demand for these uses, if we can take the anecdotal information as true, this area has the potential to support those types of uses. As with the TOD district, affordability is likely to become a consideration in any redevelopment within these areas because new construction naturally costs more and as the area redevelops interest and demand is likely to escalate costs. It is therefore important, just as with the redevelopment of the TOD district, that the City evaluate and explore ways to incorporate a range of affordable and market rate opportunities in new developments.

4-22 Neighborhood Mixed-Use Areas

The Neighborhood Mixed-Use is a new land use designation that responds to resident and policy-makers desire to incorporate retail and services into the neighborhood fabric. One of the ways the City can accomplish that objective is to create ‘nodes’ of mixed-uses that include residential uses, but protect key corners for small retailers, shops, or restaurants that create a more vibrant streetscape. The City acknowledges that these areas are less likely to redevelop with any regularity. Therefore, the number of new housing units expected to come on-line in these areas is a little less tangible than in areas with large contiguous redevelopment acres. However, the nodes have the opportunity to provide yet another housing style and type, as these areas are not envisioned for large high-rises or extensive master plans. Instead, these areas are contemplated to have smaller footprints with living units above a small store front or restaurant for example.

HOUSING RESOURCES, STRATEGIES & TOOLS

Table 4-5 outlines a variety of resources, strategies, and tools to implement Brooklyn Center’s identified housing needs and stated housing goals. There is a wealth of resources available to assist communities in meeting their goals. The following table should be considered a starting point. As the City’s housing needs evolve or become clearer, this set of tools should expand with options.

Table 4-5. Housing Resources, Strategies & Tools

Housing Goal	Tool/ Resource/ Strategy	Description	Affordability Target
Promote a diverse stock that provides opportunities for all income levels	Housing Demand Market Study	Conduct a market study and gaps analysis to track housing demand. This study and report could double as a marketing and promotional piece about housing opportunities.	<30% AMI 51-80% AMI
	HRA/CDA/ EDA	Work with the County HRA and City EDA to protect and enhance existing NOAH in the City. Use Market Studies to help identify opportunities to meet housing needs in the City and evaluate ways to partner with the County and other program providers.	<30% AMI 30-50% AMI 51-80%
	Site Assembly	Consider strategies for assembling sites in high-density or mixed-use districts that would increase appeal to developers.	<30% AMI 51-80% AMI
	CDBG	Work with Hennepin County to use CDBG funds to help low-and moderate-income homeowners with rehabilitation assistance. CDBG funds will also be explored for use to support redevelopment efforts that meet the City’s goals towards a diverse housing stock (units and market/ affordable diversity).	<30% AMI 51-80% AMI
	Tax Abatement	Consider tax abatement for large rental project proposals that provide unit and income-mix within a single project. The City is particularly interested in projects with market diversity and units of different size to cater to a larger market (singles, families, multi-generational, etc).	<30% AMI 51-80% AMI
	HOME and Affordable Housing Incentive Fund	Consider application, and utilization, of HOME and Affordable Housing Incentive fund grants to support a diverse housing stock. The City will prioritize projects that include a unit size and income mix that meets the needs of single-person and families in the City.	<30% AMI 30-50% AMI
	Housing Bonds	The City would consider issuing Housing Bonds for projects that include units for large families, particularly in projects with a mix of unit sizes and incomes. However, it should be noted that there are limitations to the city bonding authority and other programs may be more suitable	<30% AMI 51-80% AMI
	Brownfield Clean-up	In potential redevelopment areas, explore EPA and MN DEED grant programs that provide funding and assistance with planning, assessment, and site clean-up.	<30% AMI 30-50% AMI 51-80%
	4D for NOAH Properties	The City will continue use of 4D classification for the purpose of protecting its Naturally Occurring Affordable Housing (NOAH) uses throughout the City.	<30% AMI 30-50% AMI
	Pooled TIF Funds	Explore the use of TIF housing funds to create a revolving loan program to support the rehabilitation of existing single-family and multi-family NOAH properties.	<30% AMI 30-50% AMI 51-80%



Housing Goal	Tool/ Resource/ Strategy	Description	Affordability Target
Identify ways to match housing stock with changing demographic	Housing Coordinator Position	The City would create a position that would serve as a liaison to existing landlords to help them respond to shifting demographics through training and access to city resources. The position could also serve as a resource for tenants to connect to support services in the event of eviction notices, discriminatory practices, and other issues related to housing access. The position would include coordinating housing programs, including home ownership programs, resident financial literacy programs, with the intent to convert Brooklyn Center renters to successful home owners.	<30% AMI 30-50% AMI 51-80%
	Referrals	Review and update reference procedures and training for applicable staff including a plan to maintain our ability to refer residents to any applicable housing programs outside the scope of local services.	<30% AMI 30-50% AMI 51-80%
	Preserve LIHTC properties	The City will monitor expiring LIHTC properties and work to find solutions to protect and preserve these affordable units to meet the needs and demands of the City's residents. The City will approach owners with expiring properties to discuss the possibility of 4d program tax breaks	<30% AMI 30-50% AMI
Explore opportunities to improve City housing policies and ordinance to make more responsive	Expedited Application Process	Streamline the pre-application process in order to minimize unnecessary delay for projects that address our stated housing needs, prior to a formal application submittal	<30% AMI 30-50% AMI 51-80%
	Fair Housing Policy	The City will work to incorporate a Fair Housing policy into its ordinances and policies.	<30% AMI 30-50% AMI 51-80%
	Existing ordinances	The City will continue to operate its Rental Licensing Program, and will periodically review and make enhancements to support the City's residents.	<30% AMI 30-50% AMI 51-80%
	Update the City's Zoning to support new land uses	The City's future land use plan provides opportunities to include high density residential uses in the areas identified for redevelopment. The City will update its zoning ordinance, including prepare new zoning districts, to support the housing needs identified in this Housing chapter.	<30% AMI 51-80%

Maintain existing housing stock in single-family neighborhoods through proper ordinances, incentives and enforcement	Foreclosure Prevention	In established neighborhoods, a rash of foreclosures, especially in close proximity to one another, can have a deleterious effect on the surrounding neighborhood. Be aware of foreclosures and be able to direct homeowners at-risk of foreclosure to resources that can help prevent foreclosures. http://www.hocmn.org/	<30% AMI 30-50% AMI 51-80%
	Low or No Cost Home Loans	Providing low-or no-cost loans to help homeowners repair heating, plumbing, or electrical systems helps preserve existing housing. For example, Minnesota Housing's Rehabilitation Loan and Emergency Loan programs make zero percent, deferred loans that are forgivable if the borrower lives in the home for 30 years. Minnesota Housing's Community Fix Up Program offers lower-cost home improvement loans, often with discounted interest rates, remodeling advising, or home energy services, through a trained lender network.	<30% AMI 30-50% AMI 51-80%
	Home Ownership Program	Work with residents to provide education and programs to make home ownership possible, particularly converting existing renters to home owners through supporting down-payment assistance programs.	30-50% AMI 51-80%
	Code Enforcement	The City will continue to operate a robust code enforcement program that includes both complaint-based enforcement and proactive sweeps.	<30% AMI 30-50% AMI 51-80%
	Vacant Building Program	The City will continue to operate its Vacant Building Program that tracks and monitors vacant properties in the City to ensure adequate upkeep and maintenance.	<30% AMI 30-50% AMI 51-80%
Explore opportunities to incorporate new affordable housing into redevelopment areas	Inclusionary Housing Ordinance	<u>If</u> the market strengthens in redevelopment areas to the extent that policies would not deter investment, the City could consider an inclusionary housing ordinance to ensure that affordable housing is a component of any new housing development. Since current market conditions in the City are well below those of adjacent communities, an inclusionary policy may deter short-term investment. The City may want to explore this policy in the future if the market rents rise to levels of at least 80% AMI.	<30% AMI 30-50% AMI 51-80%
	Livable Communities (LCA and LCA LCDA-TOD)	Consider supporting/sponsoring an application to LCDA programs for multi-family rental proposals in areas guided for high density residential and targeted to households of all income levels.	<30% AMI 30-50% AMI 51-80%
	Tax Increment Financing (TIF)	To help meet the need for low-income housing, the City will establish a TIF district in an area guided for TOD and mixed uses.	<30% AMI 30-50% AMI 51-80%



MEMORANDUM - COUNCIL WORK SESSION

DATE: 1/11/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: Pending Items

Recommendation:

- Council Retreat Follow-up
- 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
- Earle Brown Name
- Tobacco Ordinance

Background: