

Council Study Session

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection by
dialing 1-312-535-8110
Access Code: 133 791
1584
December 14, 2020

AGENDA



- 1. City Council Discussion of Agenda Items and Questions - 6 p.m.**
- 2. Miscellaneous**
 - a. Continuation of Retreat Phase 2 with Common Sense Consultants
- Direction from Council to re-engage Common Sense for continuation of development work with Common Sense
 - b. Oath of Office for January
- Provide feedback on the preferred option for the 2021 Swearing In Ceremonies
 - c. 2021 Meetings Zoom vs WebEx
 - d. Discussion on Resolution Expressing Support for the Minnesota Ethiopian Communities of Afar, Oromo, Somali and Tigray
- 3. Discussion of Work Session Agenda Item as Time Permits**
- 4. Adjourn**

Council Study Session

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: Continuation of Retreat Phase 2 with Common Sense Consultants

Background:

Following the two day retreat led by Common Sense there was a plan to continue the work of building an effective system of collaboration and Council leadership.

In conversations with the owners they continue to express a desire to work with the Council and build on the work previously started. They have agreed to honor the original contract rates and will adapt their process to the current virtual environment.

The propose objectives are as follows.

1. Provide opportunities to practice and make recommendations to operationalize, the tools offered during the retreats to achieve decision-making clarity, more effective communications and conflict resolution with minimal noise and negative outcomes as well as use of power that works for all.
2. Use coaching and check-ins to create a safe and confidential third-party space for growth and development for each council member
3. Increase the Councils ability to understand each other and work together, as they respond to the challenges of the increasingly diverse community of Brooklyn Center.

The Project deliverable are enclosed in more detail but they include
Completing the IDI Assessment, Facilitated Group Consulting Meetings, Individual Coaching meetings and Facilitated Group Check in meetings

We are seeking Council input and direction.

Budget Issues:

Sufficient Funding is provided in the general Fund for these expenses.

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
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Project Deliverables & Investment Expense

Below is an updated version of the project deliverables and investment expense:

Project Deliverable	Estimated Hours	Investment Expense
Complete the IDI Assessment and a 1-hour coaching session for the Mayor, City Manager, Assistant City Manager, and each Council Member (includes the cost of the IDI assessment).	7	\$1,400
Facilitate three (1.5 hour) Group Consulting meetings with the Mayor, City Manager, Assistant City Manager, and each Council Member to operationalize Intercultural Agility, norms, decision making, effective communications & conflict resolution, and power dynamics. One or two items will be selected to be worked on between the facilitated group meetings and the check-in meetings. <i>Note: These meetings are scheduled to occur on October 12, 2020, January 11, 2021, and March 8, 2021 before the existing Council meetings. Start time is 5:00 p.m.</i>	30*	\$5,100
Facilitate a series of three (1-hour) Individual Coaching/Check-in meetings with the Mayor, City Manager, Assistant City Manager, and each Council Member in between each facilitated consulting sessions and the Group Check-in meetings. These coaching sessions <i>Note: this include about Intercultural Agility, norms, decision making, effective communications & conflict resolution, and power dynamics. These meetings occur between the facilitated group meeting and the check-in meetings.</i>	21*	\$3,570
Facilitate three (1.5 hour) Group Check-in meetings with the Mayor, City Manager, Assistant City Manager, and each Council Member to come back together to reflect upon lessons and insights learned and determine how to sustain the operationalization of the selected item. <i>Note: These meeting are scheduled to occur on November 9, 2020, February 8, 2021, and April 12, 2021 before the existing Council meetings. Start time is 5:00 p.m.</i>	30*	\$5,100
Consulting hours to be used to plan and debrief before and after each meeting.	9	\$1,530
TOTAL	90	\$16,700

*Includes consultant time to prepare and follow up at each session.

Council Study Session

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: Oath of Office for January

Background:

At the January 11, 2021, City Council meeting we are tentatively set to swear in Councilmember Butler and Councilmember Lawrence-Anderson. With the meeting being held virtually, there may be questions regarding taking the oath of office in a virtual format.

The oath of office contains an oral and written component, typically performed at the same time. The written component requires a signature from the incoming council member.

Minnesota law considers the oath of office an "acknowledgement" for purposes of Minnesota Statutes, chapter 358. An acknowledgement requires the incoming council member to personally appear before a notary public, except as noted below. The city clerk or any other registered notary public may acknowledge the oath of office, including out-of-state notary publics registered in other states.

With all of that said, there are two options regarding taking the oath of office:

1. The oath of office could be administered prior to the inception of the new council term. This option would take into account COVID-19 social distancing and mask requirements. It would take place at city in the council chambers. With this option, we could also perform a ceremonial oath of office at the January 11th City Council meeting as well.
2. A remote online notary public must administer the oath. They would need to verify the signer's identity; Observe the electronic signature being applied by the signer; Apply the remote online notary's electronic signature and seal to the signed document as part of the "remote online notarial certificate"; and record the video and audio of each notarial act and maintain the recording for at least 10 years.

Budget Issues:

- None

ATTACHMENTS:

Description	Upload Date	Type
LMC Article	12/9/2020	Backup Material



Your LMC Resource

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Taking the Oath of Office in the Era of Virtual Meetings

December 7, 2020

State law contains a “remote online notary public” option that would permit the oath to be taken in a virtual format if the notary complies with all statutory requirements.

With many cities holding virtual council meetings, some are wondering about the ability of incoming council members to take the oath of office in a virtual format.

The oath of office contains an oral and written component, typically performed at the same time. The written component requires a signature from the incoming council member.

Minnesota law considers the oath of office an “acknowledgement” for purposes of Minnesota Statutes, chapter 358. An acknowledgment requires the incoming council member to personally appear before a notary public, except as noted below. The city clerk or any other registered notary public may acknowledge the oath of office, including out-of-state notary publics registered in other states.

The oath of office need not be taken at a council meeting and can be taken in person prior to the inception of the new council term. Those oaths taken in person or during a council meeting will want to observe COVID-19 social distancing and masking requirements.

Minnesota Statutes, section 358.645 (<https://www.revisor.mn.gov/statutes/cite/358.645>) does contain a “remote online notary public” option that would permit the oath to be taken in a virtual format if the notary complies with all statutory requirements.

What is meant by ‘remote online notary public?’

A remote online notary public may notarize electronic documents using audio and video communication technology. To do this, a currently registered notary public must first register as a “remote online notary public” with the Minnesota Office of Secretary of State (OSS) and identify the audio and video technology they will use to administer the oath.

The law requires simultaneous video and audio, so Zoom, Skype, Teams, or similar technology would suffice.

Remote online notarization process

A remote online notary public must follow these steps when administering oaths or performing other virtual notarizations:

- Verify the signer’s identity if the remote online notary does not have personal knowledge of the signer’s identity. If the remote online notary does not have such knowledge, a two-part verification process is required using photo identification and a series of questions and answers.
- Observe the electronic signature applied by the signer.
- Apply the remote online notary’s electronic signature and seal to the signed document as part of a “remote online notarial certificate.”
- Keep an electronic journal of each notarial act that contains pertinent information for each act.
- Record the video and audio of each notarial act and maintain the recording for at least 10 years.

Learn more about remote online notarization authorization from the OSS website (<https://www.sos.state.mn.us/notary-apostille/notary-help/remote-online-notarization-authorization-faq/>)

The OSS website includes a [search feature \(https://notary.sos.state.mn.us/search/searchfornotary\)](https://notary.sos.state.mn.us/search/searchfornotary) that identifies registered remote online notary publics. A remote online notary public may charge a fee of up to \$25 for each remote notarization.

[Read more news articles \(https://www.lmc.org/news-publications/news/latest-news/\)](https://www.lmc.org/news-publications/news/latest-news/)

Council Study Session

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: 2021 Meetings Zoom vs WebEx

Background:

Earlier in the year the I.T. Manager advised that the Zoom platform for meetings had a number of security deficiencies. Based on this advice we stopped using Zoom for City Council Meetings.

Recently the Mayor suggested that we revisit this decision. After reviewing this matter with the IT Manager I was advised that Zoom had resolved the previous security concerns and that City use for Council meetings should not pose an unreasonable risk.

Does the Council prefer a change from WebEx to Zoom for Council meeting?

Council Study Session

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Mayor Elliott

SUBJECT: Discussion on Resolution Expressing Support for the Minnesota Ethiopian Communities of Afar, Oromo, Somali and Tigray

Background:

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/14/2020	Resolution Letter

CITY COUNCIL MEETING

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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 - 7 p.m.

3. Call to Order Regular Business Meeting

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

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

- *Motion to approve minutes for the following meetings:*
 - *November 13, 2020 - Canvassing board Meeting*

- November 23, 2020 - Study Session
 - November 23, 2020 - Regular Session
 - November 23, 2020 - Work Session
 - November 30, 2020 - Work Session
- b. Approval of Licenses
 - *Motion to approve licenses as presented.*
 - c. Approve the 2021 City Council Meeting Schedule
 - *Motion to approve the 2021 City Council meeting schedule as presented*
 - d. Resolution Designating Polling Places for the 2021 Election
 - *It is recommended that the City Council consider approving a resolution designating polling places for the City of Brooklyn Center for the 2021 Elections*
 - e. Amendment Approving Hennepin County Violent Offender's Task Force Agreement
 - *Recommend approval of the Hennepin County Violent Offender's Task Force Agreement*
 - f. Juvenile Probation Client Delinquency Prevention Initiative
 - *Motion to approve the Joint Powers Agreement (JPA) between the Brooklyn Center Police Department and Hennepin County to address juvenile female runways through holistic diversion programming.*
 - g. Resolution Setting Salaries for Calendar Year 2021
 - *It is recommended that the City Council adopt the resolution setting salaries for calendar year 2021.*
 - h. Resolution Relating to the Issuance of Conduit Revenue Bonds to Finance the Costs of a Multifamily Housing Development (The Crest Apartments Project)
 - *Motion to approve a Resolution relating to the issuance of Conduit Revenue Bonds to finance the costs of a multifamily housing development under Minnesota Statutes, Chapter 462C; granting preliminary approval thereto; establishing compliance with certain reimbursement regulations under the internal revenue code of 1986, as amended; and taking certain other actions with respect thereto (the Crest Apartments Project)*
 - i. 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.*
 - j. Resolution Accepting Feasibility Report, Declaring Costs to be Assessed and Calling for Improvement and Assessment Public Hearings for Improvement Project No. 2021-07, Lyndale Avenue Area Pavement Rehabilitation
 - *Motion to approve resolution accepting a feasibility report, declaring costs to be assessed and calling for improvement and assessment public hearings for Improvement Project No. 2021-07 Lyndale Avenue Area*

Pavement Rehabilitation.

- k. Resolution Accepting Feasibility Report, Declaring Costs to be Assessed and Calling for Improvement and Assessment Public Hearings for Improvement Project No. 2021-06, Northwest Area Mill and Overlay
 - *Motion to approve resolution accepting a feasibility report, declaring costs to be assessed and calling for improvement and assessment public hearings for Improvement Project No. 2021-06, Northwest Area Mill and Overlay.*
- l. Extension of Civil Law Services RFP Timeline for One Year
 - *Reschedule the date for review of Requests for Proposals for Civil Law Services for year to 2021*
- m. Resolution Accepting Feasibility Report, Declaring Costs to be Assessed and Calling for Improvement and Assessment Public Hearings for Improvement Project Nos. 2021-08, 09, 10 and 11, Ryan Lake Industrial Park Area Street and Utility Improvements
 - *Motion to approve the resolution accepting a feasibility report, declaring costs to be assessed and calling for improvement and assessment public hearings for Improvement Project Nos. 2021-08, 09, 10 and 11, Ryan Lake Industrial Park Area Street and Utility Improvements.*
- n. Coronavirus Relief Fund (CRF) Local Government Expenditure Report
 - *Approval of Resolution Accepting CARES Act Funding Memo and Approving Final Coronavirus Relief Fund Local Government Expenditure Report.*

7. Presentations/Proclamations/Recognitions/Donations

- a. Presentation by the Highway 252 Safety Task Force Regarding Their Community Survey on Highway 252 Improvements
 - *Receive a presentation by the Highway 252 Safety Task Force regarding their community survey on Highway 252 Improvements.*

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. Resolution Certifying Special Assessments for Improvement Project Nos. 2021-01 and 2021-02, Grandview South Area Street and Storm Drainage Improvements to the Hennepin County Tax Rolls
 - *Motion to approve a resolution certifying special assessments for Improvement Project Nos. 2021-01 and 2021-02, Grandview South Area Street and Storm Drainage Improvements to the Hennepin County Tax Rolls.*
- b. An Ordinance Amending Ordinance No. 2018-08 Regarding Council Salaries for 2021-2022

- It is recommended that the City Council consider adopting the second reading of an ordinance setting salaries for the Mayor and City Council for the 2021 and 2022 fiscal years at two percent (2%) above their previous compensation levels.

9. Planning Commission Items

10. Council Consideration Items

- a. An Ordinance Amending Chapter 27 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 approve the first reading of an Ordinance Amending Chapter 27 of the City Code of ordinances regarding the operation of snowmobiles, all-terrain vehicles, off-highway motorcycles and other recreational vehicles within the City and calling for a public hearing and second reading to be held on January 11, 2021.*
 - Approve a resolution approving a summary publication of the above ordinance.*

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Background:

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

Budget Issues:

-None.

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
11/13 Canvass Board Minutes	12/11/2020	Backup Material
11/23 Study Session	12/8/2020	Backup Material
11/23 Regular Session	12/8/2020	Backup Material
11/23 Work Session	12/8/2020	Backup Material

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

SPECIAL MEETING
NOVEMBER 13, 2020

CALL TO ORDER

The Brooklyn Center City Council Special Meeting was called to order by Mayor Elliott at 6:00 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, Kris Lawrence-Anderson and Dan Ryan. Councilmember April Graves was absent and excused. Also present were City Manager Curt Boganey, Deputy City Manager Dr. Reggie Edwards, City Clerk Barb Suciu, and Deputy City Clerk Alix Bentrud.

CANVASS THE NOVEMBER 3, 2020 GENERAL ELECTION RESULTS

City Clerk Barb Suciu provided a general overview of the 2020 General Election in Brooklyn Center. She added voter turnout was very high, with 4,811 election day voters and 9,225 absentee ballots for a total of 14,036 voters or 79% voter turnout. She noted this is one of the highest turnouts ever in Brooklyn Center history.

Ms. Suciu stated a breakdown of absentee voting shows the majority of votes received in the mail, or 46%; 35% in person; 18% through direct balloting, and 1% at the health care center. She added health care center staff provided the absentee ballot voting process for their residents due to the pandemic. She congratulated the staff for doing a great job.

Ms. Suciu stated hours were extended for in-person absentee voting until 7:00 p.m. on weeknights, and for four days immediately prior to Election Day, from 12:00 p.m. – 4:00 p.m. She added absentee ballot drive-through service was also available for four days prior to Election Day. She noted these new initiatives worked out well.

Ms. Suciu stated she would like to extend her thanks and appreciation to everyone who helped with the election: CARS staff for the use of Constitutional Hall for a polling place; Maintenance staff for providing help for outside voter lines, including snow shoveling and bringing chairs out for people to sit on; the Fire Department for setting up the drive-through service at East Fire Station; the Police Department for allowing CSOs to assist with the drive-through; Public Works crews for voting equipment delivery and for staffing the drive-through, and to Mr. Cote for assisting with drive-through set-up; Finance Department staff who worked at the drive-through; Earle Brown Heritage Center staff for allowing the use of their facility as a polling place, and for their support and assistance; Engineering and Community Development staff who offered to work at the drive-through; and Administrative staff for their patience and understanding with logistic changes within City Hall. She thanked Mr. Boganey for his understanding and support with the volume of absentee voting.

Ms. Suciu expressed her appreciation for the election judges who were well-informed and made the process smoother; Maranatha Health Center staff for taking on absentee voting at their site; City Clerk's staff, for their hard work and efforts in facilitating a successful election during a pandemic; and to all Brooklyn Center voters for their patience and understanding. She stated there were a lot of voters. She added both she and Deputy City Clerk Alix Bentrud contracted Covid-19 before the election, and she thanked City Staff who stepped in to cover for them.

Ms. Suciu stated the candidates with the highest number of votes were Marquita Butler with 5,217 votes, and Kris Lawrence-Anderson with 5,162 votes.

Mr. Boganey stated City Staff recommends City Council adoption of a Resolution related to the 2020 General Election results.

Mayor Elliott requested clarification regarding the difference between in-person voting and direct balloting, in terms of logistics. Ms. Suciu stated the in-person process includes paperwork and multiple envelopes and can be a time-consuming process for voters and election staff. She added direct balloting begins 7 days prior to Election Day, and voters can deposit their ballot directly into the tabulator. She noted many voters take advantage of the direct ballot process.

Mayor Elliott asked whether many voters took advantage of the drive-through voting opportunity. Ms. Suciu stated approximately 140 voters used the drive-through, which was open for 4 days immediately before Election Day. She noted this can be attributed to the fact that residents are used to coming to City Hall to drop off their ballots.

Councilmember Butler stated voters were able to track their absentee ballot via the State of Minnesota website. She asked if this is a new process. Ms. Suciu stated ballot tracking was in place before 2020, but it was more publicized this year due to anticipated high numbers of early voters.

Councilmember Lawrence-Anderson expressed her appreciation for the City Clerk and all City Staff for their hard work and long hours throughout the election. She added she has heard many positive reports from voters about their experiences. She noted the entire election process was thorough, expedient and positive.

Councilmember Ryan stated he echoes the sentiments of Councilmember Lawrence-Anderson. He added he hopes Ms. Suciu and Ms. Bentrud are feeling better and hopes their experience with Covid-19 was not as severe as it has been for some people. He expressed his appreciation to Mr. Boganey and all City Staff for stepping up and working hard to pull off a good election in a difficult year.

Mr. Boganey thanked Ms. Suciu and Ms. Bentrud and the rest of the City Staff team, who were able to get the job done, and done well, and for their excellent efforts on behalf of Brooklyn Center during this difficult time.

There was a motion by Ryan and seconded by Mayor Elliott to adopt RESOLUTION NO. 2020-109 Regarding the Canvass of the November 3, 2020 Municipal General Election.

11/13/2020

The motion passed 4-0.

Mayor Elliott thanked Ms. Suciu for administering the election, and City Staff for supporting City election operations. He added this is incredibly important work, both locally and throughout the country.

ADJOURNMENT

There was a motion by Mayor Elliott and seconded by Councilmember Graves to adjourn the meeting. The motion passed 4-0. The Brooklyn Center City Council adjourned at 6:20 p.m.

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

STUDY SESSION
NOVEMBER 23, 2020

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Mike Elliott at 6:15 p.m. The meeting was conducted via Webex.

ROLL CALL

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

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

-None.

MISCELLANEOUS

Councilmember Graves asked whether Police Chief Tim Gannon has additional information and data regarding processing of rape kits, in terms of third-party involvement, how many cases, and processing time. She added she requested additional information at a previous discussion but never received it.

Police Chief Gannon stated every rape kit is submitted directly to the BCA, and the City does not use a third party for submittal of rape kits. He added the kits are not maintained at the Brooklyn Center Police Department.

Councilmember Graves asked if the Police Department follows up with the BCA. Chief Gannon stated the Police Department follows up with the victim and begins an investigation. He added kits are often submitted to hospitals without a name, but the Police Department still submits them to the BCA for statistical purposes, and they are processed and investigated.

Councilmember Graves stated any additional information would be appreciated. She added a community member has reached out to her for information a few times. Chief Gannon agreed to provide an investigation timeline and information on the number of kits currently being processed.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

TOBACCO LICENSE FOR JAMBO AFRICA

Mr. Boganey stated a request was received from Simone Chambliss, owner of Jambo Africa, to apply for a tobacco license for her restaurant. He added Ms. Chambliss originally requested a tobacco license in 2018, and would have been allowed to apply for a tobacco license at that time if City Staff had the necessary additional information, and the application would probably have been approved, and a tobacco license granted to her.

Mr. Boganey stated City Staff recommends that the City Council consider adopting a Resolution that would allow Ms. Chambliss to apply for a tobacco license as if it occurred in 2018. He added this would have no effect on the City's 15-license limit.

Councilmember Butler asked whether the error related to the application was caused by the applicant or the City. Mr. Boganey stated City Staff did not have information regarding whether the application qualified for approval under the City's Zoning Code. He added, at the time, City Staff informed the applicant that there were issues related to the Zoning Code, and the applicant decided not to apply for a license. He noted it is City Staff's belief that the applicant would have applied for a tobacco license, which would probably have been approved, if the information had been given to her.

Mayor Elliott requested that the Resolution be added to tonight's Regular Session Agenda, as it sounds like this was an error on the part of the City.

Councilmember Ryan stated this is an issue of regulatory fairness. He asked whether the tobacco license is an appropriate use based on the Zoning Code where the business is located. He asked whether the City Council has discretion to approve or deny the application.

City Attorney Troy Gilchrist confirmed this, adding the Zoning Code does not specifically identify hookah as a prohibited use. He added the proposed Resolution acknowledges that it should not be detrimental to this business that the Zoning issue was not previously addressed. He noted a license can be granted, and the City Council does not have much discretion, if an application is submitted for a permitted use.

Councilmember Ryan asked whether the current local Ordinances and State laws pertaining to tobacco use, including 21-year old requirement to purchase tobacco, would apply to people who use the hookah, if a license were to be granted to this applicant. Mr. Gilchrist confirmed that all tobacco laws and ordinances related to the sale and use of tobacco would apply, regardless of when the license was issued.

Councilmember Ryan asked whether hookah use would only be allowed outdoors, in compliance with the Minnesota Indoor Clean Air Act. Mr. Gilchrist confirmed this. He added there are some efforts on the part of the applicant to find a way around those requirements to have private samplings, but indoor smoking is prohibited by State law. He noted the Resolution and application would not provide exemption from any Codes or regulations.

Mayor Elliott requested that this agenda item be added to the Regular Session Agenda under Item 10a.

Mayor Elliott requested that the next Work Session Item to be addressed would be the Tobacco Ordinance, to stay on topic.

TOBACCO ORDINANCE UPDATE

Mr. Boganey stated, in June 8, 2020, the City Council received a request from the Association of Nonsmokers – Minnesota for consideration of a City Ordinance restricting the sale of flavored tobacco products, including menthol tobacco, to adult-only shops, as well as prohibiting the redemption of tobacco coupons and price discounts and setting a minimum price for cigarettes and chewing tobacco.

Mr. Boganey stated Emily Anderson, representing Association of Nonsmokers – Minnesota, was present to give a presentation and provide additional information.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Mayor Elliott adjourned the Study Session to Informal Open Forum at 6:45 p.m.

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

REGULAR SESSION
NOVEMBER 23, 2020

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Mike Elliott at 6:45 p.m. The meeting was conducted via Webex.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, City Planner Ginny McIntosh, Fire Chief Todd Berg, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

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

Melissa Carey thanked the Councilmembers for considering the formation of a Civilian Review Board in Brooklyn Center. She added a similar review board was set up in St. Paul, which was audited by the University of Minnesota's Restorative Justice and Peacemaking Department. She noted she can provide a detailed report of that audit for the City Council.

Ms. Carey stated a recommendation for St. Paul's Review Board was to remove Police Officers from the Committee, as there were voting discrepancies, and the Board should be reserved for civilians. She added the Chief of Police ultimately makes all the decisions, and the community's role is to provide recommendations.

Simone Chambliss asked if she is on tonight's agenda. Mayor Elliott confirmed that Ms. Chambliss' request for a tobacco license will be reviewed under Agenda Item 10a.

2. INVOCATION

Councilmember Kris Lawrence-Anderson read the following quotes as an Invocation:

"The purpose of life is not to be happy. It is to be useful, to be honorable, to be compassionate, to have it make some difference, that you have lived and lived well."

-Ralph Waldo Emerson

“The purpose of human life is to serve, and show compassion and the will to help others.”
-Albert Schweitzer

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:00 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, City Planner Ginny McIntosh, Fire Chief Todd Berg, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Graves moved and Councilmember Ryan seconded to approve the Agenda and Consent Agenda, as amended, with the addition of Agenda Item 10a, Resolution Approving Application for Tobacco License, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. November 9, 2020 – Study Session
2. November 9, 2020 – Regular Session
3. November 9, 2020 – Work Session

6b. LICENSES

Gasoline Service Station

Casey's Retail Company
DBA Casey's General Store #3823
211 Freeway Blvd

1 SE Convenience Blvd
Ankeny IA 50321

Northern Tier Retail LLC
DBA Speedway - 1901 57th Ave N

500 Speedway Dr
Enon OH 45323

Northern Tier Retail LLC
DBA Speedway - 6950 Brooklyn Blvd

500 Speedway Dr
Enon OH 45323

Northern Tier Retail LLC
DBA Speedway - 6545 West River Rd

500 Speedway Dr
Enon OH 45323

YD Holdings LLC
DBA Holiday Stationstore #3808

12500 Empress Ct
Apple Valley 55124

5710 Xerxes Ave N

Mechanical Licenses

BSI Mechanical Inc

10327 Flanders St NE
Blaine 55449

Erickson Plumbing Heating Cooling

1471 92nd Lane NE
Blaine 55449

NAC Mechanical and Electrical Services

1001 Labore Industrial Court Ste B
Vadnais Hgts 55110

Secondhand Goods Dealer

GameStop #535
6068 Shingle Creek Pkwy

625 Westport Parkway
Grapevine TX 76051

Tobacco Related Product

Burr St Market Inc
DBA Quick Shop
Casey's Retail Company
DBA Casey's General Store #3823
211 Freeway Blvd

5808 Xerxes Ave N
Brooklyn Center 55429

Leng Ku
DBA Sun Foods

1 SE Convenience Blvd
Ankeny IA 50321

Royal Tobacco

6350 Brooklyn Blvd
Brooklyn Center 55429

Walgreens Company
6390 Brooklyn Blvd
YD Holdings LLC
DBA Holiday Stationstore #3808
5710 Xerxes Ave N

5625 Xerxes Ave N
Brooklyn Center 55430

PO Box 901
Deerfield IL 60015

12500 Empress Ct
Apple Valley 55124

RENTAL

RENEWAL (TYPE IV – one-year license)
2913 Nash Rd

Chen Zhou

RENEWAL (TYPE III – one-year license)
6737 Humboldt Ave N
Humboldt Square Apartments
3614-16 50th Ave N

Todd Glorvick / Humboldt Square
Ventures
William Lang / WLG Holdings LLC

RENEWAL (TYPE II – two-year license)
7025 Drew Ave N
7031 Humboldt Ave N

Dave Swartout
IH3 Property Illinois

RENEWAL (TYPE I – three-year license)

5415 69th Ave N Maranatha Place
5240 Drew Ave N

Center Park Senior Apartments
Bradley J Schumacher
- met requirements
Steven Scott Management

6915 Humboldt Ave N
Lynwood Pointe Apartments
2307-09 54th Ave N
3819 61st Ave N
5101 63rd Ave N
3224 67th Ave N
6261 Brooklyn Dr
7048 France Ave N
6670 Xerxes Pl

James Johnson
Fred Hanus
Adedamola Ogundipe
Haymant Dasarh - met requirements
Ruben Zempoaltecatl
Tai Hon
Dolores Ann Fischer

6c. EXTENSION OF AUDIT SERVICE PROFESSIONAL CONTRACT

6d. RESOLUTION NO. 2020-110 AUTHORIZING THE EXECUTION OF A FOUR-YEAR CONTRACT WITH HENNEPIN COUNTY FOR ASSESSING SERVICES

6e. RESOLUTION NO. 2020-111 ACCEPTING WORK PERFORMED AND AUTHORIZING FINAL PAYMENT, MUNICIPAL LIQUOR STORE #1 CONSTRUCTION

6f. RESOLUTION NO. 2020-112 RATIFYING THE APPROVAL OF THE PRELIMINARY AND FINAL PLAT FOR BROOKLYN CENTER EDA FIRST ADDITION AND AUTHORIZING FINAL PLAT RECORDING

6g. RESOLUTION NO. 2020-113 EXPRESSING APPRECIATION OF THE DONATION OF A GRILL FROM MILLS FLEET FARM TO THE BROOKLYN CENTER FIRE DEPARTMENT

6h. ORDINANCE NO. 2020-114 AMENDING ORDINANCE NO. 2018-08 REGARDING COUNCIL SALARIES FOR 2021-2022

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. COVID-19 IMPACT ON HENNEPIN COUNTY AND BROOKLYN CENTER

Deputy City Manager Reggie Edwards presented a review of the impacts of Covid-19 on residents of Hennepin County and Brooklyn Center. Every effort is being made to assist and support residents, as well as track information and data related to the virus. Fire Chief Todd Berg has been the City's Emergency Manager and point person in this effort. Information has been gathered that

provides a better assessment regarding management strategies, and data that compares impacts on the County and City to determine which responses, strategies and actions are most effective.

Dave Johnson, Program Manager with Hennepin County Department of Health's Covid-19 Epidemiology Surveillance and Investigation Division, gave a presentation on the impact of Covid-19, with over 1,000 new cases every day in Hennepin County, as well as an increase in hospitalizations and deaths. He added he has been in close contact with Chief Berg for many months.

Mr. Johnson stated Covid cases are rising outside the metro area at a faster rate than within the metro area, but the risk extends across the entire state, including all parts of Hennepin County. Brooklyn Center has experienced infection rates that are 1-2.5 times higher than the rest of Hennepin County. He added there are many factors that could contribute to the high rate of infection in Brooklyn Center, including a high percentage of the population between the ages of 20-44 years. Other factors include longstanding health inequities; crowded housing conditions and lack of housing; unemployment and social isolation, and food insecurity.

Mr. Johnson stated experts continue to stress the importance of physical distancing, wearing masks and washing hands. He added Hennepin County Department of Health has resources that are available regarding the virus, community testing, and other information and data. The County's Take Care Hennepin campaign emphasizes care prevention methods, featuring real people in Hennepin County in ads that will run on various platforms throughout the community, and prioritizes outreach and education. The campaign will be translated into multiple languages. Community engagement is a strong component of the campaign.

Ivan Lui, representing Brooklyn Bridge Alliance for Youth, stated resident surveys that were conducted earlier in the pandemic, in cooperation with Brooklyn Park, to get community feedback and comments on what resources are needed. Federal CARES funding has been used to start a mobile public health project, bringing resources to apartment complexes and demographic groups that have been affected by Covid.

Mr. Lui stated many residents are unable to implement the recommended guidelines, because they don't have the resources to stay home or purchase the needed equipment, or isolate from others who may be sick. Residents also tend to get their information from people they trust and are not always up to speed on the most current Covid-19 guidelines. Residents want to be empathized, reassured and supported.

Fire Chief Todd Berg stated the City of Brooklyn Center has implemented plans and programs to help fight Covid-19 in the community. He added the State of Minnesota introduced a phone app, "Covid Aware MN" providing social distancing reminders and notifications. He noted the app will not take the place of contact tracing.

Mayor Elliott stated this is all good information, but there are still a lot of questions. He stressed the importance of rising to the challenge to help prevent the spread of Covid in the community.

Councilmember Graves thanked Chief Berg for the information on the new phone app. She added the app uses Bluetooth technology to identify someone near you who has tested positive for Covid, and it is a completely voluntary service.

Councilmember Graves stated food distribution partnerships with the schools have been successful. She added residents communicate better with someone they know and trust. She asked whether City Staff will be able to utilize those connections more intentionally and consistently.

Dr. Edwards confirmed this, adding City Staff plans to utilize connections within the community to share information and messages about Covid.

Mr. Boganey stated City Staff will provide for the City Council a list of various community partners that have been providing information, support and resources for residents. He urged the City Council to reach out to City Staff if they are aware of a respected leader or organization that the City should be partnering with.

Mayor Elliott asked whether the PowerPoint presentation is available online. Dr. Edwards agreed to provide that for the City Council.

Mayor Elliott thanked Mr. Johnson for the work he has been doing at the County level. He requested clarification regarding the rates of infection in Brooklyn Center, that Mr. Johnson indicated are 1.5-2 times higher than the rest of the County. Mr. Johnson confirmed this, showing infection rate comparisons.

Mayor Elliott asked when the County started to gather City level data on Covid. Mr. Johnson stated data collected starting in April 2020.

Mayor Elliott asked where the data comes from. Mr. Johnson stated the data is from the Minnesota Department of Health.

Mayor Elliott asked whether there is data on mortality rates. Mr. Johnson stated mortality rates were not included in his presentation but that data is shown on the racial disparities slide.

Mayor Elliott stated Brooklyn Center has higher rates of infection because Covid disproportionately affects communities with people of color. He added some indicators are housing and food security. Mr. Johnson confirmed this, adding differences in opportunities for health care and wellness, as well as social conditions, are driving disparities.

Mayor Elliott asked Mr. Johnson to summarize why Brooklyn Center is seeing an increased rate of infection.

Mr. Johnson stated it is not known what is exactly driving the rate in real time, as certain behaviors are still being studied and reviewed. He added, for instance, there may be differences in masking behavior, and social distancing. He noted it is believed that the disproportionate number of cases in Brooklyn Center is partly due to the demographics of the community, with a younger, more diverse population and residents who are more at risk of disease than the County as a whole.

Mayor Elliott asked whether the County Department of Health works directly with community organizations in Brooklyn Center, to help find connections and important messengers to reach people.

Mr. Johnson confirmed this, but added that is not his particular area of expertise. He added a full explanation would have to be provided by County staff who do that type of work. He added the County currently working with 26 messengers across the County, 11 of which are working in northwest Hennepin County, which includes Brooklyn Center. He noted the County is partnering with Brooklyn Bridge Alliance on mobile testing and mobile health units.

Mayor Elliott asked whether mitigation is the primary strategy, along with outreach and the “Take Care” campaign.

Mr. Johnson stated County staff engage in significant work in case investigations, which involves reaching out to individuals and their contacts regarding quarantine efforts; doing community testing and preparing vaccinations when they are available. He noted it is a multi-faceted approach that utilizes a number of different strategies.

Councilmember Graves asked whether there are any updates about the new testing site that will be located in the former Target building. Mr. Johnson stated he does not have any information about that.

Mr. Edwards stated North Memorial Health is implementing the testing site and the former Target building. He added Community Development Director Meg Beekman is the point person for planning and implementation.

Councilmember Graves asked whether the County is behind in contact tracing efforts. She added she works at the City of Minneapolis, and they are behind in their efforts as well. Mr. Johnson confirmed this, as the increased number of cases has outstripped staff’s capacity to be able to reach everyone in a timely manner.

Councilmember Graves requested clarification regarding hospital bed capacity in the community. Mr. Johnson stated it is generally described as being at a critical level right now. He added the County is asking people to work hard to maintain social distancing, wear masks, and protect health care workers.

Fire Chief Berg stated, with regard to the testing site at the Target building, the contractor and North Memorial are hoping to have the testing site up and running within one week, if not sooner. He added it will be a nasal swab facility.

Mayor Elliott asked whether the rates of vaccination will be higher in Brooklyn Center because of the high rates of infection. Mr. Johnson stated he is unsure, but County staff are actively working on vaccination planning and preparation, which is also not his area of expertise. He noted he could get back to the City Council with a more detailed answer. Mayor Elliott confirmed he would like to receive that information.

Councilmember Graves stated, in her role at Minneapolis Department of Health, she works with other staff to train community partners and leaders to hold conversations about the vaccine, and get feedback about how it should be rolled out. She added, especially in Brooklyn Center, which does not have a Health Department, it will be imperative to do community outreach, and help community members understand the safety aspects of the vaccine, as well as historical implications of why some people are wary of vaccinations. She noted she hopes the County can engage in that type of community outreach.

Mr. Johnson thanked Councilmember Graves for that suggestion, as vaccine communication will be a big part of what lies ahead. He stressed the importance of remaining attentive to these specific types of concerns and connecting with trusted messengers in leading those conversations. He agreed to connect with the County's head of outreach and communications, at the Mayor's request, to see if there are opportunities for more follow-up.

Mayor Elliott asked how the City of Brooklyn Center compares to the rest of the County. He asked if there is a ranking, and where Brooklyn Center falls.

Mr. Johnson stated he does not have that specific data, but Brooklyn Center has been in the top 5 or 10 cities in Hennepin County during periods of increased infection rates. He added other counties now have rates that are much higher than Hennepin County in general, and Brooklyn Center in particular. He noted that it is not so much a matter of whether a specific area is at risk, but understanding that the risk is all around us, and people need to continue to think about the choices they make when interacting with others, and take that very seriously.

Councilmember Ryan stated the age group showing increased rates of infection are people who go to work every day, using public transportation, working in certain job categories. He stressed the importance of the universal use of masks and social distancing, and to keep sending that message, that everyone has to be vigilant and responsible.

Councilmember Graves stated the messages coming from government entities can often be dry and boring, and sometimes catchy messages can get people to pay attention. She added that can be difficult to accept as it goes against the normal way of getting information out, but it would be a good idea to think of better, more creative and innovative ways to communicate precautions.

Mayor Elliott agreed, stating it is important to craft the message to ensure that it is fitting for the audience.

Mayor Elliott thanked the presenters this evening for their presentation and for the hard work they are doing on behalf of the community. He encouraged everyone to keep working, getting the word out, dealing with risks associated with Covid-19 and its long-term consequences that have yet to be seen, in the community and throughout the world.

7b. BROOKLYN CENTER BCTC PUBLIC ART INITIATIVE

Dr. Edwards stated City Staff have been working on a public art initiative at the Transit Hub that started prior to the pandemic and focused on opportunities to provide art or develop art projects on an ongoing basis. After the pandemic started, City Staff considered how to continue to engage and involve the community, and move forward with public art. One idea included messaging around Covid for public transit users, including related concepts like social distancing and wearing masks. Two local artists have been engaged to work on this public art effort, which will culminate in art project displays at the transit hub.

Chloe Cotherman, project coordinator, stated she is an art teacher in the Brooklyn Center Middle School and High School STEAM program. She added the opportunity came up to collaborate with the City and Metro Transit to lead a public art initiative. She noted she appreciates that art is being considered for a creative solution for place-making, community building, and community engagement.

Ms. Cotherman recognized other project leaders: Dr. Reggie Edwards, Dr. Angel Smith, Armando Oster, and Mark Granlund, Metro Transit Public Art Coordinator.

Ms. Cotherman stated Brooklyn Center has an ongoing community beautification and public art initiative, but this unique challenge addresses community concerns related to health and safety. She added the Covid-related art project will encourage residents to take ownership and pride in their diverse and thriving community. She noted community members were encouraged to submit artwork that would be displayed on monitors in the transit center, depicting how residents are handling the pandemic, and how they address it in their families and communities. She presented images of artwork submitted by students.

Ms. Cotherman stated it is intended that the transit hub art initiative will be an ongoing project, with no specific deadline. She added an important aspect of the project is the hiring of artists teachers, who were selected based on submitted artwork and an interview process. She noted artists were chosen based on their connection to the community, who are interested in community engagement, and willing to take that on as part of the commission; engage in art with residents, and provide details of their project.

Ms. Cotherman stated the first artist is Anika Schneider, who put together over 100 mask kits for creating a DIY face mask design. Ms. Schneider held two online workshops on pattern-making and mask-wearing as a form of personal expression. She created an online forum with tutorials to show how her art was developed.

Ms. Cotherman stated Kao Lee Thao, another local artist, made and distributed over 100 art kits with wooden silhouette cutouts for people to paint and decorate. She held two online workshops and a painting workshop, while having conversations with the participants. She created an online forum to share her developing public art piece, with input from community members.

Ms. Cotherman stated Kao Lee Thao's art kits were distributed at the community center front desk, through Rec on The Go, middle school and high school teachers, and delivered to residents' homes. There was a concerted effort to ensure that all community groups were reached within Brooklyn

Center, including indigenous families, essential workers, and residents of the Sanctuary assisted living center.

Ms. Cotherman introduced artist Annika Schneider, a graduate of MCAD and a narrative painter, has been inspired by people's face masks as an indicator of individual identity, a sense of cultural identity, and a show of care and compassion for themselves and others. Ms. Schneider was inspired by the idea of the transit hub being an access point for many people from different cultures, and some of her art is based on the MAC transit route.

Ms. Cotherman stated Kao Lee Thao is also a local artist, who creates life-size or bigger painted metal silhouettes. She engaged in community outreach, asking for words and stories to describe the lives of Brooklyn Center's residents. Both artist's works will be placed around the exterior of the building, telling distinct, unique community-based stories. It is hoped that the artworks will be installed at BCTC by the end of June 2021.

Ms. Cotherman stated approximately 20 submissions have been received for the BC Art Showcase, and the project leaders will continue to reach out to local artists, teachers, and students.

Councilmember Graves stated she likes the initiative and the showcase. She asked whether artists could submit artwork that could be written, video or audio, and not just visual art. She added she has thought about the possibility of a video contest, with artists making TikTok videos with ideas and messaging.

Ms. Cotherman stated she loves that idea, although the format will need to be without sound. She added it can definitely be written, or video or audio, which is a great way to make it more inclusive of other art forms.

Councilmember Graves asked whether there was participation in the workshops with the local artists. Ms. Cotherman stated there was a decent level of engagement, although the artists would have liked to have more. She added it is a difficult time during the pandemic to get people to attend workshops. She noted other here are many different opportunities for involvement that can be measured.

Councilmember Graves agreed, but added it is nice to have an actual estimate of participation and engagement. She asked, from a City Staff perspective, whether it could become an issue to share sites and links on the City's website for videos or workshop links that are not within the City's domain.

Mr. Edwards stated the artists have entered into contracts with the City to use their work and videos.

Councilmember Graves asked about the artists' backgrounds, and whether they have connections to Brooklyn Center.

Ms. Cotherman stated Kao Lee lives in Northeast Minneapolis but has family in Brooklyn Center. She added she has lived in many different metro area cities. She noted Ms. Schneider lives in

North Minneapolis and wants to work with communities that are interested in telling their stories through art. She is also interested in representing diverse stories through her art.

Ms. Schneider stated she is an active member of the metro area community, and the art community in particular.

Councilmember Graves thanked Ms. Cotherman for her presentation, and for the work she is doing. She added it may not feel tangible, but the reality is that it is very powerful, and who knows what else might unfold.

Mayor Elliott thanked Ms. Cotherman for her presentation.

8. PUBLIC HEARINGS

-None.

9. PLANNING COMMISSION ITEMS

9a. RESOLUTION NO. 2020-114 REQUESTING APPROVAL OF THE PRELIMINARY AND FINAL PLAT FOR MOUND CEMETERY SECOND ADDITION (3515 69TH AVENUE NORTH AND COUNTY IDENTIFIED AS 6705 BEARD AVENUE NORTH)

City Planner Ginny McIntosh reviewed a request for preliminary and final plat approval for Mound Cemetery 2nd Addition, or the southern end of the cemetery known as Freeway Park. The applicant is Public Works Director Doran Cote on behalf of the City of Brooklyn Center. A public hearing notice was published in the newspaper before the Planning Commission meeting, and notices sent to nearby properties.

Ms. McIntosh stated a 75-year lease was approved between Mound Cemetery Association and Brooklyn Center for the southernmost 4 acres, intended for park use. The lease was recorded and set to expire in 2044. In December 2013, the Cemetery Association approached the City to request that the lease be vacated and transitioned back to the cemetery due to an increased interest in natural burial as well as different types of burial requirements based on cultural customs, including an east-west burial configuration. The Association agreed to dedicate 1 acre of land for park use, and in January 2020, the City Council approved a Resolution authorizing execution of a Memorandum of Understanding (MOU).

Ms. McIntosh stated the Planning Commission held a public hearing on November 12, 2020 with questions related to existing improvements outside of the 1-acre parcel, including a baseball field and basketball court, as well as questions about the community engagement process.

Ms. McIntosh stated the Planning Commission recommended approval of Planning Commission application 2020-009 for preliminary and final plat approval of Mound Cemetery Second Addition located at 3515 69th Avenue North.

Councilmember Graves asked about the different types of burial requirements, including the east-west configuration.

Michael Howe, Mound Cemetery Association, stated he is the President of the Association Board. He added the motivation has been the increased need for plots, in consideration of meeting the needs of the community. He noted Muslim burials have an east-west orientation, so it has been necessary to consider ways to reframe the plotting of the cemetery to allow for that as it represents a change in the space we need to provide services to the communities we serve.

Councilmember Graves stated Mound Cemetery presumably serves the people of the Brooklyn Center community, and the master plan for Freeway Park should incorporate ways to connect with and include aspects of the adjacent cemetery. She added this would include leveraging the geographic and cultural connections within the City.

Mr. Howe agreed, adding he spoke with Ms. Cotherman about ways to bring community public art into the cemetery to make those types of connections. He added the cemetery works with a mosque in Brooklyn Park, among other mosques. He noted the cemetery is an undiscovered community asset, and the Association Board appreciates the City's willingness to take on the challenges of designing a smaller park and amenities.

Mayor Elliott asked whether the name of the cemetery is reflective of Native American burial mounds in the area. Mr. Howe stated the cemetery is over 150 years old, and it was named Mound Cemetery because of the Native American burial mounds located across the road in the park. He added the Cemetery Association is proud of the cemetery's rich heritage and history.

Councilmember Lawrence-Anderson asked for the phone number of the cemetery, and whether there are any vacancies. Mr. Howe stated there is information about the cemetery, including contact information, on the Mound Cemetery website. He added the cemetery is a great example of a small-town cemetery within a big city, with an emphasis on community and family.

Councilmember Lawrence-Anderson stated her great, great, great grandmother was 100% Native American. She added she is proud of that fact, although her grandfather was not as supportive, as he was ashamed of the half-breed situation. She noted she completely supports Native American culture. She thanked Mr. Howe for all he is doing.

Councilmember Graves stated she knows Councilmember Lawrence-Anderson was not trying to be hurtful or politically incorrect but she found a few of the comments were a little abrasive and triggering for her. She added she knows and loves Councilmember Lawrence-Anderson, but she could have been a little more graceful with her comments.

Councilmember Graves stated Mr. Howe mentioned the rich history and heritage of the cemetery. She asked whether there are Native American burial mounds in the cemetery, and if so, whether there has been consideration of formal acknowledgement for preserving and protecting sacred land.

Councilmember Graves stated her previous comments were made in love for her fellow Councilmember, but she was extremely put off by her fellow Councilmember's insensitive statements.

Mr. Howe stated he appreciates and understands Councilmember Grave's comments. He added end of life issues are always emotional and personal. He added the Native American burial mounds are located across the street near the lake, and not within the cemetery. He noted nothing has been found within the cemetery over its 150-year history.

Councilmember Graves asked City Staff the same question, whether there has been consideration of preservation of sacred land. Mr. Boganey stated, to the best of his knowledge, the City has not done any research with respect to burial mounds in City-owned parkland, but it sounds like that should be done. He added he will provide follow-up information for the City Council.

Mayor Elliott stated representatives of the Brooklyn Historical Society have indicated that burial mounds were destroyed to make way for trails in the park across from the cemetery. He added, as part of the City's research, it would be helpful to find information about that claim. Mr. Boganey agreed. Mr. Howe requested that the City reach out if the cemetery can be of any assistance.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2020-114 approving Planning Commission Application No. 2020-009 for Preliminary and Final Plat Approval for Mound Cemetery Second Addition (3515 69th Avenue North and County Identified as 6705 Beard Avenue North).

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2020-115 APPROVING A TOBACCO APPLICATION FOR JAMBO AFRICA RESTAURANT

Mr. Boganey reviewed a proposed Resolution that would allow Jambo Africa Restaurant to submit a tobacco license application. He added this issue was discussed at the Study Session earlier this evening, and the City Council agreed to move it to the Regular Agenda for approval. He noted the application would allow hookah use on the outdoor patio at Jambo Africa Restaurant and would be limited to outdoor spaces due to the Minnesota Indoor Clean Air Act.

Mr. Boganey stated this application is being considered despite the City's cap on tobacco licenses due to issues related to the applicant's original 2018 license application.

Councilmember Lawrence-Anderson stated the City Ordinance was amended in 2014 to not allow hookah.

Mr. Boganey stated the current Ordinance does not disallow the use of hookah. He requested clarification from the City Attorney.

Mr. Gilchrist stated he is not aware of hookah being specifically mentioned anywhere in the Code. He added there may have been a temporary moratorium in 2014 which did not result in a permanent restriction.

Mayor Elliott asked City Staff to determine whether there is any record from 2014 to indicate that a moratorium was placed on hookah licenses.

Mr. Gilchrist agreed to do a quick search for hookah.

Councilmember Lawrence-Anderson stated she is absolutely sure that in November 2014, former Mayor Willson agreed that there should be a moratorium on hookah lounges.

Mr. Boganey stated a local restaurant, Jammin Wings, currently has a tobacco license and they have an outdoor hookah facility. He added if current Ordinance does not disallow hookah use, it would not be possible to impose such a restriction now.

Mr. Gilchrist agreed. He added City Planner McIntosh reviewed City records and indicated there was a reference to a 90-day moratorium on hookah use that occurred some time ago. He added Councilmember Lawrence-Anderson's memory is correct, but there is nothing in the current City Code that restricts hookah use. He noted since the use is allowed, there is no basis to deny the request.

Councilmember Ryan stated this Resolution will resolve an issue of regulatory fairness, as an oversight occurred that was never addressed. He added the impacts of tobacco use are well-documented and are of concern to policy makers who turn their minds to health and safety issues. He noted it would be beneficial to revisit this issue, especially since hookah is a more concentrated use of tobacco products and could potentially have a greater health impact.

Councilmember Butler stated she agrees with Councilmember Ryan's statements. She added the approval of this license goes against the City Council's expressed values related to the health and wellness of the City's residents. She noted, however, this Resolution will address an error in the way the license request was originally handled, and she supports allowing the application.

Councilmember Lawrence-Anderson expressed her disappointment as she thought a ban on hookah was placed in 2014. She added she does not want hookah lounges in Brooklyn Center and she cannot support this Resolution. She noted this issue should be reviewed and resolved at a Work Session.

Councilmember Graves stated she agrees it is important to put limitations on tobacco use, and the City has already taken measures towards that end, including T-21 and moving toward restricting sales of flavored tobacco and e-cigarettes to adult-only stores. She added she knows Simone well, and she is a long-time local business owner. She noted there is a lot to be said about the way hookah resonates for specific community members, and it is the City's mistake that this issue was not resolved for Ms. Chambliss in 2018. She expressed her support of giving Ms. Chambliss the opportunity to apply for the tobacco license and meet the necessary requirements.

Councilmember Graves moved and Councilmember Elliott seconded to adopt RESOLUTION NO. 2020-115 approving a tobacco license application for Jambo Africa Restaurant.

Discussion during the motion:

Mr. Gilchrist stated, for purposes of clarification, the Resolution will approve issuance of a license if the owner submits an application and qualifies for the license. He added this issue will not be reviewed again by the City Council at a future meeting.

Councilmember Ryan stated the City Council must abide by the Ordinance as written, during the fraught time in which the Ordinance has application. He added he votes to support this Resolution with regret because he does not support hookah lounges. He noted he feels the City Council is duty-bound to approve the application on the basis of regulatory fairness.

Mayor Elliott stated he associates himself with the previous gentleman's comments.

Motion passed 4-1 (Councilmember Lawrence-Anderson voted nay).

11. COUNCIL REPORT

Councilmember Graves stated the Met Council's Land Use Advisory Committee has come up with an Economic Values Atlas, based on a model that is being used in Portland, Oregon, to assess development opportunities and options for economic development. She added the Atlas was presented to the Livable Communities Board, and she wanted to bring it to the attention of the City Council and City Staff.

Mr. Boganey agreed to pass the information along to Community Development Director Meg Beekman. He added she serves on the Livable Communities Board.

12. ADJOURNMENT

Councilmember Graves moved and Councilmember Ryan seconded adjournment of the City Council meeting at 9:41 p.m.

Motion passed unanimously.

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

WORK SESSION
NOVEMBER 23, 2020

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Mike Elliott at 9:42 p.m. The meeting was conducted via Webex.

ROLL CALL

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

TOBACCO ORDINANCE FOLLOW UP

City Manager Curt Boganey stated, at a Work Session in June 2020, the City Council reviewed a presentation regarding potential policy changes related to the Tobacco Ordinance. He added City Staff is seeking direction regarding adoption of the following proposed regulations: 1) restriction of sale of tobacco-flavored products to adult-only shops; and restrictions on the redemption of coupons and price discounts as well as setting minimum prices for standardized tobacco products.

Councilmember/Commissioner Graves stated she supports the changes that have already been made but she is not convinced that taking further action now is the best move for the City and its residents. She noted she is not interested in adding more regulations right now.

Councilmember/Commissioner Ryan stated he has talked with Councilmember/Commissioner Graves about this issue, and generally he would be in favor of the proposed new regulations. He added, however, the community is struggling with the pandemic and related stress and hardship. A fair percentage of the City's population uses tobacco or struggles with tobacco addiction, and tobacco is perceived by them to be a stress reducer. He noted the imposition of new restrictions will weigh heavily upon people who are already struggling to meet basic needs.

Councilmember/Commissioner Ryan stated he would support deferring this discussion and revisiting the issue when the pandemic is over. He added he struggles with whether this is a wise decision or not. He requested feedback and comments from his colleagues on the City Council.

Mayor/President Elliott stated he is curious about the demographic impact that these types of regulations would have on communities of color, especially the black community. He added, to Councilmember/Commissioner Ryan's point, the pandemic has greatly affected the community,

and the impact of this policy, either positive or negative, is unknown. He noted he is not ready to toss this out right now, but more information is needed.

Councilmember/Commissioner Butler agreed, adding she is not ready to vote for the policy at this time. She expressed frustration that this topic is being presented at the same meeting at which the submission of a tobacco license application was approved. She agreed she would like to have more information before the proposed policy goes on a Regular Session agenda for consideration.

Councilmember/Commissioner Ryan stated there is no one who is more anti-tobacco than he is, but this is a fraught time. He added, in a conversation earlier in the summer, he exhibited a lack of sensitivity with bad results, and he wants to be sensitive of the needs and feelings of those who are really struggling right now. He noted the proposed policy can be revisited when the pandemic is over, and the City Council can put more focus and attention on supporting public health.

Councilmember/Commissioner Graves stated she really likes the way Councilmember/Commissioner Ryan put that last comment together.

Councilmember/Commissioner Lawrence-Anderson stated she has no comment at this point.

Mayor/President Elliott stated Emily Anderson, a representative of Association of Nonsmokers-Minnesota, joined tonight's meeting for this discussion. He requested feedback and comments from Ms. Anderson.

Ms. Anderson stated she addressed the City Council on this issue at a Work Session in June 2020. She added these policies seem unfair to communities of color because of high use rates, but the tobacco industry is responsible for this disparity, with advertising and marketing of addictive products directed at communities of color. She noted she understands that these types of public health policies can seem unfair or unjust, especially during the current pandemic.

Councilmember/Commissioner Lawrence-Anderson thanked Ms. Anderson and expressed her appreciation for her hard work. She added her mother is at home, on oxygen because she has been a smoker for over 60 years. She noted this is a severe problem, and she supports whatever the City Council can do to decrease tobacco usage in the City.

Mayor/President Elliott stated it is a difficult situation, balancing people's rights to access and choice, but also address the health concerns of the community. He added the City Council has taken some steps in the past, and there is more work to be done.

Councilmember/Commissioner Graves stated she appreciates the Mayor/President's comments. She added she understands the difficulty because she is a smoker, and she has struggled with it for years. She noted she would support another conversation about the proposed policy. She stressed the importance of being aware and compassionate when moving forward with the proposed policy.

CIVILIAN REVIEW BOARD

Consider Extension of Meeting

Mayor/President Elliott requested a motion to extend the meeting past 10:00 p.m.

Councilmember/Commissioner Ryan suggested this issue could be addressed at the City Council's next Work Session due to the late hour, to ensure sufficient time and attention.

Councilmember/Commissioner Ryan moved to adjourn the meeting.

Mayor/President Elliott called for a second to the motion.

Councilmember/Commissioner Graves stated she would be willing to extend the meeting 20-30 minutes past 10:00 p.m. due to the importance of this discussion.

Councilmember/Commissioner Butler stated she does not generally like going past 10:00 p.m., but she would be willing to go another 20-30 minutes. She added, however, she does not believe it will be possible to address this topic if time is limited. She noted there are many people who are still on the meeting who wish to address this issue.

The motion failed for lack of a second.

Police Chief Tim Gannon stated the discussion will take a minimum of one hour, as the presentation will be 30 minutes and the ensuing discussion is expected to last 30-45 minutes.

Councilmember/Commissioner Graves stated she is ready to begin the discussion at tonight's meeting.

A community member stated this is a very important conversation, and, as a community member, she requested that the discussion be moved to a time when it can be fully addressed. She added there are many community members who want to comment on this issue.

Councilmember/Commissioner Graves stated there are two people who have been on the meeting for longer than the community member, and they have expressed an interest in continuing the discussion. She added she was trying to find a balance.

Mayor/President Elliott suggested that the City Council should schedule a Work Session focused on this issue. He added, when the City Council has a long Regular Session meeting and comes back to Work Session items, all their energy is spent.

There was a majority Consensus of the City Council to schedule a Work Session to discuss the Citizen Review Board on Monday, November 30, 2020 at 6:00 p.m.

ADJOURNMENT

Councilmember/Commissioner Ryan moved and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session at 10:13 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

Background:

Hospitality Accommodations

Brooklyn Center Hotel Group LLC 6250 Earle Brown Dr
DBA Fairfield by Marriott Mpls N Brooklyn Center MN 55430

Liquor 3.2% Off Sale

City of Brooklyn Center	6301 Shingle Creek Pkwy
DBA Centennial Park	Brooklyn Center MN 55430
City of Brooklyn Center	7112 Bryant Ave N
DBA Evergreen Park	Brooklyn Center MN 55430
Diamond Lake 1994 LLC	3245 Co Rd No 10
DBA Cub Foods	Brooklyn Center MN 55430
Northern Tier LLC	1901 - 57th Ave N
DBA Speedway #4058	Brooklyn Center MN 55430
Northern Tier LLC	6950 Brooklyn Blvd
DBA Speedway #3192	Brooklyn Center, MN 55429
Northern Tier LLC	6545 West River Road
DBA Speedway #4160	Brooklyn Center, MN 55429

Liquor 3.2% On Sale

Brooklyn Center Restaurant Inc.	5524 Brooklyn Blvd
DBA 50's Grill	Brooklyn Center, MN 55429
Davanni's Inc.	5937 Summit Drive
DBA Davanni's Pizza & Hot Hoagies	Brooklyn Center, MN 55430

Liquor On-Sale Club

Duoos Bros.	6110 Brooklyn Blvd
DBA American Legion Post 630	Brooklyn Center, MN 55429

Liquor On-Sale Intoxicating

Apple Minnesota LLC 1400 Shingle Creek Crossing
DBA Applebee's Neighborhood Grill & Bar Brooklyn Center, MN 55430

City of Brooklyn Center 5500 Lilac Dr
DBA Centerbrook Golf Course Brooklyn Center, MN 55430

Compass Group 6155 Earle Brown Drive
DBA Flik International - EBHC Brooklyn Center, MN 55430

Jambo Africa 1601 Freeway Blvd
DBA Jambo Africa Restaurant and Bar Brooklyn Center, MN 55430

-
Liquor On-Sale Sunday Sales

Apple Minnesota LLC 1400 Shingle Creek Crossing
DBA Applebee's Neighborhood Grill & Bar Brooklyn Center, MN 55430

City of Brooklyn Center 5500 Lilac Dr
DBA Centerbrook Golf Course Brooklyn Center MN 55430
Compass Group 6155 Earle Brown Drive
DBA Flik International - EBHC Brooklyn Center, MN 55430
Duoos Bros. 6110 Brooklyn Blvd
DBA American Legion Post 630 Brooklyn Center, MN 55429

Jambo Africa 1601 Freeway Blvd
DBA Jambo Africa Restaurant and Bar Brooklyn Center, MN 55430

-
Liquor - On-Sale Wine

Brooklyn Center Restaurant Inc. 5524 Brooklyn Blvd
DBA 50's Grill Brooklyn Center, MN 55429
Davanni's Inc. 5937 Summit Drive
DBA Davanni;s Pizza & Hot Hoagies Brooklyn Center, MN 55430

-
Mechanical Licenses

Advanced Heating & Air Conditioning 10550 County Rd 81
Maple Grove MN 55369
Anderson Residential Heating & A/C 1628 County Rd 10 #34
Spring Lake Park MN 55432
Apollo Heating & Air 1167 Viking Dr. E.
Maplewood MN 55109
Fair Heating and Air LLC 2925 Norway Circle S.
Cambridge MN 55008
Knott Mechanical Inc. 3961 Quebec Ave N
New Hope MN 55427

Major Mechanical Inc	11201 86 th Ave N. Maple Grove MN 55369
Midland HVAC	4804 Park Glen Rd. St. Louis Park MN 55416
United States Mechanical, Inc	3526 88 th Avenue NE Blaine MN 55449

Tobacco Related Product

Diamond Lake 1994 LLC	3245 Co Rd No 10
DBA Cub Foods	Brooklyn Center MN 55430
Jambo Africa	1601 Freeway Blvd
DBA Jambo Africa Restaurant and Bar	Brooklyn Center MN 55430
Northern Tier Retail LLC	1901 57th Ave N
DBA Speedway #4058	Brooklyn Center MN 55430
Northern Tier Retail LLC	6950 Brooklyn Blvd
DBA Speedway #3192	Brooklyn Center MN 55429
Northern Tier Retail LLC	6545 West River Rd
DBA Speedway #4160	Brooklyn Center MN 55430
Walmart #5625	1200 Shingle Creek Parkway Brooklyn Center MN 55430

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	7/7/2020	Backup Material
12-14-2020 Rentals	12/8/2020	Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval on December 14, 2020								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
4806 Twin Lake Ave	Multi 1 Bldg 4 Units	Initial	Andrew Syrup	7 1.75 per unit	III	1 valid, .25 per unit 6/13/2020 disturbing peace	III	
5211 Xerxes Ave N	Multi 1 Bldg 12 Units	Initial	BMW Holdings / HBG	45 3.75 per unit	IV	0	IV	
6730 Ewing Ave N	Single	Initial	Zafar Khamdamov / Sogdiana LLC	7	III	0	III	
4450 58th Ave N Basswood Apartments	Multi 1 Bldg 11 Units	Renewal	Halverson Blaiser Group	12 1.09 per unit	II	0	II	II
201 65th Ave N Riverwood Estates	Multi 7 bldgs 84 Units	Renewal	Donald Kasbohm	17 (21 units inspected) .8 per unit	II	8 valid, .09 per unit 1/25/2020 Agg Assault 2/17/2020 Burglary 6/2/2020 Disturbance 8/13/2020 Vandalism 9/6/2020 Theft 9/14/2020 Disorderly Conduct 10/17/2020 Burglary 11/10/2020 Buglary	II	III
3407 65th Ave N Granite City Apartments	Multi 6 Bldgs 72 Units	Renewal	Chris Kohler	22 (18 units inspected) 1.2 per unit	II	2 valid, .03 per unit 2/23/2020 Buglary 5/13/2020 Theft	II	II
6740 Grimes Pl Victoria Townhouses	Multi 8 Bldgs 48 Units	Renewal	Patrick Gaughan - met requirements	285 5.9 per unit	IV	3 valid, .06 per unit 3/25/2020 Burglary 6/8/2020 Theft 7/5/2020 Disturbance	IV	III
6710 Orchard La N Marvin Gardens Townhouses	Multi 9 Bldgs 52 Units	Renewal	Randolph Zejdlik / Redevco Mgt Co	8 (13 units inspected) .6 per unit	I	2 valid, .04 per unit 4/15/2020 Theft 10/19/2020 Burglary	I	II
4748-52 Twin Lake Ave	2 Family 2 Unit	Renewal	Grant & Pam Osgood - missing CPTED inspection	0	I	0	I	III
3706 55th Ave N	Single	Renewal	Teresa Williams / Mains'l Properties	1	I	0	I	I

Rental Licenses for Council Approval on December 14, 2020	
1	10/1/2020 - 12/31/2020
2	10/1/2020 - 12/31/2020
3	10/1/2020 - 12/31/2020
4	10/1/2020 - 12/31/2020
5	10/1/2020 - 12/31/2020
6	10/1/2020 - 12/31/2020
7	10/1/2020 - 12/31/2020
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94	10/1/2020 - 12/31/2020
95	10/1/2020 - 12/31/2020
96	10/1/2020 - 12/31/2020
97	10/1/2020 -

[illegible]

* CFS = Calls For Service for Renewal Licenses Only (Initial Licenses are not applicable to calls for service and will be listed N/A.)

** License Type Being Issued

*** Initial licenses will not show Type I = 3 Year Type II = 2 Year Type III = 1 Year

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

BY: Barb Suciu, City Clerk

SUBJECT: Approve the 2021 City Council Meeting Schedule

Background:

Annually, the City Council meeting schedule is set for the upcoming year. Attached for your approval is the schedule for 2021.

Budget Issues:

N/A

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
2021 Calendar	12/8/2020	Cover Memo



2021 City Council Meeting Schedule

Regular City Council Meetings Council Chambers City Hall	
Study/Work Session	6:00 p.m.
Informal Open Forum	6:45 p.m.
Regular Session	7:00 p.m.
Work Session – After regular session	
Brooklyn Center City Council regularly meets the 2nd and 4th Monday each month, unless Monday is a holiday.	
January 11	
January 25	
February 8	
February 22	
March 8	
March 22	
April 12	
April 26	
May 10	
May 24	
June 14	
June 28	
July 12	
July 26	
August 9	
August 23	
September 13	
September 27	
October 11	
October 25	
November 8	
November 22	
December 13	
Additional Meetings	
Jan. 4	
Feb. 1	
Mar. 1	
May 3	
Sept. 7	

Special City Council Meetings	
All dates are Monday unless otherwise noted	
April 5	7:00 p.m.
Board of Appeal & Equalization	CC
April 19	6:00 p.m.
Board of Appeal & Equalization Reconvene	CC
June 7	6:30 p.m.
Work Session w/Auditor and Budget Work Session w/Financial Commission	CC
July 5	6:30 p.m.
Work Session w/Financial Commission Capital Improvement Plan & Capital Project Funds	CC
July 19	6:30 p.m.
Work Session w/Financial Commission 2020 Budget Overview	CC
August 2	6:30 p.m.
Work Session w/Financial Commission General Fund – Department Requests	CC
August 16	6:30 p.m.
Work Session w/Financial Commission General Fund – Department Requests	CC
September 1 (Wednesday)	6:30 p.m.
Work Session w/Financial Commission General Fund – Department Requests	CC
October 4	6:30 p.m.
Work Session w/Financial Commission Special Revenue Funds, Debt Service Funds, Internal Service Funds	CC
October 18	6:30 p.m.
Work Session w/Financial Commission Utility/Enterprise Funds	CC
December 6	6:30 p.m.
2022 Budget Hearing and Special Meeting	CC

CC –Council Chambers located in upper level City Hall

All dates are subject to change.

Call City Hall at 763-569-3300 to verify dates and times.

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Barb Suciu, City

SUBJECT: Resolution Designating Polling Places for the 2021 Election

Background:

In 2017, legislation was passed that added a requirement for cities to designate polling places annually by December 31 for elections to be held in the following year. Even if a city does not have a scheduled election for the following year, a resolution or ordinance must be passed to cover any special elections that may occur the following year. A resolution has been drafted and is attached for Council consideration. An excerpt from Minnesota Statutes 204B.16 has been attached for your reference.

Budget Issues:

None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/10/2020	Resolution Letter
Excerpt from MN Statutes 204B.16	12/8/2020	Backup Material

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

RESOLUTION DESIGNATING POLLING PLACES FOR THE CITY OF
BROOKLYN CENTER FOR 2021 ELECTIONS

WHEREAS, the City of Brooklyn Center is currently constituted into seven
election precincts; and

WHEREAS, Minnesota Statutes, Section 204B.16, Subd. 1, requires that by
December 31 of each year, the governing body of a municipality must designate a polling place
for each election precinct for the following year; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Brooklyn Center, Minnesota, that the polling places meet the statutory requirements and are hereby
designated for 2021 elections as follows:

Precinct 1 – Brooklyn Center Elementary School, 1500 59th Avenue North

Precinct 2 – Brooklyn Center High School, 6500 Humboldt Avenue North

Precinct 3 – Evergreen Park Elementary School, 7020 Dupont Avenue North

Precinct 4 – Spiritual Life Church, 6865 Shingle Creek Parkway

Precinct 5 – Garden City Elementary School, 3501 65th Avenue North

Precinct 6 – Northport Elementary School, 5421 Brooklyn Boulevard

Precinct 7 – Brooklyn Center West Fire Station, 6250 Brooklyn Boulevard

December 14, 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.

Excerpt from Minnesota State Statute 204B.16

204B.16 POLLING PLACES; DESIGNATION.

Subdivision 1. **Authority; location.** By December 31 of each year, the governing body of each municipality and of each county with precincts in unorganized territory must designate by ordinance or resolution a polling place for each election precinct. The polling places designated in the ordinance or resolution are the polling places for the following calendar year, unless a change is made:

(1) pursuant to section [204B.175](#);

(2) because a polling place has become unavailable; or

(3) because a township designates one location for all state and federal elections and one location for all township only elections.

Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city or in a school district located in whole or in part in the metropolitan area defined by section [200.02, subdivision 24](#), shall be located within the boundaries of the precinct or within one mile of one of those boundaries unless a single polling place is designated for a city pursuant to section [204B.14, subdivision 2](#), or a school district pursuant to section [205A.11](#). The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section [200.02, subdivision 24](#), then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district.

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Tim Gannon Chief of Police

SUBJECT: Amendment Approving Hennepin County Violent Offender's Task Force Agreement

Background:

The Brooklyn Center Police Department has found the Hennepin County Violent Offender's Task Force (VOTF) to be a great partnership. Unfortunately, the Hennepin County Violent Offender Task Force Co-Operative Agreement is set to **expire on January 30, 2021**. The agreement does allow for a seven year extension if agreed to by the governing bodies.

Attached is Amendment 2 to the agreement, which seeks to extend the agreement for another seven years, until January 30, 2028.

Brooklyn Center along with Golden Valley, Brooklyn Park, Richfield, and Hennepin County Sheriff's Department comprise VOTF. Currently, Brooklyn Center has a one officer assigned to the task force.

Budget Issues:

No budget issue

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Agreement	12/2/2020	Cover Memo

**AMENDMENT NO. 2 TO AGREEMENT NO. A141147 (14-0352)
HENNEPIN COUNTY VIOLENT OFFENDER TASK FORCE
2014 CO-OPERATIVE AGREEMENT**

This Amendment No. 2 to Agreement No. A141147 (14-0352) is between Hennepin County, on behalf of the Hennepin County Sheriff's Office and the Hennepin County Attorney's Office, the City of Richfield, the City of Brooklyn Center, the City of Brooklyn Park, and the City of Golden Valley (may be referred to herein as the "parties").

The parties agree that Agreement No. A141147 (14-0352), including any prior amendments, is amended as follows:

1. Pursuant to the provisions in Section 4.1 of the Agreement, the parties hereby agree to extend the term of this Agreement for an additional seven year term as indicated in the following:

"4.1 The term of this Agreement shall be for fourteen years, commencing January 31, 2014 and terminating January 30, 2028, unless terminated earlier pursuant to the provisions of this Agreement."

Except as herein amended, the terms, conditions and provisions of Agreement No. A141147 (14-0352), including any prior amendments, shall remain in full force and effect.

(signatures continued on the following page)

**HENNEPIN COUNTY VIOLENT OFFENDER TASK FORCE AGREEMENT
CITY OF GOLDEN VALLEY**

The Golden Valley City Council duly approved this Agreement on the _____ day of _____, 2020.

City of Golden Valley

By: _____

Its Mayor

And by: _____

Its City Manager

Approved as to form
and legality:

Golden Valley City Attorney

(signatures continued on the following page)

**HENNEPIN COUNTY VIOLENT OFFENDER TASK FORCE AGREEMENT
CITY OF BROOKLYN PARK**

The Brooklyn Park City Council duly approved this Agreement on the _____ day of _____, 2020.

City of Brooklyn Park

By: _____

Its Mayor

And by: _____

Its City Manager

Approved as to form
and legality:

Brooklyn Park City Attorney

(signatures continued on the following page)

HENNEPIN COUNTY VIOLENT OFFENDER TASK FORCE AGREEMENT
CITY OF BROOKLYN CENTER

The Brooklyn Center City Council duly approved this Agreement on the _____ day of _____, 2020.

City of Brooklyn Center

By: _____

Its Mayor

And by: _____

Its City Manager

Approved as to form
and legality:

Brooklyn Center City Attorney

(signatures continued on the following page)

HENNEPIN COUNTY VIOLENT OFFENDER TASK FORCE AGREEMENT
CITY OF RICHFIELD

The Richfield City Council duly approved this Agreement on the _____ day of _____, 2020.

City of Richfield

By: _____

Its Mayor

And by: _____

Its City Manager

Approved as to form
and legality:

Richfield City Attorney

(signatures continued on the following page)

HENNEPIN COUNTY VIOLENT OFFENDER TASK FORCE AGREEMENT

Hennepin County Board Approval

Task Force Members, having signed this Agreement, and the Hennepin County Board of Commissioners having duly approved this Agreement on behalf of the Hennepin County Sheriff's Office and the Hennepin County Attorney's Office on the ____ day of _____, 2020 and pursuant to such approval, the proper County officials having signed this Agreement, the parties hereto agree to be bound by the provision herein set forth.

Reviewed by County
Attorney's Office:

Assistant County Attorney

County of Hennepin
State of Minnesota

Chair of its County Board

And: _____
County Administrator

And: _____
Hennepin County Sheriff/Chief Deputy

Attest: _____
Deputy/Clerk of County Board

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Tim Gannon Chief of Police

SUBJECT: Juvenile Probation Client Delinquency Prevention Initiative

Background:

The Brooklyn Center Police Department, along with local partners, have identified an influx in the number of young people who are running away in and around the region – particularly female-identified youth and boys and young men of color. In Hennepin County, youth of color are disproportionately represented in all county systems and Minnesota is ranked one of the highest states for minority disparities. Running away can be due to instability, abuse or neglect in the home and, for some youth, running away becomes a pattern of risky behavior used as a coping mechanism for these or other issues. By providing meaningful, engaging and culturally relevant services, we hope to address these issues and create a positive community shift.

Data from 2018 also shows multiple repeat incidents of the same youth running away in and around the Brooklyn Park/ Center area, but without addressing the root causes the youth or family are facing, we will likely continue to see this trend increase. These young people are especially vulnerable and at an increased risk of mental and physical health implications such as teen pregnancy, substance abuse, truancy, homelessness, sexual exploitation or trafficking, gang involvement, criminal activity and even suicide. The abuse rate for female runaway youth is 24.7%, compared to 7.5% of non-runaway youth. By intervening early - before, or immediately after a youth leaves home - we can reduce the risk of traumatic abuse or other long-term consequences. Police are often the first point of contact for a runaway youth, but due to the demands of their role, police simply do not have the capacity to address the complex needs of the youth or family.

The Joint Powers Agreement provides funding from the Hennepin County Department of Community Corrections and Rehabilitation (DOCCR) to the Brooklyn Park Police Department (BPPD). With these funds, the BPPD shall contract with a provider for a youth intervention program to operate out of Zanewood Recreation Center as a part of the Juvenile Probation Client Delinquency Prevention Initiative. The JPA for the pilot program will be effective January 1, 2021 through December 31, 2022.

Program components include:

- Identify and address the root causes behind youth running away to strengthen families and avoid reoccurrences
- Convene and coordinate stakeholders including local police and city officials, government, school and community-based organizations to streamline best practice responses, services and work to address the multiple factors that lead to disparities, which often are not addressed or acknowledged as root causes
- Implement an evidence-based and nationally accredited runaway prevention curriculum (long term)

that will provide a diversion option which seeks to increase youth's resiliency, protective factors, and safety while reducing risks for repeat incidents of running away.

The cities of Brooklyn Center, Crystal and Brooklyn Park agree to:

- Track identified disaggregated data from police perspective and provide information as needed
- Provide oversight of services and outcomes from the contracted service
- Designate one or more representatives to serve on the initiative steering group
- Designate patrol officers or other department representatives to participate in programming and engage with youth and Contract Provider staff at the service delivery location, as availability allows.

Budget Issues:

The Hennepin County DOCCR will provide funding to Brooklyn Park in the not-to-exceed amount of \$180,000.00 during the two-year term of the pilot agreement. These funds will be used to contract with the YMCA to provide youth intervention program services out of Zanewood Recreation Center.
No budget issue for Brooklyn Center.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
MOU	12/3/2020	Cover Memo
JPA - A2010314	12/11/2020	Backup Material

RUNAWAY INTERVENTION AND PREVENTION PROGRAM AGREEMENT

This Runaway Intervention and Prevention Agreement (“**Agreement**”) is made this 30_ day of December, 2020 by and among the City of Brooklyn Park, a Minnesota municipal corporation (“**Brooklyn Park**”), the City of Brooklyn Center, a Minnesota municipal corporation (“**Brooklyn Center**”), the City of Crystal, a Minnesota municipal corporation (“**Crystal**”), and the YMCA of the Greater Twin Cities, a Minnesota non-profit corporation (“**YMCA**”). The cities that are parties to this Agreement may hereinafter be referred to collectively as the “**Cities**,” or individually as a “**City**.” The Cities and the YMCA may hereinafter be referred to collectively as the “parties” or individually as a “party.”

RECITALS

- A. The Cities’ Police Departments and Parks Department of Brooklyn Park desire to work cooperatively with the YMCA to establish a runaway intervention and prevention program with the YMCA (“**Runaway Program**”).
- B. The YMCA desires to work cooperatively with the Cities’ Police Departments and the Recreation and Parks Department of Brooklyn Park to establish and operate a Runaway Program in accordance with the terms and conditions of this Agreement.

AGREEMENT

In consideration of the mutual promises and agreements contained herein, the parties hereby by agree as follows:

- 1. City Responsibilities. Each City agrees to do the following:
 - (a) Select and refer appropriate youth (collectively, the “**Youth**”) to the YMCA for the Runaway Program and participation in the curriculum described in this Agreement;
 - (b) Share information with the YMCA related to Youth qualification and progress;
 - (c) Identify appropriate Youth participants for the Runaway Program;
 - (d) Provide space for the YMCA to deliver the Runaway Program curriculum;
 - (e) Provide space for occasional Runaway Program administrative work and meetings of the parties; and
 - (f) Cooperate with the YMCA to the fullest extent possible in its operation of the Runaway Program.
- 2. YMCA Responsibilities. The YMCA is responsible for providing all services necessary to operate the Runaway Program including, but not limited to, the following:
 - (a) Provide a single point of contact through a program-specific referral email or YMCA Youth Resource Line;
 - (b) Conduct intake and comprehensive assessment to include risk assessment, trauma screening, and Youth survey;
 - (c) Provide Holistic family planning to support the Youth;

- (d) Share information with each City related to Youth progress on program goals;
 - (e) Facilitate a group diversion curriculum;
 - (f) Facilitate the transportation of Youth as needed to achieve program elements;
 - (g) Be responsible for salary and personnel expenses for one (1) full-time YMCA employee and all related program expenses for providing the Runaway Program services set forth in this Agreement;
 - (h) Comply with the Minnesota Government Data Practices with respect to any data collected or received by the YMCA as part of the Runaway Program; and
 - (i) Cooperate with each City to the fullest extent possible with respect to the Runaway Program.
3. Term and Termination. The term of this Agreement shall be from January 1, 2021, through December 31, 2022, regardless of the dates of execution, unless terminated earlier as provided herein. This Agreement may be terminated by any party for any reason, or for no reason, after thirty (30) days written notice to the other parties.
4. Services. The YMCA agrees to provide the required personnel and related support services and supplies to effectively and efficiently provide the services necessary to operate the Runaway Program. Each City agrees to cooperate with the YMCA as deemed appropriate by the Cities' Chiefs of Police to ensure the timely provision of Runaway Program services. There shall be no charge to the Youth or their parents for participating in the Runaway Program. Youth identified as potential participants in the Runaway Program may decline enrollment.
5. Records. The YMCA agrees to maintain such records as are deemed necessary by the Cities to ensure that the Runaway Program provides the services and is operated as represented by the YMCA. The YMCA shall maintain the records in a manner that ensures confidentiality to service recipients; however, the YMCA shall provide disclosure to the Cities or a third party if so required by this Agreement, law, or regulation. All documents provided by the Cities or any other third party to the YMCA shall be securely maintained in locked file drawers or a locked room. The YMCA shall return all records, including all participant release forms, to the Cities, as applicable, at the expiration or termination of this Agreement.
6. Payment. Brooklyn Park agrees to reimburse the YMCA a total of up to \$180,000 over the entire term of this Agreement for all Runaway Program services provided by the YMCA, as further set out in the attached Exhibit C. Brooklyn Center and Crystal are not required to reimburse or otherwise pay the YMCA for its Runaway Program services. Upon the prior written request of the YMCA, any City may elect to provide financial assistance on a case-by-case basis for certain events or incidentals related to the Runaway Program.
7. Discrimination. The YMCA agrees not to discriminate in providing Runaway Program services under this Agreement on the basis of race, color, sex, creed, national origin, disability, age, sexual orientation, status with regard to public assistance, or religion.
8. Insurance. The YMCA shall, during the entire term of this Agreement, obtain and maintain the types and minimum amounts of insurance coverage identified in the attached Exhibit A.

The YMCA shall name the Cities as additional insureds on its commercial general liability policy.

9. Indemnification. The YMCA agrees, for itself and its successors and assigns, release and agree to defend, indemnify and hold Brooklyn Center, Brooklyn Park, and Crystal harmless from all Loss or Damage in any manner, directly or indirectly arising out of, resulting from, or in any manner connected with this Agreement, the provision of facilities, programs and services pursuant to this Agreement. The term "Loss or Damage" as used herein means all losses, costs, expenses (including without limitation, reasonable attorneys' fees, disbursements of counsel and costs of investigation), liabilities, damages, debts, fees, fines, penalties, charges, assessments, judgments, liens, settlements, claims, demands, rights, actions, suits, causes of action, and proceedings, and other obligations of any nature whatsoever and of any person whomsoever, including for death or injury to any person (including the parties and their employees, agents, and contractors) and including damage to property owned by, leased, rented to, or in the care, custody, or control of the parties. The indemnity obligations contained in this Section shall survive termination of this Agreement. Nothing in this paragraph shall be construed as a waiver of any liability limits or immunities contained in Minnesota Statutes, Chapter 466.
10. Entire Agreement. The entire agreement of the parties is contained in this document, including the recitals, exhibits, and any addenda or amendments signed by the parties. This Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter of this Agreement. This Agreement is valid only when signed by all the parties.
11. Amendment. Any amendment of the Agreement must be in writing and signed by all parties.
12. Assignment. The rights and obligations created by this Agreement are assignable only by the written consent of all parties to this Agreement.
13. Notices. All notices required to be given by any party pursuant to this Agreement shall be in writing and sent to the other party at the following addresses:

To Brooklyn Park: City of Brooklyn Park
 Attention: Chief of Police
 5200 85th Ave North
 Brooklyn Park, MN 55443
 With a copy to the Director of Recreation and Parks at the same
 address as the Chief of the Police.

To Brooklyn Center: City of Brooklyn Center
 Attention: Chief of Police
 6301 Shingle Creek Parkway
 Brooklyn Center, MN 55430

To Crystal: City of Crystal

Attention: Chief of Police
4141 Douglas Dr. N.
Crystal, MN 55422

To the YMCA: YMCA of the Greater Twin Cities
 Attention: Program Executive for Youth Intervention
 8950 Springbrook Drive NW
 Coon Rapids, MN 55433

All notices shall be deemed received when delivered, if hand-delivered, or three business days after deposit with the United States Postal Service, postage prepaid. Notices by fax or email alone are not sufficient. The addresses for notices may be changed by the parties from time to time by delivery of written notice to the other parties as provided herein.

14. Independent Contractor. The YMCA acknowledges and agrees that it is an independent contractor of the Cities and that nothing in this Agreement is intended, nor shall be construed, to create a joint venture or to create the relationship of partners or employer/employee between the parties. The YMCA, its officers, agents, employees, and volunteers are, and shall remain for all purposes and services under this Agreement, independent contractors.
15. Data Practices Compliance. Data and information provided to the YMCA under this Agreement or through the provision of Runaway Program services under this Agreement shall be administered in accordance with each participant's signed informed consent to release information, using the form attached hereto as Exhibit B, and the Minnesota Statutes, Chapter 13, and all data on individuals shall be maintained in accordance with all applicable laws, rules, and regulations.
16. Legal Compliance. The parties shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances in carrying out their respective obligations under this Agreement.
17. Audit. As required by Minnesota Statutes Section 16C.05, subdivision 5, the YMCA's books, records, documents and accounting procedures and practices relevant to this Agreement are subject to examination by the Cities and the Minnesota State Auditor or legislative auditor for a minimum of six years from the termination or expiration of this Agreement.
18. Applicable Law. This Agreement will be governed and construed in accordance with the laws of the State of Minnesota.
19. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date first written above.

YMCA OF THE TWIN CITIES

Karen Larson
By Karen Larson
Its Chief Financial Officer

Date 11/30/2020

CITY OF BROOKLYN CENTER

By Mike Elliot
Its Mayor

Date _____

By Cornelius L. Boganey
Its City Manager

Date _____

CITY OF BROOKLYN PARK

By Jeffrey Joneal Lunde
Its Mayor

Date _____

By Jay Stroebel
Its City Manager

Date _____

CITY OF CRYSTAL

By Jim Adams
Its Mayor

Date _____

By Anne Norris
Its City Manager

Date _____

EXHIBIT A

General Liability:

\$1,000,000 Each Occurrence
\$1,000,000 Personal Injury/Advertising Injury
\$2,000,000 Products/Completed Operations Aggregate
\$2,000,000 Annual Aggregate
\$100,000 Damage to Rented Premises
\$5,000 Medical Payments (optional)

Auto Liability:

\$1,000,000 Combined Single Limit – Bodily Injury & Property Damage
\$1,000,000 Hired & Non-Owned Auto Liability

Workers' Compensation:

\$100,000 Each Accident
\$500,000 Policy Limit
\$100,000 Each Disease

Statutory Limits Apply

Umbrella/Excess Liability:

\$1,000,000 Each Occurrence and Annual Aggregate

EXHIBIT B

FORM OF CONSENT TO RELEASE NONPUBLIC INFORMATION

**INFORMED CONSENT AUTHORIZATION FOR THE
RELEASE OF NONPUBLIC INFORMATION**

TO: City of [Brooklyn Center], [Brooklyn Park], [Crystal]

RE: _____ (“Participant”)

THIS AUTHORIZES the City of [Brooklyn Center], [Brooklyn Park], [Crystal], its authorized agents or representatives, (collectively, the “City”) to release summary police reports of any criminal incident involving the Participant to the YMCA of the Twin Cities (“YMCA”). **These summary reports will not include the names of non-Participants.**

PURPOSE: The foregoing information will be released to a YMCA contact assisting the Participant to understand why and what involvement the Participant has had in the criminal incident(s). This YMCA contact is working cooperatively with the City to provide runaway intervention and prevention services, programs, and curriculum to the Participant.

VOLUNTARY RELEASE: I understand that I am not legally required by the City to release the information described herein. My consent authorizing the release of information is completely voluntary, and I understand that the only known consequence for refusing to release the information is that the City will not refer the Participant to the YMCA for participation in its runaway intervention and prevention services, programs, and curriculum.

REVOCATION: I understand that I may revoke this authorization in writing at any time, except to the extent that the City has already made disclosures in reliance on my consent.

DURATION OF CONSENT: My consent to release the information described herein will expire _____ from the date of this authorization.

A photocopy or facsimile of this signed authorization is as valid as an original.

Date: _____

Participant’s Signature

Printed Name

Date: _____

Parent/Guardian Signature

Parent/Guardian’s Printed Name

EXHIBIT C

PAYMENT TERMS BETWEEN BROOKLYN PARK AND YMCA

On or before the last business day of March, June, September, and December 2021, the YMCA will submit a request for reimbursement by U.S. Mail to Brooklyn Park at the address listed in paragraph 13 of this Runaway Intervention and Prevention Program Agreement (“Agreement”). Said request will detail the YMCA’s Runaway Program services performed pursuant to this Agreement during the preceding quarter. Upon receipt of said request, Brooklyn Park will provide prompt payment to the YMCA.

Brooklyn Park reserves the right to withhold any portion or all of any reimbursement requested by the YMCA if Brooklyn Park, in its sole discretion, determines that the YMCA has failed to comply with any term of this Agreement.

Brooklyn Park will reimburse the YMCA up to \$180,000 during the term of this Agreement for the YMCA’s Runaway Program services provided pursuant to this Agreement.

**COOPERATIVE AGREEMENT FOR A JUVENILE PROBATION CLIENT
DELINQUENCY PREVENTION INITIATE**

This Cooperative Agreement, effective upon execution, is made by and between Hennepin County (hereinafter the “County”), on behalf of the Hennepin County Department of Community Corrections and Rehabilitation, (hereinafter “DOCCR”), the City of Brooklyn Center (hereinafter “Brooklyn Center”), the City of Brooklyn Park (hereinafter “Brooklyn Park”), and the City of Crystal (hereinafter “Crystal”), all of which are political subdivisions and local government units of the State of Minnesota and which herein may be referred to individually as a “Party” or collectively as “the Parties.”

1. WHEREAS, the Parties share an interest in juvenile delinquency prevention; and
2. WHEREAS, the Parties currently each individually expend funds and devote resources to juvenile delinquency prevention pursuant to each Party’s statutory powers; and
3. WHEREAS, the Parties desire to advance the public interest by enhancing their juvenile delinquency prevention efforts and reduce the Hennepin Juvenile Justice system’s disproportionate minority contact through sharing powers and resources, working jointly and/or cooperatively to the extent set forth herein; and
4. WHEREAS, Minnesota Statutes section 471.59 provides authority for the Parties, through an agreement executed by their governing boards, to exercise certain powers jointly and/or cooperatively; and
5. WHEREAS, the Parties wish to establish through this Agreement the Juvenile Probation Client Delinquency Prevention Initiative (hereinafter referred to as the “Initiative”); and
6. WHEREAS, the Parties acknowledge that the Initiative is a pilot program, limited to the term and funding amount identified in this Agreement; and
7. WHEREAS, the Parties wish to memorialize in this Agreement their agreement to exercise certain powers jointly and/or cooperatively for the purpose of funding and implementing the Initiative as a pilot program; and
8. WHEREAS, the powers to be exercised herein are deemed to be for the benefit and welfare of those residing and doing business in the respective jurisdictions of the Parties;

THEREFORE, in consideration of the terms contained herein, the Parties agree as follows:

ARTICLE I

Joint or Cooperative Exercise of Powers

Section 1. Purpose. The Parties agree to exercise powers jointly and/or cooperatively, as they from time to time deem advisable, to the fullest extent authorized by law, in furtherance of the Initiative, as provided further herein. The goals, deliverables and milestones of the Initiative are set forth herein.

Section 2. Powers and Functions to Be Cooperatively Exercised. The Parties agree that each Party will be responsible for supporting, funding, administering and otherwise carrying out the Initiative as follows:

- (a) Funding. DOCCR shall provide funding to Brooklyn Park in the not-to-exceed amount of \$180,000.00 during the term of this Agreement for services to be provided by a qualified third-party organization (hereinafter “Contracted Services”), as further described below.
- (b) Contracted Services. Brooklyn Park shall select and contract with a provider of its choice (herein after “Contract Provider”) to deliver Contracted Services for a youth intervention program that further the goals of the Initiative. Services shall include referral, intake and assessment of identified, at-risk youth; family education, mediation and therapy; and group diversion services to be provided at a location central to the three municipalities that are parties to this Agreement.

Program components include:

- Identify and address the root causes behind youth running away to strengthen families and avoid reoccurrences, while using existing and new leverages to educate youth and parents on risks and resources to prevent future runaway incidents
- Convene and coordinate stakeholders including local police and city officials, government, school and community-based organizations to streamline best practice responses, services and work to address the multiple factors that lead to disparities, which often are not addressed or acknowledged as root causes
- Implement an evidence-based and nationally accredited runaway prevention curriculum (long term) that will provide a diversion option which seeks to increase youth’s resiliency, protective factors, and safety while reducing risks for repeat incidents of running away

- (c) Additional Responsibilities of the Parties

Cities of Brooklyn Park, Crystal, and Brooklyn Center

- Track identified disaggregated data from police perspective and provide information as needed
- Provide oversight of services and outcomes from the contracted service
- Designate one or more representatives to serve on the initiative steering group
- Designate patrol officers or other department representatives to participate in programming and engage with youth and Contract Provider staff at the service delivery location, as availability allows

DOCCR

- Funding as provided above
- Assist with developing outcome measures and processes
- Designate one or more representatives to serve on the initiative steering group
- Act as liaison to other parts of Juvenile Justice system in Hennepin County

(d) Flow/Process for the Program

- Qualified youth will be identified through the records systems of each participating police agency based on present criteria (the criteria is not yet agreed upon by the agencies)
- Those identified youth will be referred to a single point of contact for the Contract Provider
- The Contract Provider will conduct a youth and family assessment
- The Contract Provider will invite the youth to participate in a core curriculum consisting of 3 to 5 two-hour sessions
- Upon program completion, the Contract Provider will connect the family to any necessary ongoing resources and notify the policy agency of the completion

(e) Payment. Brooklyn Park will invoice DOCCR on a quarterly basis. Payment will be made within 35 days.

(f) Anticipated Goals and Outcomes

- Increased youth resiliency, protective factors, and strengthen family resources
- Increased connections to caring adults and community resources
- Decreased incidents of youth crime
- Decreased experiences of sexual exploitation and trafficking by youth
- Decreased reports of homelessness

- Increased capacity to respond to the needs of targeted population
- Strengthen community and police relations
- Decreased overrepresentation of youth of color in areas of police contact related to charges of runaway, sexual exploitation, and trafficking

(g) Program Evaluation

Evaluation criteria and goals will be identified during the planning process, along with a stakeholder agreement of the evaluation process. Evaluation will take into consideration the following data and information:

- Number of youth referred to program
- Number of youth/families who accept services and why services were accepted
- Number of youth who decline services and why services were declined
- *Number of youth who successfully complete group component of program or who do not successfully complete the program and reason(s) why
- Number of youth who do or do not run away again
- Number of youth or family referred to additional resources or services (with referrals to be tracked)
- Number of services offered to youth/families
- Data points disaggregated to look at race, gender, ethnicity and geographical location

Section 3. Initiative Coordination Steering Group. Except for matters that by law must be addressed by the respective governing boards of the Parties, the Initiative shall be cooperatively steered by an Initiative Coordination Steering Group (hereinafter referred to as the “Steering Group”). Each Party shall designate one or more representatives to serve on the Steering Group. The Group will meet from time to time as necessary to discuss and resolve issues necessary to the success of the Initiative.

ARTICLE II

Other Provisions

Section 1. Term. This Agreement shall commence January 1, 2021 and terminate December 31, 2022.

Section 2. Amendment. This Agreement may be amended by resolution of the governing body of each of the Parties.

Section 3. Acquisition of Property. Pursuant to Minn. Stat. 471.59, where property has

been acquired pursuant to this Agreement, the Parties, as part of the acquisition, shall provide for an equitable distribution of the property acquired and the return of any surplus moneys in proportion to the contributions of the Parties after the purpose of the Agreement has been completed.

Section 4. Liability. Each Party shall be responsible for its own acts and omissions under this Agreement and the results thereof to the extent authorized by law and shall not be responsible for the acts or omissions of any other Party and the results thereof. The liability of the parties is governed by the provisions of Minnesota Statutes Chapter 466. Under no circumstances shall a Party be required to pay on behalf of itself and other parties any amounts in excess of the limits on liability established in Minnesota Statutes Chapter 466 applicable to any one Party. The statutory limits of liability for some or all of the Parties may not be added together or stacked to increase the maximum amount of liability for any Party.

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unofficial
copy

COUNTY BOARD AUTHORIZATION

Reviewed for COUNTY by
the County Attorney's Office:

COUNTY OF HENNEPIN
STATE OF MINNESOTA
By:

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Reviewed for COUNTY by:

ATTEST:

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Board Resolution No:

{ { *BoardResolution_es_:signer4:brs } }

By:

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CITY OF BROOKLYN PARK

By: _____

Title: _____

Date: _____

CITY OF BROOKLYN CENTER

By: _____

Title: _____

Date: _____

CITY OF CRYSTAL

By: _____

Title: _____

Date: _____

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Kelli Wick, HR Director

SUBJECT: Resolution Setting Salaries for Calendar Year 2021

Background:

Section 2.07 of the City Charter requires that the City Council shall fix the salary of all employees of the City. Generally speaking, the City employs three different sets of employees, union, non-union and city manager.

Union employees encompass the vast majority of public works and police department employees. Salaries and wages for these employees are established through the collective bargaining process. Contracts are settled with all union groups for 2021 with the exception of LELS Local 82 that covers police officers.

The action before you relates to the wages and salaries of the ninety-seven (97) non-union full-time employees out of a total of 171 full time employees working for the City. These at-will employees have no contract and rely upon the actions of the City Council through policy to assure reasonable working conditions, salaries and wages that are competitive in the market place.

The proposed budget provides for a 2.75 percent general wage increase. It also provides for scheduled performance based step increases for employees below the range maximum. Staff recommends approval of the pay plan with a 2.75% general wage increase for 2021.

Budget Issues:

The proposed budget will support a 2.75% pay plan adjustment and scheduled performance step increases provided by the resolution.

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
2021 Pay Plan	12/3/2020	Backup Material
Resolution Setting Salaries for 2021	12/3/2020	Backup Material

City of Brooklyn Center

2021 Pay Plan

FULL-TIME EMPLOYEES

Effective January 1, 2021

2021

City of Brooklyn Center Regular Full-Time Positions

Position	Positions Authorized	Organized	Exempt from Overtime
CITY MANAGER'S OFFICE			
City Manager	1	Contract	Yes-Exec
Deputy City Manager	1	No	Yes-Exec
City Clerk	1	No	Yes-Adm
Deputy City Clerk	1	No	No
Customer Service Representative	1	No	No
Human Resources Director	1	No	Yes-Adm
Human Resources/Benefits Specialist	2	No	No
Human Resources/Payroll Specialist	1	No	No
IT Director	1	No	Yes-Adm
IT Specialist	1	No	No
IT Technician	1	No	No
Communications & Community Eng. Mgr	1	No	Yes-Adm
Community Engagement Specialist	1	No	No
COMMUNITY DEVELOPMENT			
Community Development Director	1	No	Yes-Exec
City Planner	1	No	Yes-Adm
Associate Planner/Zoning Administrator	1	No	No
Economic Development Coordinator	1	No	Yes-Adm
Building and Community Standards Division			
Deputy Director of Building & Community Standards	1	No	Yes-Adm
Housing/Community Standards Supervisor	1	No	Yes-Adm
Building Official	1	No	Yes-Adm
Building Inspector	3	No	No
Housing/Code Enforcement Inspector	4	No	No
Community Development Administrative Assistant	2	No	No
FISCAL AND SUPPORT SERVICES			
Director of Finance	1	No	Yes-Exec
Assistant Director of Finance	1	No	Yes-Adm
Accountant	1	No	Yes-Adm
Utilities Technician II	1	No	No
Accounting Technician II	1	No	No
Liquor Stores Division			
Liquor Operations Manager	1	No	Yes-Exec
Liquor Store Manager	1	No	Yes-Adm
Liquor Store Assistant Manager	2	No	Yes-Adm
Liquor Store Category Lead	1	No	No
Liquor Store Office Assistant	1	No	No

Position	Positions Authorized	Organized	Exempt from Overtime
FIRE DEPARTMENT			
Fire Chief	1	No	Yes-Exec
Deputy Fire Chief	1	No	Yes-Exec
Fire Inspector/Educator	1	No	No
Fire Administrative Coordinator	1	No	No
POLICE DEPARTMENT			
Chief of Police	1	No	Yes-Exec
Police Commander	3	L #86	Yes-Adm
Police Sergeant	7	L #86	No
Police Officer	33	L #82	No
Police Detective	5	L #82	No
Support Services Manager	1	No	Yes-Adm
Crime Analyst	1	No	No
Crime Prevention Specialist	1	No	No
Police Administrative Assistant	1	No	No
Police Records Specialist	1	No	No
Police Records Technician	7	No	No
Property Technician	1	No	No
PUBLIC WORKS DEPARTMENT			
Director of Public Works	1	No	Yes-Exec
City Engineer	1	No	Yes-Adm
Principle Engineer	1	No	Yes-Adm
Assistant City Engineer	1	No	Yes-Adm
Engineering Technician IV	1	No	No
Engineering Technician III	3	No	No
Public Works Administrative Assistant	1	No	No
Streets and Parks Division			
Deputy Director of Public Works	1	No	Yes-Exec
Supervisor of Streets and Parks Maintenance	1	No	Yes-Adm
Crew Leader	3	L #49	No
Maintenance II	11	L #49	No
Central Garage Division			
Mechanic	2	L #49	No
Crew Leader	1	L #49	No
Night Service Person	1	L #49	No
Central Garage Administrative Technician	1	No	No
Public Works Administrative Technician	1	No	No
Public Utilities Division			
Supervisor of Public Utilities	1	No	Yes-Adm
Water Treatment Plant Lead Operator	1	L #49	No
Crew Leader	1	L #49	No
Maintenance II	6	L #49	No

Position	Positions Authorized	Organized	Exempt from Overtime
COMMUNITY ACTIVITIES, RECREATION & SERVICES			
Director of Community Activities, Rec. & Serv.	1	No	Yes-Exec
Recreation Program Supervisor	4	No	Yes-Adm
Recreation Coordinator	2	No	No
Golf Course Superintendent	1	No	Yes-Adm
CARS Administrative Assistant	1	No	No
Recreation Clerk	1	No	No
Earle Brown Heritage Center Division			
EBHC General Manager	1	No	Yes-Exec
EBHC Operations Director	1	No	Yes-Exec
EBHC Crew Chief	2	No	No
EBHC Sales Director	1	No	Yes-Exec
EBHC Sales Manager	4	No	Yes-Adm
EBHC Catering Sales Manager	2	No	Yes-Adm
EBHC Maintenance Custodian	3	No	No
EBHC Secretary/Billing Clerk	1	No	No
EBHC Secretary/Receptionist	1	No	No
Government Buildings Division			
Maintenance Lead	1	No	No
Maintenance Custodian	1	No	No
Maintenance Technician	1	No	No
TOTAL REGULAR FULL-TIME POSITIONS AUTHORIZED: 176		176	

2021 City Manager and Department Head Pay Plan

Exempt from overtime (not eligible for overtime)

1/1/21

Position title		Minimum	Maximum
City Manager: Salary pursuant to employment contract			
Director of Finance	Annual	\$ 115,528	\$ 141,652
Chief of Police			
Director of Public Works			
Community Development Director			
Director of Comm. Activities, Rec. & Services			
Fire Chief			
Deputy City Manager			

The City Manager is authorized to set salaries within the established ranges.

This schedule reflects a 2.75% increase January 1, 2021

2021 Non-Organized Full-time Employee Pay Plan - Exempt

1/1/21

Exempt from overtime (not eligible for overtime)

Pay Grade	Title		Step A	Step B	Step C	Step D	Step E	Step F	Step G
C30	Supervisor Public Utilities Supervisor Streets/Parks Deputy Fire Chief	Annual	\$ 86,959	\$ 91,307	\$ 95,872	\$ 98,269	\$ 100,726	\$ 103,244	\$ 105,825
		Hourly	\$ 41.807	\$ 43.898	\$ 46.092	\$ 47.245	\$ 48.426	\$ 49.637	\$ 50.877
C28	Assistant City Engineer	Annual	\$ 82,769	\$ 86,907	\$ 91,253	\$ 93,534	\$ 95,872	\$ 98,269	\$ 100,726
		Hourly	\$ 39.793	\$ 41.782	\$ 43.871	\$ 44.968	\$ 46.092	\$ 47.245	\$ 48.426
C27	Assistant Finance Director Building Official Housing & Comm Stds. Supv.	Annual	\$ 80,750	\$ 84,788	\$ 89,027	\$ 91,253	\$ 93,534	\$ 95,872	\$ 98,269
		Hourly	\$ 38.822	\$ 40.763	\$ 42.801	\$ 43.871	\$ 44.968	\$ 46.092	\$ 47.245
C25	City Planner/Zoning Adm Economic Dev. Coordinator Communication Coordinator	Annual	\$ 76,859	\$ 80,702	\$ 84,737	\$ 86,856	\$ 89,027	\$ 91,253	\$ 93,534
		Hourly	\$ 36.951	\$ 38.799	\$ 40.739	\$ 41.757	\$ 42.801	\$ 43.871	\$ 44.968
C22	Accountant	Annual	\$ 71,371	\$ 74,940	\$ 78,687	\$ 80,654	\$ 82,670	\$ 84,737	\$ 86,856
		Hourly	\$ 34.313	\$ 36.029	\$ 37.830	\$ 38.776	\$ 39.745	\$ 40.739	\$ 41.757
C20	Rec. Program Supervisor EBHC Operations Director EBHC Sales Director Golf Course Supt.	Annual	\$ 67,932	\$ 71,329	\$ 74,895	\$ 76,768	\$ 78,687	\$ 80,654	\$ 82,670
		Hourly	\$ 32.660	\$ 34.293	\$ 36.007	\$ 36.908	\$ 37.830	\$ 38.776	\$ 39.745
C18	Liquor Store Manager	Annual	\$ 64,659	\$ 67,892	\$ 71,286	\$ 73,069	\$ 74,895	\$ 76,768	\$ 78,687
		Hourly	\$ 31.086	\$ 32.640	\$ 34.272	\$ 35.129	\$ 36.007	\$ 36.908	\$ 37.830
C12	EBHC Sales Manager	Annual	\$ 55,755	\$ 58,543	\$ 61,470	\$ 63,007	\$ 64,582	\$ 66,197	\$ 67,851
		Hourly	\$ 26.805	\$ 28.146	\$ 29.553	\$ 30.292	\$ 31.049	\$ 31.825	\$ 32.621
C8	Assistant Liquor Manager	Annual	\$ 50,511	\$ 53,037	\$ 55,689	\$ 57,081	\$ 58,508	\$ 59,971	\$ 61,470
		Hourly	\$ 24.284	\$ 25.499	\$ 26.773	\$ 27.443	\$ 28.129	\$ 28.832	\$ 29.553

This schedule provides a salary range for non-organized employees in exempt positions. The schedule reflects all current salary ranges for this group and provides for a 2.75% increase January 1, 2021. This employee group is exempt from overtime under FLSA.

Normal progression: Minimum is the starting rate. After successful completion of six months of a probationary period, individuals move to the next step. After eighteen months of successful performance of job duties, individuals move to the next step. Additional advances in steps up to the maximum shall be at the discretion of the City Manager based upon recommendation of the Department Head.

City Manager's Discretion: The City Manager is authorized to set salaries below the minimum rate when performance or qualifications are less than required for the position. The City Manager is authorized to set salaries above the minimum rate when qualifications exceed those required for the starting rate.

Merit Steps: Merit steps up to ten percent above the maximum rate shall only be awarded with the express approval of the City Council as recommended by the City Manager.

updated 12/2/2020

2021 Supervisory Full-time Pay Plan - Exempt

1/1/21

Exempt from overtime (not eligible for overtime)

Pay Grade	Title		Step A	Step B	Step C	Step D	Step E	Step F	Step G
S35	IT Manager	Annual	\$ 98,611	\$ 103,542	\$ 108,719	\$ 111,437	\$ 114,223	\$ 117,078	\$ 120,005
		Hourly	\$ 47.409	\$ 49.780	\$ 52.269	\$ 53.575	\$ 54.915	\$ 56.288	\$ 57.695
S34	Human Resources Director	Annual	\$ 96,206	\$ 101,016	\$ 106,067	\$ 108,719	\$ 111,437	\$ 114,223	\$ 117,078
		Hourly	\$ 46.253	\$ 48.566	\$ 50.994	\$ 52.269	\$ 53.575	\$ 54.915	\$ 56.288
S33	Dep. Dir. Of Public Works City Engineer	Annual	\$ 93,860	\$ 98,553	\$ 103,480	\$ 106,067	\$ 108,719	\$ 111,437	\$ 114,223
		Hourly	\$ 45.125	\$ 47.381	\$ 49.750	\$ 50.994	\$ 52.269	\$ 53.575	\$ 54.915
S32	EBHC General Manager	Annual	\$ 91,570	\$ 96,149	\$ 100,956	\$ 103,480	\$ 106,067	\$ 108,719	\$ 111,437
		Hourly	\$ 44.024	\$ 46.225	\$ 48.537	\$ 49.750	\$ 50.994	\$ 52.269	\$ 53.575
S30	Liquor Operations Manager	Annual	\$ 87,158	\$ 91,516	\$ 96,092	\$ 98,494	\$ 100,956	\$ 103,480	\$ 106,067
		Hourly	\$ 41.903	\$ 43.998	\$ 46.198	\$ 47.353	\$ 48.537	\$ 49.750	\$ 50.994
S29	Deputy Director of Comm. Development	Annual	\$ 85,032	\$ 89,284	\$ 93,748	\$ 96,092	\$ 98,494	\$ 100,956	\$ 103,480
		Hourly	\$ 40.881	\$ 42.925	\$ 45.071	\$ 46.198	\$ 47.353	\$ 48.537	\$ 49.750
S24	City Clerk	Annual	\$ 75,156	\$ 78,914	\$ 82,860	\$ 84,931	\$ 87,054	\$ 89,231	\$ 91,461
		Hourly	\$ 36.133	\$ 37.939	\$ 39.836	\$ 40.832	\$ 41.853	\$ 42.899	\$ 43.972
S22	Support Services Manager	Annual	\$ 71,535	\$ 75,111	\$ 78,867	\$ 80,839	\$ 82,860	\$ 84,931	\$ 87,054
		Hourly	\$ 34.392	\$ 36.111	\$ 37.917	\$ 38.865	\$ 39.836	\$ 40.832	\$ 41.853

This schedule provides salary ranges for supervisory employees. The schedule reflects all current salary ranges for this group and provides for a 2.75% increase January 1, 2021. This group of employees is exempt from overtime under FLSA.

Normal progression: Minimum is the starting rate. After successful completion of six months of a probationary period, individuals move to the next step. After eighteen months of successful performance of job duties, individuals move to the next step. Additional advances in steps up to the maximum shall be at the discretion of the City Manager based upon recommendation of the Department Head.

City Manager's Discretion: The City Manager is authorized to set salaries below the minimum rate when performance or qualifications are less than required for the position. The City Manager is authorized to set salaries above the minimum rate when qualifications exceed those required for the starting rate.

2021 Non-organized Full-time Employee Pay Plan - Non-exempt

1/1/21

Non-exempt (eligible for overtime)

Pay Grade	Title		Step A	Step B	Step C	Step D	Step E	Step F	Step G
D40	Principal Engineer	Hourly	\$ 36.956	\$ 38.804	\$ 40.744	\$ 41.763	\$ 42.807	\$ 43.877	\$ 44.974
D37	Engineering Tech IV	Hourly	\$ 35.852	\$ 37.645	\$ 39.527	\$ 40.515	\$ 41.528	\$ 42.566	\$ 43.630
D35	Building Inspector	Hourly	\$ 34.124	\$ 35.831	\$ 37.622	\$ 38.563	\$ 39.527	\$ 40.515	\$ 41.528
D33	IT Specialist	Hourly	\$ 32.480	\$ 34.104	\$ 35.809	\$ 36.705	\$ 37.622	\$ 38.563	\$ 39.527
D32	Engineering Tech III	Hourly	\$ 31.688	\$ 33.272	\$ 34.936	\$ 35.809	\$ 36.705	\$ 37.622	\$ 38.563
D31	Crime Analyst	Hourly	\$ 30.915	\$ 32.461	\$ 34.084	\$ 34.936	\$ 35.809	\$ 36.705	\$ 37.622
D30	Housing & Code Enf. Insp	Hourly	\$ 30.161	\$ 31.669	\$ 33.253	\$ 34.084	\$ 34.936	\$ 35.809	\$ 36.705
D29	Maintenance Lead IT Technician	Hourly	\$ 29.425	\$ 30.897	\$ 32.442	\$ 33.253	\$ 34.084	\$ 34.936	\$ 35.809
D26	Fire Inspector HR/Benefits Specialist Payroll/HR Technician	Hourly	\$ 27.324	\$ 28.691	\$ 30.125	\$ 30.878	\$ 31.650	\$ 32.442	\$ 33.253
D24	Crime Prevention Specialist	Hourly	\$ 26.008	\$ 27.308	\$ 28.674	\$ 29.390	\$ 30.125	\$ 30.878	\$ 31.650
D21	Fire Adm. Coordinator	Hourly	\$ 24.151	\$ 25.358	\$ 26.626	\$ 27.292	\$ 27.974	\$ 28.674	\$ 29.390
D20	Deputy City Clerk Police Adm. Assistant PW Adm. Assist - Eng. PW Adm. Assist -Central Gar CARS Adm. Assistant Comm. Dev. Adm. Assistant Accounting Technician II Utilities Technician II Police Records Specialist Community Eng. Specialist	Hourly	\$ 23.562	\$ 24.740	\$ 25.977	\$ 26.626	\$ 27.292	\$ 27.974	\$ 28.674
D17	Public Works Adm. Tech EBHC Sec./Billing Clerk EBHC Maint. Custodian Police Records Technician Property Technician Maintenance Technician	Hourly	\$ 21.879	\$ 22.973	\$ 24.122	\$ 24.725	\$ 25.343	\$ 25.977	\$ 26.626
D13	EBHC Sec./Receptionist Cust. Service Representative Liquor Store Office Assistant CARS Cust. Service Rep. Maintenance Custodian	Hourly	\$ 19.822	\$ 20.813	\$ 21.853	\$ 22.400	\$ 22.960	\$ 23.534	\$ 24.122
D8	EBHC Crew Chief Liquor Store Category Lead	Hourly	\$ 17.519	\$ 18.395	\$ 19.315	\$ 19.798	\$ 20.293	\$ 20.800	\$ 21.320

This schedule provides a salary range for non-organized employees in non-exempt positions. The schedule reflects all current salary ranges for this group and provides for a 2.75% increase January 1, 2021. This employee group is not exempt from overtime under FLSA.

Normal progression: Minimum is the starting rate. After successful completion of six months of a probationary period, individuals move to the next step. After eighteen months of successful performance of job duties, individuals move to the next step. Additional advances in steps up to the maximum shall be at the discretion of the City Manager based upon recommendation of the Department Head.

2021 IUOE Local 49 Employee Pay Plan

1/1/21

Non-exempt (eligible for overtime)

Position title		1-Jan 2021
Maintenance III	Hourly	32.55
Maintenance II	Hourly	31.03
Step 3	Hourly	29.04 ^d
Step 2	Hourly	27.08 ^c
Step 1	Hourly	25.12 ^c
Start	Hourly	23.13 ^a
Mechanic	Hourly	32.55
Night Service Person	Hourly	31.03

This schedule provides a salary range consistent with the labor agreement.

Crew Leader: An employee assigned, in writing by the Department Head or Public Works Superintendent, to assist a supervisor as a crew leader will be paid an additional \$1.50 per hour above the base wage of their regular position.

The current agreement extends through December 31, 2021

2020 LELS 82 Employee Pay Plan

Currently in Negotiations

1/1/20

Non-exempt (eligible for overtime)

Position title		1-Jan 2020
Police Officer	Starting	27.82
	After 12 months	32.32
	After 24 months	35.18
	After 36 months	40.91

This schedule provides a salary range consistent with the labor agreement.

The current agreement extends through December 31, 2020

2021 Police Commander & Sergeant (LELS Local 86) Pay Plan

1/1/21

Exempt from Overtime			
Position Title		Min	Max
Commander	Annual	\$ 119,376	\$ 124,572
	Monthly	\$ 9,948	\$ 10,381
3%			

1/1/21

Non-exempt from Overtime			
Position Title		Max	
Sergeant	Start	\$ 47.06	
	Step 1	\$ 51.02	
after 12 months			
3%	After 36 months	\$ 52.29	

This schedule provides a salary range consistent with the labor agreement.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION SETTING SALARIES FOR CALENDAR YEAR 2021

WHEREAS, Section 2.07 of the City Charter for the City of Brooklyn Center requires that the City Council shall fix the salary of all officers and employees of the City; and

WHEREAS, the 1984 Pay Equity Act as adopted and amended by the Legislature requires every political subdivision of the State of Minnesota to establish “equitable compensation relationships” between its employees; and

WHEREAS, the City Council has reviewed the 2021 Full-time Employee Pay Plan; and

WHEREAS, an individual employee’s movement through their respective pay schedule reflects a progression in corresponding levels or improved job performance; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brooklyn Center that it hereby sets wages, salaries for the calendar year 2021 by adoption of the attached Pay Plan and allows the City Manager to set appropriate increases to the part-time schedule consistent with other employee groups, which the City Manager shall be authorized to pay.

BE IT FURTHER RESOLVED that the City Manager may reclassify, adjust, add and/or delete position(s) to pay grades in the Pay Plan(s) but is limited to authorizing increases due to Pay Equity Act compliance and by the Annual Budget constraints adopted by the City Council; and

BE IT FURTHER RESOLVED that the 2021 Full-time Pay Plan is approved and adopted because it is in general an equitable pay plan for City Employees; however, parts of the Pay Plan are approved and adopted solely for the purpose of compliance with the mandates of Minnesota Statutes, Section 471.999; that adoption of the Pay Plan shall create no vested rights, terms or conditions of employment or entitlement to any given level of compensation for any employee or group of employees; that the Pay Plan shall be subject to continuing review and reconsideration and may be amended from time to time by the City Council; and

BE IT FURTHER RESOLVED that the City Manager be authorized to employ full and part-time and/or temporary employees as may be necessary, and to establish competitive rates of pay for such help consistent with the 2021 budget appropriations and to make interim appointments to fill vacant positions whenever a position is vacant because a regular employee is on leave of absence, vacation leave, sick leave, or is absent for any other reason, and to establish rates of pay for such appointments consistent with the 2021 budget appropriations; and

RESOLUTION NO. _____

BE IT FURTHER RESOLVED that authorized wage adjustments, not to exceed the maximums contained herein, shall become effective January 1, 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.

pay plan resolution 2020

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Resolution Relating to the Issuance of Conduit Revenue Bonds to Finance the Costs of a Multifamily Housing Development (The Crest Apartments Project)

Background:

Aeon is the owner and operator of the Crest apartments, which purchased the property in 2012 and completed renovations in 2014. The Crest is a 122-unit affordable multifamily apartment building in Brooklyn Center.

Aeon is now proposing to leverage conduit revenue bonds to allow for additional renovations to the existing Crest apartment building and construct an additional 47 units on adjacent underutilized land.

Conduit revenue bonds give the borrower access to tax exempt financing so the borrower realizes lower interest costs and the City achieves a public purpose, in this case the preservation and rehabilitation of existing affordable housing units.

If approved, no money actually goes through the City of Brooklyn Center and no money or assets of Brooklyn Center would ever be pledged or leveraged to pay the Bonds. The Bonds will not constitute any general or moral obligations of the City of Brooklyn Center and will not affect the city's debt limitation.

A detailed explanation of the request for Conduit Revenue Bonds and the process has been prepared by the EDA's bond counsel and is attached for your review.

The action this evening is to provide preliminary approval of Aeon's application for Conduit Revenue Bonds. If approved by the state, the City will be asked to take final action and hold a public hearing before Aeon can receive the allocation of bonding authority. In addition, the project will need to be submitted for a full and complete review before the Planning Commission and City Council in order to receive land use approvals.

An overview of their project will be presented at the work session this evening as part of a concept review for the Council's consideration and feedback.

Strategic Priorities and Values:

Resident Economic Stability

ATTACHMENTS:

Description	Upload Date	Type
November 19, 2020 Memo from Jenny Boulton, Kennedy & Graven	12/7/2020	Backup Material
Resolution	12/8/2020	Resolution Letter



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St. Cloud Affirmative Action Equal Opportunity Employer

TO: City of Brooklyn Center, Minnesota
FROM: Jenny Boulton, Kennedy & Graven, Chartered
DATE: November 19, 2020
RE: Conduit Revenue Bonds for The Crest Apartments Project

Aeon (or another entity formed by Aeon, the “Borrower”) has requested that the City of Brooklyn Center, Minnesota (“Brooklyn Center”) issue up to \$17,000,000 of tax-exempt, conduit Housing Revenue Bonds in one or more series in 2021 (the “Bonds”) to finance the acquisition and rehabilitation of The Crest Apartments, an existing 122-unit rental housing facility located at 6221 Shingle Creek Parkway in Brooklyn Center and the construction of an approximately 47-unit building on the same property (collectively, the “Project Facilities”).

Conduit revenue bonds give the borrower access to tax exempt financing so the borrower realizes lower interest costs and the City achieves a public purpose, in this case the preservation and rehabilitation of existing affordable housing units.

If authorized by the City Council, the Bonds will be issued as conduit revenue bonds secured solely by the revenues derived from a loan agreement (the “Loan Agreement”) to be executed by Brooklyn Center and the Borrower and from other security provided by the Borrower. The lender or bondholders provide the funds for the loan, either directly or through a trustee, and Brooklyn Center assigns its rights and obligations under the Loan Agreement to the lender or the trustee. No money actually flows through Brooklyn Center. No money or assets of Brooklyn Center would ever be pledged or available to pay the Bonds.

The Bonds will not constitute general or moral obligations of Brooklyn Center and will not be secured by or payable from any property or assets of Brooklyn Center and will not be secured by any taxing power of Brooklyn Center. The Bonds will not affect any debt limitation imposed on Brooklyn Center and the issuance of the Bonds will not have any adverse impact on the credit rating of Brooklyn Center, even in the event that Borrower encounters financial difficulties with respect to the Project Facilities to be financed with the proceeds of the Bonds.

The Bonds are proposed to be issued as tax-exempt obligations, the interest on which is excluded from gross income for federal income tax purposes. However, because the Project Facilities will be owned by a for-profit owner, the Bonds cannot be designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”) which relates to a deduction available to banks and other financial institutions (sometimes referred to as “bank-qualified bonds”). Because this type of Bonds is not eligible for designation as bank-qualified bonds, the Bonds will not count against Brooklyn Center’s \$10,000,000 limit in 2021 on its ability to designate its own bonds, if any, as bank qualified bonds and issuing the Bonds in 2021 will have no impact on Brooklyn Center’s ability to issue bank-qualified bonds in future years.

Because of the for-profit ownership of the Project Facilities, the Bonds will need an allocation of bonding authority from the State. The amount of tax-exempt bonds for this purpose is limited by federal tax-exempt bond law and that limit has not been sufficient for the amount of projects seeking tax exempt bonds in Minnesota. However, the Project Facilities fall into the highest ranked category so there is a good chance the financing will be able to move forward in 2021. Kennedy and Graven, as bond counsel, will prepare all of the application documents.

In order to proceed, Brooklyn Center would need to give preliminary approval in December. This would not initially require a public hearing, instead the hearing would be held in 2021 after the allocation of bonding authority has been received. Before issuing the Bonds, Brooklyn Center will need to hold a public hearing, adopt a resolution authorizing the issuance of the Bonds, and execute various related documents, including the Bonds and the Loan Agreement. Kennedy and Graven, as bond counsel, will provide forms of resolutions and all the necessary documents.

The Borrower will be required to pay all the expenses of Brooklyn Center paid or incurred with respect to the Bonds and will be required to indemnify Brooklyn Center for any potential liability incurred by Brooklyn Center with respect to the Bonds, the Project Facilities, and granting necessary approvals.

CITY OF BROOKLYN CENTER
COUNTY OF HENNEPIN
STATE OF MINNESOTA

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION RELATING TO THE ISSUANCE OF CONDUIT REVENUE BONDS TO FINANCE THE COSTS OF A MULTIFAMILY HOUSING DEVELOPMENT UNDER MINNESOTA STATUTES, CHAPTER 462C; GRANTING PRELIMINARY APPROVAL THERETO; ESTABLISHING COMPLIANCE WITH CERTAIN REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO (THE CREST APARTMENTS PROJECT)

WHEREAS, the City is a home rule charter city duly organized and existing under the Constitution and laws of the State of Minnesota.

WHEREAS, pursuant to Minnesota Statutes, Chapter 462C, as amended (the “Act”), the City is authorized to carry out the public purposes described in the Act by providing for the issuance of revenue bonds to provide funds to finance or refinance multifamily housing developments located within the City.

WHEREAS, as a condition to the issuance of such revenue bonds, the City must adopt a housing program providing the information required by Section 462C.03, subdivision 1a, of the Act (the “Housing Program”). Under Section 462C.04, subdivision 2, of the Act, a public hearing must be held on the Housing Program after one publication of notice in a newspaper circulating generally in the City, at least 15 days before the hearing.

WHEREAS, Aeon Crest GP LLC, a Minnesota limited liability company (or another entity to be formed by Aeon, the “Borrower”), has proposed that the City, pursuant to the Act, issue its revenue bonds in an aggregate principal amount not to exceed \$17,000,000, in one or more series at one time or from time to time (the “Bonds”), the proceeds of which will be loaned by the City to the Borrower to be applied by the Borrower to (i) finance the acquisition, rehabilitation and equipping of The Crest Apartments, an existing 122-unit rental housing facility located at 6221 Shingle Creek Parkway in the City and the construction and equipping of an approximately 47-unit building to be located on the same property in the City (the “Project”); (ii) fund one or more reserve funds to secure the timely payment of the Bonds; and (iii) pay certain costs of issuing the Bonds.

WHEREAS, under Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), prior to the issuance of the Bonds a public hearing duly noticed must be held by the City Council.

WHEREAS, under Section 146 of the Code, the Bonds must receive an allocation of the bonding authority of the State of Minnesota. An application for such an allocation must be made pursuant to the requirements of Minnesota Statutes, Chapter 474A, as amended (the “Allocation Act”).

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

Section 1. Preliminary Findings. Based on representations made by the Borrower to the City to date, the City Council of the City hereby makes the following preliminary findings, determinations, and declarations:

(a) The Project consists of the acquisition, rehabilitation, construction and equipping of a multifamily rental housing development designed and intended to be used for rental occupancy.

(b) The proceeds of the Bonds will be loaned to the Borrower and the proceeds of the loan will be applied to: (i) the acquisition, rehabilitation, construction, and equipping of the Project; (ii) the funding of one or more reserve funds to secure the timely payment of the Bonds; and (iii) the payment of the costs of issuing the Bonds. The City will enter into a loan agreement (or other revenue agreement) with the Borrower requiring loan repayments from the Borrower in amounts sufficient to repay the loan when due and requiring the Borrower to pay all costs of maintaining and insuring the Project, including taxes thereon.

(c) In preliminarily authorizing the issuance of the Bonds and the financing of the acquisition, rehabilitation, construction, and equipping of the Project and related costs, the City's purpose is to further the policies of the Act.

(d) The Bonds will be limited obligations of the City payable solely from the revenues pledged to the payment thereof, and will not be a general or moral obligation of the City and will not be secured by or payable from revenues derived from any exercise of the taxing powers of the City.

Section 2. Public Hearing. The City will conduct a public hearing on a date to be determined by the City Manager in order to meet publication requirements in accordance with applicable law, on the Housing Program, the Project, and the issuance of revenue Bonds by the City, notice of which hearing in substantially the form attached as **Exhibit A** (the "Public Notice") will be published as required by Minnesota Statutes, Section 462C.04, subdivision 2, of the Act, and Section 147(f) of the Internal Revenue Code of 1986, as amended. City staff is hereby authorized to cause the publication of the Public Notice in accordance with applicable law. The Public Notice will provide a general, functional description of the Project, as well as the maximum aggregate face amount of the obligations to be issued for the purposes referenced above, the identity of the initial owner, operator, or manager of the Project, and the location of the Project. The Public Notice is authorized to be published in a newspaper circulating generally in the City on a date at least 15 days before the meeting of the City Council at which the public hearing will take place. At the public hearing reasonable opportunity will be provided for interested individuals to express their views, both orally and in writing, on the Project and the proposed issuance of such revenue obligations.

Section 3. Housing Program. Bond counsel, as described below, shall prepare and submit to the City a draft Housing Program to authorize the issuance by the City of up to \$17,000,000 in revenue Bonds to finance the acquisition, rehabilitation, construction, and equipping of the Project by the Borrower. City staff is hereby authorized to review, approve and submit the Housing Program to the Metropolitan Council for its review on or before the date of publication of the Public Notice.

Section 4. Preliminary Approval. The City Council hereby provides preliminary approval to the issuance of the Bonds in the approximate aggregate principal amount of \$17,000,000 to finance all or a portion of the costs of the Project pursuant to the Housing Program of the City, subject to: (i) review of the Housing Program by the Metropolitan Council; (ii) receipt of an allocation of the bonding authority from the State of Minnesota; (iii) a public hearing as required by the Act and Section 147(f) of the Code; (iv) final approval following the preparation of bond documents; and (v) final determination by the City Council that the financing of the Project and the issuance of the Bonds are in the best interests of the City.

Section 5. Submission of an Application for an Allocation of Bonding Authority. Under Section 146 of the Code, the Bonds must receive an allocation of the bonding authority of the State of Minnesota. An application for such an allocation must be made pursuant to the requirements of the Act. The City Council hereby authorizes the submission of an application for allocation of bonding authority pursuant to Section 146 of the Code and the Allocation Act in accordance with the requirements of the Allocation Act. The Mayor of the City, the City Manager, the City Clerk, and Kennedy & Graven, Chartered, acting as bond counsel with respect to the Project and the Bonds, are hereby authorized and directed to take all actions, in cooperation with the Borrower, as are necessary to submit an application for an allocation of bonding authority to Minnesota Management & Budget.

Section 6. Reimbursement of Costs under the Code.

(a) The United States Department of the Treasury has promulgated regulations governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City or the Borrower for project expenditures paid prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the “Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds occur within 18 months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than 3 years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

(b) To the extent any portion of the proceeds of the Bonds will be applied to expenditures with respect to the Project, the City reasonably expects to reimburse the Borrower for the expenditures made for costs of the Project from the proceeds of the Bonds after the date of payment of all or a portion of such expenditures. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations and also qualifying expenditures under the Act.

(c) Based on representations by the Borrower, other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.150-2(j)(2)(i)(B) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures with respect to the Project to be reimbursed with the proceeds of the Bonds have been made by the Borrower more than 60 days before the date of adoption of this resolution of the City.

(d) Based on representations by the Borrower, as of the date hereof, there are no funds of the Borrower reserved, allocated on a long term-basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project to be financed from proceeds of the Bonds, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Borrower as they exist or are reasonably foreseeable on the date hereof.

Section 7. Costs. The Borrower will pay the administrative fees of the City and pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Bonds, whether or not the Bonds are issued.

Section 8. Commitment Conditional. The adoption of this resolution does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Borrower. If, as a result of information made available to or obtained by the City during its review of the Project, it appears that the Project or the issuance of Bonds to finance or refinance the costs thereof is not in the public interest or is inconsistent with the purposes of the Act, the City reserves the right to decline to give final approval to the issuance of the Bonds. The City also retains the right, in its sole discretion, to withdraw from participation and accordingly not issue the Bonds should the City Council, at any time prior to the issuance thereof, determine that it is in the best interests of the City not to issue the Bonds or should the parties to the transaction be unable to reach agreement as to the terms and conditions of any of the documents for the transaction.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage.

December 14, 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.

EXHIBIT A

NOTICE OF PUBLIC HEARING ON A HOUSING PROGRAM AND THE ISSUANCE OF BONDS FOR A MULTIFAMILY SENIOR HOUSING PROJECT (THE CREST APARTMENTS PROJECT)

NOTICE IS HEREBY GIVEN that the City Council of the City of Brooklyn Center, Minnesota (the "City") will meet on Monday, _____, 2021 at 7:00 p.m. in the City Hall at 6301 Shingle Creek Parkway in the City for the purpose of conducting a public hearing on (i) a proposal of Aeon Crest GP LLC, a Minnesota limited liability company (or another entity to be formed by Aeon, the "Borrower"), that the City finance a multifamily housing development hereinafter described, pursuant to Minnesota Statutes, Chapter 462C, by the issuance of revenue bonds, in one or more series, and (ii) the adoption of a housing program for such bonds.

The proceeds of such bonds will be used to (i) finance the acquisition, rehabilitation and equipping of The Crest Apartments, an existing 122-unit rental housing facility located at 6221 Shingle Creek Parkway in the City and the construction and equipping of an approximately 47-unit building to be located on the same property in the City; (ii) pay costs of issuance and other costs related to the issuance of the bonds; and (iii) fund capitalized interest and certain reserves (collectively, the "Project"). The Project will be owned and operated by the Borrower. The maximum aggregate estimated principal amount of bonds or other obligations to be issued to finance the Project is \$17,000,000.

The bonds or other obligations if and when issued will not constitute a charge, lien or encumbrance upon any property of the City, and will be payable solely from revenues of the project, and will not be backed by the full faith and credit of the City but will be payable solely from sums paid by the Borrower pursuant to a revenue agreement.

A copy of the housing program will be on file at City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota 55430, Monday through Friday until the date of the Public Hearing. At the time and place fixed for the Public Hearing, the City Council will give all persons who appear or submit comments in writing to the City Council prior to the hearing, an opportunity to express their views with respect to the proposal. In addition, interested persons may file written comments respecting the proposal with the City to the attention of _____, at (763) 569-3300 at or prior to said public hearing.

Publish _____, 2021

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Doran 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. 1; 5831 Brooklyn Boulevard (PIN 03-118-21-13-0101): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$19,300.

Parcel No. 19; 6315 Brooklyn Boulevard (PIN 34-119-21-42-0006): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$27,600.

Parcel No. 37; 6120 Brooklyn Boulevard (PIN 34-119-21-43-0060): This parcel requires a temporary construction easements with total compensation being offered in the amount of \$1,400.

Parcel No. 39; 6142 Brooklyn Boulevard (PIN 34-119-21-43-0037): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$29,500.

Parcel No. 48; 6500 Brooklyn Boulevard (PIN 34-119-21-13-0084): This parcel requires a temporary construction easements with total compensation being offered in the amount of \$2,100.

To date, including the above 5 parcels, we have acquisition agreements with 19 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 1, 19, 37, 39 and 48 is \$79,900 which is being funded out of the Capital Projects Fund.

To date, including the above 5 parcels, the total value of the permanent easements and temporary construction easements for the project is \$251,176.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/7/2020	Cover Memo
Easement Status	12/7/2020	Cover Memo
Parcel 1	12/7/2020	Cover Memo
Parcel 19	12/7/2020	Cover Memo
Parcel 37	12/7/2020	Cover Memo
Parcel 39	12/7/2020	Cover Memo
Parcel 48	12/7/2020	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING ACQUISITION OF EASEMENTS FOR
BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2
IMPROVEMENTS, PROJECT NO. 2021-05

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

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

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 1; 5831 Brooklyn Boulevard (PIN 03-118-21-13-0101) the sum of \$19,300 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. 19; 6315 Brooklyn Boulevard (PIN 34-119-21-42-0006) the sum of \$27,600 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. 37; 6120 Brooklyn Boulevard (PIN 34-119-21-43-0060) the sum of \$1,400 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. 39; 6142 Brooklyn Boulevard (PIN 34-119-21-43-0037) the sum of \$29,500 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. 48; 6500 Brooklyn Boulevard (PIN 34-119-21-13-0084) the sum of \$2,100 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 1, 19, 37, 39 and 48 for permanent easements and temporary construction easements that will be conveyed to the City, in the name of the City of Brooklyn Center.

RESOLUTION NO. _____

December 14, 2020

Date

Mayor

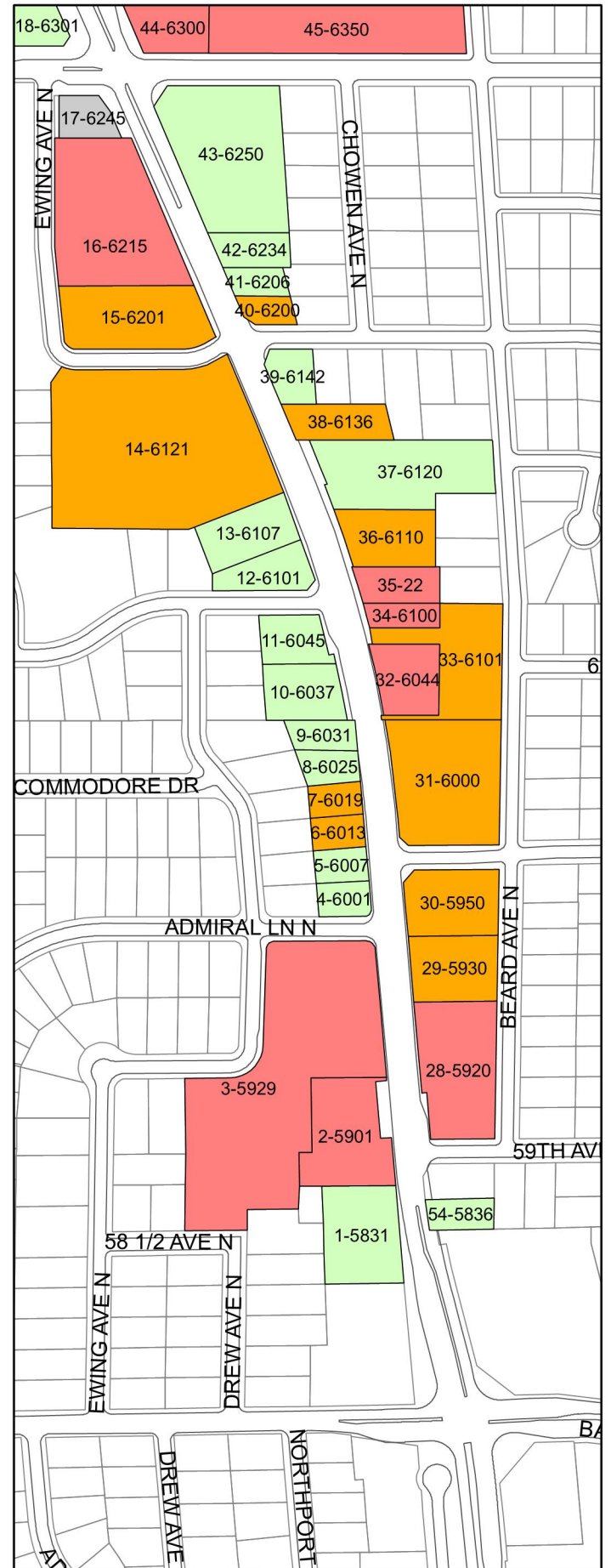
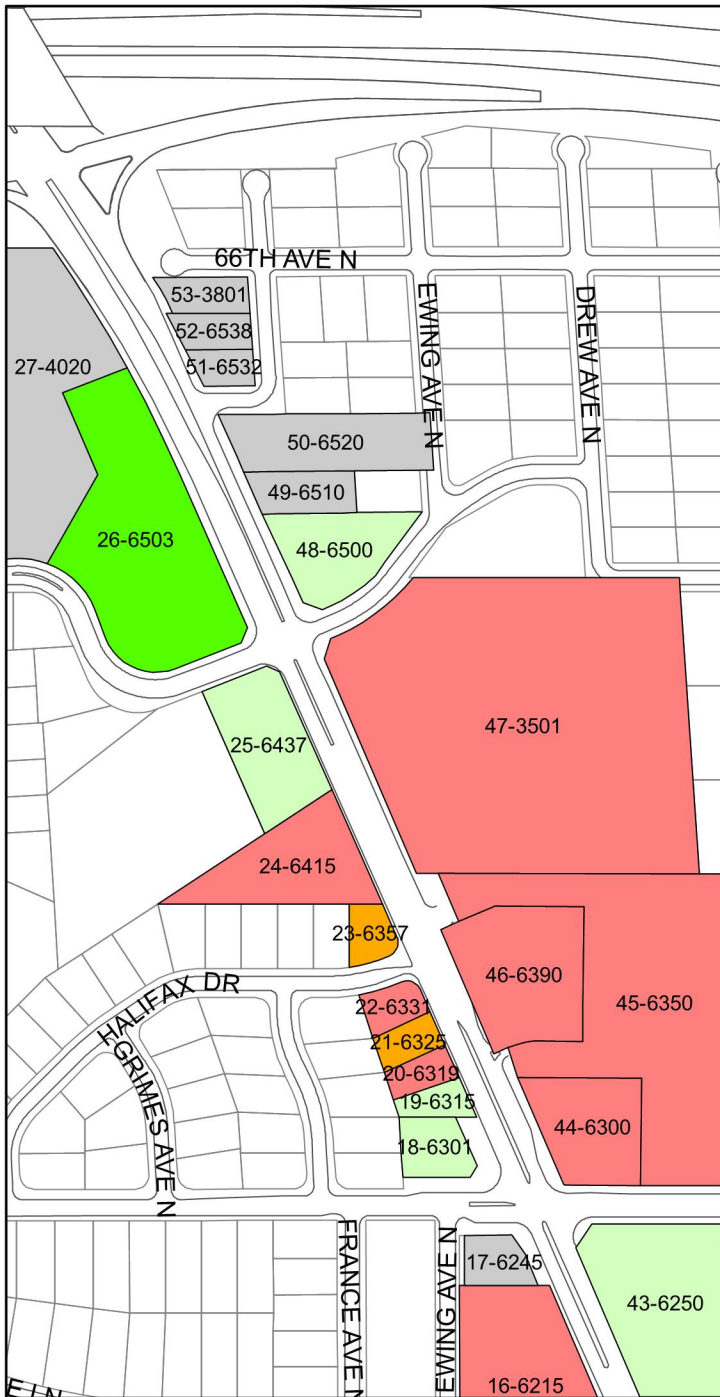
ATTEST: _____
City Clerk

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: 1
Fee Owners: WSK Professional Bldg., L.L.C.

On this 5 day of October, 2020, WSK Professional Bldg., L.L.C., a Minnesota limited liability company 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 \$ 19,300 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)
WSK Professional Bldg., L.L.C.

City of Brooklyn Center

By: [Signature]

By: _____

Its: Owner

Its: _____



September 30, 2020

SRF No. 11765-D0290

WSK Professional Bldg., L.L.C.
Attn: Bill Kotonias
5831 Brooklyn Boulevard
Brooklyn Center, MN 55429

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 5831 BROOKLYN BOULEVARD
PARCEL NO.: 1

Dear Bill:

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 **\$19,300.00**, 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 \$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 Morgan For

Reed Scherbel
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 5 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.

WSK Professional Bldg., L.L.C.

By: *Paul Motronis*

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.: 1
Fee Owners: WSK Professional Bldg., L.L.C.

Legal Description of property to be acquired:

See Attached Exhibit A

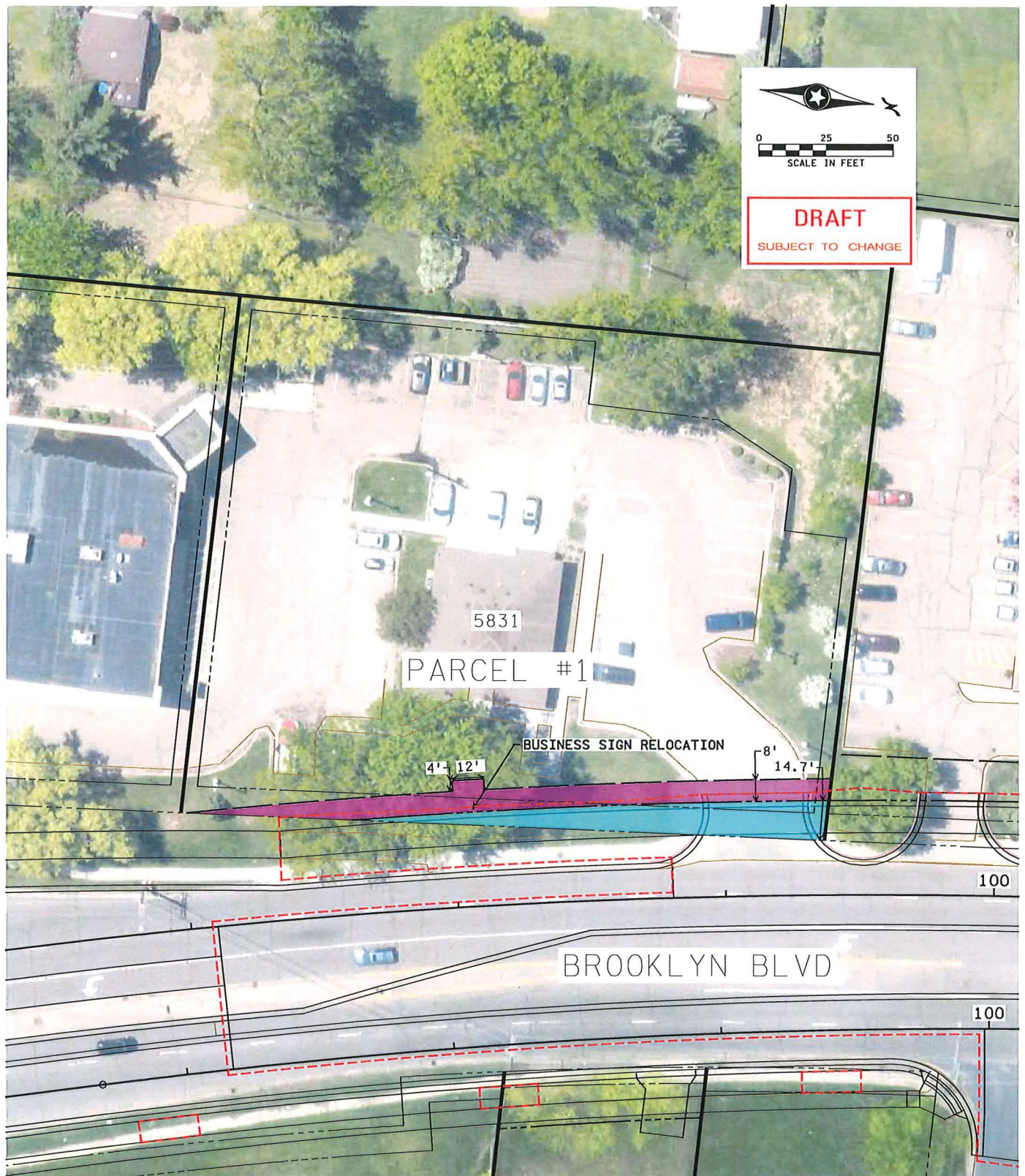
ACQUISITION INFORMATION

Drainage and Utility Easement: 1,486 square feet
Temporary Construction Easement: 1,732 square feet

VALUATION

Land Value Before Taking	= \$449,000.00
Land Value After Taking	= <u>\$429,700.00</u>
Drainage and Utility Easement	= \$ 14,860.00
Temporary Construction Easement	= \$ 2,892.00
Indicated Damages	= <u>\$ 1,473.00</u>
TOTAL (rounded)	= \$ 19,300.00

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: 5831 Brooklyn Boulevard Parcel No: 1

Owner(s): WSK Professional Bldg., L.L.C.

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 5 day of October, 2020

Owner(s):
WSK Professional Bldg., L.L.C.

SRF Consulting Group Inc.

By: [Signature]

Contact: Reed Scherbel

Address: 3701 Wayzata Boulevard, Suite 100

Minneapolis, MN 55416

Phone: 763-249-6759

Its: Owner

PERMANENT
EASEMENT
FOR DRAINAGE &
UTILITY/SIDEWALK/TRAIL
PURPOSES

THIS INDENTURE, Made this 5 day of October, 2020 by
WSK Professional Bldg., L.L.C., a Minnesota limited liability company, 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:

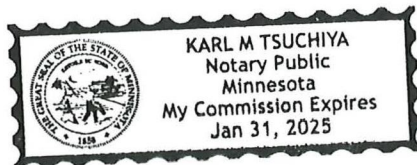
WSK Professional Bldg., L.L.C.

By: [Signature]

Its: Owner

STATE OF Minnesota)
) ss
COUNTY OF Hennepin)

The foregoing instrument was acknowledged before me this 5 day of October, 2020 by William Kotomias the owner of WSK Professional Bldg., L.L.C., a Minnesota limited liability company, Grantor.



[Signature]
Notary Public
County of Hennepin
State of Minnesota
My Commission Expires: _____

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 1 PE

EASEMENT DESCRIPTION

OWNER: WSK PROFESSIONAL BLDG., L.L.C.

P.I.N. 03-118-21-13-0101

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE No. 1159668

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 2, Block 1 CVS Brooklyn Boulevard Addition, embraced within the plat of GRIMME'S ADDITION

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; thence South 04 degrees 45 minutes 46 seconds East, tangent to said curve, a distance of 749.01 feet; thence southeasterly 446.98 feet along a tangential curve concave to the east having a radius of 2566.79 feet and a central angle of 09 degrees 58 minutes 39 seconds and said described line there terminating.

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by WSK Professional Bldg., L.L.C., a Minnesota limited liability company, (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 5 day of October, 2020

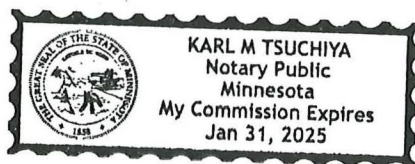
GRANTORS
WSK Professional Bldg., L.L.C.

By: William Kotnias

Its: Owner

STATE OF Minnesota)
) ss
COUNTY OF Hennepin)

The foregoing instrument was acknowledged before me this 5 day of October, 2020,
by William Kotnias the Owner
of WSK Professional Bldg., L.L.C., a Minnesota limited liability company, 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 1 TE

EASEMENT DESCRIPTION

OWNER: WSK PROFESSIONAL BLDG., L.L.C.

P.I.N. 03-118-21-13-0101

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE No. 1159668

An 8.00 foot temporary easement for construction purposes over, under, across and through the following described property:

That part of Lot 2, Block 1 CVS Brooklyn Boulevard Addition, embraced within the plat of GRIMME'S ADDITION

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; thence South 04 degrees 45 minutes 46 seconds East, tangent to said curve, a distance of 749.01 feet; thence southeasterly 446.98 feet along a tangential curve concave to the east having a radius of 2566.79 feet and a central angle of 09 degrees 58 minutes 39 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: 19
Fee Owners: Raymond He and Mayhe Huang

On this 12th day of November, 2020, Raymond He and Mayhe Huang, husband and wife, as joint tenants, Owner of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center and Hennepin County.

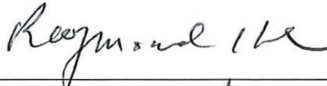
This agreement is now made and entered as a Memorandum of all the terms, and the only terms, agreed upon in connection with the above transaction. It is hereby acknowledged and agreed upon between the parties that:

1. The Owner has been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owner understands that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin County Road 152) Phase II Improvements Project.
2. The Owner understands and acknowledges that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owner the sum of \$ 27,600.00 for land and damages. Owner understands that payment by the City of Brooklyn Center must await approval of title and processing of a voucher.
4. Additionally:

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

Owner

The City of Brooklyn Center



Raymond He


Mayhe Huang

By: _____

Its: _____



SRF No. 11765-D0290

ADMINISTRATIVE SETTLEMENT MEMORANDUM

Date: November 17, 2020

To: Mike Albers
Project Engineer

From: Cindy Wiste, Senior Associate

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6315 Brooklyn Boulevard
PARCEL No.: 19

The certified offer was made on September 30, 2020 in the amount of \$25,600.00. The acquisition consists of 631 square feet of temporary construction easement, 1,427 square feet of permanent drainage and utility easement, and 621 square feet of permanent easement. The owners are asking for additional compensation due to the close proximity of the new city trail to their home. They are asking for an additional \$2,000.00.

In lieu of additional costs foreseeable in condemnation, we are recommending settlement in the amount of \$2,000.00

Certified value:	\$ 25,600.00
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Description of administrative adjustments:	
Additional compensation for proximity of trail:	\$ 2,000.00

Total Adjustments:	\$ 2,000.00
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SETTLEMENT TOTAL:	\$ 27,600.00
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APPROVAL:

By: _____

Date _____

Its: _____



September 30, 2020

SRF No. 11765-D0290

Raymond He
1631 Vincent Avenue N
Minneapolis, MN 55411

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6315 BROOKLYN BOULEVARD
PARCEL No.: 19

Dear Raymond:

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 **\$25,600.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

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

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$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.

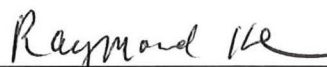


Matthew Marsh
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 5th 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.



Raymond He



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.: 19
Fee Owners: Raymond He

Legal Description of property to be acquired:

See Attached Exhibit A

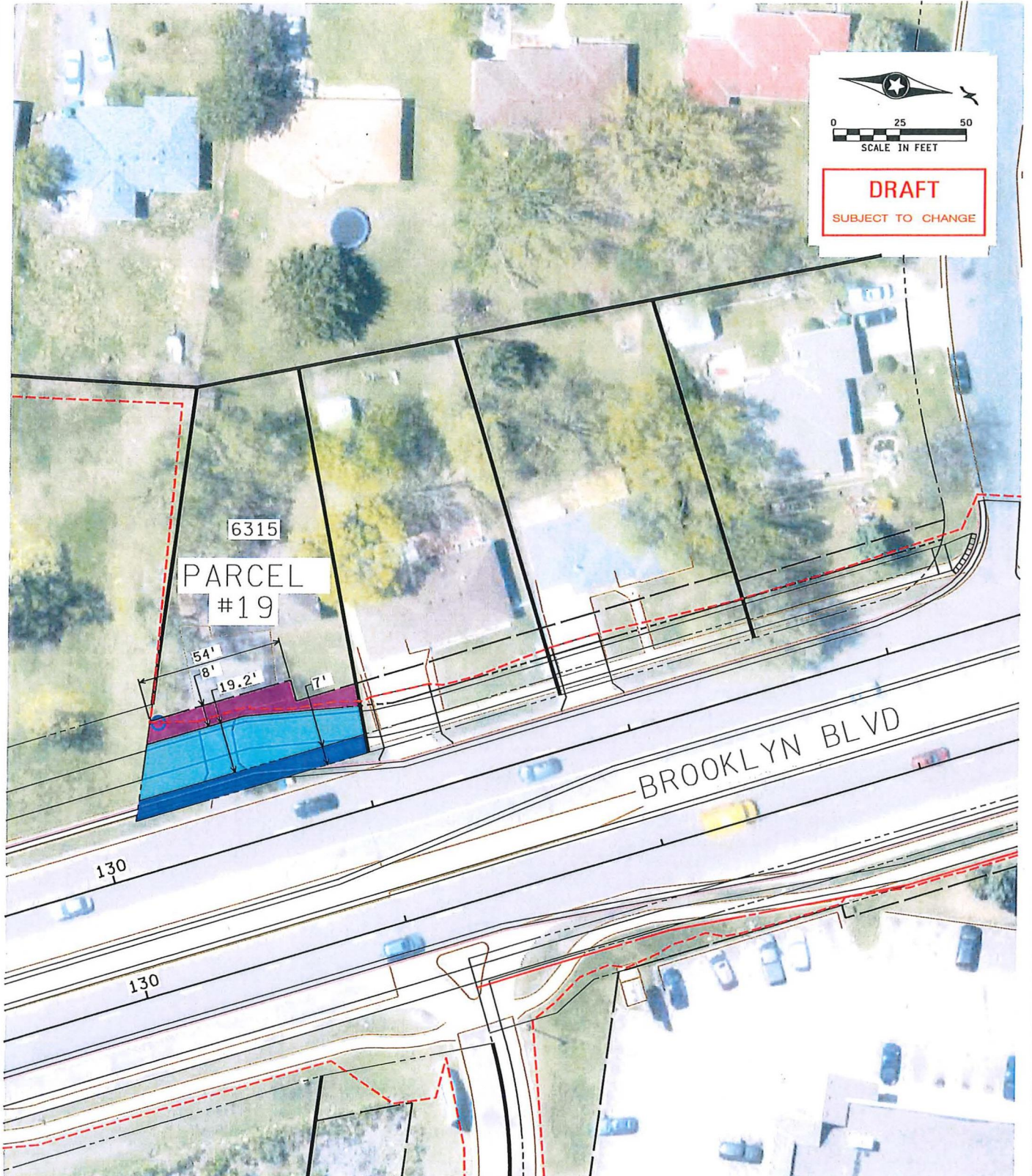
ACQUISITION INFORMATION

Permanent Easement: 621 square feet
Drainage and Utility Easement: 1,427 square feet
Temporary Construction Easement: 631 square feet

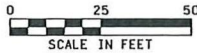
VALUATION

Land Value Before Taking	= \$209,000.00
Land Value After Taking	= <u>\$183,400.00</u>
Permanent Easement	= \$ 528.00
Drainage and Utility Easement	= \$ 12,130.00
Temporary Easement	= \$ 850.00
Indicated Damages	= \$ 2,220.00
Severance	= <u>\$ 9,816.00</u>
TOTAL (rounded)	= \$ 25,600.00

Exhibit A







DRAFT

 SUBJECT TO CHANGE

PID	ADDRESS				PARCEL LINE EXISTING R/W EXISTING PE TEMP EASE PROPOSED D&U CONST LIMITS TREE REMOVAL TREE W/IN TEMP EASE		
34-11-921-42-0006	6315 BROOKLYN BOULEVARD						
	EXISTING PARCEL AREA [SQ.FT]	PE [SQ.FT]	D&U,S/T [SQ.FT]	TE [SQ.FT]			
	9450	621	1427	631			
BROOKLYN BOULEVARD - PHASE 2						DATE	PARCEL
SP 109-020-014							
CITY OF BROOKLYN CENTER				2021-05		8/24/2020	19

5:15:24 PM
 8/24/2020
 H:\Projects\1100011765\Design\Graphics\Right of Way\11765_gr19.dgn



Appraisal Receipt and Disclosure

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

County: Hennepin

Property Address: 6315 Brooklyn Boulevard

Parcel No: 19

Owner(s): Raymond He

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

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

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

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

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

Appraisal received this 5th day of Oct., 2020

Owner(s):

Raymond He
Raymond He

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 Raymond He and Mayhe Huang, 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.

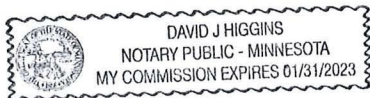
IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 12th day of November, 2020

Raymond He
Raymond He

Mayhe Huang
Mayhe Huang

STATE OF MINNESOTA)
HENNEPIN)
COUNTY OF HENNEPIN) ss

The foregoing instrument was acknowledged before me this 12th day of NOVEMBER, 2020 by Raymond He and Mayhe Huang, husband and wife, as joint tenants, Grantor.



David J. Higgins
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 19 TE
EASEMENT DESCRIPTION
OWNER: MAPLE GROVE HOLDINGS, LLC
P.I.N. 34-119-21-43-0006

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE No. 1460237

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 is described as being that part of said Lot 4 described as beginning at the intersection of the south line of said Lot 4 with a line run parallel with and distant 46.00 feet southwesterly of the following described "Line A"; thence northwesterly along said parallel line a distance of 37.10 feet; thence northerly to a point on the north line of said Lot 4 distant 127.40 feet northeasterly of the northwest corner of said Lot 4; thence southwesterly along said north line a distance of 8.50 feet; thence southeasterly, parallel with said "Line A" a distance of 23.35 feet; thence southwesterly deflection to the right 90 degrees 00 minutes 00 seconds a distance of 8.00 feet; thence southeasterly, parallel with said "Line A" a distance of 54.00 feet to the south line of said Lot 4; thence easterly along said south line 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 "Line A"; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet and said "Line A" there terminating.

Said temporary easement to expire November 30, 2022.

Parcel No. 19

PERMANENT EASEMENT

On this 12th day of November, 2020,
FOR VALUABLE CONSIDERATION, Raymond He and Mayhe Huang, husband and wife, as joint tenants, Grantor, hereby conveys to the City of Brooklyn Center, a Minnesota municipal corporation, Grantee, easements over, under, and across real property in Hennepin County, Minnesota, described as follows:

Recitals

A. Grantor is the fee owner of the following described property in Hennepin County, Minnesota (the "Property"):

See Attached Exhibit A

B. Grantor desires to grant to the Grantee a Permanent easement, according to the terms and conditions contained herein.

Terms of Easement.

1. Grant of Easement. For good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor, Grantor grants and conveys to the Grantee, its successors and assigns, a Permanent Easement for construction purposes over, under, across and through that part of the Property described as follows:

See Attached Exhibit A

(the "Permanent Easement").

2. Scope of Easement. The Permanent Easement includes the right of the Grantee, and its officers, employees, agents, representatives, contractors, invitees, permittees, successors and assigns, 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 the right to remove trees, shrubs, other vegetation and existing structures and improvements in the Permanent Easement, as well as the right to deposit earthen materials within the Permanent Easement, to move, store, and remove equipment and supplies, and to perform any other work necessary and incident to Grantee's project or to Grantee's use of the Permanent Easement.
3. Warranty of Title. The Grantor warrants that it is the owner of the Property in fee simple, that it has the right, title and capacity to convey the Permanent Easement herein to the Grantee, and that any judgments or liens against persons with the same or similar names to Grantor are not against Grantor.
4. 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 Permanent Easement or Property prior to the date of this instrument.
5. Restoration of Property. Grantee shall restore the Permanent Easement and Grantor's Property adjacent to the Permanent Easement which is damaged by Grantee's activities within the Permanent Easement in accordance with Grantee's plan for restoration.
6. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on the Grantors, their personal representatives, heirs, devisees, successors and assigns.

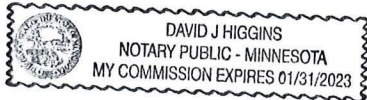
GRANTOR

Raymond He
Raymond He
Mayhe Huang
Mayhe Huang

STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 12TH day of NOVEMBER,
2020 by Raymond He and Mayhe Huang, husband and wife, as joint tenants, Grantor.

notary stamp or seal in this space



David J Higgins
Notary Public

THIS INSTRUMENT DRAFTED BY:
SRF Consulting Group, Inc.
3701 Wayzata Boulevard, Suite 100
Minneapolis, Minnesota 55416-3791

Exhibit A
(Right of Way)

PARCEL 19 RW
EASEMENT DESCRIPTION
OWNER: RAYMOND HE
P.I.N. 34-119-21-42-0006

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE No. 1231085

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

Lot 4, Block 2, FAIR MEADOWS

Said perpetual easement being that part of said Lot 4 lying northeasterly of a line run parallel with and distant 27.00 feet southwesterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet and said described line there terminating.

PERMANENT
EASEMENT
FOR DRAINAGE &
UTILITY/SIDEWALK/TRAIL
PURPOSES

THIS INDENTURE, Made this 12th day of November, 2020 by
Raymond He and Mayhe Huang, 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.

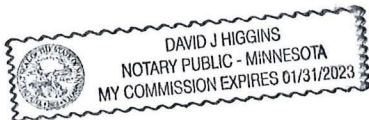
WITNESS, The hand of the GRANTOR:

Raymond He
Raymond He

Mayhe Huang
Mayhe Huang

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss

The foregoing instrument was acknowledged before me this 12TH day of
NOVEMBER, 2020 by Raymond He and Mayhe Huang, husband and wife, as joint
tenants, Grantor.



[Signature]

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 19 PE
EASEMENT DESCRIPTION
OWNER: RAYMOND HE
P.I.N. 34-119-21-42-0006

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE No. 1231085

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

Lot 4, Block 2, FAIR MEADOWS

Said perpetual easement is that part of said Lot 4 described as beginning at the intersection of the south line of said Lot 4 with a line run parallel with and distant 46.00 feet southwesterly of the following described "Line A"; thence northwesterly along said parallel line a distance of 37.10 feet; thence northerly to a point on the north line of said Lot 4 distant 127.40 feet northeasterly of the northwest corner of said Lot 4; thence northeasterly along said north line a distance of 10.62 feet to the intersection with a line run parallel with and distant 27.00 feet southwesterly of said "Lot A"; thence southeasterly along said parallel line to the south line of said Lot 4; thence westerly along said south line 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 "Line A"; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet and said "Line A" there terminating.



MEMORANDUM OF AGREEMENT

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

Parcel No: 37
Fee Owners: Imam Husain Islamic Center

On this 28th day of Nov, 2020, Imam Husain Islamic Center, a Non-Profit Corporation under the laws of Minnesota Owners of the above described parcel of property located in County of Hennepin, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Brooklyn Center.

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

1. The Owners have been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owners understand that the acquired property is for use in connection with the construction of the Brooklyn Boulevard (Hennepin County Road 152) Phase II Improvements Project.
2. The Owners understand and acknowledge that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Brooklyn Center shall pay the Owners the sum of \$ 1400.00 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)
Imam Husain Islamic Center

City of Brooklyn Center

By: Mohammed M. M. M.

By: _____

Its: President

Its: _____



September 23, 2020

Imam Husain Islamic Center
Attn: Mohammed Mehdi
PO Box 29133
Brooklyn Center, MN 55429

SRF No. 11765-D0290

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6120 BROOKLYN BOULEVARD
PARCEL No.: 37

Dear Mohammed:

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 **\$1,400.00**, 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 28th 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.

Imam Husain Islamic Center

By: MOHAMMED MEHDI

Its: PRESIDENT



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.: 37
Fee Owners: Imam Husain Islamic Center

Legal Description of property to be acquired:

See Attached Exhibit A

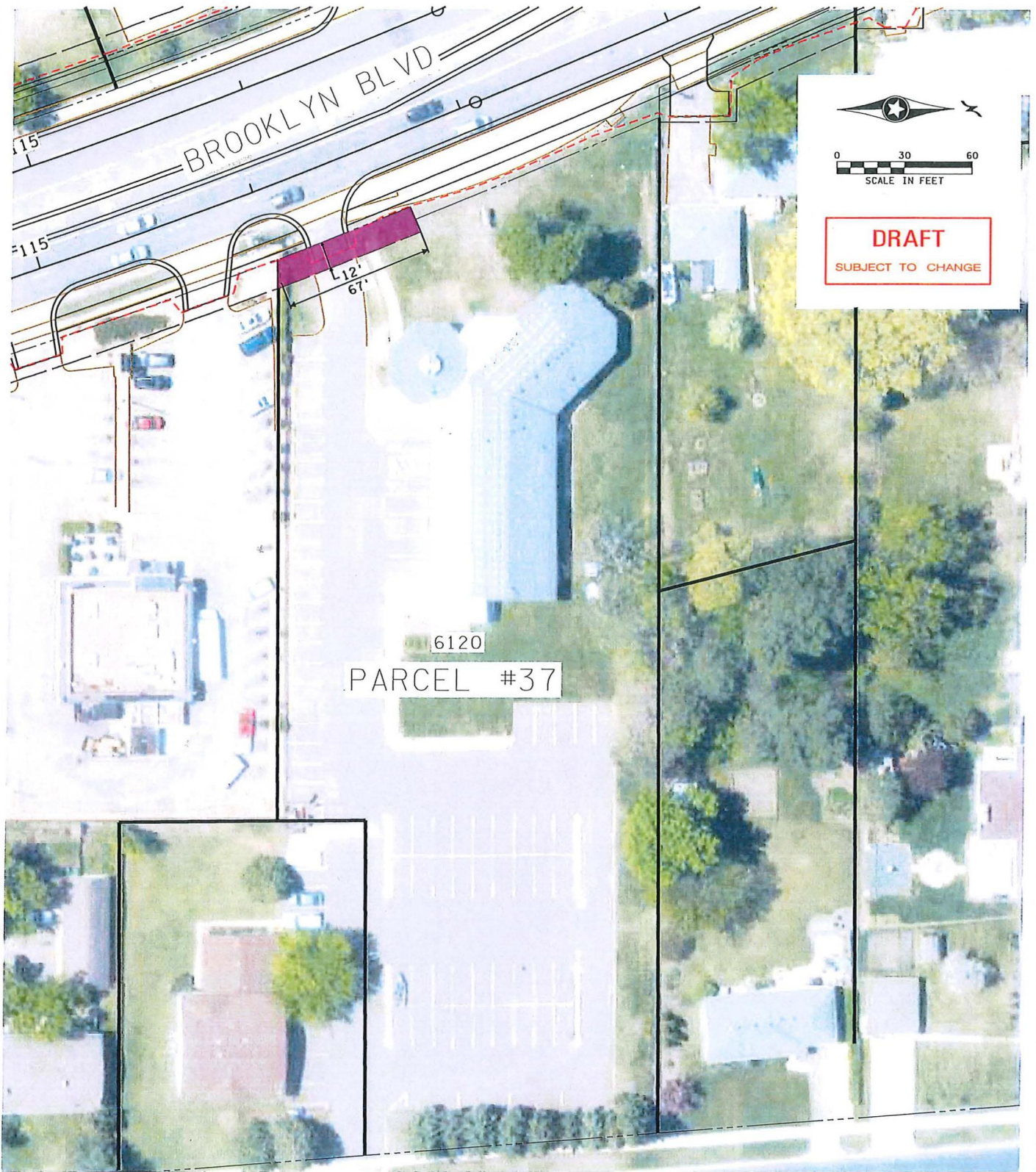
ACQUISITION INFORMATION

Temporary Construction Easement: 796 square feet

VALUATION

Land Value Before Taking	= \$658,000.00
Land Value After Taking	= <u>\$656,600.00</u>
Temporary Easement	= \$ 1,400.00
TOTAL (rounded)	= \$ 1,400.00

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		
34-11-921-43-0060	6120 BROOKLYN BOULEVARD					
	EXISTING PARCEL AREA [SQ. FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]			
	65800	0	796			
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014					DATE 7/9/2020	PARCEL 37
CITY OF BROOKLYN CENTER		2021-05				



Appraisal Receipt and Disclosure

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

County: Hennepin

Property Address: 6120 Brooklyn Boulevard, Parcel No: 37

Owner(s): Imam Husain Islamic Center

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 28th day of OCTOBER, 2020

Owner(s):
Imam Husain Islamic Center

SRF Consulting Group Inc.

By: MOHAMMED MEBADI

Contact: Matthew Marsh

Address: 3701 Wayzata Blvd, Suite 100

Minneapolis, MN 55416

Phone: 763-249-6703

Its: PRESIDENT

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by Imam Husain Islamic Center, a Non-Profit Corporation under the laws of Minnesota, (hereinafter referred to as the "**Grantor**") in favor of and to the City of Brooklyn Center, a Minnesota municipal corporation (hereinafter referred to as the "**Grantee**").

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

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

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

See attached Exhibit A

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand this 3 day of Nov, 2020

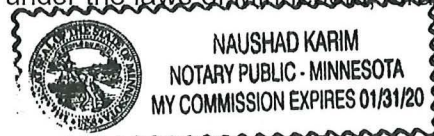
GRANTORS
Imam Husain Islamic Center

By: Mohammed Mendi

Its: President

STATE OF Minnesota)
COUNTY OF Hennepin) ss

The foregoing instrument was acknowledged before me this 3 day of November 2020
by Mohammed Mendi the President
of Imam Husain Islamic Center, a Non-Profit Corporation under the laws of Minnesota. 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

Exhibit A
(Temporary Easement)

PARCEL 37 TE
EASEMENT DESCRIPTION
OWNER: IMAM HUSAIN ISLAMIC CENTER
P.I.N. 34-119-21-43-0060

PROPERTY DESCRIPTION AND OWNER ACCORDING TO LAND TITLE PROPERTY REPORT, NO. 606822

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

Lot 1, Block 1, P.B.C. SECOND ADDITION.

Said temporary easement being the West 12.00 feet of the South 62.00 feet of said Lot 1.

Said temporary easement to expire November 30, 2022.



MEMORANDUM OF AGREEMENT

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

Parcel No: 39
Fee Owners: Duc Minh Truong and Nancy Nguyen

On this 13 day of Nov, 2020, Duc Minh Truong and Nancy Nguyen, 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 \$ 29,500 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:

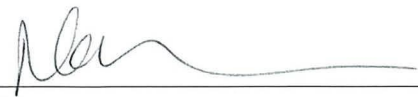
It is understood and agreed that the entire agreement of the parties is contained in this Memorandum of Agreement and that this Agreement supersedes all oral agreements and negotiations between the parties.

Owner(s)

The City of Brooklyn Center

Duc Minh Truong

By: _____



Nancy Nguyen

Its: _____



MEMORANDUM OF AGREEMENT

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

Parcel No: 39
Fee Owners: Duc Minh Truong and Nancy Nguyen

On this 1st day of November, 2020, Duc Minh Truong and Nancy Nguyen, 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 \$ 29,500 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: *If the clinic sign has to be removed, please put it back as soon as possible in working condition.*

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.

★ please see attach page.

Owner(s)


Duc Minh Truong

The City of Brooklyn Center

By: _____

Its: _____

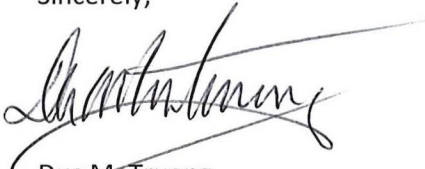
Nancy Nguyen

Memorandum of Agreement

4. If the clinic sign must be removed, please put it back as soon as possible in working condition.

If possible, with my signature below, I would like to authorize you issue the check totaling \$29,500 to just Nancy Nguyen directly to her. Otherwise, if the check must be issue in both person names then please send the check to me first so I can sign it and send it to Nancy. Thanks.

Sincerely,



Duc M. Truong



SRF No. 11765-D0290

ADMINISTRATIVE SETTLEMENT MEMORANDUM

Date: November 23, 2020

To: Mike Albers
Project Engineer

From: Cindy Wiste, Senior Associate

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6142 Brooklyn Boulevard
PARCEL No.: 39

The certified offer was made on September 30, 2020 in the amount of \$28,000.00. The acquisition consists of 1,089 square feet of permanent drainage, utility, and trial easement, as well as 1,169 square feet of temporary construction easement. The owner stated that he anticipates impacts to his business during construction but cannot quantify the expected revenue loss.

In lieu of additional costs foreseeable in condemnation, we are recommending settlement in the amount of \$29,500.00

	Certified value:	\$ 28,000.00
Description of administrative adjustments:		
Compensation for business impacts	:	\$1,500.00
	Total Adjustments:	\$ 1,500.00
	SETTLEMENT TOTAL:	\$29,500.00

APPROVAL:

By: _____

Date _____

Its: _____



September 30, 2020

SRF No. 11765-D0290

Duc Minh Truong
2451 Leyland Trail
Woodbury, MN 55125

Nancy Nguyen
811 South Third Street
Montebello, CA 90640

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6142 BROOKLYN BOULEVARD
PARCEL No.: 39

Dear Duc and Nancy:

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 **\$28,000.00**, 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 1st day of November, 2012, 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.


Duc Minh Truong

Nancy Nguyen

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.

Duc Minh Truong



Nancy Nguyen



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.: 39
Fee Owners: Duc Minh Truong and Nancy Nguyen

Legal Description of property to be acquired:

See Attached Exhibit A

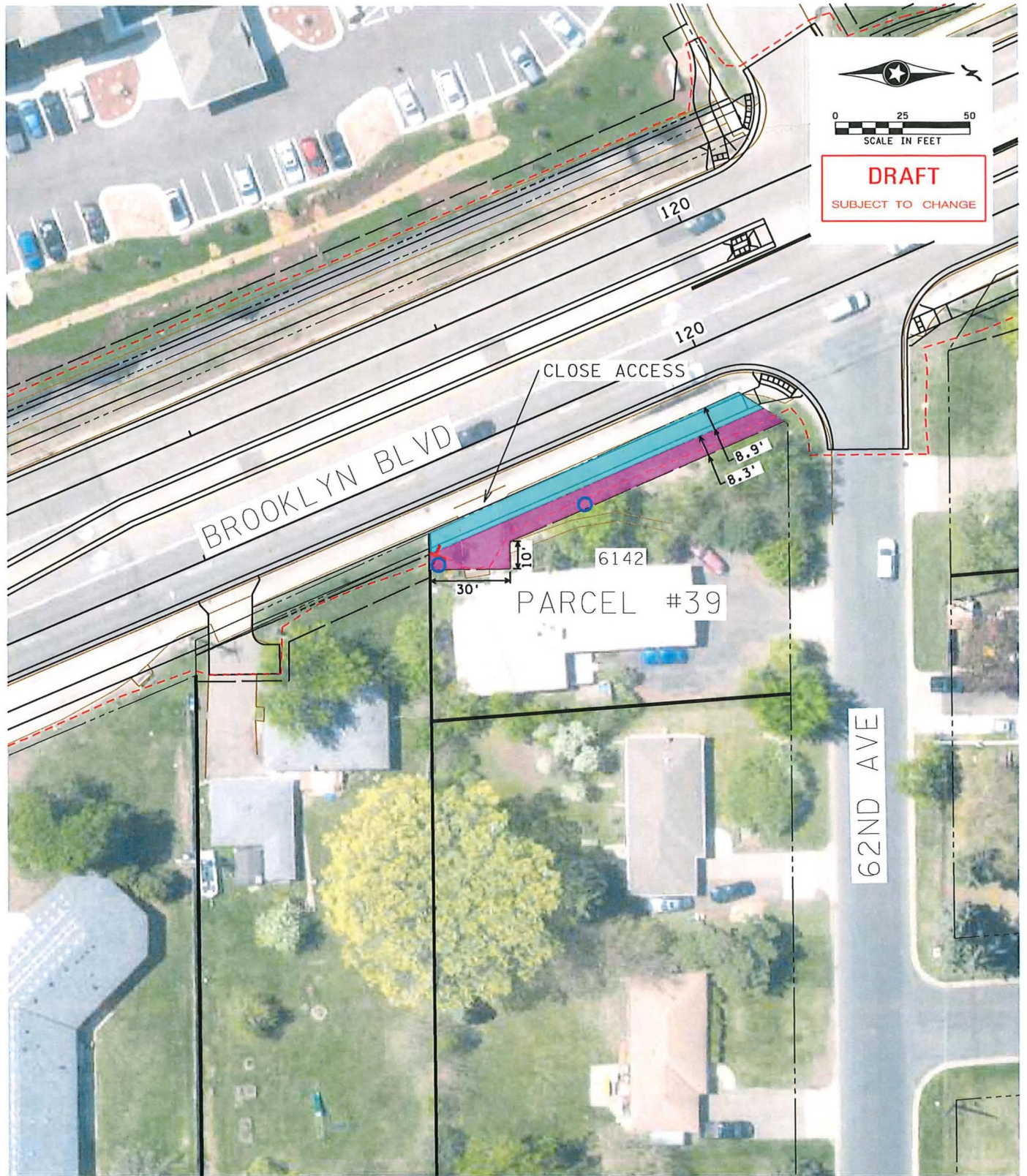
ACQUISITION INFORMATION

Drainage and Utility Easement: 1,089 square feet
Temporary Construction Easement: 1,169 square feet

VALUATION

Land Value Before Taking	= \$245,000.00
Land Value After Taking	= <u>\$217,000.00</u>
Drainage and Utility Easement	= \$ 7,623.00
Temporary Easement	= \$ 1,298.00
Indicated Damages	= \$ 7,205.00
Severance	= <u>\$ 11,870.00</u>
TOTAL (rounded)	= \$ 28,000.00

Exhibit A



PID	ADDRESS			PARCEL LINE	
34-11-921-43-0037	6142 BROOKLYN BOULEVARD			EXISTING R/W	-----
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]	EXISTING PE	-----
	14300	1089	1169	TEMP EASE	-----
BROOKLYN BOULEVARD - PHASE 2				PROPOSED D&U	-----
SP 109-020-014				CONST LIMITS	-----
CITY OF BROOKLYN CENTER				TREE REMOVAL	-----
2021-05				TREE WIN TEMP EASE	-----
SRE					X
DATE					O
7/9/2020				PARCEL	39



Appraisal Receipt and Disclosure

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

County: Hennepin

Property Address: 6142 Brooklyn Boulevard

Parcel No: 39

Owner(s): Duc Minh Truong and Nancy Nguyen

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 1st day of November, 2020

Owner(s): 
Duc Minh Truong

Nancy Nguyen

SRF Consulting Group Inc.

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



Appraisal Receipt and Disclosure

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

County: Hennepin

Property Address: 6142 Brooklyn Boulevard Parcel No: 39

Owner(s): Duc Minh Truong and Nancy Nguyen

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 13 day of November, 2020

Owner(s):

SRF Consulting Group Inc.

Duc Minh Truong

Contact: Matthew Marsh

Address: 3701 Wayzata Boulevard, Suite 100

Minneapolis, MN 55416

Phone: 763-249-6703

Nancy Nguyen

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by Duc Minh Truong and Nancy Nguyen, 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.

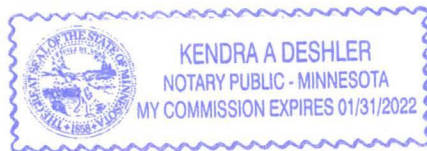
7. ENVIRONMENTAL MATTERS. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, 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 2nd day of November, 2020.


Duc Minh Truong

STATE OF MN)
COUNTY OF Hennepin) ss

The foregoing instrument was acknowledged before me this 2nd day of NOV, 2020,
by Duc Minh Truong, Grantor.




Notary Public

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



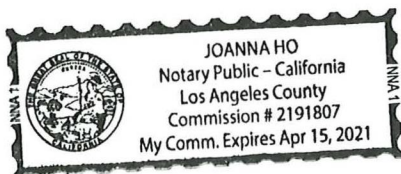
Nancy Nguyen

STATE OF California)
COUNTY OF Los Angeles) ss

The foregoing instrument was acknowledged before me this 13 day of 11, 2020,
by Nancy Nguyen, 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 39 TE
EASEMENT DESCRIPTION
OWNER: DUC MINH TRUONG
P.I.N. 34-119-21-43-0037

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1316695

An 8.30 foot temporary easement for construction purposes over, under, across and through the following described property:

All that part of the following described lot:

Lot 6, Block 3, "LAWN RIDGE", Hennepin County, State of Minnesota, 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 North, Range 21 West, 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 104.54 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 on a 2 degree 00 minute curve (delta angle 17 degrees 20 minutes 35.2 seconds) for 867.16 feet; thence deflect to the left on 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 strip and northwesterly of the following described line: Beginning at a point of the above described line, distant 40 feet southeasterly of its intersection with the Northerly line of said Lot 6; thence run northeasterly to a point on said Northerly line, distant 30 feet easterly of said intersection.

Said temporary easement lying easterly of and adjacent to a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds and said described line there terminating.

Together with that part of said Lot 6 described as commencing at the intersection of the north line of the South 30.00 feet of said Lot 6 with a line run parallel with and distant 39.30 feet easterly of the above described line; thence easterly along said north line a distance of 10.00 feet; thence southerly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 23.74 feet to the intersection with said parallel line; thence northwesterly along said parallel line a distance of 25.76 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 1st day of November, 2020 by
Duc Minh Truong and Nancy Nguyen, 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.

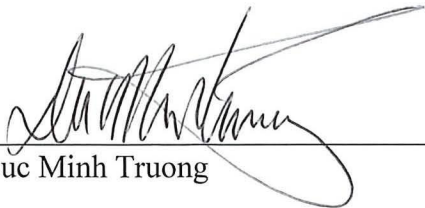
Grantee shall have no responsibility for pre-existing environmental contamination or liabilities.

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.

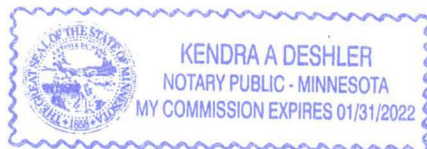
WITNESS, The hand of the GRANTOR:



Duc Minh Truong

STATE OF MN)
COUNTY OF Hennepin) ss

The foregoing instrument was acknowledged before me this 2nd day of
NOV, 2020 by Duc Minh Truong, Grantor.





Notary Public
County of Hennepin
State of MN
My Commission Expires: 1/31/22

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

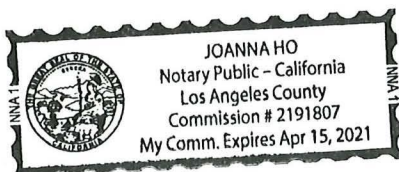
WITNESS, The hand of the GRANTOR:



Nancy Nguyen

STATE OF California)
COUNTY OF Los Angeles) ss

The foregoing instrument was acknowledged before me this 13 day of November, 2020 by Nancy Nguyen, Grantor.





Notary Public
County of Los Angeles
State of California
My Commission Expires 4/15/2021

This Instrument Drafted By:

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

Return to:

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

Exhibit A
(Permanent Easement)

PARCEL 39 PE
EASEMENT DESCRIPTION
OWNER: DUC MINH TRUONG
P.I.N. 34-119-21-43-0037

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1316695

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 the following described lot:

Lot 6, Block 3, "LAWN RIDGE", Hennepin County, State of Minnesota, 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 North, Range 21 West, 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 104.54 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 on a 2 degree 00 minute curve (delta angle 17 degrees 20 minutes 35.2 seconds) for 867.16 feet; thence deflect to the left on 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 strip and northwesterly of the following described line: Beginning at a point of the above described line, distant 40 feet southeasterly of its intersection with the Northerly line of said Lot 6; thence run northeasterly to a point on said Northerly line, distant 30 feet easterly of said intersection.

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.



MEMORANDUM OF AGREEMENT

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

Parcel No: 48
Fee Owners: Edward Lloyd Provost and Vicky Lynn Provost, as Trustees of the Provost Living Trust

On this 11 day of Nov, 2020, Edward Lloyd Provost and Vicky Lynn Provost, as Trustees of the Provost Living Trust 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 \$ 2,100.00 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.

Grantor(s):
Edward Lloyd Provost and Vicky Lynn Provost,
as Trustees of the Provost Living Trust

City of Brooklyn Center

Edward Lloyd Provost Trustee
Edward Lloyd Provost, Trustee

By: _____

Vicky Lynn Provost Trustee
Vicky Lynn Provost, Trustee

Its: _____



SRF No. 11765-D0290

ADMINISTRATIVE SETTLEMENT MEMORANDUM

Date: November 24, 2020

To: Mike Albers
Project Engineer

From: Cindy Wiste, Senior Associate

SUBJECT: BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6500 Brooklyn Boulevard
PARCEL NO.: 48

The certified offer was made on September 23, 2020 in the amount of \$600.00. The acquisition consists of 345 square feet of temporary construction easement. The owners are asking for additional compensation of \$1,500.00.

In lieu of additional costs foreseeable in condemnation, we are recommending settlement in the amount of \$2,100.00

Certified value:	\$ 600.00
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Description of administrative adjustments:	
Additional compensation for proximity of trail:	\$1,500.00

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

SETTLEMENT TOTAL:	\$2,100.00
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APPROVAL:

By: _____

Date _____

Its: _____



September 23, 2020

Edward Lloyd Provost
Vicky Lynn Provost
34352 Starboard Lantern Street
Dana Point, CA 92629

SRF No. 11765-D0290

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6500 BROOKLYN BOULEVARD
PARCEL No.: 48

Dear Edward and Vicky:

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 **\$600.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

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

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

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

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

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

Sincerely,

SRF CONSULTING GROUP, INC.



Reed Scherbel
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 11 day of Nov, 2010, 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.

Edward Lloyd Provost and Vicky Lynn Provost,
as Trustees of the Provost Living Trust


Edward Lloyd Provost, Trustee
Vicky Lynn Provost, Trustee



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.: 48
Fee Owners: Edward lloyd Provost and Vicky Lynn Provost, as Trustees of the
Provost Living Trust

Legal Description of property to be acquired:

See Attached Exhibit A

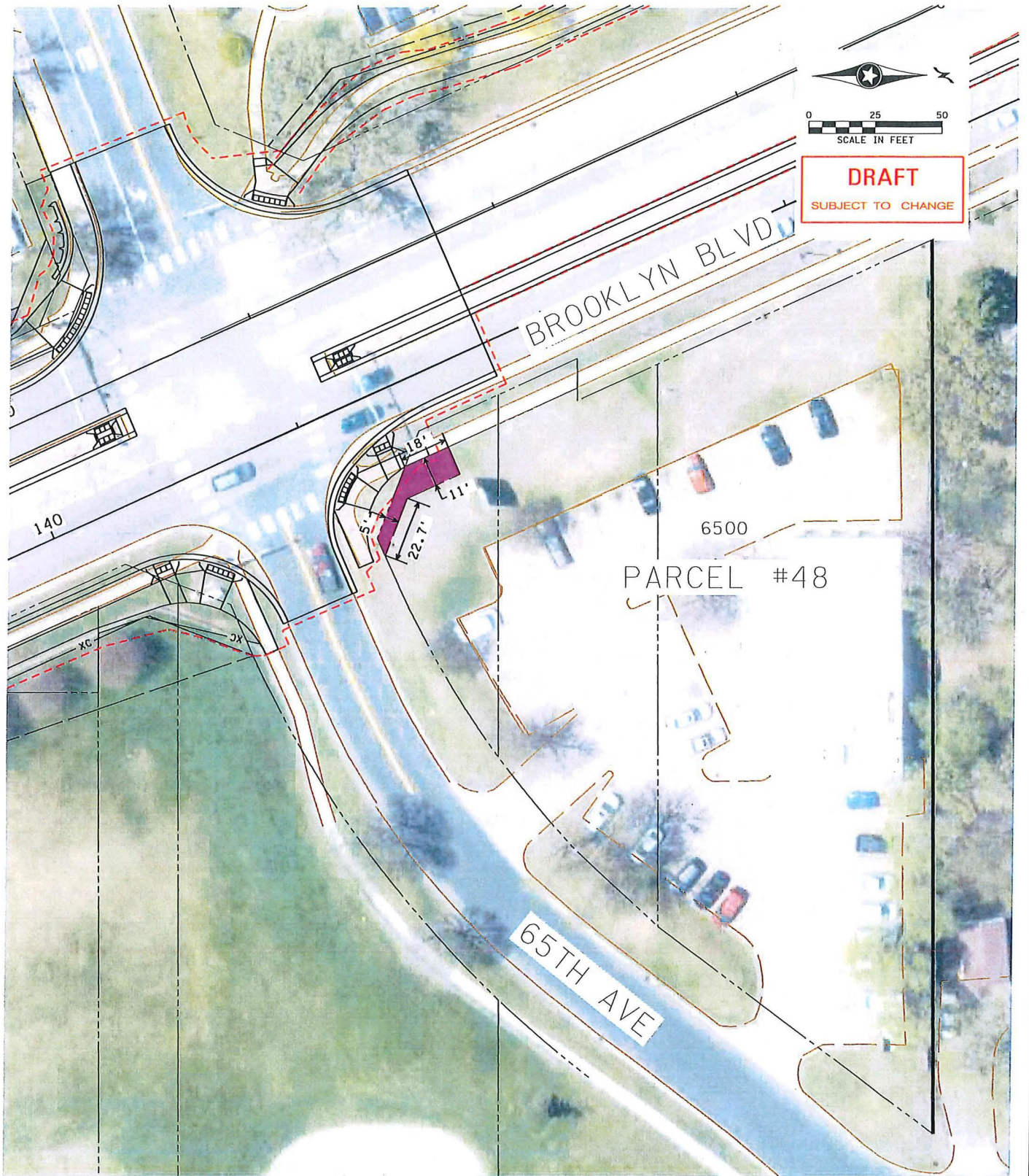
ACQUISITION INFORMATION

Temporary Construction Easement: 345 square feet

VALUATION

Land Value Before Taking	= \$403,800.00
Land Value After Taking	= <u>\$403,200.00</u>
Indicated Damages	= \$ 600.00
TOTAL (rounded)	= \$ 600.00

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	
34-11-921-13-0084	6500 BROOKLYN BOULEVARD				
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]		
	41000	0	345		
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014				SRF	
CITY OF BROOKLYN CENTER		2021-05			
				DATE	PARCEL
				7/9/2020	48



Appraisal Receipt and Disclosure

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

County: Hennepin

Property Address: 6500 Brooklyn Boulevard, Parcel No: 48

Owner(s): Edward Lloyd Provost and Vicky Lynn Provost, as Trustees of the Provost Living Trust

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:

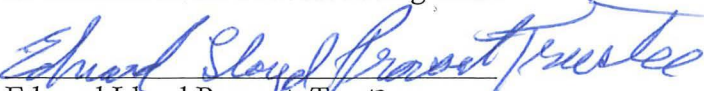
1. The owner's appraisal must be prepared by a qualified appraiser who is licensed under Minnesota appraisal licensing laws.
2. Payment for the appraisal will be reimbursed within 30 days after receiving a copy of the appraisal and the paid receipt from the appraiser. (Upon agreement between the acquiring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

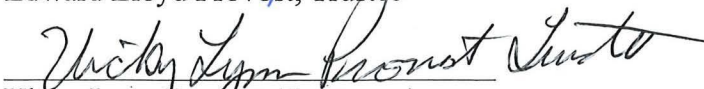
If you choose to obtain your own appraisal, we would request that the appraiser be instructed to provide you with two copies of his/her appraisal report.

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

Appraisal received this 11 day of Nov, 20 20

Grantor(s):
Edward Lloyd Provost and Vicky Lynn Provost,
as Trustees of the Provost Living Trust


Edward Lloyd Provost, Trustee


Vicky Lynn Provost, Trustee

SRF Consulting Group Inc.

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

TEMPORARY CONSTRUCTION EASEMENT GRANT

THIS EASEMENT GRANT is made by Edward Lloyd Provost and Vicky Lynn Provost, as Trustees of the Provost Living Trust, (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.

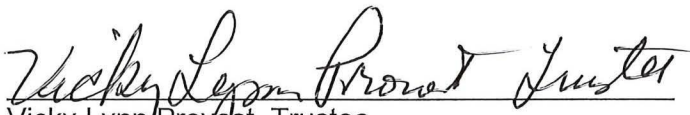
7. ENVIRONMENTAL MATTERS. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, 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 11th day of November, 2020

GRANTORS

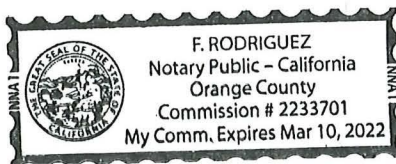
Edward Lloyd Provost and Vicky Lynn Provost,
as Trustees of the Provost Living Trust


Edward Lloyd Provost, Trustee


Vicky Lynn Provost, Trustee

STATE OF ~~MINNESOTA~~ California)
) ss
COUNTY OF Orange)

The foregoing instrument was acknowledged before me this 10 day of November, 2020
by Edward Lloyd Provost and Vicky Lynn Provost, as Trustees of the Provost Living Trust, 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 48 TE

EASEMENT DESCRIPTION

OWNER: EDWARD LLOYD PROVOST AND VICKY LYNN PROVOST, AS TRUSTEES OF
THE PROVOST LIVING TRUST

P.I.N. 34-119-21-13-0084

PROPERTY DESCRIPTION AND OWNER ACCORDING TO CERTIFICATE OF TITLE NO. 1464354

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

Tract A, REGISTERED LAND SURVEY No. 1326, Hennepin County, Minnesota.

Said temporary easement being that part of said Tract A described as beginning at the most southerly corner of said Tract A; thence North 68 degrees 48 minutes 56 seconds West, assumed bearing, along the southerly line of said Tract A a distance of 28.28 feet to the east line of the West 10.00 feet of said Tract A; thence North 23 degrees 48 minutes 56 seconds West, along said parallel line, a distance of 17.79 feet; then North 66 degrees 11 minutes 04 seconds East a distance of 11.00 feet; thence South 23 degrees 48 minutes 56 seconds East a distance of 21.72 feet; thence South 68 degrees 48 minutes 56 seconds East a distance of 22.73 feet to the southerly line of said Tract A; thence southwesterly along said southerly line a distance of 7.07 feet to the point of beginning.

Said temporary easement to expire November 30, 2022.

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

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

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

SUBJECT: Resolution Accepting Feasibility Report, Declaring Costs to be Assessed and Calling for Improvement and Assessment Public Hearings for Improvement Project No. 2021-07, Lyndale Avenue Area Pavement Rehabilitation

Background:

This project was established by the City Council on October 26, 2020, by Resolution No. 2020-95, for the area commonly referred to as Lyndale Avenue Area Pavement Rehabilitation. This action was taken in accordance with the Capital Improvement Program (CIP), which identifies portions of the Lyndale Avenue and the 55th/56th Avenue cul-de-sacs for improvements during the 2021 construction season.

The attached feasibility report provides a summary of the project evaluation process and preliminary layout of street and utility improvements. The report also includes results of a resident questionnaire that was mailed to all property owners within the project areas. A public information meeting was conducted on December 2, 2020 to provide project information to property owners and tenants within the project area and gain additional input from the public. A formal presentation of the feasibility for the project is planned at the public hearing.

The attached resolution declares certain project costs to be assessed for the Lyndale Avenue Area Pavement Rehabilitation improvements and calls for a public hearing on proposed special assessments on January 25, 2021, immediately following the improvement public hearing. If approved by the City Council, legal notice would be published and all property owners who could potentially be assessed for improvements would receive a Notice of Public Hearing via mail. Staff recommends that the City Council consider holding the special assessment public hearing immediately following the project improvement public hearing.

The purpose of holding the special assessment public hearing prior to beginning the project is to assure that any objections to or appeals of the assessments are known prior to entering into a construction contract or issuing bonds to finance the assessed portion of the project. The established assessment rate would set the maximum levy amounts, guaranteeing property owners the final cost they will pay for the project. Special assessments for this project have been calculated in accordance with the City's Special Assessment Policy.

Budget Issues:

The total project cost for the Lyndale Avenue Area Pavement Rehabilitation is estimated to be \$700,000. The total special assessments for this project are estimated to be \$25,175.64 for street improvements.

Funding sources for the project are proposed from a variety of sources as described in the feasibility report.

The Draft Special Assessment Levy Roll for Improvement Project No. 2021-07 are included in Appendix A of the feasibility report.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/7/2020	Cover Memo
Feasibility Report	12/7/2020	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING FEASIBILITY REPORT, DECLARING COSTS TO BE ASSESSED AND CALLING FOR IMPROVEMENT AND ASSESSMENT PUBLIC HEARINGS FOR IMPROVEMENT PROJECT NO. 2021-07, LYNDALE AVENUE AREA PAVEMENT REHABILITATION

WHEREAS, the Brooklyn Center City Council, by Resolution No. 2020-95, directed preparation of a feasibility report regarding proposed improvements to the streets and public utilities in the Lyndale Avenue Area; and

WHEREAS, the City Engineer has prepared said report and recommends that the proposed improvements be considered; and

WHEREAS, a portion of the cost of street improvements for said project is proposed to be assessed against properties within the project area; and

WHEREAS, the total project cost for the Lyndale Avenue Area Pavement Rehabilitation is estimated to be \$700,000; the total cost of the street improvement portion of said project is estimated to be \$400,000 and the project funding sources are currently estimated to be:

Special Assessments	\$ 25,175.64
Sanitary Sewer Utility Fund	\$ 130,000.00
Water Utility Fund	\$ 20,000.00
Storm Drainage Utility Fund	\$ 120,000.00
Street Reconstruction Fund	\$ 244,824.36
<u>Municipal State Aid Fund</u>	<u>\$ 160,000.00</u>
Total	\$ 700,000.00

WHEREAS, the City Clerk and City Engineer have prepared proposed assessment rolls showing the proposed amount to be specifically assessed for such improvement against every assessable lot, piece, or parcel of land within the district affected, without regard to cash valuation, as provided by law.

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

1. The Engineer's Feasibility Report for Lyndale Avenue Pavement Rehabilitation is received and accepted.
2. Notice is hereby given that an on-line improvement public hearing will be held on the 25th day of January, 2021, at 7:00 p.m. or as soon thereafter as

part of the regular City Council meeting as the matter may be heard to pass upon said improvement project and at such time and place all persons owning property affected by said improvements will be given the opportunity to be heard with reference to said improvements. The electronic meeting can be accessed by _____
or by dialing _____ Code: _____

3. The City Clerk is directed to cause a notice of the improvement public hearing to be published in the official newspaper at least two weeks prior to the public hearing and shall state in the notice the total cost of the improvement.
4. That portion of the cost to be assessed against benefited property owners for street improvements included in City Improvement Project No. 2021-07 is declared to be \$25,175.64.
5. Notice is hereby given that an on-line assessment public hearing will be held on the 25th day of January, 2021, at 7:00 p.m. or as soon thereafter as part of the regular City Council meeting as the matter may be heard to pass upon said assessment and at such time and place all persons owning property affected by said improvements will be given the opportunity to be heard with reference to said assessment. The electronic meeting can be accessed by _____
or by dialing _____ Code: _____
6. The City Clerk is directed to cause a notice of the assessment public hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the public hearing and shall state in the notice the total cost of the improvement.
7. The City Clerk shall cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the public hearing.

December 14, 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.



Public Works Dept
Engineering Division
Phone: 763-569-3340
FAX: 763-569-3440

FEASIBILITY REPORT
FOR
LYNDALE AVENUE AREA
PAVEMENT REHABILITATION

IMPROVEMENT PROJECT NOS. 2021-07

CITY OF BROOKLYN CENTER, MINNESOTA

DECEMBER 7, 2020

*I hereby certify that this plan, specification or
report was prepared by me or under my direct
supervision and that I am a duly Licensed
Professional Engineer under the laws of the
State of Minnesota*

Michael Albers

*Michael J Albers, P.E.
Reg. No. 47074
December 7, 2020*

I. BACKGROUND

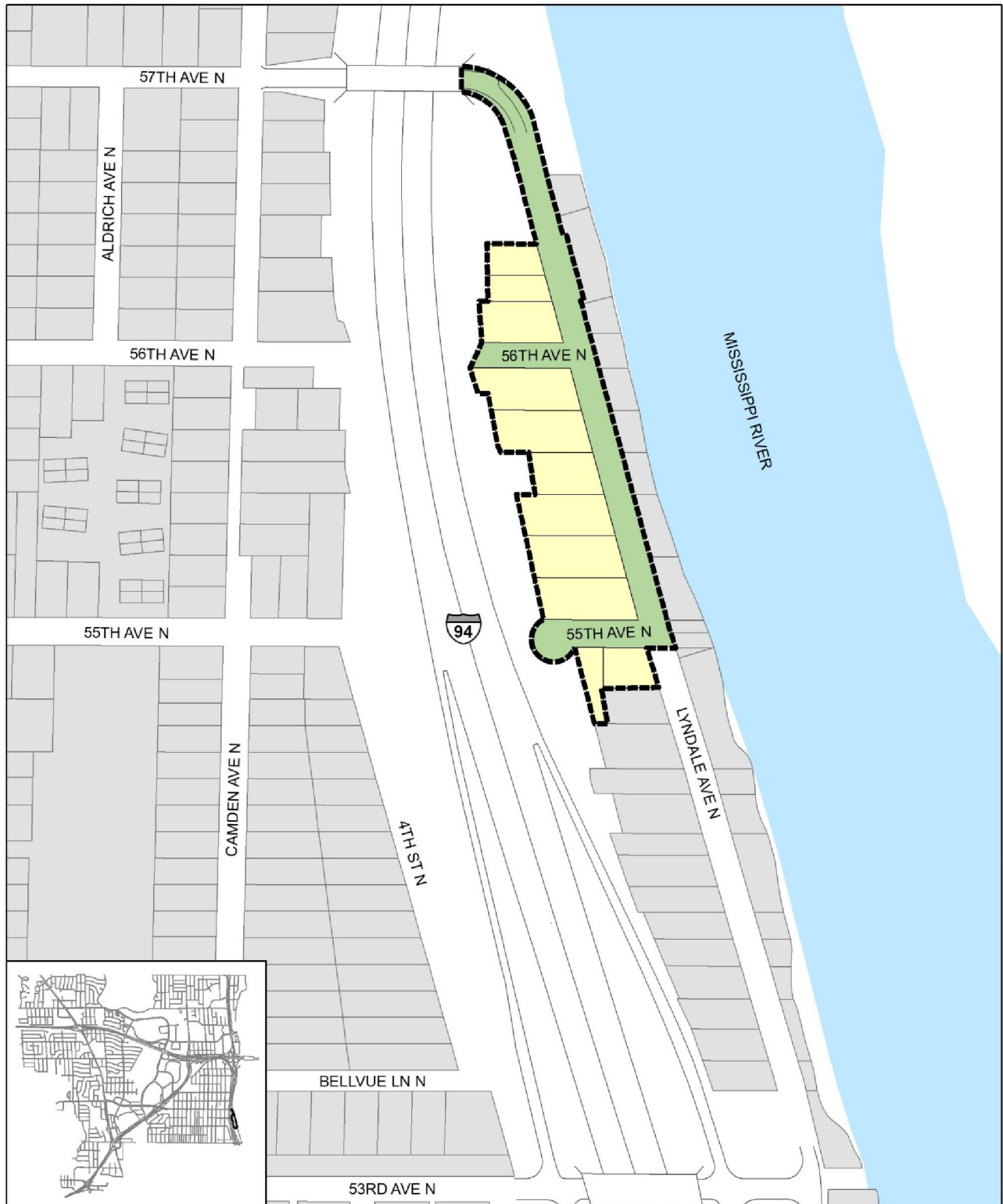
In 2021, the City of Brooklyn Center is entering the 28th year of its long-range infrastructure rehabilitation program often referred to as the Neighborhood Street and Utility Improvement Program. This program has consisted of a systematic rehabilitation and/or replacement of the City's aging streets, water main, sanitary sewer, storm sewers, sidewalks, trails and street lights.

The City's Capital Improvement Program (CIP) identifies portions of the Lyndale Avenue Area for pavement reconditioning in 2021. The proposed project includes a roadway mill and overlay, minor concrete curb repairs, minor utility improvements within the project limits as shown on Figure 1. The Lyndale Avenue improvements extend from 55th Avenue to 57th Avenue and includes the 56th Avenue and 55th Avenue cul-de-sacs.

This report was prepared in response to City Council Resolution No. 2020-95 dated October 26, 2020, directing staff to prepare a feasibility report and collect public input for the proposed project. A public informational meeting with property owners located within the project area will be scheduled shortly.

The 2021 project area consists of approximately 1,905 feet of streets. The project consists of approximately 9 residential properties that are zoned "R2" and 2 multi-family properties that are zoned "R4".

Figure 1: Project Area



Project Area
Lyndale Avenue Pavement Rehabilitation Project



Figure 1

II. STREET IMPROVEMENTS

A. EXISTING CONDITIONS

A majority of the Lyndale Avenue Area was originally constructed in 1955 as the Garcelons to Minneapolis Addition. More than half the properties were redeveloped between 1945 and 1980. The Lyndale Avenue Area was most recently reconstructed in 1985. The existing streets are generally 30-foot wide with curb and gutter, which is typical for most low volume residential streets in Brooklyn Center. Lyndale Avenue is a designated Municipal State Aid (MSA) route and the existing street is an urban section that is approximately 28-foot wide with concrete curb and gutter.

A concrete sidewalk exists along the east side and west of Lyndale Avenue at 57th Avenue. A bituminous trail exists along the east side of Lyndale Avenue the entire length of the project area.

An existing pavement evaluation was conducted resulting with the road surface showing signs of deterioration such as some lateral cracking throughout the project area and moderate potholes have occurred in some locations. The existing pavement section within project area varies but consist of 3-3.5" inches of bituminous pavement and 4-8 inches of aggregate base per the typical sections in 1985. Additionally, limited sections of deteriorated concrete curb and gutter were identified within the project area.

Recent traffic counts for Lyndale Avenue are approximately 1,450 vehicles per day. The current roadway configuration has been in-place for 35 years and appears to be functioning adequately. Traffic counts within the Lyndale Avenue Area are not projected to substantially increase in the future. Major changes in local traffic patterns are not anticipated as a result of the proposed mill and overlay of the street segments. The existing street configuration is expected to be sufficient to convey existing and future anticipated traffic volumes.

B. PROPOSED STREET IMPROVEMENTS

Based on the age, condition and maintenance needs of the existing bituminous asphalt pavement surface, the recommended pavement improvements consist of a mill and overlay rehabilitation of the existing pavement on Lyndale Avenue. The complete full depth pavement replacement of the street surface is warranted for the 55th Avenue and 56th Avenue cul-de-sacs. The existing concrete curb and gutter throughout the project area has not exceeded its life expectancy and can be suitably rehabilitated with spot repairs. Approximately 30 percent of the concrete curb and gutter and concrete driveway aprons are estimated to be replaced due to heaving/settling issues and as warranted or impacted by other construction (e.g. public utility repairs).

In accordance with the Complete Streets Policy adopted by the City in 2013, all streets and trail projects, including design, planning, reconstruction, rehabilitation, maintenance or operations by the City of Brooklyn Center shall be designed and executed in a responsible, equitable and financially reasonable way to accommodate and encourage travel by bicyclists, pedestrians, public transportation, emergency and commercial vehicles in a balanced manner. Implementation of the City's Complete Streets Policy ensures that the needs and safety of pedestrians, bicyclists, motorists and transit riders of all ages and abilities are taken into account in the design and operation of roads. Additionally, the Safe Routes to School Planning (SRTS) Assistance Memorandum prepared by MnDOT in June 2013 and the Pedestrian & Bicycle Plan (P&BP) adopted in March 2014 are used to plan additional sidewalk and trail routes. The SRTS and the P&BP did not identified missing sidewalk/trail connections and no additional pedestrian or bicycle facilities were identified within the project area. Pedestrian curb ramps in the project area are in compliance with the Americans with Disabilities Act (ADA) and no sidewalk/trail

improvements are recommended.

III. STREET LIGHTING SYSTEM

A. EXISTING CONDITIONS

The street improvement program has historically included the replacement of free-standing street lights located within the project area. Free-standing street lights are defined as lights mounted on poles which do not contain any other overhead utilities attached to them. The existing street light system throughout the project generally consists of multiuse-type poles, which are unable to be removed and therefore are not planned to be replaced. The existing street lights on multiuse poles within the project area have overhead power service with cobra-head type LED light fixtures.

B. PROPOSED STREET LIGHTING IMPROVEMENTS

No street light improvements are included within the scope of this project.

IV. STORM DRAINAGE AND TREATMENT SYSTEM

A. EXISTING CONDITIONS

The project area is located within the West Mississippi River Watershed Management Commission area and flows to the Mississippi River. The existing storm drainage system in the project area consists of a network of storm sewer pipes installed in 1952, 1955 and 1985 and range in size from 12 to 36-inch diameter reinforced concrete storm sewer pipes. A televising of the storm sewer in this area was conducted in 2020 and it was found to be in good condition.

B. PROPOSED DRAINAGE IMPROVEMENTS

Storm sewer improvements will be made to the existing system that includes replacing and adjusting catch basin castings and isolated portions of lateral storm sewer as necessary within the project area.

V. SANITARY SEWER SYSTEM

A. EXISTING CONDITIONS

The existing sanitary sewer throughout the project area is generally 24-inch diameter Reinforced Concrete Pipe (RCP) that was installed in 1959. All public sanitary sewer pipes were inspected with remote televising equipment in 2020. The condition of the sanitary sewer system within the area is rated as good with no root sawing locations.

B. PROPOSED SANITARY SEWER IMPROVEMENTS

Sanitary sewer improvements will be made to the existing system that includes replacing manhole castings and lids within the project area. The replacement of the castings with external seals will help minimize inflow and infiltration of rainwater into the sanitary sewer system. The 24-inch diameter RCP sanitary sewer pipe will be reviewed for potential lining during the final design.

VI. WATER SYSTEM

A. EXISTING CONDITIONS

The existing water main within the project area consists of 6-inch diameter ductile iron pipe (DIP) installed in 1978 and 1985. Records indicate 0 main breaks have occurred within the neighborhood and 0 properties have experienced a frozen water service in past winters. The water main is in good

condition and has not approached the end of its life cycle.

B. PROPOSED WATER MAIN IMPROVEMENTS

Water main improvements include replacement of miscellaneous valves and hydrants in the project area.

VIII. RIGHT-OF-WAY AND EASEMENTS

Generally, all public infrastructure owned, maintained and operated by the City throughout the project area is located within City easements and/or right-of-way. It is not anticipated that the City will need to obtain any additional easements for any existing or proposed improvement located within the roadway. If necessary, any identified easement needs during final design will be further coordinated with the City Attorney and the identified property owners.

IX. ESTIMATED COSTS AND FUNDING CONSIDERATIONS

The total estimated cost of the proposed project is \$700,000. Table 1 provides a summary of the estimated project costs and recommended funding amounts from the various sources as indicated. Funding for the project is further described below.

A. FUNDING FOR STREET IMPROVEMENTS

The estimated project cost of roadway improvements for all streets in this project area is \$400,000. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. Special assessments for street improvements are proposed in accordance with the 2021 rates (see Figure 2).

The properties that are zoned R2 would be assessed based on a frontage basis with a \$1556 per lot minimum in accordance with the 2021 assessment rates. Staff recommends that the assessment rate for all R2 properties within the project should be capped at \$1,556 because the R2 properties are similar in size to a standard R1 property and the benefits from the street improvement are similar.

The multi-family properties located at 5547 Lyndale Ave and 5601 Lyndale Avenue are zoned R4 would be assessed based on an area basis. An “A” zone benefit includes the area abutting the street to be improved, extended to the depth of 200-feet and a “B” zone of lesser benefit for the remainder of the property area. The “A” zone rate is based on assessing 70 percent of the total street project cost deemed to benefit the property and the “B” zone rate is based on 30 percent. Based on cost estimates for full street reconstruction, the full unit rate has been determined to be “A” zone rate of \$0.2876 per square foot and a “B” zone rate of \$0.1233 per square foot. It should be noted that historically the assessments have been levied based on estimated costs rather than actual costs, understanding that the project costs are levied at a reduced percentage (70 and 30 percent as indicated above).

City owned properties are not proposed to be assessed. A total estimated special assessment amount of \$25,175.64 would be levied for street improvements. The remaining street construction costs would be funded from the Street Reconstruction Fund and Municipal State Aid (MSA) Fund. A summary of the proposed special assessments for street improvements is provided in Appendix A.

C. FUNDING FOR UTILITY IMPROVEMENTS

The estimated cost of storm drainage improvements is \$150,000; the estimated cost of sanitary sewer improvements is \$130,000; and the estimated cost for water main improvements is \$20,000. As previously noted, these total cost estimates include the costs for project administration, engineering,

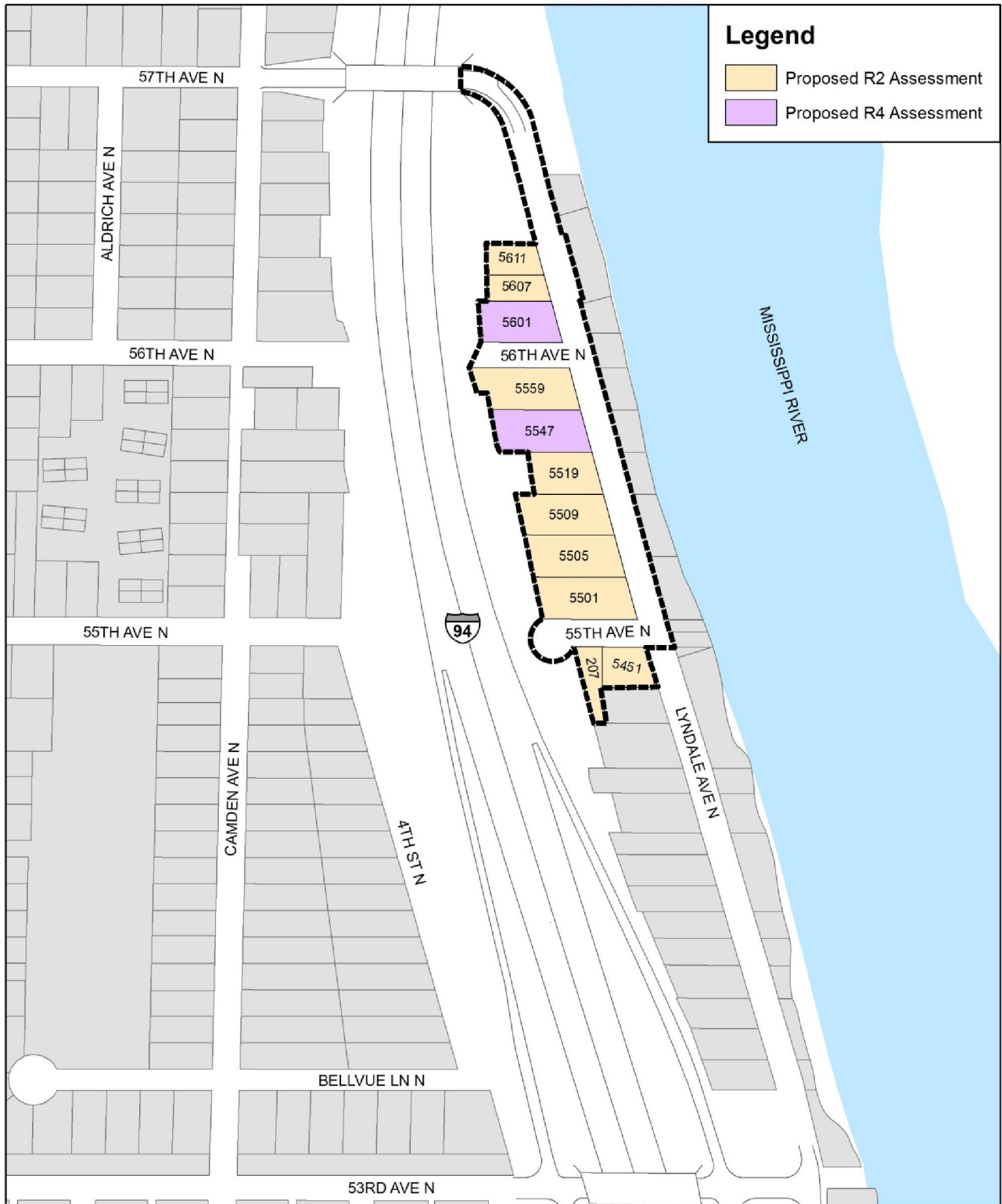
legal and construction contingency. All costs for water and sanitary sewer improvements will be funded by their respective utility funds in accordance with established policy for such improvements.

Table 1: Cost and Funding

Table 1. Cost and Funding
Improvement Project No. 2021-07
2021 Lyndale Avenue Area Pavement Rehabilitation
 Feasibility Report, December 7, 2020

Estimated Expenditures						
	Streets	Storm Drainage	Sanitary Sewer	Water Main	Street Lights	Estimated Total
Estimated Construction Cost Street & Utility	\$331,000.00	\$124,000.00	\$107,000.00	\$16,000.00	\$0.00	\$578,000.00
Contingencies (10%)	\$33,000.00	\$12,000.00	\$11,000.00	\$2,000.00	\$0.00	\$58,000.00
Administration, Engineering, Legal (10%)	\$36,000.00	\$14,000.00	\$12,000.00	\$2,000.00	\$0.00	\$64,000.00
Total Estimated Project Costs (Feasibility)	\$400,000.00	\$150,000.00	\$130,000.00	\$20,000.00	\$0.00	\$700,000.00
Estimated Revenue						
Street Special Assessments	\$25,175.64					\$25,175.64
Storm Drainage Special Assessments						\$0.00
Sanitary Sewer Utility Fund			\$130,000.00			\$130,000.00
Water Utility Fund				\$20,000.00		\$20,000.00
Storm Drainage Utility Fund		\$120,000.00				\$120,000.00
Street Light Utility Fund					\$0.00	\$0.00
Street Reconstruction Fund	\$244,824.36					\$244,824.36
MSA Fund	\$130,000.00	\$30,000.00				\$160,000.00
Total Estimated Revenue (Feasibility)	\$400,000.00	\$150,000.00	\$130,000.00	\$20,000.00	\$0.00	\$700,000.00

Figure 2: Assessment Map



Assessment Map Lyndale Avenue Pavement Rehabilitation Project



Figure 2

X. RECOMMENDED PROJECT SCHEDULE

Table 2 is the preliminary schedule for the project.

Table 2. 2021 Lyndale Avenue Area Pavement Rehabilitation Project – Schedule

Action	Target Date
City Council Receives Feasibility Report, Declares Cost to be Assessed and Calls for Public Hearings	December 14, 2020
City Council Holds Public Hearing, Authorizes the Project and Orders Preparation of Plans and Specifications	January 25, 2021
City Council Approves Plans and Specs and Authorizes Advertisement for Bids	February 2021
City Receives and Opens Project Bids	March/April 2021
City Council Considers Award of Contract	April 2021
Start Project Construction	Summer 2021
Construction Substantially Complete	October 2021

XI. CONCLUSIONS AND RECOMMENDATIONS

The overall condition of the City's street and utility infrastructure systems is critical to the operation, safety, welfare and economic health of the entire community. As a result of the infrastructure needs described and the proposed solutions and estimated costs provided in this report, the proposed project is considered to be necessary, cost effective and feasible.

Appendix A

DRAFT Proposed Pending Assessment Roll

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

December 7, 2020

**2021 LYNDAL AVE AREA PAVEMENT REHABILITATION
IMPROVEMENT PROJECT NO. 2020-07**

DRAFT

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
0111821430095	207	55th AVE N		\$ 1,556.00	R2
0111821430096	5451	LYNDAL AVE N		\$ 1,556.00	R2
0111821420014	5501	LYNDAL AVE N		\$ 1,556.00	R2
0111821420015	5505	LYNDAL AVE N		\$ 1,556.00	R2
0111821420016	5509	LYNDAL AVE N		\$ 1,556.00	R2
0111821420055	5519	LYNDAL AVE N		\$ 1,556.00	R2
0111821420019	5547	LYNDAL AVE N		\$ 5,990.30	Multi Family R4 (A) 20,024.19 sf, (B) 1,876.21 sf
0111821420020	5559	LYNDAL AVE N		\$ 1,556.00	R2
0111821420021	5601	LYNDAL AVE N		\$ 5,181.34	Multi Family R4 (A) 18,015.77 sf, (B) 0 sf
0111821420023	5607	LYNDAL AVE N		\$ 1,556.00	R2
0111821420022	5611	LYNDAL AVE N		\$ 1,556.00	R2
Total Assessments				\$ 25,175.64	

Council Regular Meeting

DATE: 12/14/2020

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 Accepting Feasibility Report, Declaring Costs to be Assessed and Calling for Improvement and Assessment Public Hearings for Improvement Project No. 2021-06, Northwest Area Mill and Overlay

Background:

This project was established by the City Council on October 26, 2020, by Resolution No. 2020-94, for the area commonly referred to as the Northwest Area Mill and Overlay. This action was taken in accordance with the Capital Improvement Program (CIP), which identifies portions of Northwest Area of the Willow Lane Neighborhood for improvements during the 2021 construction season.

The attached feasibility report provides a summary of the project evaluation process and preliminary street and utility improvements. A public information meeting was conducted on December 2, 2020 to provide project information to property owners within the project area and gain additional input from the public. A formal presentation of the feasibility for the project is planned at the public hearing.

The attached resolution declares certain project costs to be assessed for the Northwest Area Mill and Overlay improvements and calls for a public hearing on proposed special assessments on January 25, 2021, immediately following the improvement public hearing. If approved by the City Council, legal notice would be published and all property owners who could potentially be assessed for improvements would receive a Notice of Public Hearing via mail. Staff recommends that the City Council consider holding the special assessment public hearing immediately following the project improvement public hearing.

The purpose of holding the special assessment public hearing prior to beginning the project is to assure that any objections to or appeals of the assessments are known prior to entering into a construction contract or issuing bonds to finance the assessed portion of the project. The established assessment rate would set the maximum levy amounts, guaranteeing property owners the final cost they will pay for the project. Special assessments for this project have been calculated in accordance with the City's Special Assessment Policy.

Budget Issues:

The total project cost for the Northwest Area Mill and Overlay is estimated to be \$1,750,000. The total special assessments for this project are estimated to be \$199,168.00 for street improvements.

Funding sources for the project are proposed from a variety of sources as described in the feasibility report. The Draft Special Assessment Levy Roll for Improvement Project No. 2021-06 are included in Appendix A of the feasibility report.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/7/2020	Cover Memo
Feasibility Report	12/7/2020	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING FEASIBILITY REPORT, DECLARING COSTS TO BE ASSESSED AND CALLING FOR IMPROVEMENT AND ASSESSMENT PUBLIC HEARINGS FOR IMPROVEMENT PROJECT NO. 2021-06, NORTHWEST AREA MILL AND OVERLAY

WHEREAS, the Brooklyn Center City Council, by Resolution No. 2020-94, directed preparation of a feasibility report regarding proposed improvements to the streets and public utilities in the Northwest Area of the Willow Lane Neighborhood; and

WHEREAS, the City Engineer has prepared said report and recommends that the proposed improvements be considered; and

WHEREAS, a portion of the cost of street improvements for said project is proposed to be assessed against properties within the project area; and

WHEREAS, the total project cost for the Northwest Area Mill and Overlay is estimated to be \$1,750,000; the total cost of the street improvement portion of said project is estimated to be \$990,000 and the project funding sources are currently estimated to be:

Special Assessments	\$ 199,168.00
Sanitary Sewer Utility Fund	\$ 190,000.00
Water Utility Fund	\$ 140,000.00
Storm Drainage Utility Fund	\$ 430,000.00
<u>Street Reconstruction Fund</u>	<u>\$ 790,832.00</u>
Total	\$ 1,750,000.00

WHEREAS, the City Clerk and City Engineer have prepared proposed assessment rolls showing the proposed amount to be specifically assessed for such improvement against every assessable lot, piece, or parcel of land within the district affected, without regard to cash valuation, as provided by law.

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

1. The Engineer's Feasibility Report for Northwest Area Mill and Overlay is received and accepted.
2. Notice is hereby given that an on-line improvement public hearing will be held on the 25th day of January, 2021, at 7:00 p.m. or as soon thereafter as part of the regular City Council meeting as the matter may be heard to pass upon said improvement project and at such time and place all persons owning property affected by said improvements will be given the opportunity to be

RESOLUTION NO. _____

heard with reference to said improvements. The electronic meeting can be
accessed by _____
or by dialing _____ Code: _____

3. The City Clerk is directed to cause a notice of the improvement public hearing to be published in the official newspaper at least two weeks prior to the public hearing and shall state in the notice the total cost of the improvement.
4. That portion of the cost to be assessed against benefited property owners for street improvements included in City Improvement Project No. 2021-06 is declared to be \$199,168.00.
5. Notice is hereby given that an on-line assessment public hearing will be held on the 25th day of January, 2021, at 7:00 p.m. or as soon thereafter as part of the regular City Council meeting as the matter may be heard to pass upon said assessment and at such time and place all persons owning property affected by said improvements will be given the opportunity to be heard with reference to said assessment. The electronic meeting can be accessed by

or by dialing _____ Code: _____
6. The City Clerk is directed to cause a notice of the assessment public hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the public hearing and shall state in the notice the total cost of the improvement.
7. The City Clerk shall cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the public hearing.

December 14, 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.



Public Works Dept
Engineering Division
Phone: 763-569-3340
FAX: 763-569-3440

FEASIBILITY REPORT

FOR

NORTHWEST AREA MILL & OVERLAY

IMPROVEMENT PROJECT NO. 2021-06

CITY OF BROOKLYN CENTER, MINNESOTA

DECEMBER 7, 2020

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Michael Albers

Michael J Albers, P.E.
Reg. No. 47074
December 7, 2020

I. BACKGROUND

In 2021, the City of Brooklyn Center is entering the 28th year of its long-range infrastructure rehabilitation program often referred to as the Neighborhood Street and Utility Improvement Program. This program has consisted of a systematic rehabilitation and/or replacement of the City's aging streets, water main, sanitary sewer, storm sewers, sidewalks, trails and street lights.

The City's Capital Improvement Program (CIP) identifies the Northwest Area of the Willow Lane Neighborhood for pavement reconditioning in 2021. The proposed project includes a roadway mill and overlay, minor concrete curb repairs, minor utility improvements within the project limits as shown on Figure 1. The Northwest Area improvements extend from 69th Avenue to 71st Avenue and from Perry Avenue to Toledo Avenue.

This report was prepared in response to City Council Resolution No. 2020-94 dated October 26, 2020, directing staff to prepare a feasibility report and collect public input for the proposed project. A public informational meeting with property owners located within the project area will be scheduled shortly.

The 2021 project area consists of approximately 6,819 feet of streets. The project consists of approximately 119 residential properties that are zoned "R1" and 1 school property that is zoned "R1".

Figure 1: Project Area

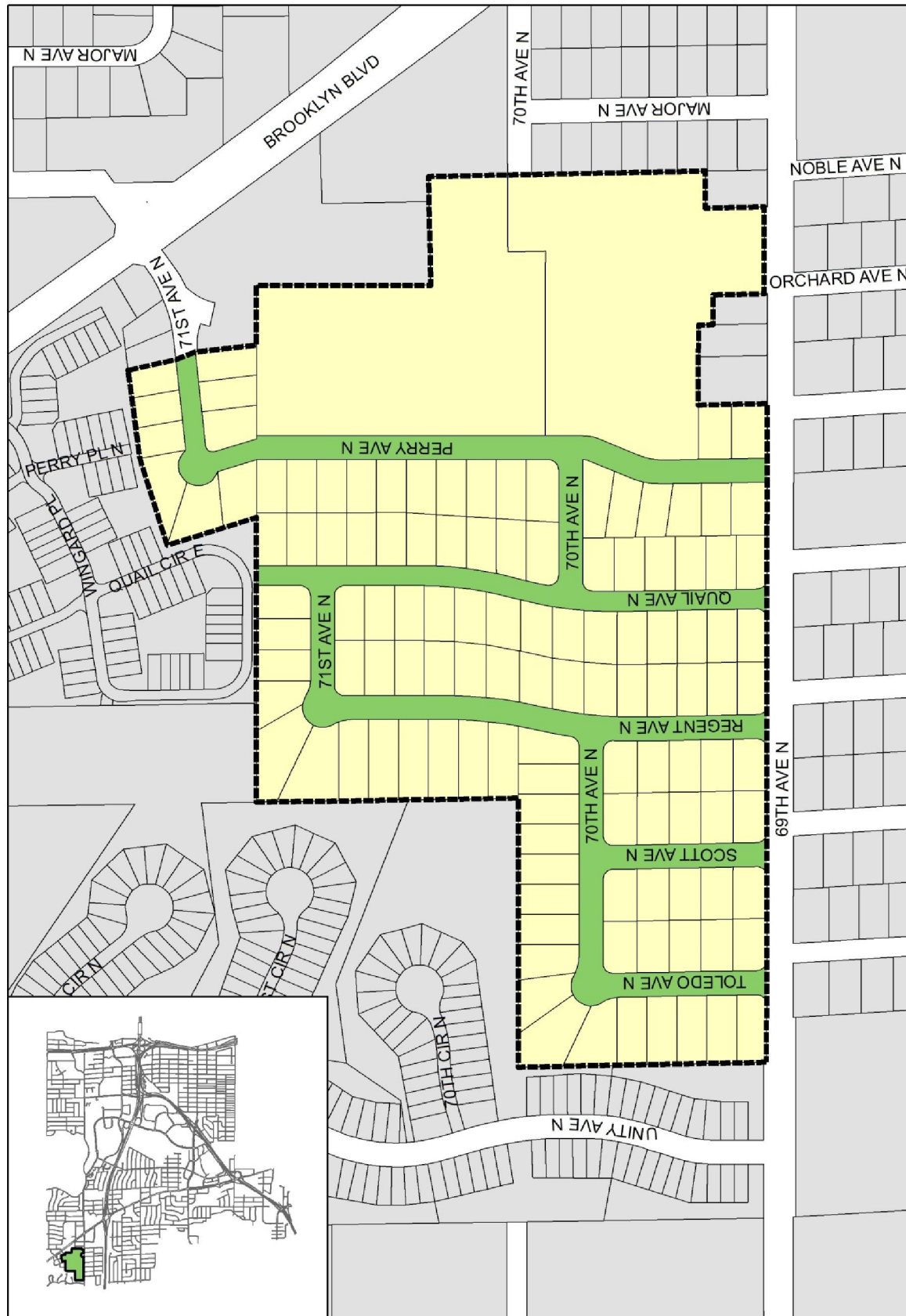


Figure 1

Project Area
Northwest Area Mill & Overlay Project



II. STREET IMPROVEMENTS

A. EXISTING CONDITIONS

A majority of the Northwest Area was originally constructed in 1955 as the Millers Willow Lane Addition. The Northwest Area was most recently reconstructed in 1994. The existing streets within the project area are an urban section that is 30 feet wide with curb and gutter, which is typical for most low volume residential streets in Brooklyn Center.

A concrete sidewalk exists along the east side of Perry Avenue from 69th Avenue to 71st Avenue and along the south side of 71st Avenue from Perry Avenue to Brooklyn Boulevard. Some sections of deteriorated concrete sidewalk were identified within the project area.

An existing pavement evaluation was conducted resulting with the road surface showing signs of deterioration such as some lateral cracking throughout the project area and moderate potholes have occurred in some locations. The existing pavement section within project area generally consist of 3 inches of bituminous pavement and 6 inches of aggregate base per the typical section in 1994. Additionally, limited sections of deteriorated concrete curb and gutter were identified within the project area.

The current roadway configuration has been in-place for 25 years and appears to be functioning adequately. Traffic counts within the Northwest Area are not projected to substantially increase in the future. Major changes in local traffic patterns are not anticipated as a result of the proposed mill and overlay of the street segments. The existing street configuration is expected to be sufficient to convey existing and future anticipated traffic volumes.

B. PROPOSED STREET IMPROVEMENTS

Based on the age, condition and maintenance needs of the existing bituminous asphalt pavement surface, the recommended pavement improvements consist of a mill and overlay rehabilitation of the existing pavement with the exception of Perry Avenue and 71st Avenue east of Perry Avenue. The complete full depth pavement replacement of the street surface is warranted for the entire length of Perry Avenue and 71st Avenue east of Perry Avenue. The existing concrete curb and gutter throughout the project area has not exceeded its life expectancy and can be suitably rehabilitated with spot repairs. Approximately 20 percent of the concrete curb and gutter and concrete driveway aprons are estimated to be replaced due to heaving/settling issues and as warranted or impacted by other construction (e.g. public utility repairs).

In accordance with the Complete Streets Policy adopted by the City in 2013, all streets and trail projects, including design, planning, reconstruction, rehabilitation, maintenance or operations by the City of Brooklyn Center shall be designed and executed in a responsible, equitable and financially reasonable way to accommodate and encourage travel by bicyclists, pedestrians, public transportation, emergency and commercial vehicles in a balanced manner. Implementation of the City's Complete Streets Policy ensures that the needs and safety of pedestrians, bicyclists, motorists and transit riders of all ages and abilities are taken into account in the design and operation of roads. Additionally, the Safe Routes to School Planning (SRTS) Assistance Memorandum prepared by MnDOT in June 2013 and the Pedestrian & Bicycle Plan (P&BP) adopted in March 2014 are used to plan additional sidewalk and trail routes. The SRTS and the P&BP did not identified missing sidewalk/trail connections and no additional pedestrian or bicycle facilities were identified within the project area.

Based on these considerations, the following strategies and improvements are recommended:

- An estimated 10 percent of the sidewalks throughout the project along are warranted to be replaced due to heaving/settling issues.
- Pedestrian curb ramps will be constructed throughout the project at each crosswalk location with truncated dome detectable warning systems in compliance with the Americans with Disabilities Act (ADA).

Disturbed boulevard areas will be restored with topsoil and sod.

III. STREET LIGHTING SYSTEM

A. EXISTING CONDITIONS

The street improvement program has historically included the replacement of free-standing street lights located within the project area. Free-standing street lights are defined as lights mounted on poles which do not contain any other overhead utilities attached to them. The existing street light system throughout the project generally consists of fiberglass free-standing lights that have underground power service with a rectilinear light fixture. Other street lights in the neighborhood exist on multiuse-type poles, which are unable to be removed and therefore are not planned to be replaced. The existing street lights on multiuse poles within the project area have overhead power service with cobra-head type LED light fixtures.

B. PROPOSED STREET LIGHTING IMPROVEMENTS

No street light improvements are included within the scope of this project.

IV. STORM DRAINAGE AND TREATMENT SYSTEM

A. EXISTING CONDITIONS

The project area is located within the Shingle Creek Watershed Management Commission area and ultimately flows to the Mississippi River. The existing storm drainage system in the project area consists of a network of storm sewer pipes installed in 1994 and range in size from 15 to 42-inch diameter reinforced concrete storm sewer pipes. A televising of the storm sewer in this area was conducted in 2020 and it was found to be in good condition.

B. PROPOSED DRAINAGE IMPROVEMENTS

Storm sewer improvements will be made to the existing system that includes replacing catch basins casting and adjustments as necessary within the project area.

V. SANITARY SEWER SYSTEM

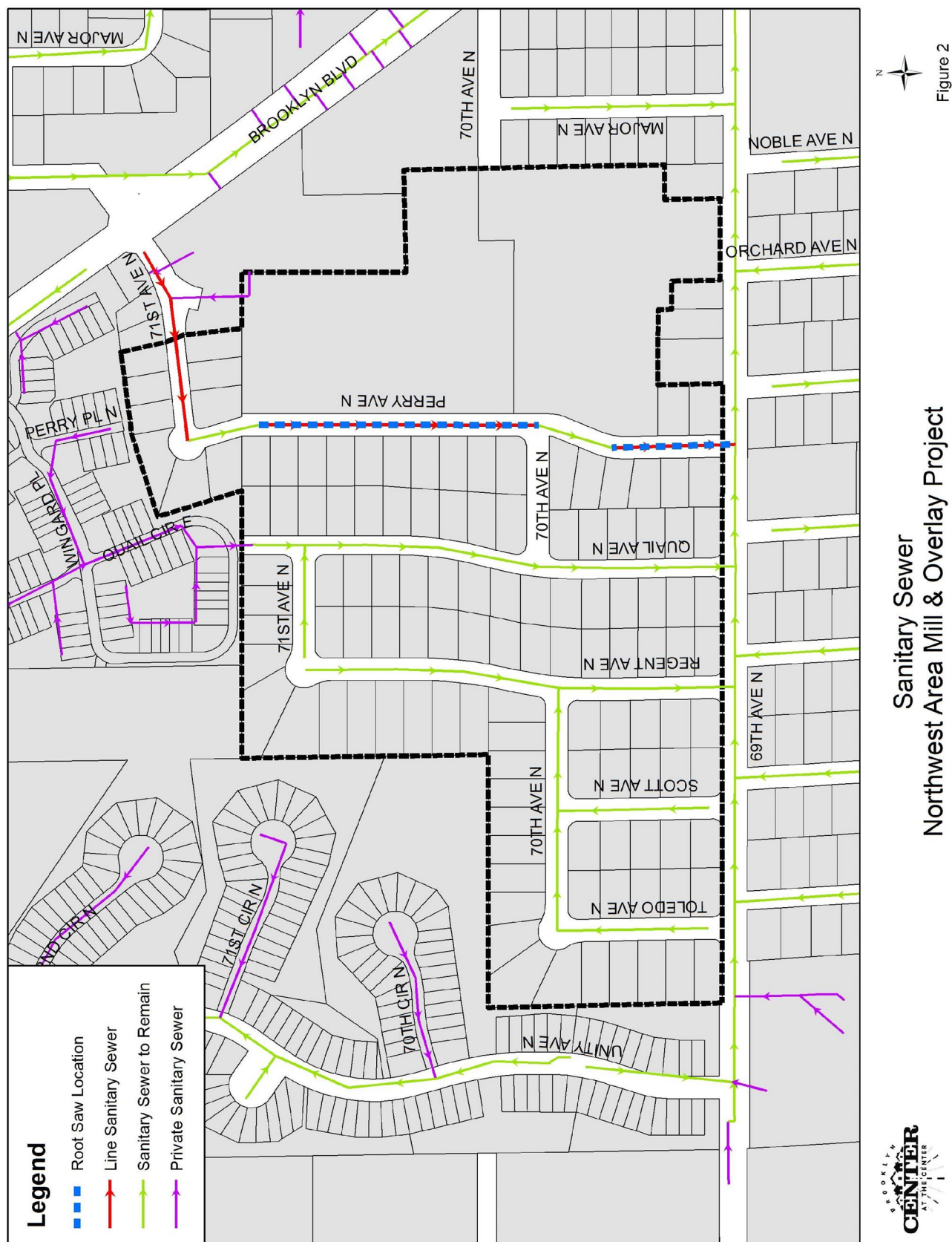
A. EXISTING CONDITIONS

The existing sanitary sewer throughout the project area is generally 8-inch to 10-inch diameter polyvinyl chloride (PVC) that was installed in 1994. The majority of the existing sanitary sewer on Perry Ave is 8-inch vitrified clay pipe (VCP) that was installed in 1956. All public sanitary sewer pipes were inspected with remote televising equipment in 2019. The condition of the sanitary sewer system within the area is rated as good with the exception of the root saw areas on Perry Avenue, see Figure 2.

B. PROPOSED SANITARY SEWER IMPROVEMENTS

Sanitary sewer improvements will be made to the existing system that includes lining portions of the 8-inch diameter VCP sanitary sewer trunk lines on Perry Avenue from 69th Avenue to 71st Avenue is recommended due to the age and pipe material of the collection system. Other sanitary sewer improvements also include replacing manhole castings and lids within the project area as necessary. The replacement of the castings with external seals will help minimize inflow and infiltration of rainwater into the sanitary sewer system.

Figure 2: Sanitary Sewer Root Saw Locations



VI. WATER SYSTEM

A. EXISTING CONDITIONS

A majority of the water main within the project area consists of 6-inch diameter ductile iron pipe (DIP) installed in 1994. The remaining water main on Perry Avenue consists of 6" diameter cast iron pipe (CIP) installed in 1956. Records indicate 1 main break and 1 service repair have occurred within the neighborhood on Perry Avenue, and 1 property has experienced a frozen water service in past winters (See Figure 3). However, the water main is in fair to good condition and has not approached the end of its life cycle.

B. PROPOSED WATER MAIN IMPROVEMENTS

Water main improvements include replacement of approximately half the valves and hydrants in the project area. Shallow services that have been susceptible to freezing will be insulated from the water main to approximately the water curb stop.

Figure 3: Water Main

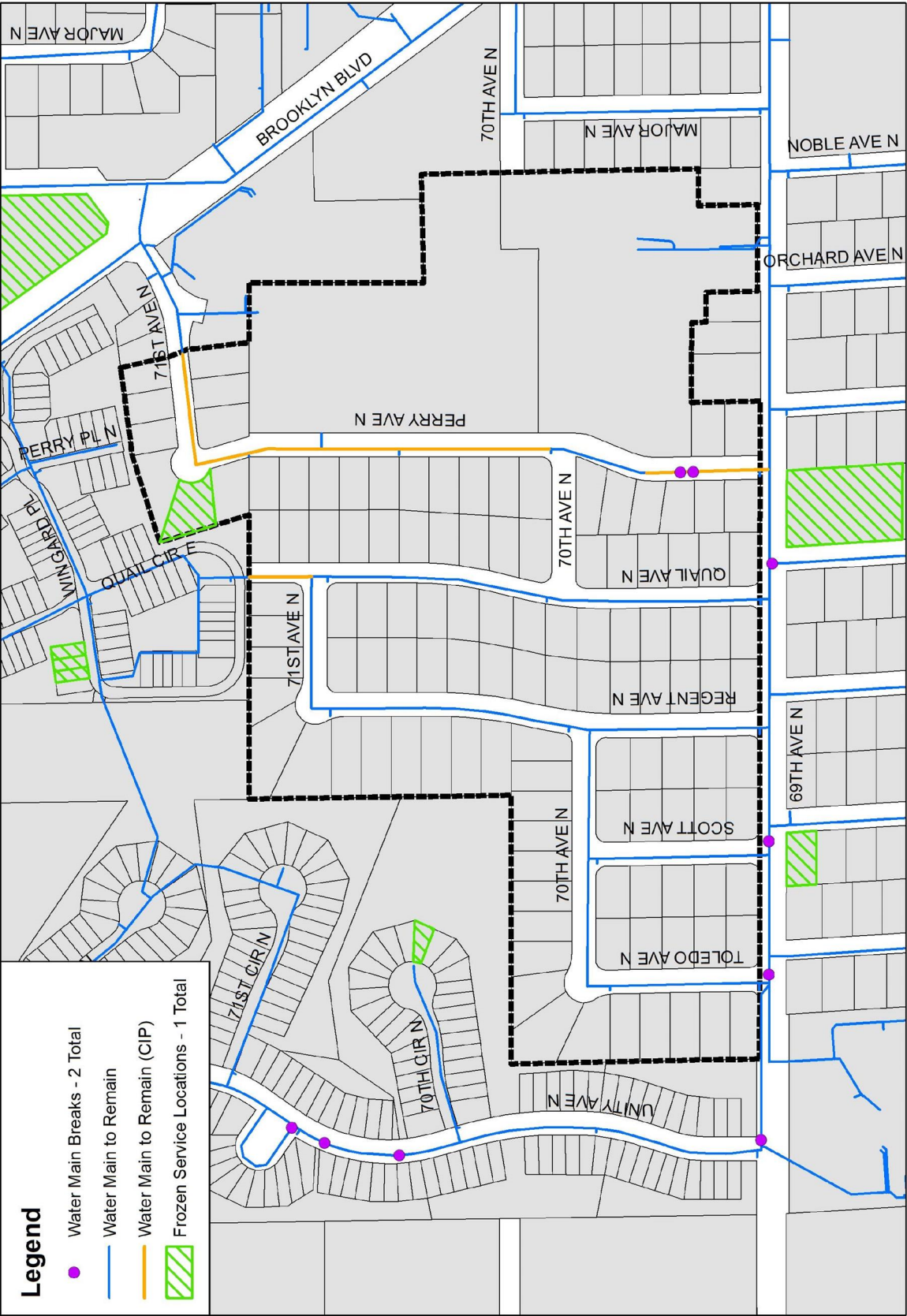


Figure 3

Water Main
Northwest Area Mill & Overlay Project



VIII. RIGHT-OF-WAY AND EASEMENTS

Generally, all public infrastructure owned, maintained and operated by the City throughout the project area is located within City easements and/or right-of-way. It is not anticipated that the City will need to obtain any additional easements for any existing or proposed improvement located within the roadway. If necessary, any identified easement needs during final design will be further coordinated with the City Attorney and the identified property owners.

IX. ESTIMATED COSTS AND FUNDING CONSIDERATIONS

The total estimated cost of the proposed project is \$1,750,000. Table 1 provides a summary of the estimated project costs and recommended funding amounts from the various sources as indicated. Funding for the project is further described below.

A. FUNDING FOR STREET IMPROVEMENTS

The estimated project cost of roadway improvements for all streets in this project area is \$990,000. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. Special assessments for street improvements are proposed in accordance with the 2021 rates. The standard 2021 residential street assessment rate for street rehabilitation is \$1,556 per R1 zoned residential property. This rate would be assessed to all benefitting single family residential properties within the project area (see Figure 4). For R1 properties which may be legally subdividable into two or more lots, the assessment to be applied shall equal the maximum number of lots allowable times the unity R1 assessment. The lot located at 7020 Perry Avenue is legally subdividable and would be assessed accordingly.

City owned properties are not proposed to be assessed. A total estimated special assessment amount of \$199,168.00 would be levied for street improvements. The remaining street construction costs would be funded from the Street Reconstruction Fund. A summary of the proposed special assessments for street improvements is provided in Appendix A.

C. FUNDING FOR UTILITY IMPROVEMENTS

The estimated cost of storm drainage improvements is \$430,000; the estimated cost of sanitary sewer improvements is \$190,000; and the estimated cost for water main improvements is \$140,000. As previously noted, these total cost estimates include the costs for project administration, engineering, legal and construction contingency. All costs for water and sanitary sewer improvements will be funded by their respective utility funds in accordance with established policy for such improvements.

Table 1: Cost and Funding

Table 1. Cost and Funding
Improvement Project No. 2021-06
2021 Northwest Area Mill and Overlay Improvements
 Feasibility Report, December 7, 2020

Estimated Expenditures						
	Streets	Storm Drainage	Sanitary Sewer	Water Main	Street Lights	Estimated Total
Estimated Construction Cost Street & Utility	\$818,000.00	\$355,000.00	\$157,000.00	\$115,000.00	\$0.00	\$1,445,000.00
Contingencies (10%)	\$82,000.00	\$36,000.00	\$16,000.00	\$12,000.00	\$0.00	\$146,000.00
Administration, Engineering, Legal (9%)	\$90,000.00	\$39,000.00	\$17,000.00	\$13,000.00	\$0.00	\$159,000.00
Total Estimated Project Costs (Feasibility)	\$990,000.00	\$430,000.00	\$190,000.00	\$140,000.00	\$0.00	\$1,750,000.00
Estimated Revenue						
Street Special Assessments	\$199,168.00					\$199,168.00
Storm Drainage Special Assessments						\$0.00
Sanitary Sewer Utility Fund			\$190,000.00			\$190,000.00
Water Utility Fund				\$140,000.00		\$140,000.00
Storm Drainage Utility Fund		\$430,000.00				\$430,000.00
Street Light Utility Fund					\$0.00	\$0.00
Street Reconstruction Fund	\$790,832.00					\$790,832.00
Total Estimated Revenue (Feasibility)	\$990,000.00	\$430,000.00	\$190,000.00	\$140,000.00	\$0.00	\$1,750,000.00

Figure 4



Assessment Map Northwest Area Mill & Overlay Project



X. RECOMMENDED PROJECT SCHEDULE

Table 2 is the preliminary schedule for the project.

Table 2. 2021 Northwest Area Mill & Overlay Project – Schedule

Action	Target Date
City Council Receives Feasibility Report, Declares Cost to be Assessed and Calls for Public Hearings	December 14, 2020
City Council Holds Public Hearing, Authorizes the Project and Orders Preparation of Plans and Specifications	January 25, 2021
City Council Approves Plans and Specs and Authorizes Advertisement for Bids	February 2021
City Receives and Opens Project Bids	March/April 2021
City Council Considers Award of Contract	April 2021
Start Project Construction	Summer 2021
Construction Substantially Complete	October 2021

XI. CONCLUSIONS AND RECOMMENDATIONS

The overall condition of the City's street and utility infrastructure systems is critical to the operation, safety, welfare and economic health of the entire community. As a result of the infrastructure needs described and the proposed solutions and estimated costs provided in this report, the proposed project is considered to be necessary, cost effective and feasible.

Appendix A

DRAFT Proposed Pending Assessment Roll

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

December 7, 2020

2021 NORTHWEST AREA MILL & OVERLAY
IMPROVEMENT PROJECT NO. 2020-06**DRAFT**

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
2811921430032	5106	70th AVE N		\$ 1,556.00	R1
2811921430033	5112	70th AVE N		\$ 1,556.00	R1
2811921430034	5118	70th AVE N		\$ 1,556.00	R1
2811921430035	5200	70th AVE N		\$ 1,556.00	R1
2811921430036	5206	70th AVE N		\$ 1,556.00	R1
2811921430037	5212	70th AVE N		\$ 1,556.00	R1
2811921430038	5218	70th AVE N		\$ 1,556.00	R1
2811921430039	5224	70th AVE N		\$ 1,556.00	R1
2811921410129	4824	71st AVE N		\$ 1,556.00	R1
2811921410137	4825	71st AVE N		\$ 1,556.00	R1
2811921410130	4830	71st AVE N		\$ 1,556.00	R1
2811921410136	4831	71st AVE N		\$ 1,556.00	R1
2811921410131	4836	71st AVE N		\$ 1,556.00	R1
2811921410132	4842	71st AVE N		\$ 1,556.00	R1
2811921440069	5000	71st AVE N		\$ 1,556.00	R1
2811921440070	5006	71st AVE N		\$ 1,556.00	R1
2811921440071	5012	71st AVE N		\$ 1,556.00	R1
2811921440072	5018	71st AVE N		\$ 1,556.00	R1
2811921430023	5024	71st AVE N		\$ 1,556.00	R1
2811921440012	6900	PERRY AVE N		\$ 1,556.00	R1
2811921440010	6901	PERRY AVE N		\$ 1,556.00	R1
2811921440011	6906	PERRY AVE N		\$ 1,556.00	R1
2811921440009	6907	PERRY AVE N		\$ 1,556.00	R1
2811921440008	6913	PERRY AVE N		\$ 1,556.00	R1
2811921440007	6919	PERRY AVE N		\$ 1,556.00	R1
2811921440006	6925	PERRY AVE N		\$ 1,556.00	R1
2811921440005	6931	PERRY AVE N		\$ 1,556.00	R1
2811921440024	7001	PERRY AVE N		\$ 1,556.00	R1
2811921440023	7007	PERRY AVE N		\$ 1,556.00	R1
2811921440022	7013	PERRY AVE N		\$ 1,556.00	R1
2811921440021	7019	PERRY AVE N		\$ 1,556.00	R1
2811921440074	7020	PERRY AVE N		\$ 14,004.00	Subdividable R1 = 9 equivalent parcels
2811921440020	7025	PERRY AVE N		\$ 1,556.00	R1
2811921440019	7031	PERRY AVE N		\$ 1,556.00	R1
2811921440018	7037	PERRY AVE N		\$ 1,556.00	R1
2811921440017	7043	PERRY AVE N		\$ 1,556.00	R1
2811921440016	7049	PERRY AVE N		\$ 1,556.00	R1
2811921440015	7055	PERRY AVE N		\$ 1,556.00	R1
2811921410135	7060	PERRY AVE N		\$ 1,556.00	R1
2811921410134	7061	PERRY AVE N		\$ 1,556.00	R1
2811921410133	7067	PERRY AVE N		\$ 1,556.00	R1
2811921440040	6900	QUAIL AVE N		\$ 1,556.00	R1
2811921440054	6901	QUAIL AVE N		\$ 1,556.00	R1
2811921440039	6906	QUAIL AVE N		\$ 1,556.00	R1
2811921440053	6907	QUAIL AVE N		\$ 1,556.00	R1
2811921440038	6912	QUAIL AVE N		\$ 1,556.00	R1
2811921440052	6913	QUAIL AVE N		\$ 1,556.00	R1

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

December 7, 2020

2021 NORTHWEST AREA MILL & OVERLAY
IMPROVEMENT PROJECT NO. 2020-06**DRAFT**

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
2811921440037	6918	QUAIL AVE N		\$ 1,556.00	R1
2811921440051	6919	QUAIL AVE N		\$ 1,556.00	R1
2811921440036	6924	QUAIL AVE N		\$ 1,556.00	R1
2811921440050	6925	QUAIL AVE N		\$ 1,556.00	R1
2811921440035	6930	QUAIL AVE N		\$ 1,556.00	R1
2811921440049	6931	QUAIL AVE N		\$ 1,556.00	R1
2811921440048	6937	QUAIL AVE N		\$ 1,556.00	R1
2811921440025	7000	QUAIL AVE N		\$ 1,556.00	R1
2811921440047	7001	QUAIL AVE N		\$ 1,556.00	R1
2811921440026	7006	QUAIL AVE N		\$ 1,556.00	R1
2811921440046	7007	QUAIL AVE N		\$ 1,556.00	R1
2811921440027	7012	QUAIL AVE N		\$ 1,556.00	R1
2811921440045	7013	QUAIL AVE N		\$ 1,556.00	R1
2811921440028	7018	QUAIL AVE N		\$ 1,556.00	R1
2811921440044	7019	QUAIL AVE N		\$ 1,556.00	R1
2811921440029	7024	QUAIL AVE N		\$ 1,556.00	R1
2811921440043	7025	QUAIL AVE N		\$ 1,556.00	R1
2811921440030	7030	QUAIL AVE N		\$ 1,556.00	R1
2811921440042	7031	QUAIL AVE N		\$ 1,556.00	R1
2811921440031	7036	QUAIL AVE N		\$ 1,556.00	R1
2811921440041	7037	QUAIL AVE N		\$ 1,556.00	R1
2811921440032	7042	QUAIL AVE N		\$ 1,556.00	R1
2811921440033	7100	QUAIL AVE N		\$ 1,556.00	R1
2811921440034	7106	QUAIL AVE N		\$ 1,556.00	R1
2811921440068	6900	REGENT AVE N		\$ 1,556.00	R1
2811921430007	6901	REGENT AVE N		\$ 1,556.00	R1
2811921440067	6906	REGENT AVE N		\$ 1,556.00	R1
2811921430006	6907	REGENT AVE N		\$ 1,556.00	R1
2811921440066	6912	REGENT AVE N		\$ 1,556.00	R1
2811921430005	6913	REGENT AVE N		\$ 1,556.00	R1
2811921440065	6918	REGENT AVE N		\$ 1,556.00	R1
2811921430004	6919	REGENT AVE N		\$ 1,556.00	R1
2811921440064	6924	REGENT AVE N		\$ 1,556.00	R1
2811921430003	6925	REGENT AVE N		\$ 1,556.00	R1
2811921440063	6930	REGENT AVE N		\$ 1,556.00	R1
2811921440062	7000	REGENT AVE N		\$ 1,556.00	R1
2811921430031	7001	REGENT AVE N		\$ 1,556.00	R1
2811921440061	7006	REGENT AVE N		\$ 1,556.00	R1
2811921440060	7012	REGENT AVE N		\$ 1,556.00	R1
2811921430030	7013	REGENT AVE N		\$ 1,556.00	R1
2811921440059	7018	REGENT AVE N		\$ 1,556.00	R1
2811921430029	7019	REGENT AVE N		\$ 1,556.00	R1
2811921440058	7024	REGENT AVE N		\$ 1,556.00	R1
2811921430028	7025	REGENT AVE N		\$ 1,556.00	R1
2811921440057	7030	REGENT AVE N		\$ 1,556.00	R1
2811921430027	7031	REGENT AVE N		\$ 1,556.00	R1
2811921440056	7036	REGENT AVE N		\$ 1,556.00	R1
2811921430026	7037	REGENT AVE N		\$ 1,556.00	R1

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

December 7, 2020

**2021 NORTHWEST AREA MILL & OVERLAY
IMPROVEMENT PROJECT NO. 2020-06**

DRAFT

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	NOTES
2811921440055	7042	REGENT AVE N		\$ 1,556.00	R1
2811921430025	7043	REGENT AVE N		\$ 1,556.00	R1
2811921430024	7049	REGENT AVE N		\$ 1,556.00	R1
2811921430008	6900	SCOTT AVE N		\$ 1,556.00	R1
2811921430017	6901	SCOTT AVE N		\$ 1,556.00	R1
2811921430009	6906	SCOTT AVE N		\$ 1,556.00	R1
2811921430016	6907	SCOTT AVE N		\$ 1,556.00	R1
2811921430010	6912	SCOTT AVE N		\$ 1,556.00	R1
2811921430015	6913	SCOTT AVE N		\$ 1,556.00	R1
2811921430011	6918	SCOTT AVE N		\$ 1,556.00	R1
2811921430014	6919	SCOTT AVE N		\$ 1,556.00	R1
2811921430012	6924	SCOTT AVE N		\$ 1,556.00	R1
2811921430013	6925	SCOTT AVE N		\$ 1,556.00	R1
2811921430018	6900	TOLEDO AVE N		\$ 1,556.00	R1
2811921430046	6901	TOLEDO AVE N		\$ 1,556.00	R1
2811921430019	6906	TOLEDO AVE N		\$ 1,556.00	R1
2811921430045	6907	TOLEDO AVE N		\$ 1,556.00	R1
2811921430020	6912	TOLEDO AVE N		\$ 1,556.00	R1
2811921430044	6913	TOLEDO AVE N		\$ 1,556.00	R1
2811921430021	6918	TOLEDO AVE N		\$ 1,556.00	R1
2811921430043	6919	TOLEDO AVE N		\$ 1,556.00	R1
2811921430022	6924	TOLEDO AVE N		\$ 1,556.00	R1
2811921430042	6925	TOLEDO AVE N		\$ 1,556.00	R1
2811921430041	6931	TOLEDO AVE N		\$ 1,556.00	R1
2811921430040	6937	TOLEDO AVE N		\$ 1,556.00	R1
Total Assessments				\$ 199,168.00	

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: Extension of Civil Law Services RFP Timeline for One Year

Background:

Section 2.81 of City Council General Policies states that the Council resolves to request proposals for Legal Civil and Criminal Services on an alternating four year basis, beginning in 1997 for Criminal Law and 1999 for Civil Law Services unless there is justification for an earlier request.

Based on the subject policy a Civil Legal Service RFP should have been solicited in 2019 and the Criminal Services is due in 2021. Mistakenly, I believed that Civil Legal RFP was due in 2020 and had planned to proceed with this process in the current year. Unfortunately, the pandemic associated conditions significantly disrupted our ability to proceed in the current year.

Therefore, I am requesting that the Council amend the Schedule so that Request For Proposals for Criminal and Civil Legal Services both occur in 2021. At the time of solicitation the Council may determine if the dates going forward should remain in the same year or alternate as the current policy prescribes.

Budget Issues:

NA

Strategic Priorities and Values:

Operational Excellence

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

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

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

SUBJECT: Resolution Accepting Feasibility Report, Declaring Costs to be Assessed and Calling for Improvement and Assessment Public Hearings for Improvement Project Nos. 2021-08, 09, 10 and 11, Ryan Lake Industrial Park Area Street and Utility Improvements

Background:

The project was established by the City Council on October 26, 2020, by Resolution 2020-96, for the area commonly referred to as Ryan Lake Industrial Park Area. This action was taken in accordance with the Capital Improvement Program (CIP), which identifies Ryan Lake Industrial Park Area for improvements during the 2021 construction season.

The attached feasibility report provides a summary of the project evaluation process and preliminary layout of street and utility improvements. The report also includes the results of a property owner questionnaire that was mailed to all property owners within the project areas. A public informational meeting was conducted on December 2, 2020, to provide project information to property owners and tenants within the project area and gain additional input from the public.

The informational meeting was generally positive in nature with the majority of questions and concerns relating to access during construction, impacts to landscaping/boulevards and project schedule. A formal presentation of the feasibility for the project is planned at the public hearing.

The attached resolution declares certain project costs to be assessed for the Ryan Lake Industrial Park Area Street and Utility Improvements and calls for a public hearing on the proposed special assessments on January 25, 2021, immediately following the improvement public hearing. If approved by the City Council, legal notice would be published and all property owners who could potentially be assessed for improvements would receive a Notice of Public Hearings via mail. Staff recommends that the City Council consider holding the special assessment public hearing immediately following the project improvement public hearing.

The purpose of holding the special assessment public hearing prior to beginning the project is to assure that any objections to or appeals of the assessments are known prior to entering into a construction contract or issuing bonds to finance the assessed portion of the project. The established assessment rate would set the maximum levy amounts, guaranteeing property owners of the final cost they will pay for the project. Special assessments for this project have been calculated in accordance with the City's Special Assessment Policy.

Budget Issues:

The total project cost for the Ryan Lake Industrial Park Area Street and Utility Improvements is estimated

to be \$1,370,000. The total special assessments for this project are estimated to be \$267,402.58 for street improvements and \$96,421.01 for storm drainage improvements.

Funding sources for the project are proposed from a variety of sources as described in the feasibility report. The Draft Special Assessment Levy Roll for Improvement Project Nos. 2021-08 and 2021-09 are included in Appendix B of the feasibility report.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/8/2020	Resolution Letter
Feasibility Report	12/8/2020	Backup Material

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING FEASIBILITY REPORT, DECLARING COSTS TO BE ASSESSED AND CALLING FOR IMPROVEMENT AND ASSESSMENT PUBLIC HEARINGS FOR IMPROVEMENT PROJECT NOS. 2021-08, 09, 10 AND 11, RYAN LAKE INDUSTRIAL PARK AREA STREET AND UTILITY IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council, by Resolution No. 2020-96, directed the preparation of a feasibility report regarding proposed improvements to the streets, storm drainage system and public utilities in the Ryan Lake Industrial Park Area; and

WHEREAS, the City Engineer has prepared said report and recommends that the proposed improvements be considered; and

WHEREAS, a portion of the cost of street and storm drainage improvements for said project is proposed to be assessed against properties within the project area; and

WHEREAS, the total project cost for the Ryan Lake Industrial Park Area Street and Utility Improvements is estimated to be \$1,370,000.00; the total cost of the street and storm drainage improvement portion of said project is estimated to be \$363,823.59 and the project funding sources are currently estimated to be:

Special Assessments	\$ 363,823.59
Sanitary Sewer Utility Fund	\$ 220,000.00
Water Utility Fund	\$ 310,000.00
Storm Drainage Utility Fund	\$ 123,578.99
Street Light Utility Fund	\$ 10,000.00
<u>Street Reconstruction Fund</u>	<u>\$ 342,597.42</u>
Total	\$ 1,370,000.00

WHEREAS, the City Clerk and City Engineer have prepared proposed assessment rolls showing the proposed amount to be specifically assessed for such improvement against every assessable lot, piece, or parcel of land within the district affected, without regard to cash valuation, as provided by law.

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

1. The Engineer's Feasibility Report for Ryan Lake Industrial Park Area Street and Utility Improvements is received and accepted.
2. Notice is hereby given that an on-line improvement public hearing will be

RESOLUTION NO. _____

held on the 25th day of January, 2021, at 7:00 p.m. or as soon thereafter as part of the regular City Council meeting as the matter may be heard to pass upon said improvement project and at such time and place all persons owning property affected by said improvements will be given the opportunity to be heard with reference to said improvements. The electronic meeting can be accessed by _____
or by dialing _____ Code: _____

3. The City Clerk is directed to cause a notice of the improvement public hearing to be published in the official newspaper at least two weeks prior to the public hearing and shall state in the notice the total cost of the improvement.
4. That portion of the cost to be assessed against benefited property owners for street improvements included in City Improvement Project No. 2021-08 is declared to be \$267,402.58. That portion of the cost to be assessed against benefited property owners for storm drainage improvements included in City Improvement Project No. 2021-09 is declared to be \$96,421.01.
5. Notice is hereby given that an on-line assessment public hearing will be held on the 25th day of January, 2021, at 7:00 p.m. or as soon thereafter as part of the regular City Council meeting as the matter may be heard to pass upon said assessment and at such time and place all persons owning property affected by said improvements will be given the opportunity to be heard with reference to said assessment. The electronic meeting can be accessed by _____
or by dialing _____ Code: _____
6. The City Clerk is directed to cause a notice of the assessment public hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the public hearing and shall state in the notice the total cost of the improvement.
7. The City Clerk shall cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the public hearing.

December 14, 2020

Date

Mayor

ATTEST: _____
City Clerk

RESOLUTION NO. _____

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.



Public Works Dept
Engineering Division
Phone: 763-569-3340
FAX: 763-569-3440

FEASIBILITY REPORT
FOR
RYAN LAKE INDUSTRIAL PARK AREA
STREET AND UTILITY IMPROVEMENTS

IMPROVEMENT PROJECT NOS. 2021-08, 09, 10 and 11

CITY OF BROOKLYN CENTER, MINNESOTA

December 7, 2020

*I hereby certify that this plan, specification or
report was prepared by me or under my direct
supervision and that I am a duly Licensed
Professional Engineer under the laws of the
State of Minnesota*

Michael Albers

*Michael J Albers, P.E.
Reg. No. 47074
December 7, 2020*

I. BACKGROUND

In 2021, the City of Brooklyn Center will be entering the 28th year of its long-range infrastructure rehabilitation program often referred to as the Neighborhood Street and Utility Improvement Program. This program has consisted of a systematic rehabilitation and/or replacement of the City's aging streets, water main, sanitary sewer, storm sewers, sidewalks, trails and street lights.

The City's Capital Improvement Program identifies the Ryan Lake Industrial Park Area for reconstruction in 2021. The proposed project includes roadway and utility improvements within the project limits shown on Figure 1. The Ryan Lake Industrial Park Area project includes 48th Avenue and Dusharme Drive from Drew Avenue to the dead end and 47th Avenue from Drew Avenue to the dead end.

This report was prepared in response to City Council Resolution No. 2020-96 dated October 26, 2020, directing staff to prepare a feasibility report and collect public input for the proposed project. Staff conducted a public informational meeting with residents and property owners located within the project area on December 2, 2020. A resident questionnaire and letter were also distributed as part of the project evaluation process. A summary of property owner comments is provided in Appendix A.

The 2021 project area consists of approximately 1,290 feet of streets and utilities. The area consists of 3 multi-family properties that are zoned "R5", and 10 properties that are zoned "Industrial".

The map displays the City of Minneapolis with a yellow-shaded area indicating the proposed development site. The site is bounded by Dusharme Dr to the north, Drew Ave N to the south, and Lilac Dr N to the east. The map also shows the location of the proposed development area relative to the City of Minneapolis and the City of Robbinsdale. Major roads like Highway 100 and surrounding areas like the City of Brooklyn Center are also visible. An inset map in the top left corner shows the location of the proposed development area within the larger context of the City of Minneapolis.

II. STREET IMPROVEMENTS

A. EXISTING CONDITIONS

The majority of the local streets within the proposed project area were most recently improved between 1958 and 1960 resulting in the existing street pavement being in service for approximately 60 years. 47th Avenue is generally 30 feet wide, which is typical for most low volume residential streets in Brooklyn Center. 48th Avenue and Dusharme Drive is approximately 36 feet wide.

The roadways within the project area are very flat and do not have concrete curb and gutter. The bituminous asphalt pavement has aged and is showing significant fatigue and distress. The typical service life for bituminous pavement is approximately 30 years. Generally, it is no longer cost-effective to routinely maintain these streets with seal coating or thin overlay procedures. Complete reconstruction is warranted.

A geotechnical investigation will be performed within the project area to obtain and analyze soil samples below the street pavement. The geotechnical evaluation report typically contains information regarding the subsurface soil and groundwater conditions and appropriate design and construction recommendations. Soil borings are anticipated to indicate fair to good soils.

Traffic within the project area is generally limited to local traffic access to residential multi-family properties on 47th Avenue and commercial properties on 48th Avenue within the area. Traffic counts within the area are not projected to substantially increase in the future because the project is bound by Ryan Lake on the east, the railroad on the north and Highway 100 on the west.

B. PROPOSED STREET IMPROVEMENTS

Based on the age and condition of the existing bituminous asphalt pavement surfaces and the proposed replacement of underlying utilities in certain locations, complete replacement of the street surface is warranted. Proposed street improvements include full depth reconstruction for the existing streets to a width of 30 feet for 47th Avenue and 36 feet for 48th Avenue and Dusharme Drive. 47th Avenue and Dusharme Drive are both dead-end streets that terminate with a bulb cul-de-sac. These cul-de-sacs will be reviewed for turning movements and for storm water inlet placement during final design.

The existing soil material is will be review with the future geotechnical report and are expected to provide a stable foundation to support the proposed street and utility improvements. The roadway subgrade consists of good soils and is planned to be reclaimed (recycled) in place to be reused as the new aggregate base for the proposed street section. Removal of poor soils in isolated areas throughout the project for utility and or roadway construction will be performed as recommended in the geotechnical report and as determined in the field during construction.

The installation of concrete curb and gutter is proposed with the reconstruction of the streets within the project area. Concrete curb and gutter will assist in conveying storm water runoff to storm sewer catch basins. The street grades will also be designed to provide improved drainage to the storm sewer system. The proposed street reconstruction does not include substantial changes to the roadway width, alignment or elevation.

In accordance with the Complete Streets Policy adopted by the City in 2013, all streets and trail projects, including design, planning, reconstruction, rehabilitation, maintenance or operations by the City of Brooklyn Center shall be designed and executed in a responsible, equitable and financially reasonable

way to accommodate and encourage travel by bicyclists, pedestrians, public transportation, emergency and commercial vehicles in a balanced manner. Implementation of the City's Complete Streets Policy ensures that the needs and safety of pedestrians, bicyclists, motorists and transit riders of all ages and abilities are taken into account in the design and operation of roads. Additionally, the Safe Routes to School Planning (SRTS) Assistance Memorandum prepared by MnDOT in June 2013 and the Pedestrian & Bicycle Plan (P&BP) adopted in March 2014 are used to plan additional sidewalk and trail routes. The SRTS and the P&BP did not identified missing sidewalk/trail connections and no additional pedestrian or bicycle facilities were identified within the project area.

It should also be noted that in-depth property surveys are not performed and when constructing the new driveway aprons, the determined location generally matches existing driveway locations and widths. It is not the intent under this project to verify and fix driveway-property line issues, which sometimes exist. Rather, the construction under this project generally occurs within City right-of-way.

Other improvements include the installation of concrete driveway aprons, the replacement of trees that are impacted, replacement of landscaping elements and irrigation systems that are impacted and deficient segments of sidewalk are proposed to be repaired as warranted or impacted. Disturbed boulevard areas will be restored with topsoil and sod.

III. STREET LIGHTING SYSTEM

A. EXISTING CONDITIONS

The capital improvement program has historically included the replacement of free-standing street lights located within the project areas. Free-standing street lights are defined as lights mounted on poles, which do not contain any other overhead utilities attached to them. There are currently two (2) free-standing street lights within the project area. These lights consist of older style wood utility poles that have been in service for many years, most likely dating back to the original construction of the area. The existing free-standing street lights have overhead power services with a LED cobra-head type light fixtures. Other street lights in the area exist on multiuse-type poles, which are unable to be removed and therefore are not planned to be replaced. There is currently one (1) street light on a multiuse pole within the project area.

The City's Street Light Policy states that street lights may be provided at street intersections and at mid-block locations where the distance between intersections exceeds 700 feet. Street lights are currently located at all intersections and at most of the longer blocks that exceed 700 feet with minor exceptions.

B. PROPOSED STREET LIGHTING IMPROVEMENTS

The recommended street light improvements include replacement of the two (2) existing free-standing street lights with fiberglass poles, cut-off type LED light fixtures and underground power services. Other street lights that are mounted on multiuse transmission/distribution poles within the area are not proposed to be modified with this project (see Figure 2); however, Xcel Energy has indicated that all Xcel Energy-owned cobra head-style streetlights on multiuse poles in the project area currently have LED fixtures.

In accordance with City policy, mid-block street lights may be installed where the block exceeds 700 feet in length upon receipt of a petition signed by a majority of the property owners on the block, including signatures of the property owners adjacent to the specific location where such mid-block light is requested. Staff received an inquiry about adding a street lights at the intersection of 48th Avenue and Dusharme Drive through the public outreach efforts of the project but staff has not received any formal requests/petitions for additional street lights. Adding new street lights will be coordinated and evaluated during the final design stages of the project with the property owners that would be directly affected by adding new street lights. Should the appropriate petitions be received, additional lighting will be included in the project lighting improvements.

Figure 2: Street Light Exhibit

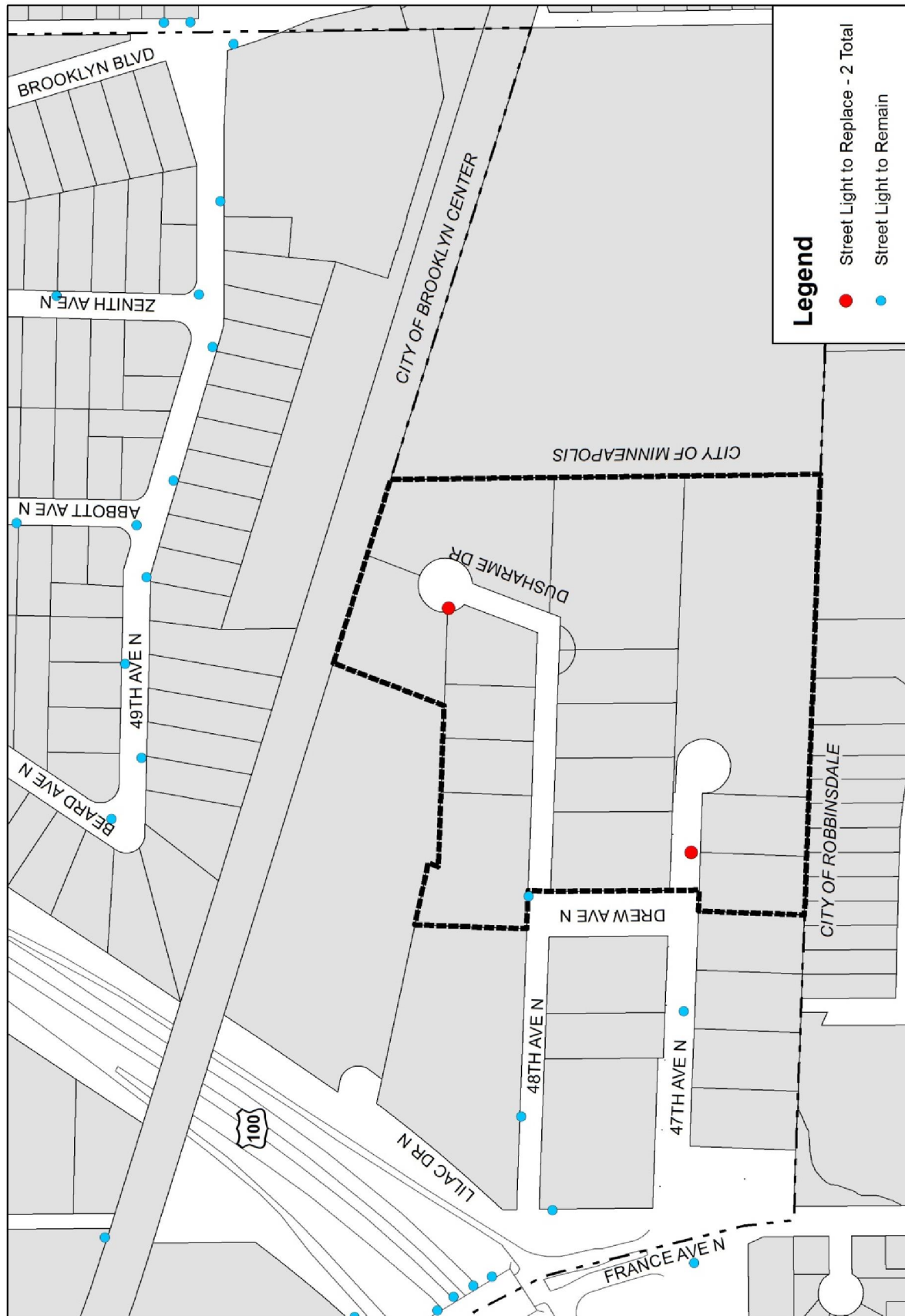


Figure 2

Street Lights Ryan Lake Industrial Park Street and Utility Improvements



IV. STORM DRAINAGE AND TREATMENT SYSTEM

A. EXISTING CONDITIONS

The project area is located within the Shingle Creek Watershed Management Commission area and the majority of the storm water flows to Ryan Lake. The existing storm drainage system in the project area consists of a network of public storm sewer pipes installed in 1960 and is generally undersized by today's standards (see Figure 3). The surface water within the majority of the area flows to a storm drainage systems on 47th Avenue and 48th Avenue, discharging into Ryan Lake. The storm drainage systems consist of 15-inch reinforced concrete pipe installed in 1960.

A televising inspection of the existing storm sewer is currently being conducted and will further be evaluated during final design. A cursory review of the existing underground pipe network in this area found the pipe to be in fair to good condition with some isolated issues identified in several areas that warrant repair.

There are some isolated areas within the project area that experience localized flooding due to the flat topography within the project area. A few comments from property owners indicated a lack of adequate drainage facilities within the area and were mostly related to standing water along the edge of the street and at driveways. However, no major flooding issues have been identified.

B. PROPOSED DRAINAGE IMPROVEMENTS

Storm sewer improvements will be made to the existing system that includes replacing/repairing catch basins and laterals where necessary. As indicated, the storm sewer system is to some extent undersized. A more complete system is proposed to be installed including multiple new trunk and lateral lines and catch basins in several areas. This expansion of the drainage system and installation of additional pipes and catch basin structures will help minimize localized drainage problems. The existing public storm sewer system within the street right-of-way will be reconstructed.

Proposed water quality improvements include installing sump catch basins at select discharge locations where feasible. Additionally, infiltration basins (rain gardens) could be incorporated in the project area within the boulevard areas where adjacent property owners volunteer and agree to these gardens.

An infiltration basin consists of a relatively small area of plantings within a constructed depression located behind the street curb. Rainwater is routed to the areas from the street gutter and infiltrates naturally by plants and soils in the garden. This infiltration process removes nutrients and pollutants. By acting as a small detention pond, the rain garden plants and soils also provide a natural way of reducing the amount of runoff water that flows from rooftops, lawns, driveways and streets directly into the storm sewer system. The underground treatment chambers and infiltration basins are recommended for this project in certain areas to help meet the City's storm water treatment goals and requirements.

Figure 3: Storm Sewer

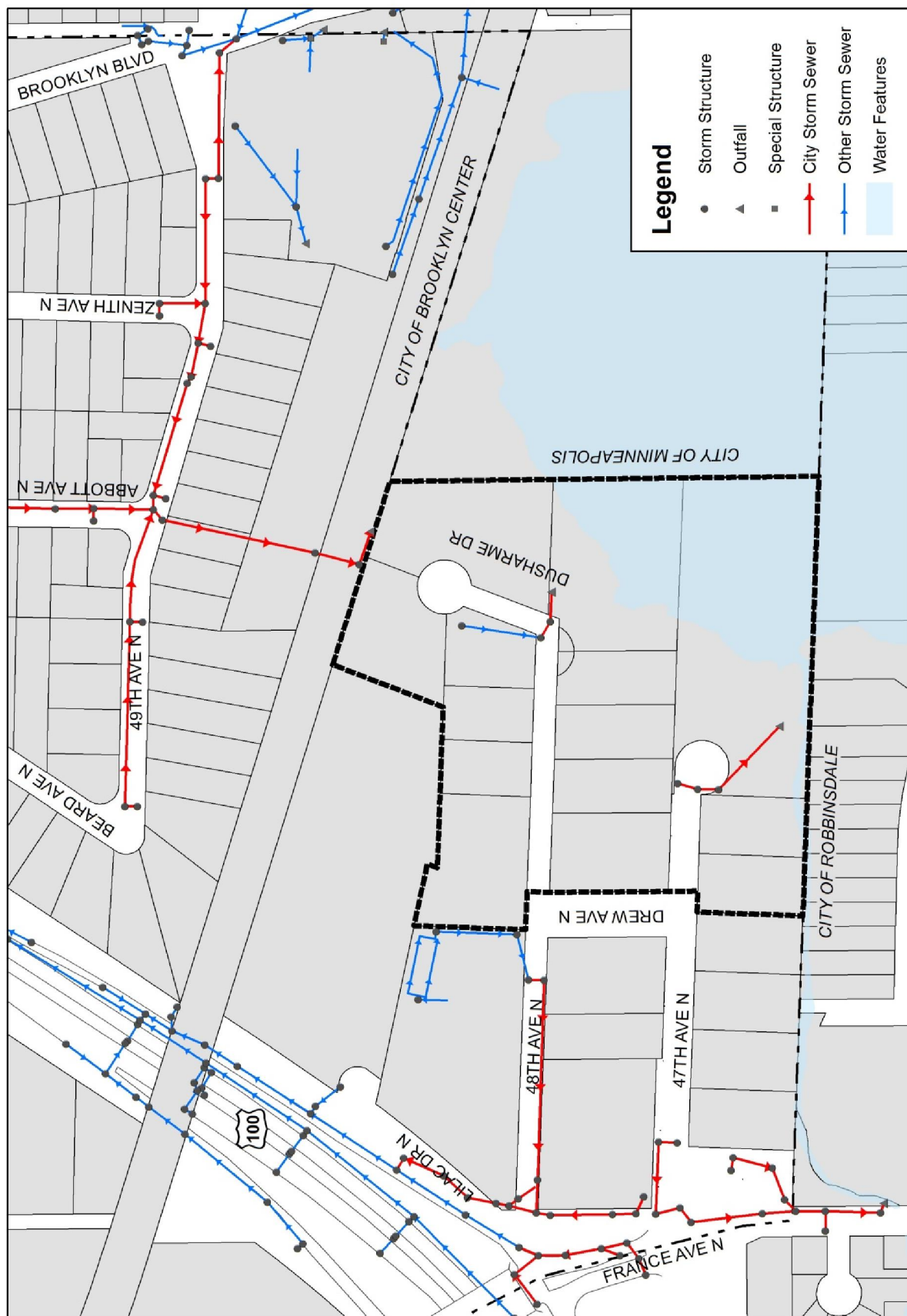


Figure 3

Existing Storm Sewer Ryan Lake Industrial Park Street and Utility Improvements



V. SANITARY SEWER SYSTEM

A. EXISTING CONDITIONS

The existing sanitary sewer collection system within the project area consists of eight-inch diameter vitrified clay pipe (VCP) sewer mains. The majority of the sanitary sewer system was installed in 1960. Due to the age and materials used in the original construction of the sanitary sewer, almost all of the sanitary sewer mains within the project area are subjected to frequent issues with root intrusion. Public Works crews must perform root sawing and jetting on an annual basis to maintain the system conveyance capacity and avoid sewer back-ups in many locations (see Figure 4). The sanitary sewer flows to a trunk line located west of the project area.

During the project planning phase, all public sanitary sewer pipes were inspected with remote televising equipment. These inspections confirmed that portions of the sanitary sewer have moderate to severe problems with root intrusion, sags and sections of cracked and broken pipe along pipe joints and at many services. Surveys received from residents also indicate some occurrences of sewer service line blockage that are often attributed to root penetration of the service pipe joints and connection points. Figure 5 illustrates a typical section of sewer pipe with moderate root intrusion problems. The project contains many segments of sanitary sewer that are in likewise or worse condition.

Figure 4: Sanitary Sewer Line, Tree Root Intrusion



B. PROPOSED SANITARY SEWER IMPROVEMENTS

Complete replacement of the public eight-inch diameter VCP sanitary sewer mains within the project area is recommended due to the extent of root intrusion, sags and cracked pipe within the collection system, see Figure 5. Isolated replacement of the problem areas is not cost effective. In accordance with past City construction practice, individual service lines between the sewer main and the property line would also be replaced.

Figure 5: Sanitary Sewer Root Saw Locations

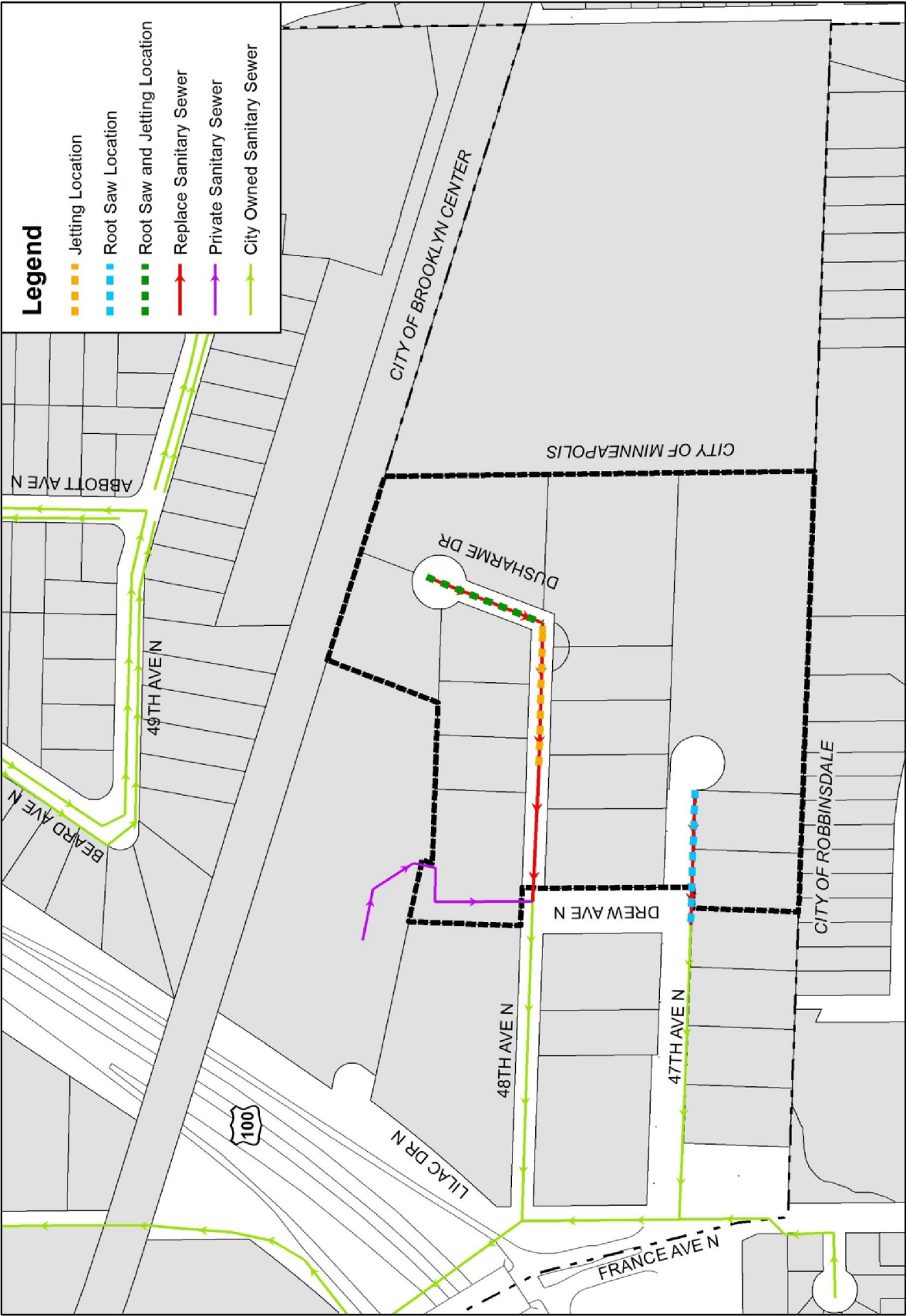


Figure 5

Sanitary Sewer Root Saw Locations
Ryan Lake Industrial Park Street and Utility Improvements



VI. WATER SYSTEM

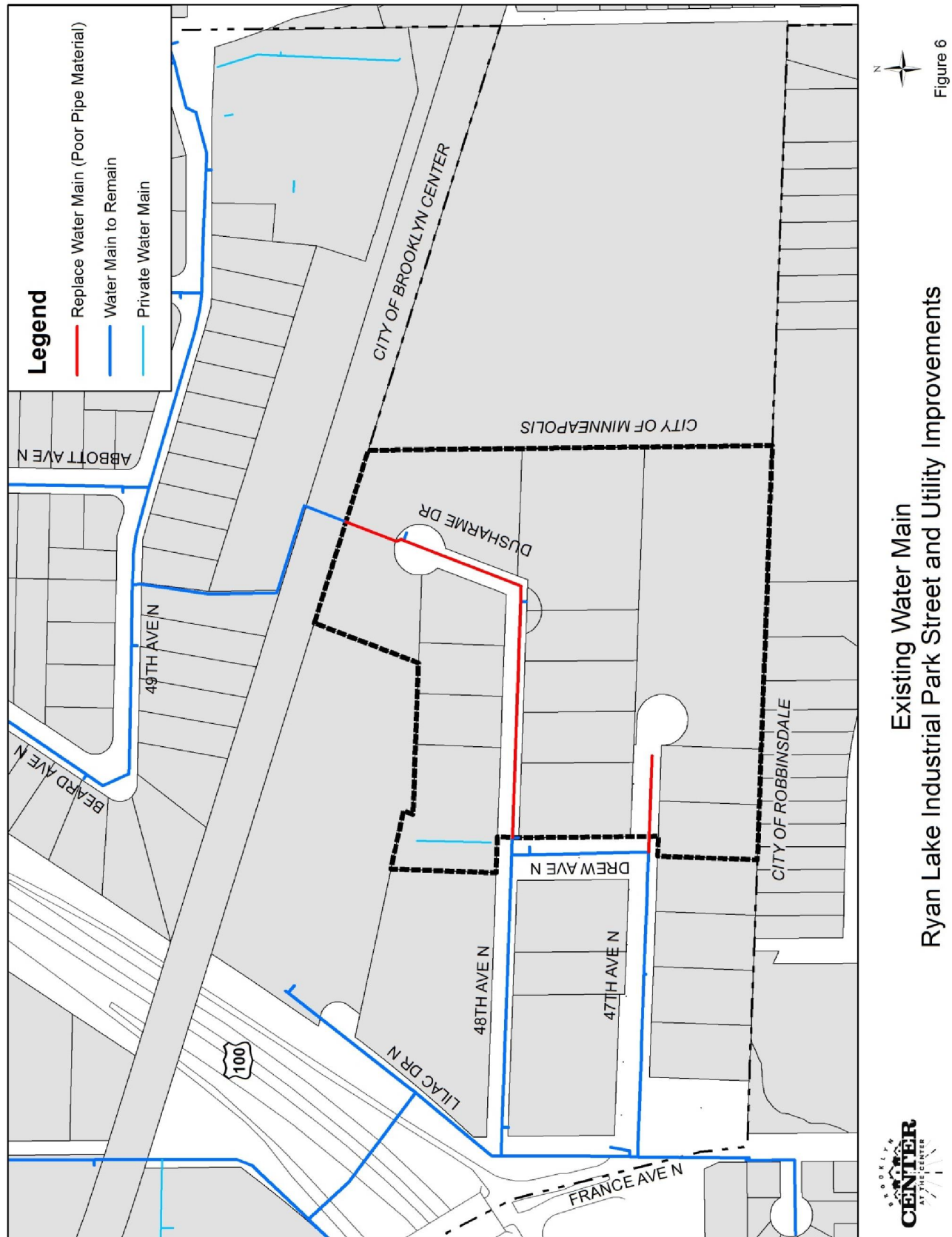
A. EXISTING CONDITIONS

A majority of the water main within the project area consists of 6-inch and 10-inch cast iron pipe (CIP) installed between 1958 and 1960. The water main pipe velocities in the Ryan Lake Area are all relatively low due to low domestic demands in the residential area as confirmed by water distribution modeling. A majority of the existing water main in the project area is assumed to be unlined CIP. There is no history of water main break within the project area (see Figure 6). No properties were identified to have had frozen service issues. The water main is in fair to good condition and has not approached the end of its life cycle.

B. PROPOSED WATER MAIN IMPROVEMENTS

Recommended water main improvements include complete replacement of the existing cast iron water main with new ductile iron water main, see Figure 6. The 2017 Water Supply Plan recommends upsize the water main on 47th Avenue east of Drew Avenue to the three story apartments with 10-inch diameter pipes. The proposed improvements include replacement of the water services extending from the water main in the street to the water curb stop located at the front property line. Replacement pipe materials include ductile iron pipe, which is more resistant to corrosion than cast iron pipe, and copper service pipe.

Figure 6: Water Main



VII. PARK IMPROVEMENTS

There are no planned improvements to parks as part of this project. No new parks or other public recreation facilities are planned as part of the project.

VIII. RIGHT-OF-WAY AND EASEMENTS

Generally, all public infrastructure owned, maintained and operated by the City throughout the project area is located within City easements and/or right-of-way. It is not anticipated that the City will need to obtain any additional easement for any existing or proposed improvement located within the roadway. If necessary, any identified easement needs during final design will be further coordinated with the City Attorney and the identified property owners.

IX. ESTIMATED COSTS AND FUNDING CONSIDERATIONS

The total estimated cost of the proposed project is \$1,370,000.00. Table 1 provides a summary of the estimated project costs and recommended funding amounts from the various sources as indicated. Funding for the project is further described below.

A. FUNDING FOR STREET IMPROVEMENTS

The estimated project cost of roadway improvements for all streets in this project area is \$610,000.00. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. Special assessments for street improvements are proposed in accordance with the City's Special Assessment Policy.

The multi-family properties (apartments) located at 3401 47th Avenue, 3501 47th Avenue and 3513 47th Avenue are zoned R5. There are 9 industrial properties located along 48th Avenue and Dusharme Drive. These properties would be assessed based on an area basis. An "A" zone benefit includes the area abutting the street to be improved, extended to the depth of 200-feet and a "B" zone of lesser benefit for the remainder of the property area. The "A" zone rate is based on assessing 70 percent of the total street project cost deemed to benefit the property and the "B" zone rate is based on 30 percent. Based on cost estimates for full street reconstruction, the full unit rate has been determined to be "A" zone rate of \$0.5358 per square foot and a "B" zone rate of \$0.2296 per square foot. It should be noted that historically the assessments have been levied based on estimated costs rather than actual costs, understanding that the project costs are levied at a reduced percentage (70 and 30 percents as indicated above).

City owned properties are not proposed to be assessed. A total estimated special assessment amount of \$267,402.58 would be levied for street improvements. The remaining street construction costs would be funded from the Street Reconstruction Fund. A summary of the proposed special assessments for street improvements is provided in Appendix B.

B. FUNDING FOR STORM DRAINAGE IMPROVEMENTS

The total estimated cost for storm drainage improvements within the project area is \$220,000.00. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. Special assessments for storm drainage improvements are proposed in accordance with the City's Special Assessment Policy.

Storm sewer assessments for the R4, R5 & commercial properties have been computed similarly to the street assessments. Based on preliminary cost estimates for the storm sewer improvements, the full unit rate has been determined to be an “A” zone rate of \$0.1932 per square foot and a “B” zone rate of \$0.0828 per square foot.

On this basis, a total estimated special assessment amount of \$96,421.01 would be levied for storm sewer improvements. A summary of the proposed special assessments for storm drainage improvements is provided in Appendix B.

C. FUNDING FOR UTILITY IMPROVEMENTS

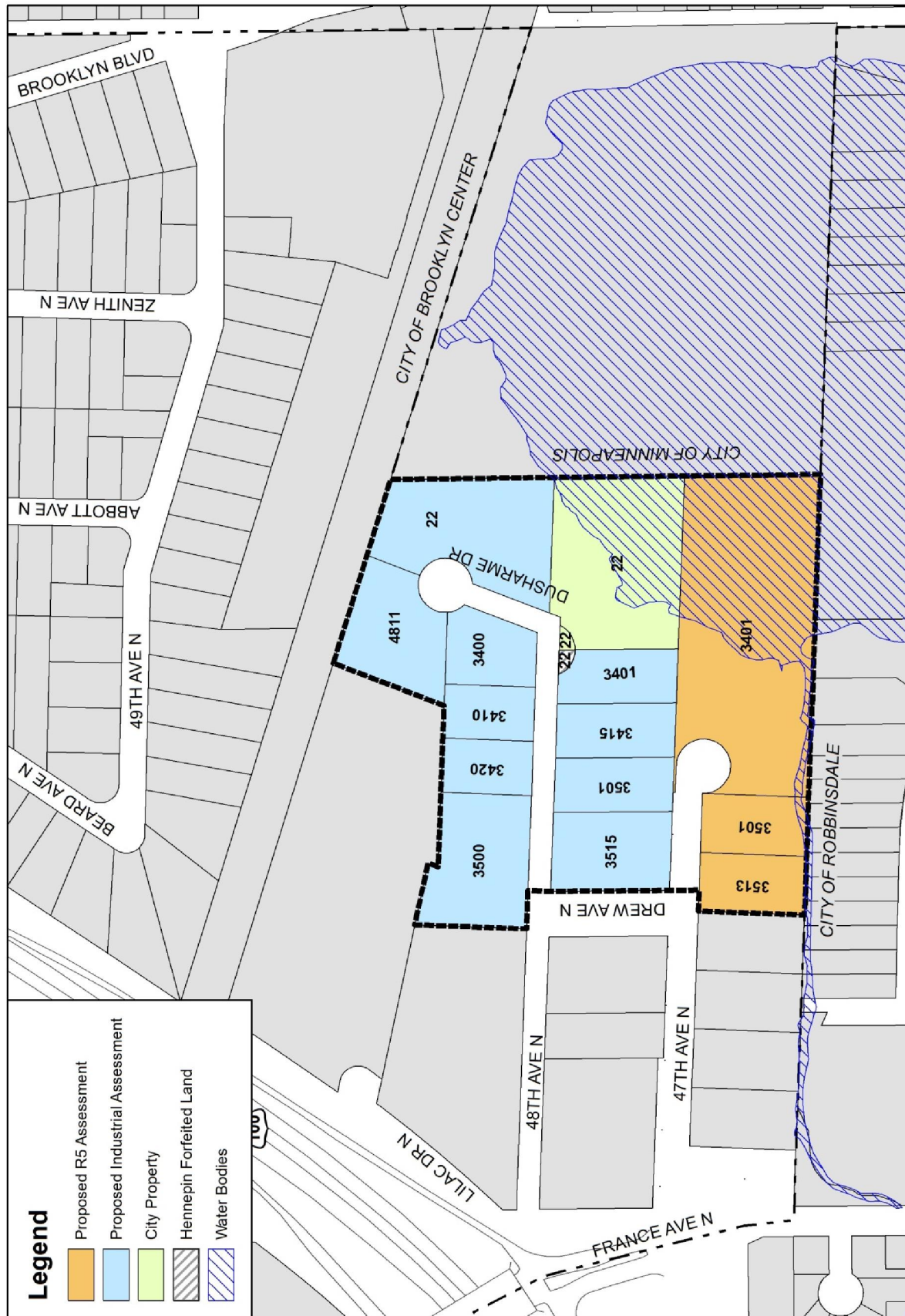
The estimated cost of sanitary sewer improvements is \$220,000.00; the estimated cost for water main improvements is \$310,000.00; and the estimated cost for street light replacement is \$10,000.00. As previously noted, these total cost estimates include the costs for project administration, engineering, legal and construction contingency. All costs for water, sanitary sewer and street light improvements will be funded by their respective utility funds in accordance with established policy for such improvements.

Table 1: Cost and Funding

Table 1. Cost and Funding
Improvement Project Nos. 2021-08, 09, 10 11
2021 Ryan Lake Industrial Park Area Street and Utility Improvements
 Feasibility Report, December 7, 2020

Estimated Expenditures		Streets	Storm Drainage	Sanitary Sewer	Water Main	Street Lights	Estimated Total
Estimated Construction Cost Street & Utility		\$504,500.00	\$182,000.00	\$182,000.00	\$256,000.00	\$8,200.00	\$1,132,700.00
Contingencies (10%)		\$50,000.00	\$18,000.00	\$18,000.00	\$26,000.00	\$800.00	\$112,800.00
Administration, Engineering, Legal (10%)		\$55,500.00	\$20,000.00	\$20,000.00	\$28,000.00	\$1,000.00	\$124,500.00
Total Estimated Project Costs (Feasibility)		\$610,000.00	\$220,000.00	\$220,000.00	\$310,000.00	\$10,000.00	\$1,370,000.00
Estimated Revenue							
Street Special Assessments		\$267,402.58					\$267,402.58
Storm Drainage Special Assessments			\$96,421.01				\$96,421.01
Sanitary Sewer Utility Fund				\$220,000.00			\$220,000.00
Water Utility Fund					\$310,000.00		\$310,000.00
Storm Drainage Utility Fund			\$123,578.99				\$123,578.99
Street Light Utility Fund						\$10,000.00	\$10,000.00
Street Reconstruction Fund		\$342,597.42					\$342,597.42
Total Estimated Revenue (Feasibility)		\$610,000.00	\$220,000.00	\$220,000.00	\$310,000.00	\$10,000.00	\$1,370,000.00

Figure 7: Assessment Map



Assessment Map Ryan Lake Industrial Park Street and Utility Improvements



X. RECOMMENDED PROJECT SCHEDULE

Table 2 is the preliminary schedule for the project.

Table 2. Ryan Lake Industrial Park Area Reconstruction Project – Schedule

Action	Target Date
City Council Receives Feasibility Report, Declares Cost to be Assessed and Calls for Public Hearings	December 14, 2020
City Council Holds Improvement Public Hearing, Authorizes the Project and Orders Preparation of Plans and Specifications	January 25, 2021
City Council Holds Assessment Public Hearing and Certify Assessment Roll	January 25, 2021
City Council Approves Plans and Specs, and Authorizes Advertisement for Bids	February 2021
City Receives and Opens Project Bids	March/April 2021
City Council Considers Award of Contract	April 2021
Start Project Construction	Summer 2021
Construction Substantially Complete	October 2021

XI. CONCLUSIONS AND RECOMMENDATIONS

The overall condition of the City's street and utility infrastructure systems is critical to the operation, safety, welfare and economic health of the entire community. As a result of the infrastructure needs described and the proposed solutions and estimated costs provided in this report, the proposed project is considered to be necessary, cost effective and feasible.

Appendix A

Resident Questionnaire
Resident Comments

QUESTIONNAIRE

2021 Ryan Lake Industrial Park Area Reconstruction Project

This questionnaire will help the City of Brooklyn Center Engineering staff to better understand the infrastructure needs and issues in your neighborhood. This survey can be returned in person to our drop box in front of the City Hall entrance, or by mail to: City of Brooklyn Center/Engineering Division, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430; by fax at 763-569-3440; or by email at: publicworks@ci.brooklyn-center.mn.us. Please return this survey by **November 20, 2020**. You may also contact us at 763-569-3340 to discuss these issues.

Please be advised we will contact you in the near future via mail regarding a meeting which will be held this fall. At the meeting we will gather additional information and solicit your input. Thank you for your cooperation in providing this important survey!

1. Contact Information:

Name: _____

Address: _____

Email Address: _____

Phone Number: _____

2. Our televised sewer inspections typically identify sanitary sewer services with moderate to severe root infiltration. Have you experienced any problems with sanitary sewer service, such as line plugging or having the service cleaned out to the street? If yes, how often?

3. Typically, improvements to the storm drainage system are needed. Do you have a problem with drainage or flooding in the street, your yard or basement?

4. Do you have a lawn irrigation (or sprinkler) system located within your property?

Please circle one: Yes No

5. Do you experience problems relating to the water distribution system such as water pressure, taste, odor or color?

6. Do you have a sump pump in your basement?

Please circle one: A. Yes, my sump pump runs frequently (at least once every day)
 B. Yes, my sump pump runs less frequently
 C. No, I do not have a sump pump or do not use my sump pump
 D. Unknown

(OVER)

7. Do you have draitile on you property?

Please circle one:

- A. Yes, it drains to the yard
- B. Yes, it connects to the storm sewer system
- C. No, I do not have draitile on my property.
- D. Unknown

8. A rain garden is simply a "sunken" flowerbed, designed to retain and infiltrate as much storm water as possible. The benefit to the environment is reduction in the amount of storm water entering our ponds, lakes and streams. If it is feasible to do so, do you wish to have a rain garden placed in the boulevard on your property? (If interested, further rain garden information will be provided this winter.)

Please circle one: Yes No Maybe

9. The City's policy pertaining to sidewalk improvements is that sidewalks are not typically installed on local "residential" streets unless the City Council orders the construction of sidewalks when such construction is warranted. Do you feel your neighborhood needs additional sidewalks?

Please circle one: Yes No

If yes, where?

10. The City's policy pertaining to spacing of existing street lights is to provide for lighting at intersections and at mid-block locations where spacing exceeds 700-feet. Do you feel your neighborhood needs additional street lighting?

Please circle one: Yes No

If yes, where?

11. Does anyone in your household have any respiratory illness or concerns including, but not limited to asthma or chronic obstructive pulmonary disease (COPD) that could be affected by dust and air quality issues? If yes, please explain below.

12. What other concerns, comments and/or issues do you have pertaining to the streets, sidewalks, utilities, etc., in your neighborhood?

Should you have questions or need more information, please contact the Engineering Division at 763-569-3340.

Please return by **November 20, 2020** to:

Engineering Division

City of Brooklyn Center

6301 Shingle Creek Parkway

Brooklyn Center, MN 55430

FAX 763-569-3440

Email: publicworks@ci.brooklyn-center.mn.us

Ryan Lake Industrial Park Area Street and Utility Improvements 2021 Survey Summary Results

Sanitary (2)	Storm (3)	Sprinkler System (4)	Water (5)	Sump Pump (6)	Draintile (7)	Rain Garden (8)	Sidewalk (9)	If yes, where? (9a)	Streetlights (10)	If yes, where? (10a)	Respiratory illness, health concerns, etc. (11)	Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (12)
47th Avenue N												
Yes, but not very often.	We have flooding in the street in front of 3401/3413 when we get a bad storm.	No	We have issues with black sediment, from time to time. Some residents need to run their water before using it.	No, I do not have a sump pump or do not use my sump pump	No, I do not have draintile on my property.	Maybe	No		No			The east side of 47th Ave is in need of resurfacing/repair.
48th Avenue N												
No, never had done that I can recall.	No storm drains on 48th Ave.	Yes	Yes, sometimes it is rusty looking.	No, I do not have a sump pump or do not use my sump pump	No, I do not have draintile on my property.	No	No	Business Park	Yes	Rather far apart.		The street should have been replaced twenty years past.
No	Yes, the street drains into our driveway/parking. We would like to create permeable paving parking but can't because of city street elevation.	No, in future yes.	Yes, very hard, bad taste, quality.	No, I do not have a sump pump or do not use my sump pump	No, I do not have draintile on my property.	Maybe	No		Yes	High crime area	No	The street drains into our front drive and parking. We are planning to build major landscape improvements like permeable paving, rain gardens, etc., but need this fixed by the city. Also, we have no curbs. Sod goes into street.

Appendix B

DRAFT Proposed Pending Assessment Roll

CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL

December 7, 2020

2021 RYAN LAKE INDUSTRIAL PARK AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2021-08 AND 09**DRAFT**

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	LEVY #	STORM	NOTES
1011821420038	3401	47th AVE N		\$ 39,565.15		\$14,266.49	Multi Family R5 (A) 73,843.13 sf, (B) 0 sf
1011821420030	3501	47th AVE N		\$ 13,926.79		\$5,021.75	Multi Family R5 (A) 25,992.52 sf, (B) 0 sf
1011821420029	3513	47th AVE N		\$ 13,926.81		\$5,021.76	Multi Family R5 (A) 25,992.55 sf, (B) 0 sf
1011821420019	3400	48th AVE N		\$ 16,235.28		\$5,854.15	Industrial (A) 30,301 sf, (B) 0 sf
1011821420015	3401	48th AVE N		\$ 14,772.82		\$5,326.86	Industrial (A) 25,787.88 sf, (B) 4,162.32 sf
1011821420018	3410	48th AVE N		\$ 12,840.81		\$4,630.17	Industrial (A) 23,961.01 sf, (B) 10.90 sf
1011821420014	3415	48th AVE N		\$ 14,569.41		\$5,253.55	Industrial (A) 23,988.10 sf, (B) 7,476.45 sf
1011821420017	3420	48th AVE N		\$ 12,841.44		\$4,630.40	Industrial (A) 23,961.11 sf, (B) 13.41 sf
1011821420042	3500	48th AVE N		\$ 32,647.50		\$11,772.16	Industrial (A) 58,882.35 sf, (B) 4,783.69 sf
1011821420013	3501	48th AVE N		\$ 14,563.09		\$5,251.27	Industrial (A) 23,978.02 sf, (B) 7,472.42 sf
1011821420012	3515	48th AVE N		\$ 21,242.33		\$7,659.72	Industrial (A) 34,979.35 sf, (B) 10,890.21sf
1011821410015		Address Unassigned		\$ 32,644.18		\$11,770.91	Industrial (A) 60,926.06 sf, (B) 0 sf
1011821420021	4811	Dusharme DR		\$ 27,626.97		\$9,961.82	Industrial (A) 50,612.02 sf, (B) 2,217.11 sf
Total Assessments				\$ 267,402.58		\$ 96,421.01	

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Mark Ebensteiner, Finance Director

SUBJECT: Coronavirus Relief Fund (CRF) Local Government Expenditure Report

Background:

In July, the city received \$2,433,415 of Coronavirus Relief Funds (CRF). A memo that provides detail of the city's final submission of eligible expenditures through November 15 has been provided.

Budget Issues:

Coronavirus Relief Funds were utilized pursuant to the CARES Act and Treasury Guidance for expenditures incurred due to the public health emergency. These costs were not previously accounted for in the most recently approved budget and were incurred during the period of March 1, 2020 through November 15, 2020.

Strategic Priorities and Values:

Resident Economic Stability, Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
CARE Act Funding Memo	12/8/2020	Cover Memo
November 15 - Final CARES Submission	12/8/2020	Backup Material
CARES Funding Resolution	12/8/2020	Resolution Letter



TO: City Council

FROM: Mark Ebensteiner, Finance Director
Curt Boganey, City Manager

SUBJECT: CARES Act Funding

DATE: December 14, 2020

On July 29, 2020 the City of Brooklyn Center received \$2,433,415 in CARES Act Relief Funding. Summarized information is presented in the table below with more detailed information presented for each allocation. The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that –

1. Are necessary expenditures incurred due to public health emergency with respect to the Coronavirus Disease 2019 (COVID19);
2. Were not accounted for in the budget most recently approved as of March 27, 2020;
3. Were or will be incurred during the period that begins on March 1, 2020, and ends on November 15, 2020

As required by the State of Minnesota, the City has completed and submitted monthly reports categorizing the use of the funds. On November 24, the city completed the final report to the state that included eligible expenses incurred through November 15. A resolution approving the final report to the state is included with this item.

The next page summarizes CARES expenditures and the information reported to the state and includes additional information on eligible expenditures that also qualify for CARES Act spending.

As a requirement of the funding, the city will be required to complete a "Single Audit", which is an additional audit that will be completed by the city's independent audit firm, but will focus solely on compliance with federal funding requirements. Staff has had preliminary discussions with the auditors to ensure required documentation and justification is available.

Amounts, descriptions and reference to guidance has been included within the memo on all amounts included in the final report submitted to the State of Minnesota.

City of Brooklyn Center
CARES Relief Fund
As of November 15, 2020

Cares Funding Received July 29, 2020 \$ 2,433,415

Description	Amount	% of Total
Personnel Services		57%
Personnel diverted to substantial different use/Paid leave	1,113,672	
Public Health and Safety Employees - Public Safety	266,177	
Personal Protective Equipment/Supplies		5%
General	80,567	
Enhanced Breathing Masks - Sworn Officers	18,437	
Lucas Machine - Fire Department	14,754	
Grant/Loan Programs		14%
City, ACER, LIBA	347,879	
Facility/Technology Improvements		15%
HVAC Ionization - All buildings	193,900	
Touch Free Upgrades - All buildings	124,005	
Emergency Response System Upgrades - West Fire	58,193	
Improve Telework Capabilities	19,246	
Resident Economic Stability - City Efforts		1%
Brooklyn Center Senior iPads/Tablet Program	18,918	
Resident Economic Stability - Community Partner Efforts		7%
Health on the Go mobile services	92,948	
Back to school / class / work family covid-19 and distance learning packs	55,219	
Public Art Initiative	29,500	
Total	\$ 2,433,415	
Remaining Balance	\$ 0	

Additional expenditures were incurred that would also qualify for CARES act spending. The additional expenses include expense for payroll for personnel protective equipment, unemployment benefits, technology for teleworking, public safety employees, document scanning services, mobile health service items, and additional capital project costs related to temporary water service modifications.

In consultation with the League of MN Cities, Metro Cities, federal guidance, and our auditors a basis for the allocation of CARES Act Relief Funding is as follows:

Personnel Services

Substantial different use

Personnel Diverted to a Substantially Different Use. City personnel job duties were substantially diverted in response to the pandemic. A subledger was created (W.00002019) and utilized during time entry to identify hours/time spent on impacted job duties. These duties included but were not limited to:

- Response coordination
- COVID-19 policy development
- Meetings
- Additional cleaning and disinfection
- COVID-19 strategic planning
- Communication to public and staff
- Building preparation

Included in this category as well is Emergency paid leave that accounts for employees who were unable to work as a result of Minnesota's Stay At Home Directive to mitigate the spread of the virus. Primarily employees at the Community Center, Earle Brown Heritage Center and Municipal Liquor stores were impacted.

As eligible under the CFR FAQ dated 7/8/2020.

The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a "substantially different use" for purposes of the Fund eligibility?

Costs incurred for a "substantially different use" include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty's ordinary responsibilities.

Note that a public function does not become a "substantially different use" merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

Public Health and Safety Employees – Public Safety

Public Safety employees encountered many challenges as they responded to the pandemic. Some time was coded directly to the COVID-19 subledger based on specific duties and hours they spent on tasks. In addition, a portion of patrol officer payroll was also allocated to CARES funding. A list of COVID related tasks included but is not limited to the following:

- Designing and implementing modified schedules for a variety of staff positions.
- Identifying equipment to allow some staff to work from home, and then getting it in place.
- Troubleshooting new processes / modifying existing processes to keep our business practices as efficient and economical as possible with set of staff working from home while others remained at work.
- Evaluating PPE needs, and then ordering and distributing them.
- Attending meetings and briefings from “experts” to learn more about COVID and how we should be responding to community members needs and staff needs.
- COVID Innovation Meetings
- Draft City-wide ELF leave policy
- Craft HC jail booking memo
- Zoom meetings with HCSO regarding COVID
- North SIT-Rep Meetings
- Commander meetings planning alternative patrol schedules
- Finding, ordering and in some circumstances picking up gloves,
- Ordering Hand sanitizer (on going for several weeks until the supply chain caught up with demand)
- Ordering disinfectant (on going for several weeks until the supply chain caught up with demand)
- Evaluating the schedule for potential changes (5 on 14 off or a variance of that)
- Informing the department about our response to medicals, and other COVID related issues
- Daily briefings from North memorial, to eventual weekly briefings
- Educating the Patrol division on COVID symptoms, how it’s transmitted, what is safe, what isn’t
- To a limited extent-filling shifts with vacancies due to COVID 19
- Strategic response plan as it relates to Emergency management (3 hours at West fire Sunday night)
- Updates to Patrol about COVID-general education about the spread and safety
- Researched ways to sanitized the city and get equipment related to sanitizing
- All related to the COVID grant proposal
- Researched options to prevent COVID (washing machines at the PD, other sanitizing options).
- Monitored the usage of our PPE’s and reordering abilities

63. According to Treasury's FAQs, for administrative convenience, a State can presume that all payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency and, thus, can be covered by CRF. Will Treasury OIG or the PRAC ever question the applicability of this presumption in the audit context? If so, under what circumstances?

During its reviews and audits, Treasury OIG will allow the use of the administrative accommodation made in accordance Treasury's FAQs. See responses to related questions 69, 70, and 71.

70. To what level of documentation will a government be held to support the reimbursement of public health and safety payroll that was "presumed" to be substantially dedicated to mitigating the emergency?

The recipient of CRF payments must maintain and make available to Treasury OIG upon request, all documents and financial records sufficient to establish compliance with subsection 601(d) of the Social Security Act, as amended (42 U.S.C. 801(d)). Documents/records include payroll records for the covered period March 1 through December 30, 2020. Records include, but are not limited to (1) general and subsidiary ledgers used to account for the receipt of CRF payments and subsequent disbursements; and (2) payroll, time, and human resource records to support costs incurred for payroll expenses. Please refer to the Treasury OIG memorandum, Coronavirus Relief Fund Reporting and Record Retention Requirements (OIG-20-021; July 2, 2020). These document requirements apply to supporting payroll reimbursement amounts using CRF proceeds and not to support the presumption that public health and safety payroll is substantially dedicated to mitigating the emergency.

a. Will a government have to demonstrate/substantiate that a public health or public safety employee's function/duties were in fact substantially dedicated to mitigating the emergency?

No, the government will not have to demonstrate/substantiate that a public health or public safety employee's function/duties were substantially dedicated to mitigating the emergency but must maintain records and documentation supporting payroll amounts reimbursed using CRF proceeds. As indicated in Treasury's Guidance, as an administrative accommodation, governments may presume that public health and public safety employees meet the substantially dedicated test, unless the chief executive (or

Personal Protective Equipment/Supplies

Items include protective shields, sanitizer, disinfectant, wipes, signage, building modifications, gloves and face masks. As eligible in accordance with the Federal CRF Guidance dated June 20, 2020.

2. Public health expenses such as:

- Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
- Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
- Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
- Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
- Expenses for public safety measures undertaken in response to COVID-19.
- Expenses for quarantining individuals.

Grant/Loan Programs

Small Business, Local Nonprofit and Loan Program administered by the City and under contract with African Career, Education & Resource (ACER) and Liberian Business Association (LIBA).

Small Business Relief Program:

The City has invested CARES funding to support small and micro businesses through two different programs being administered by ACER and LIBA. The goal of the program is to support small local businesses, particularly minority-owned businesses, who may be facing barriers to access other sources of financial relief offered by the state or County. The programs involve technical assistance and one-on-one customized relief packages.

Local Nonprofit Support for Direct Services

The City allocated CARES funding to aid local nonprofits who are directly serving residents who have been impacted by the pandemic. The funds were distributed among five agencies. Four of the organizations will provide direct assistance to residents. Fifteen percent of the funds will go directly to the agencies to cover the administration of the programs. The remaining 85 percent of funds are being provided directly to residents who have experienced financial hardship due to the pandemic through grants up to \$3,000. Funds will be used to cover rent/mortgage assistance, private utility payments, internet service, and food assistance. CEAP is receiving CARES funding through the program to assist with converting their distribution center to allow drive-thru services which will reduce the need for vulnerable populations to exit their vehicles when picking up food.

Forgivable Loan Program:

Funds were provided to support small business relief through micro loans of \$3,000. Over 20 businesses have been served through the program.

As eligible under the CFR FAQ dated 7/8/2020.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

Facility/Technology Improvements

Technology expenses incurred to provide employees the ability to work from home, electronic public meetings and teleconferencing. Conference room technology upgrades were necessary to facilitate distance learning, teleconferencing and remote training. The Emergency Operations Center was also upgraded at the west fire station. As eligible in accordance with the Federal CRF Guidance dated June 20, 2020.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
- Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.

Facility improvements were completed to update the HVAC systems and include ionization equipment to provide for cleaner air throughout city buildings. Also, touch free upgrades were included in all city buildings to minimize use of high touch surfaces. We have determined that the completed upgrades were necessary to ensure employees and the public are safer as they are within city buildings. As eligible in accordance with Federal CRF Guidance dated October 19, 2020.

58. May payments from the Fund be used for real property acquisition and improvements and to purchase equipment to address the COVID-19 public health emergency?

The expenses of acquiring or improving real property and of acquiring equipment (e.g., vehicles) may be covered with payments from the Fund in certain cases. For example, Treasury's initial guidance referenced coverage of the costs of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs, as an eligible use of funds. Any such use must be consistent with the requirements of section 601(d) of the Social Security Act as added by the CARES Act.

As with all uses of payments from the Fund, the use of payments to acquire or improve property is limited to that which is necessary due to the COVID-19 public health emergency. In the context of acquisitions of real estate and acquisitions of equipment, this means that the acquisition itself must be necessary. In particular, a government must (i) determine that it is not able to meet the need arising from the public health emergency in a cost-effective manner by leasing property or equipment or by improving property already owned and (ii) maintain documentation to support this determination. Likewise, an improvement, such as the installation of modifications to permit social distancing, would need to be determined to be necessary to address the COVID-19 public health emergency.

Resident Economic Stability – City Efforts

As a result of the city initiative “Beyond Covid” the city utilized CARES funding to purchase 40 Ipads to be distributed to senior care facility residents. The purpose was to respond to the public health emergency, which included the need for residents to have a means to complete telehealth meetings as well as communicate with family members to support their emotional well-being.

As eligible in accordance with Federal CRF Guidance dated June 20, 2020.

2. Public health expenses such as:

- Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
- Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
- Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
- Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
- Expenses for public safety measures undertaken in response to COVID-19.
- Expenses for quarantining individuals.

Resident Economic Stability – Community Partner Efforts

Health on the Go Mobile Services

The City of Brooklyn Center partnered with the City of Brooklyn Park and purchased a “Tiny Health House” mobile unit which will be utilized to provide mobile health services. Some of the key activities during this pilot will include:

- A. Coordination: Use inclusive and equity centered facilitation to bring together SME’s, providers and partners to deliver health resources.
- B. Training and Partnership Agreements: Build agreement, monitor and ensure community health outreach and customer service is culturally responsive
- C. Evaluation: Feedback on cultural responsiveness, feedback on what is needed, assess short-term results and share with the community.
- D. Mobile Services:
 - COVID tests
 - COVID information
 - COVID prevention supplies
 - Flu Shots
 - Mental Health

Back to school / class / work family covid-19 and distance learning packs

In partnership with other organizations, funding was utilized for back to School / Class / Work Family COVID-19 and Distance Learning Packs. Some of the items placed in the packs included portable desks, portable headsets, family size hand sanitizers, school supplies, thermometers, face shields, and family soap size for washing hands. As of mid-October, there had been over 748 families served by North Hennepin College, City of Brooklyn Park, Brooklyn Center Community Schools, Hennepin Technical College and City of Brooklyn Center. Over 230 families had been served in Brooklyn Center.

Public Art Initiative

Funding for BCTC PRIDE AND SAFETY PUBLIC ART INITIATIVE. This initiative involves local artists conducting community art-making workshops. The local artists will be the creative leader for community workshops will be conducted at a safe distance and outdoors. Community art projects could include:

- Designing cut paper graphic designs related to community pride and safety. These could would be digitized by the workshop leader/graphic designer to be made into community designed facemasks, as well as, semi-transparent window clings to be installed in the spring.
- Painting a mural or creating a mosaic, predesigned by the artist with the input of community members' input beforehand, and with the theme of community pride and safety. The mural/mosaic would be installed later. The community members and lead artist would paint/mosaic on a large substrate to be fastened to a wall.

As eligible in accordance with the Federal CRF Guidance dated June 20, 2020:

2. Public health expenses such as:

- Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
- Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
- Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
- Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
- Expenses for public safety measures undertaken in response to COVID-19.
- Expenses for quarantining individuals.

Also, as eligible in accordance with Federal CRF Guidance dated June 30, 2020:

6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.



Please save your report based on the following example:
RochesterCity_August2020
Submit in Excel format to CRAOffice.mmb@state.mn.us seven business days after the end of each reporting period.

Local Government Expenditure Report		
	10 digit SWIFT Supplier ID # (begins with 0000) Select this link for SWIFT ID list	Date Submitted (Enter in MM/DD/YYYY Format)
Name of Local Government (this will auto populate based on your SWIFT Supplier ID)		
BROOKLYN CENTER CITY	0000195663	11/24/2020
	DUNS Number (Select this link for more information)	Phone Number (enter 10 digits without spaces or dashes)
Name and Title of Person Filling Out Form		
Mark Ebensteiner, Finance Director	071355937	7635693345
	Amount of CRF Received from the Department of Revenue	Total Spent to Date (this amount will autofill)
Email Address		
mebensteiner@ci.brooklyn-center.mn.us	\$ 2,433,415	\$ 2,433,415.00
Use the drop down in cell D14 to select "Interim" if your agency has any unspent funds and "Final" in the box if all available CRF funds have been spent and this will be your final report.	Final	
Please submit this report no later than 7 business days after the end of each month to provide the spend status of allotted Coronavirus Relief Funds (CRF), CFDA Number 21.019 awarded by the State of Minnesota.	Amount of CRF Remaining (this amount will autofill)	
	\$ 0.00	

The covered period for these expenses is March 1, 2020 through November 15 (cities and towns) /December 1, 2020 (counties).

DO NOT USE CRF FUNDS FOR ANY COST INCURRED OUTSIDE THIS COVERED PERIOD.

[illegible]

Budgeted Personnel and Services Diverted to a Substantially Different Use	1) Payroll and benefit expenses of public employees whose work duties were substantially dedicated to mitigating or responding to the COVID-19 public health emergency. 2) Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. 3.) Providing paid sick and paid family and medical leave to employees to enable compliance with COVID-9 public health precautions.	1113671.88	0.00	949179.75	63869.96	64278.70	36343.47	0.00
COVID-19 Testing and Contact Tracing		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Economic Support (other than small business, housing, and food assistance)		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Expenses Associated with the Issuance of Tax Anticipation Notes		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Facilitating Distance Learning		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Food Programs		20000.00	0.00	0.00	0.00	20000.00	0.00	0.00
Housing Support		60000.00	0.00	0.00	0.00	60000.00	0.00	0.00
Improve Telework Capabilities of Public Employees	1.) Improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.	19246.05	0.00	2931.00	1492.12	68.88	14754.05	0.00
Medical Expenses		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Nursing Home Assistance		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Payroll for Public Health and Safety Employees	1) Public safety employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.	266177.29	0.00	127462.04	2852.10	3572.69	132290.46	0.00
Personal Protective Equipment	1) Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment.	70165.04	0.00	44681.78	371.72	832.28	24279.26	0.00
Public Health Expenses	1) Expenses for disinfection of public areas and other facilities. 2) Expenses for public safety measures undertaken in response to COVID-19. 3) Health on the go 4) Facility safety improvement	581659.39	0.00	44708.19	173091.33	2830.25	361029.62	0.00

CRF Fund Spending Confirmations

X

Use the dropdown menu to place an "X" in the cell B78 to confirm that your CRF funding request meets federal guidance:
(1) as a necessary expenditure to respond to the COVID-19 public health emergency,
(2) is not accounted for in the current budget,
(3) expenses were incurred during the covered period. See box C18 for explanation, and
(4) does not include any ineligible expenses as defined in federal guidance.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING CARES ACT FUNDING MEMO AND APPROVING FINAL
CORONAVIRUS RELIEF FUND LOCAL GOVERNMENT EXPENDITURE REPORT

WHEREAS, the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act established the Coronavirus Relief Fund (CRF), providing payments to state, local, and tribal governments navigating the impact of the COVID-19 pandemic; and

WHEREAS, the City of Brooklyn Center (City) received a \$2,433,415 of allocated CRF funds from the State of Minnesota; and

WHEREAS, pursuant to the CARES Act and Treasury Guidance, the City Council has considered how to use its CARES Act funds in a manner that complies with each of the following requirements:

1. Are necessary expenditures incurred due to public health emergency with respect to COVID-19;
2. Were not accounted for in the budget most recently approved as of March 27, 2020;
3. Were or will be incurred during the period that begins on March 1, 2020, and ends on November 15, 2020; and

WHEREAS, the City Council has received the CARES Act Funding memo detailing the use of CRF Funds; and

WHEREAS, the City is required to submit a final CRF local government expenditure report to the State of Minnesota COVID-19 Response Accountability Office.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN CENTER, MINNESOTA, hereby accepts the CARES Act funding memo and approves the final CRF local government expenditure report.

December 14, 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.

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Doran Cote, P.E., Public Works Director

SUBJECT: Presentation by the Highway 252 Safety Task Force Regarding Their Community Survey on Highway 252 Improvements

Background:

On October 26, 2020, the City Council invited the Highway 252 Safety Task Force to present the findings of their community survey to the City Council. The Highway 252 Safety Task Force was invited to the November City Council meetings and the December 14, 2020 City Council meeting. The Highway 252 Safety Task Force chose the December 14, 2020 meeting to present their findings. Attached are the Task Force's survey questions, the responses and a map indicating from where the responses came.

Budget Issues:

There are no budgetary issues with the proposed action.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Highway 252 Safety Task Force - Survey	12/7/2020	Cover Memo
Highway 252 Safety Task Force - Survey Results	12/7/2020	Cover Memo
Map	12/7/2020	Cover Memo

HIGHWAY 252 SURVEY

The Highway252 Safety Task Force wants your opinion about changes to 252.

MnDOT has announced the plans for Highway 252 are under active reconsideration. This gives us a window to provide input on what the plan should include. These changes may affect safety and community functionality. What do you think are the important issues and considerations regarding the reconstruction of Highway 252?

You are not restricted to merely answering the survey questions. Any thoughts you have about a question, may be added at the end. You need not answer questions that you do not have an opinion about.

To fill out the survey go to the website; **highway252.com** to answer all survey questions electronically. Instructions will be provided on the website. Make sure you cut and paste or type **highway252.com** there are similarly named web sites. You can also contact us through the website, or send an email to 252safety@gmail.com.

Your name, address and email must be included to assure authenticity. Individual answers will be combined. Who made any particular answer will be *Confidential*. If you do not have the ability to go to the website, you can manually fill out the questionnaire and we will pick it up, call 612-447-8879 and leave your name and address and phone number.

The Survey

1. Do you favor:

- a. *Converting Highway 252 to an Expressway. An expressway is a road with no traffic lights or stops along its length, it has controlled access with fewer exit and entry points,*
- b. *Improving Highway 252 without converting it to an expressway. such as flashing signs warning of red lights, pedestrian overpasses, enforcement of speed limits, dividers to protect left-hand turners at 66th and 73^d,*
- c. *Leaving highway 252 as it is.*

2. If Highway 252 is converted to an Expressway do you favor (2 answers may apply):

- a. *An Expressway that is a Parkway, for example in St. Paul, 35E south of downtown to the Mississippi River is a parkway with a median area that has trees, bushes and flowers,*
- b. *An Expressway that is not a Parkway. This would be similar to I 94 from 252 to downtown.*
- c. *A Green Highway. A Highway engineered and constructed to reduce the environmental impact of the highway by the materials used and the manner in which it is constructed.*

3. What do you believe the speed limit should be for Highway 252?

- a. *45 mph, b. 55 mph, c. 60 mph, d. 70 mph.*

4. Several plans called for reopening West River Road at 74th to through traffic. It has been closed for many years due to safety concerns. How do you feel about this?

a. Strongly support, b. Somewhat support, c. Somewhat oppose, d. Strongly oppose.

5. In planning the new Highway 252, do you support MnDOT safety rules being followed in the design of the new 252, as was done in some, but not other prior plans?

a. strongly support, b. Somewhat support, c. I do not think it's important.

6 MnDOT safety rules recommend interchanges be at least a mile apart. In, a previous proposal, an interchange was proposed about 1/3 mile from the multiple interchange of Highways 694/94/252/100. Do you think:

a. Interchanges should be at least the recommended minimum distance apart,

b. Interchanges should substantially comply with the recommended minimum distance,

c. This safety rule is not important.

7. MnDOT acknowledges entering a highway is a complicated task. The "absolute minimum" distance for entrance/acceleration lanes is 2000 feet for expressways. An entrance lane of 830 feet was proposed for 252. Do you think:

- a. Entrance acceleration lanes must comply with at least the absolute minimum safe distance,
- b. Acceleration lanes should substantially comply with the absolute minimum safe distance,
- c. This safety rule is not important.

8. MnDOT projects traffic on 252 will increase to 110,000 cars a day, from 60,000, after becoming an expressway. Traffic on Central and University will decrease as traffic diverts to 252. Does this concern you?

- a. very much, b. somewhat, c. It is a minor concern, d. not a concern.

9. Should the rebuilding of 252 be coordinated with rebuilding other north-south highways in the area, such as Highway 65(Central) and 47(University), so traffic will not unnecessarily be diverted to 252 from other highways?

- a. Very important, b. Somewhat important, c. Of minor importance, d. This does not matter.

10. Currently, Metro transit is planning, once 252 is remodeled, to have no express bus stops on 252 in Brooklyn Center. Do you consider express bus stops, in Brooklyn Center:

- a. Very important, b. Somewhat Important, c. Not very important, d. Not important at all.

11. If there is no express bus service on 252, would, local bus service, using West River Road to go back and forth on, be something you would:

a. Strongly support, b. Support c. Oppose, d. Strongly oppose.

12. If having local bus service required reopening West River Road at 74th, to accommodate that bus service, would that change your opinion on the previous question? (Multiple answers may be appropriate to this question.)

a. It would increase my support for local bus service.

b. It would decrease my support for local bus service.

c. It would increase my support for opening up West River Rd. At 74th.

d. It would decrease my support for opening up West River Rd. At 74th.

e. it would not affect my answer to question 11.

13. Some plans raised 252 about 20 feet in places, which is above the roofs of many houses in the area. Concerns, about noise and waste pollution arose. Would this concern you?

a. Very much, b. Somewhat, c. Not much, d. Not at all.

14. Some previous plans, had local vehicles pedestrians, and bikes going beneath 252 to cross it. Some people felt this raised safety issues. In the new plan, would you prefer;

a. local roads not go under 252 but over it on a bridge,

b. 252 be raised up and local roads go under it,

c. *This issue is not important to me.*

15. The Mississippi river is 110 feet from where a proposed elevated interchange might go. At all other places on 252 the river is multiple blocks from 252. Protecting the river is:

a. *very important, b. Somewhat important, c. Not very important, d. Not important.*

16. ZIP Code 55430 has, many times the state average of asthma suffers, resulting in many more hospital and emergency room visits than elsewhere. Are you concerned how the traffic increase might affect this:

a. *Very concerned, b. Somewhat concerned, c. Not very concerned, d. Not concerned.*

17. How much importance should be given to not increasing, and perhaps reducing, air pollution, noise pollution, and waste pollution along 252 when 252 is redesigned?

a. *Very important, b. Somewhat important, c. of little importance, d. No importance.*

18. How important do you believe effective sound barriers are for the new 252?

a. *very important, b. somewhat important, c. of minor importance, d. It is not important.*

19. Do you believe an important consideration in the remodel of highway 252 should be improving Brooklyn Center as a community?

a. very important, b. somewhat important, c. of minor importance, d. It is not important.

20. Closing entrance/exit to one point to an get on/off 252, means that more traffic will travel north-south on local streets to get to 252. How important is minimizing the additional traffic on residential streets?

a. very important, b. somewhat important, c. of minor importance, d. It is not important.

21. There are locations where interchanges could be built largely on land already owned by governmental entities. How important is minimizing the number of homes or businesses that will be destroyed in this project?

a. very important, b. somewhat important, c. of minor importance, d. It is not important.

22. Hundreds of millions of dollars is to be spent on 252. How important is making sure Brooklyn Center only pays its fair share of those cost.

a. very important, b. somewhat important, c. of minor importance, d. It is not important.

23 Some of the previous proposed interchanges, had safe designs, some did not, emphasizing location over safety. How important is it that the interchange built has a safe and driver friendly design?

a. *very important, b. somewhat important, c. of minor importance, d. It is not important.*

24. The new 252 is a few years away. What temporary measures, previously, suggested at community meetings, do you support?

a. *Large flashing signs, long before traffic lights that warn of light changes,*

b. *Reduce the speed limit on 252,*

c. *Greater police enforcement of speed limits on 252,*

d. *Barriers that protect left turning vehicles from being hit by ongoing traffic,*

e. *Build one or more pedestrian/bicycle overpasses at 66th, 70th and/or 73^d,*

f. *Cleanup debris from accidents promptly so it does not remain on the street.*

25. How important is it for plans to be public, regarding alternative locations, types of interchanges, pollution, safety, and other details, for public feedback, before a particular plan is selected to be presented as the final proposal?

a. *very important, b. somewhat important, c. of minor importance, d. It is not important.*

26. Please rank in order of importance, the top 4 priorities that should be central to the rebuilding of 252 and the 2 least important.

a. *Safety,*

b. *Cost,*

c. *Convenience,*

d. *Traffic from outside to get through Brooklyn Center as quickly as possible,*

e. *Improving Brooklyn Center as a community,*

f. *Maintaining or improving the safety/ integrity of neighborhoods,*

g. *Reducing pollution/or at least not increasing it,*

h. *Protecting the Mississippi River,*

j. *Serving alternative methods of transportation other than automobiles,*

k. *Reducing the traffic on side streets,*

l. *Faster commute times,*

j. *Other.*

You have finished the survey!

Thank you.

Answers to the survey will be combined, your individual answers will be confidential.

To assure only one survey per person, and that you live in the 252 corridor we need;

Your

name _____

address_____

and
email_____

Thank you

THE 252 SAFTEY TASK FORCE

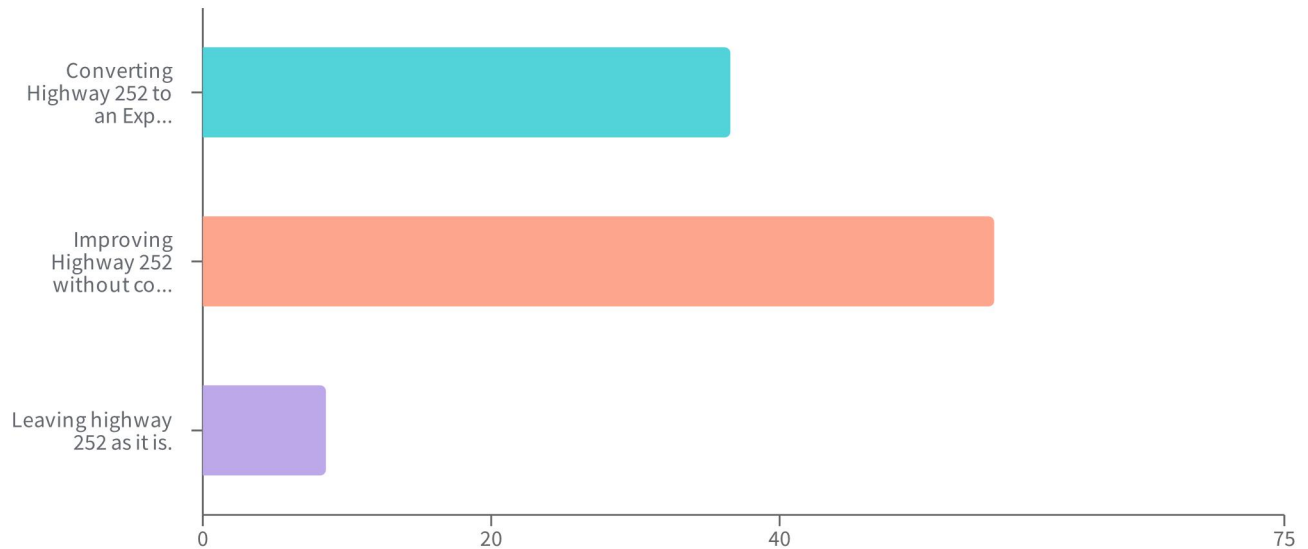
Replies should return on or before September 1, 2020.

HIGHWAY 252 SURVEY

QUESTION 02 | MULTIPLE CHOICE

Do you favor . . .

Answered: **164** Skipped: **2**



ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Converting Highway 252 to an Expressway. An expressway is a road with no traffic lights or stops along its length, it has controlled access with fewer exit and entry points.	60	36.59%
Improving Highway 252 without converting it to an expressway. such as flashing signs warning of red lights, pedestrian overpasses, enforcement of speed limits, dividers to protect left-hand turners at 66th and 73rd.	90	54.88%
Leaving highway 252 as it is.	14	8.54%

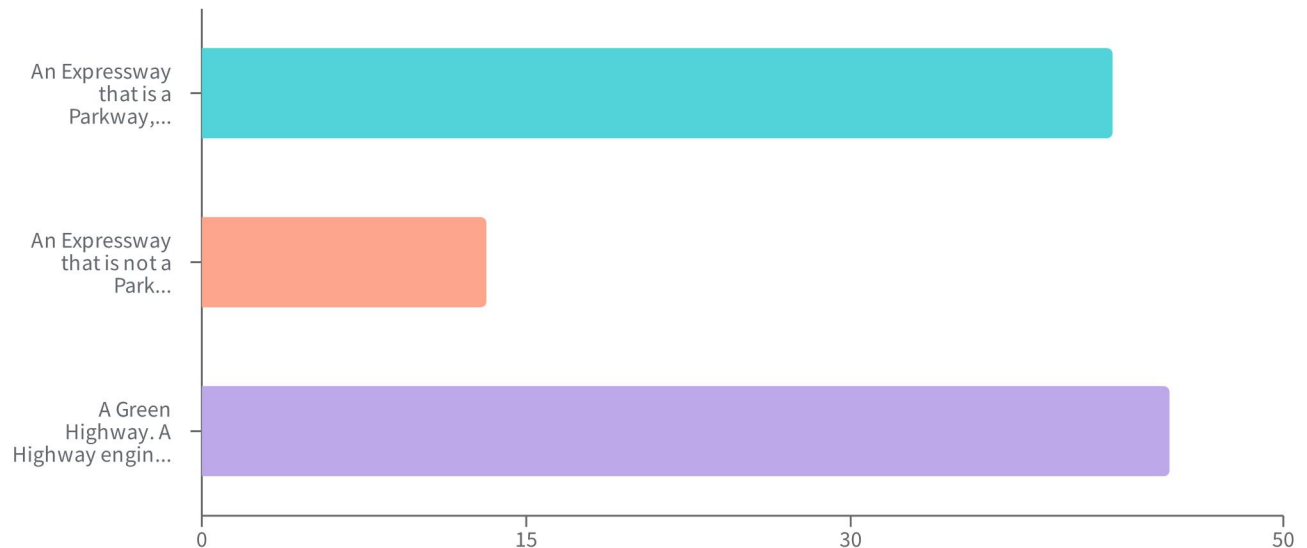
QUESTION 03 | MULTIPLE CHOICE

If Highway 252 is converted to an Expressway do you favor . .

.

Select up to two choices

Answered: **156** Skipped: **9**



ANSWER CHOICES ▾

RESPONSES ▾

RESPONSE PERCENTAGE ▾

An Expressway that is a Parkway, for example in St. Paul, 35E south of downtown to the Mississippi River is a parkway with a median area that has trees, bushes and flowers.

80

42.11%

An Expressway that is not a Parkway. This would be similar to I 94 from 252 to downtown.

25

13.16%

A Green Highway. A Highway engineered and constructed to reduce the environmental impact of the highway by the materials used and the manner in which it is constructed.

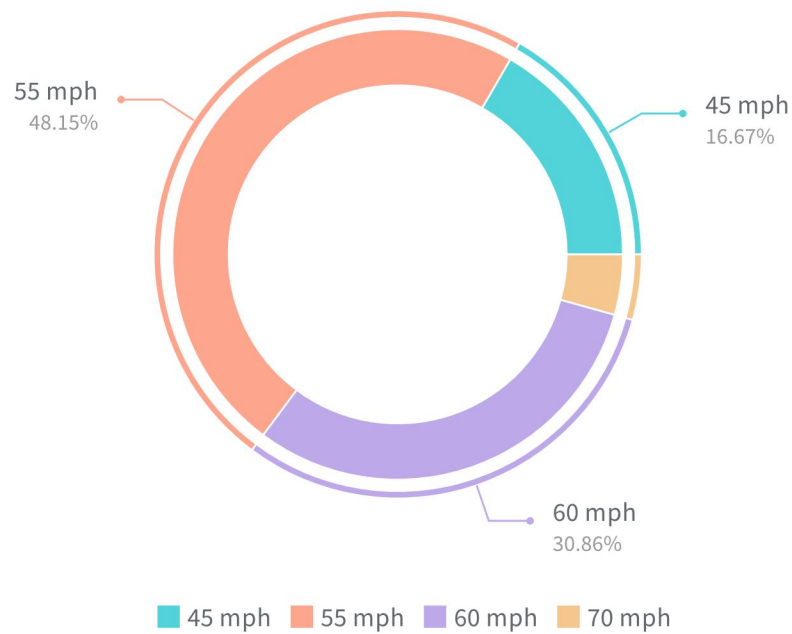
85

44.74%

QUESTION 04 | MULTIPLE CHOICE

What do you believe the speed limit should be for Highway 252?

Answered: 162 Skipped: 4



ANSWER CHOICES ▾

RESPONSES ▾

RESPONSE PERCENTAGE ▾

45 mph

27

16.67%

55 mph

78

48.15%

60 mph

50

30.86%

70 mph

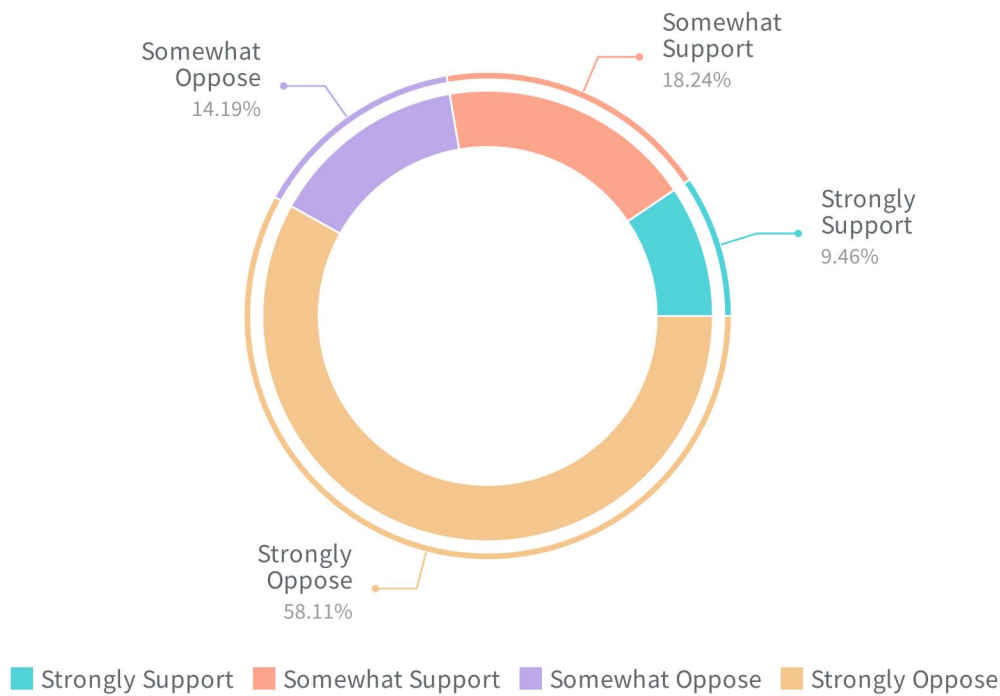
7

4.32%

QUESTION 05 | MULTIPLE CHOICE

Several plans called for reopening West River Road at 74th to thru traffic. It has been closed for many years due to safety concerns. How do you feel about this?

Answered: **148** Skipped: **18**



ANSWER CHOICES ▾

RESPONSES ▾

RESPONSE PERCENTAGE ▾

Strongly Support

14

9.46%

Somewhat Support

27

18.24%

Somewhat Oppose

21

14.19%

Strongly Oppose

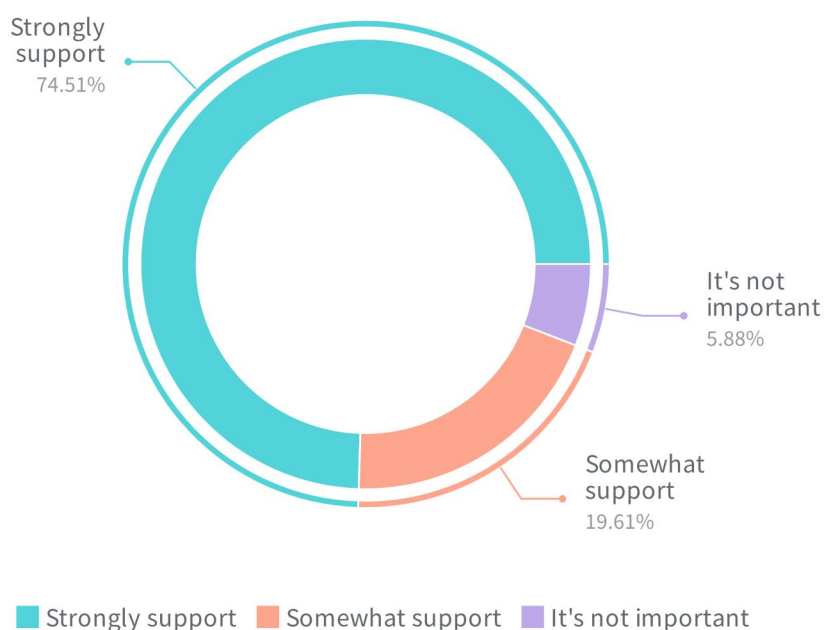
86

58.11%

QUESTION 06 | MULTIPLE CHOICE

In planning the new Highway 252, do you support MnDOT safety rules being followed in the design of the new 252, as was done in some, but not other prior plans?

Answered: **153** Skipped: **13**



ANSWER CHOICES ▾

RESPONSES ▾

RESPONSE PERCENTAGE ▾

Strongly support

114

74.51%

Somewhat support

30

19.61%

It's not important

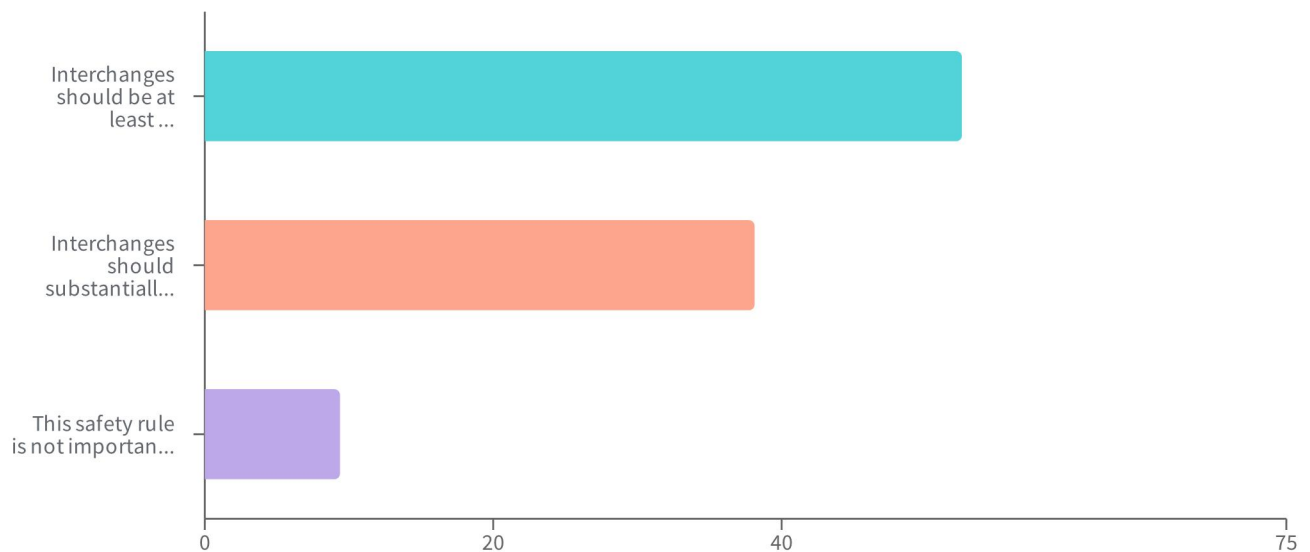
9

5.88%

QUESTION 07 | MULTIPLE CHOICE

MnDOT safety rules recommend interchanges be at least a mile apart. In, a previous proposal, an interchange was proposed about 1/3 mile from the multiple interchange of Highways 694/94/252/100. Do you think . . .

Answered: **160** Skipped: **5**

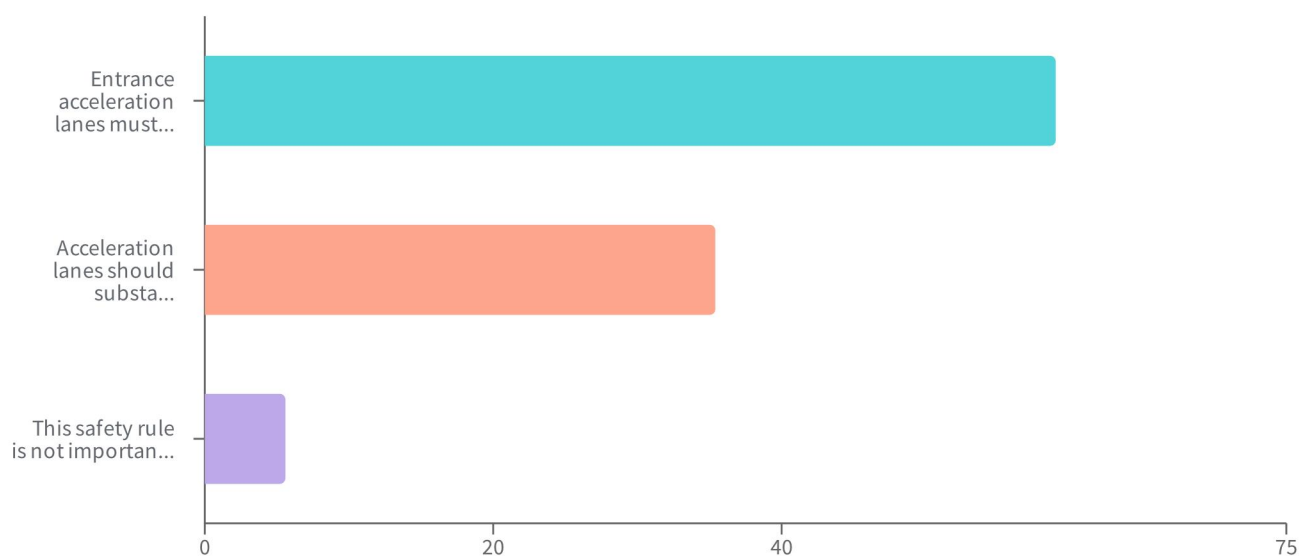


ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Interchanges should be at least the recommended minimum distance apart.	84	52.50%
Interchanges should substantially comply with the recommended minimum distance.	61	38.13%
This safety rule is not important.	15	9.38%

QUESTION 08 | MULTIPLE CHOICE

MnDOT acknowledges entering a highway is a complicated task. The “absolute minimum” distance for entrance/acceleration lanes is 2000 feet for expressways. An entrance lane of 830 feet was proposed for 252. Do you think . . .

Answered: **161** Skipped: **4**



ANSWER CHOICES ▾

RESPONSES ▾

RESPONSE PERCENTAGE ▾

Entrance acceleration lanes must comply with at least the absolute minimum safe distance.

95

59.01%

Acceleration lanes should substantially comply with the absolute minimum safe distance.

57

35.40%

This safety rule is not important.

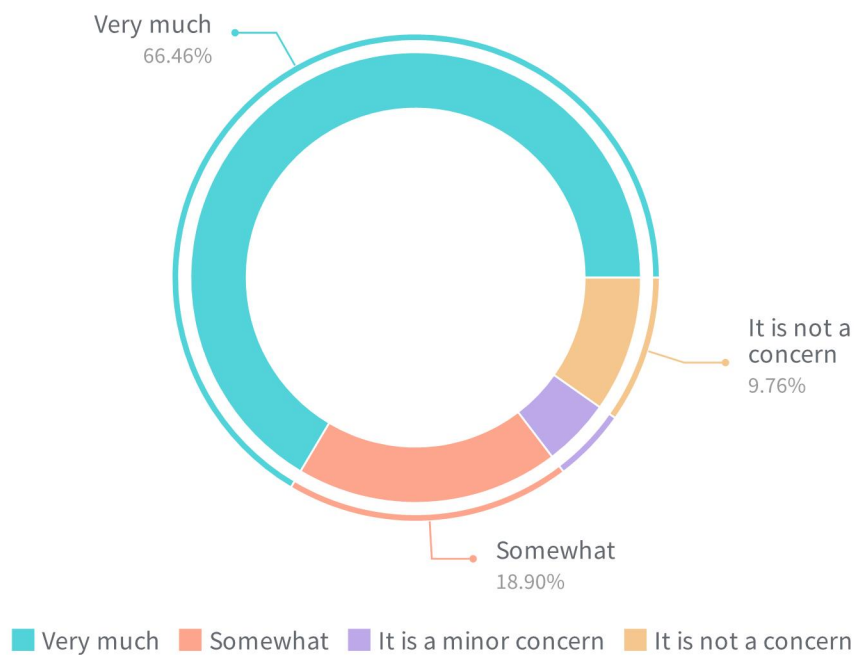
9

5.59%

QUESTION 09 | MULTIPLE CHOICE

MnDOT projects traffic on 252 will increase to 110,000 cars a day, from 60,000, after becoming an expressway. Traffic on Central and University will decrease as traffic diverts to 252. Does this concern you?

Answered: **164** Skipped: **1**

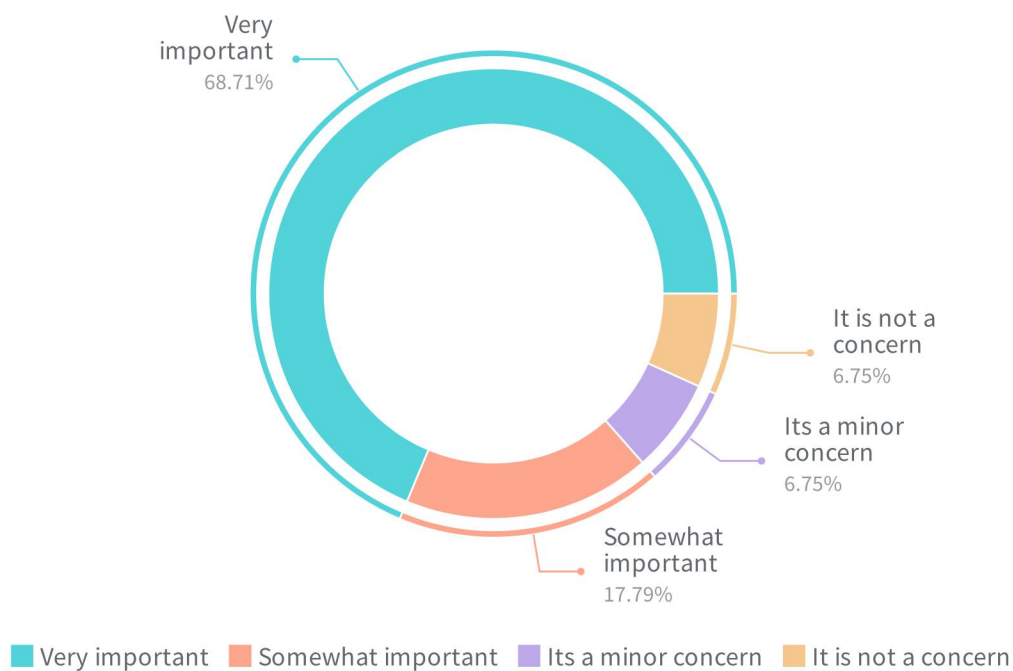


ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Very much	109	66.46%
Somewhat	31	18.90%
It is a minor concern	8	4.88%
It is not a concern	16	9.76%

QUESTION 10 | MULTIPLE CHOICE

Should the rebuilding of 252 be coordinated with rebuilding other north-south highways in the area, such as Highway 65(Central) and 47(University), so traffic will not unnecessarily be diverted to 252 from other highways?

Answered: **163** Skipped: **2**

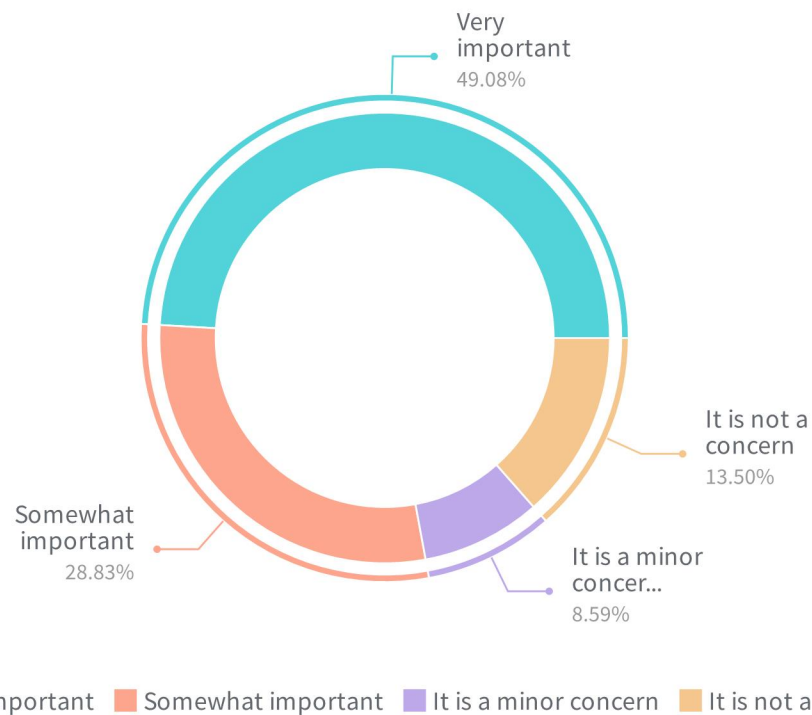


ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Very important	112	68.71%
Somewhat important	29	17.79%
Its a minor concern	11	6.75%
It is not a concern	11	6.75%

QUESTION 11 | MULTIPLE CHOICE

Currently, Metro transit is planning, once 252 is remodeled, to have no express bus stops on 252 in Brooklyn Center. Do you consider express bus stops, in Brooklyn Center . . .

Answered: **163** Skipped: **2**



ANSWER CHOICES ▾

RESPONSES ▾

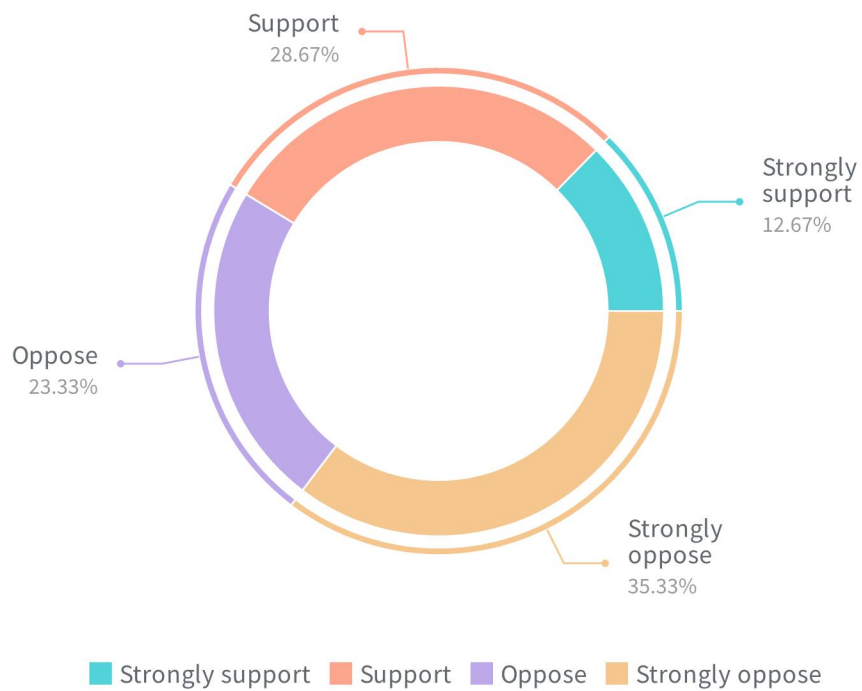
RESPONSE PERCENTAGE ▾

Very important	80	49.08%
Somewhat important	47	28.83%
It is a minor concern	14	8.59%
It is not a concern	22	13.50%

QUESTION 12 | MULTIPLE CHOICE

If there is no express bus service on 252, would, local bus service, using West River Road to go back and forth on, be something you would . . .

Answered: **150** Skipped: **15**



ANSWER CHOICES ▾

RESPONSES ▾

RESPONSE PERCENTAGE ▾

Strongly support

19

12.67%

Support

43

28.67%

Oppose

35

23.33%

Strongly oppose

53

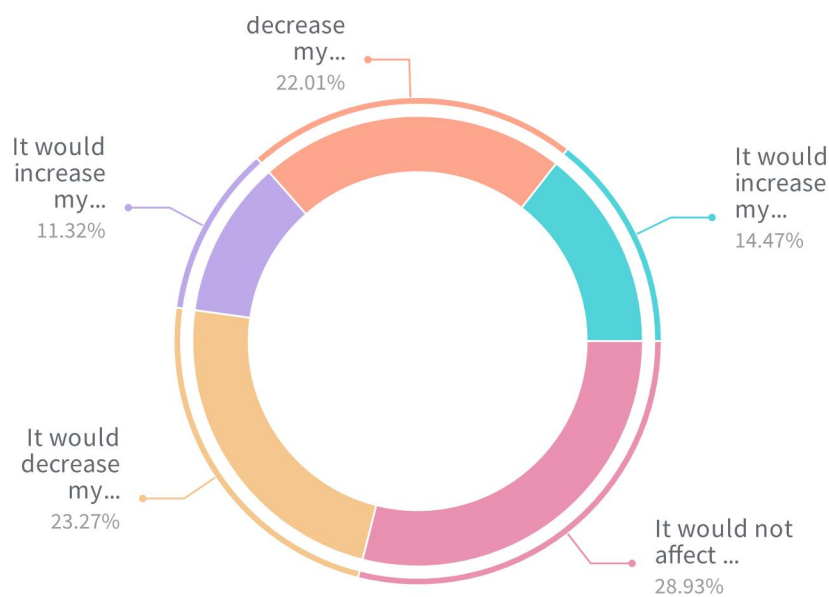
35.33%

QUESTION 13 | MULTIPLE CHOICE

If having local bus service required reopening West River Road at 74th, to accommodate that bus service, would that change your opinion on the previous question?

Select all that apply

Answered: **140** Skipped: **24**



■ It would increase my support for local bus service. ■ It would decrease my support for local bus service.

■ It would increase my support for opening up West River Rd. at 74th.

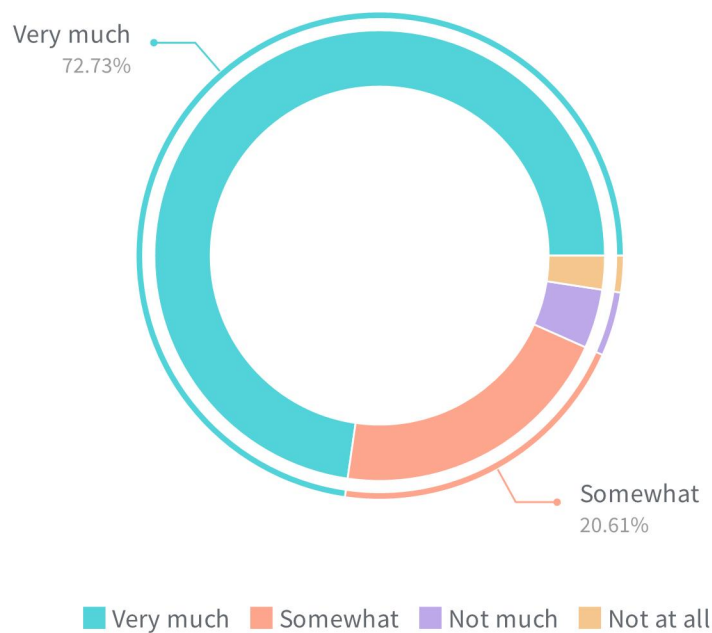
■ It would decrease my support for opening up West River Rd. at 74th. ■ It would not affect my answer to question 11.

ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
■ It would increase my support for local bus service.	23	14.47%
■ It would decrease my support for local bus service.	35	22.01%
■ It would increase my support for opening up West River Rd. at 74th.	18	11.32%
■ It would decrease my support for opening up West River Rd. at 74th.	37	23.27%
■ It would not affect my answer to question 11.	46	28.93%

QUESTION 14 | MULTIPLE CHOICE

Some plans raised 252 about 20 feet in places, which is above the roofs of many houses in the area. Concerns, about noise and waste pollution arose. Would this concern you?

Answered: **165** Skipped: **0**

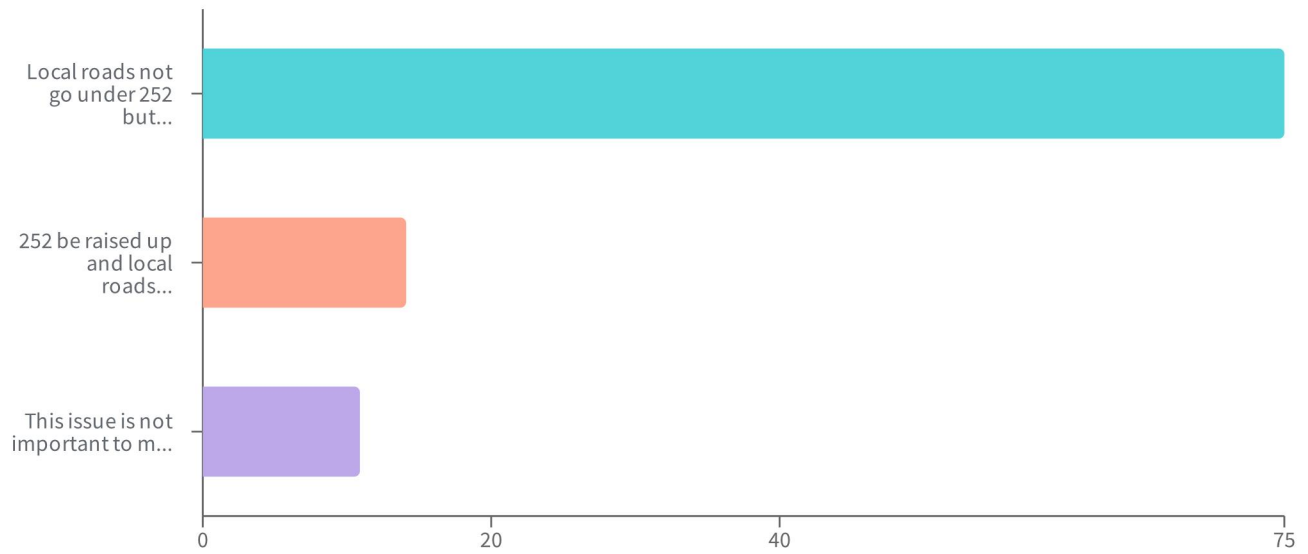


ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Very much	120	72.73%
Somewhat	34	20.61%
Not much	7	4.24%
Not at all	4	2.42%

QUESTION 15 | MULTIPLE CHOICE

Some previous plans, had local vehicles, pedestrians, and bikes going beneath 252 to cross it. Some people felt this raised safety issues. In the new plan, would you prefer . . .

Answered: **156** Skipped: **9**



ANSWER CHOICES ▾

RESPONSES ▾

RESPONSE PERCENTAGE ▾

Local roads not go under 252 but over it on a bridge.

117

75.00%

252 be raised up and local roads go under it.

22

14.10%

This issue is not important to me.

17

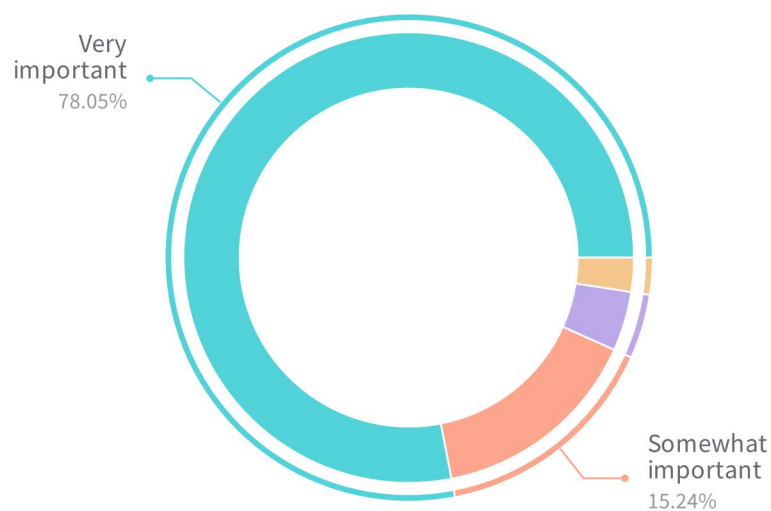
10.90%

QUESTION 16 | MULTIPLE CHOICE

The Mississippi river is 110 feet from where a proposed elevated interchange might go. At all other places on 252 the river is multiple blocks from 252. Protecting the river is .

..

Answered: **164** Skipped: **1**



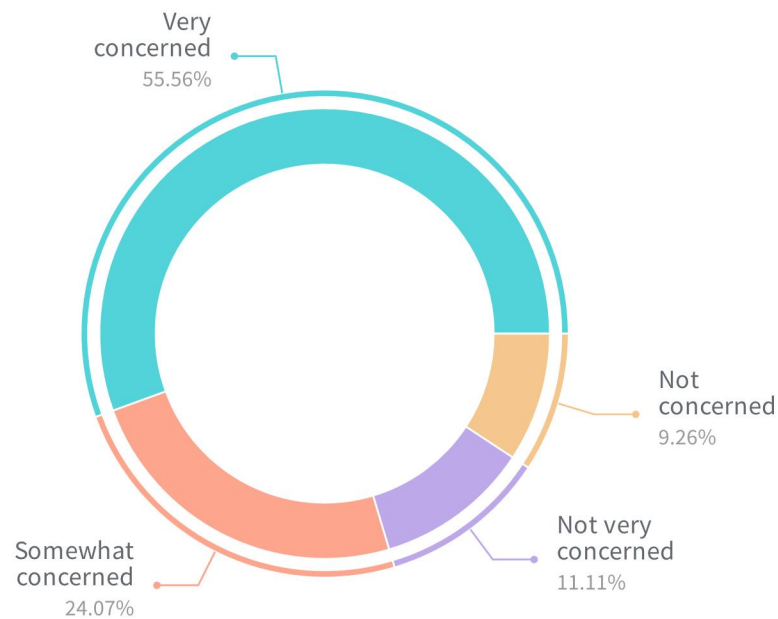
Very important Somewhat important Not very important Not important

ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Very important	128	78.05%
Somewhat important	25	15.24%
Not very important	7	4.27%
Not important	4	2.44%

QUESTION 17 | MULTIPLE CHOICE

ZIP Code 55430 has many times the state average of asthma sufferers, resulting in many more hospital and emergency room visits than elsewhere. Are you concerned how the traffic increase might affect this?

Answered: **162** Skipped: **3**



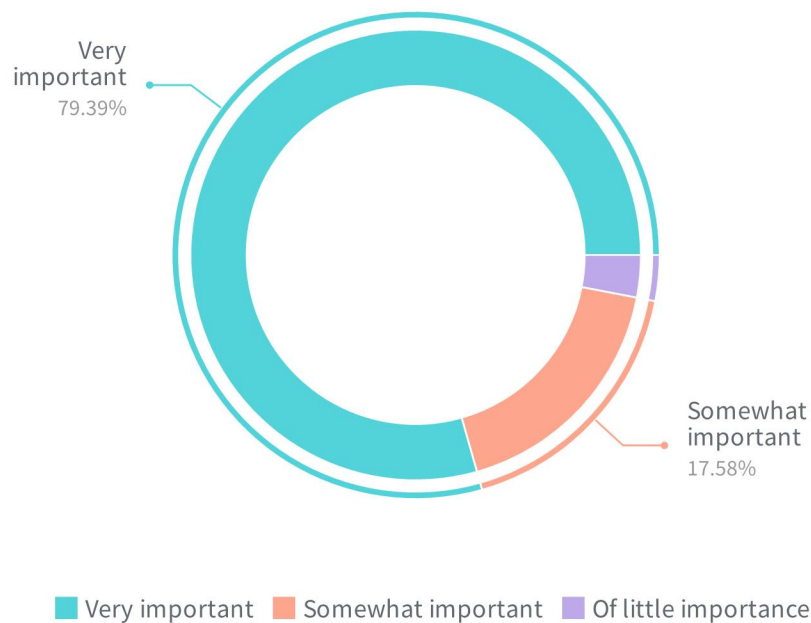
Very concerned Somewhat concerned Not very concerned Not concerned

ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Very concerned	90	55.56%
Somewhat concerned	39	24.07%
Not very concerned	18	11.11%
Not concerned	15	9.26%

QUESTION 18 | MULTIPLE CHOICE

How much importance should be given to not increasing, and perhaps reducing, air pollution, noise pollution, and waste pollution along 252 when 252 is redesigned?

Answered: **165** Skipped: **0**



ANSWER CHOICES ▾

RESPONSES ▾

RESPONSE PERCENTAGE ▾

Very important

131

79.39%

Somewhat important

29

17.58%

Of little importance

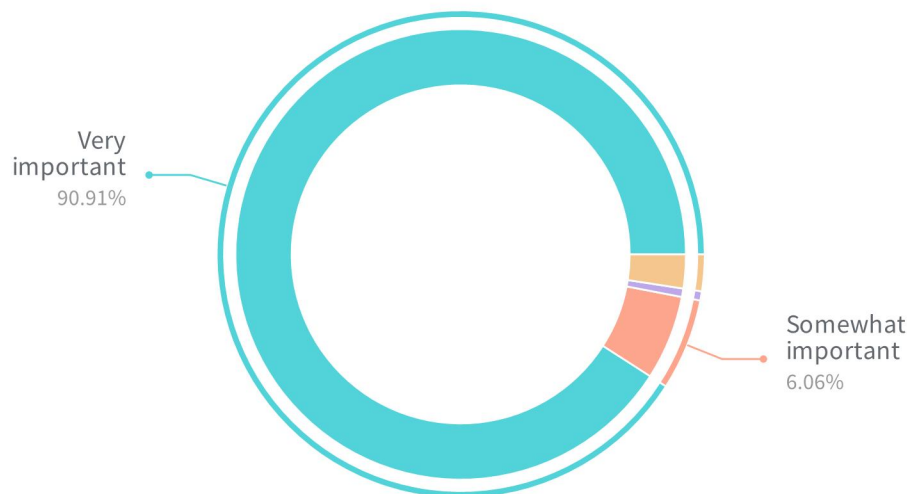
5

3.03%

QUESTION 19 | MULTIPLE CHOICE

How important do you believe effective sound barriers are for the new 252?

Answered: 165 Skipped: 0



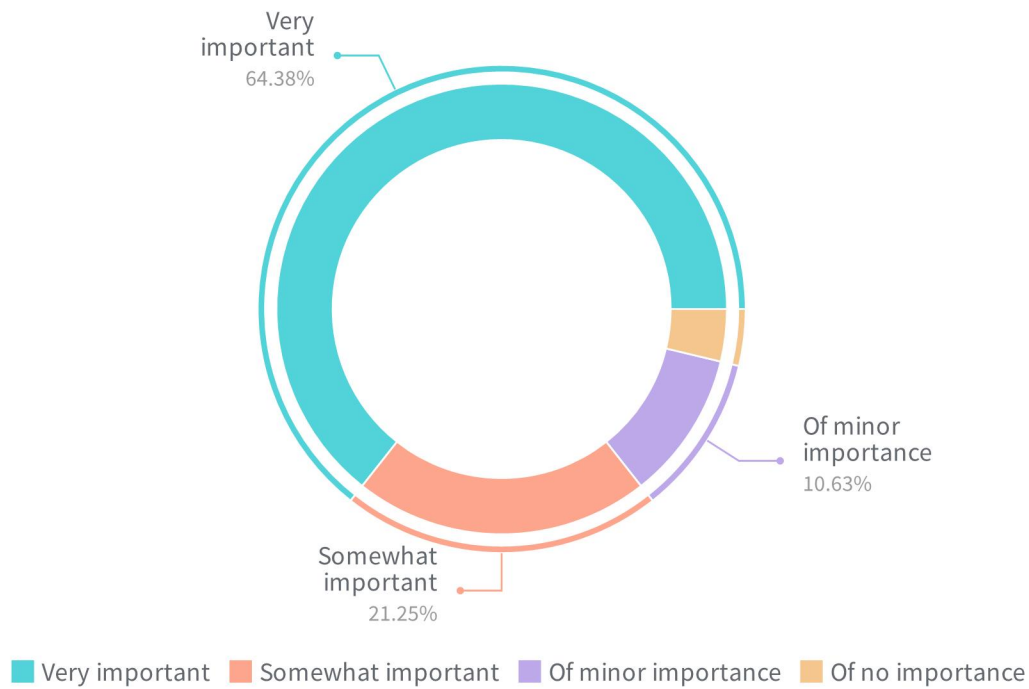
Very important Somewhat important Of minor importance It is not important

ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Very important	150	90.91%
Somewhat important	10	6.06%
Of minor importance	1	0.61%
It is not important	4	2.42%

QUESTION 20 | MULTIPLE CHOICE

Do you believe an important consideration in the remodel of highway 252 should be improving Brooklyn Center as a community?

Answered: **160** Skipped: **5**

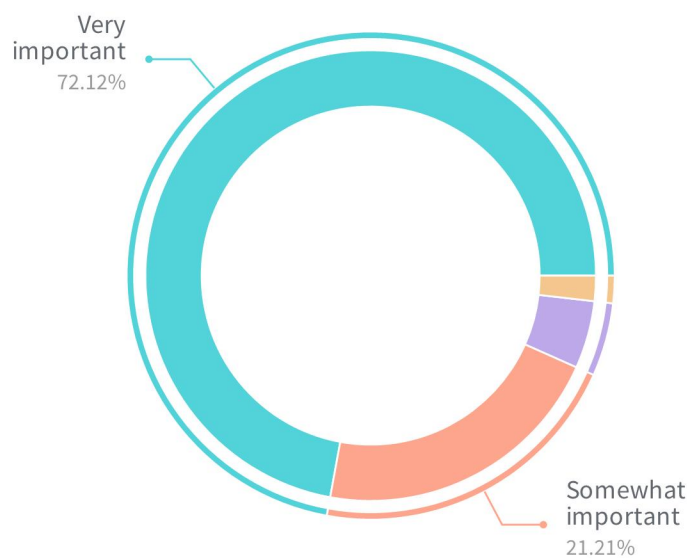


ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Very important	103	64.38%
Somewhat important	34	21.25%
Of minor importance	17	10.63%
Of no importance	6	3.75%

QUESTION 21 | MULTIPLE CHOICE

Closing entrance/exit to one point to get on/off 252, means that more traffic will travel north-south on local streets to get to 252. How important is minimizing the additional traffic on residential streets?

Answered: **165** Skipped: **0**



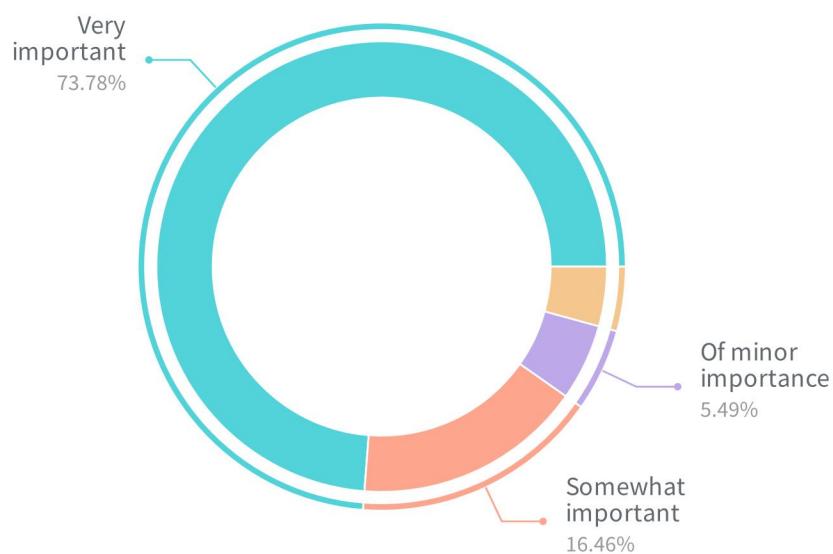
Very important Somewhat important Of minor importance Of no importance

ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Very important	119	72.12%
Somewhat important	35	21.21%
Of minor importance	8	4.85%
Of no importance	3	1.82%

QUESTION 22 | MULTIPLE CHOICE

There are locations where interchanges could be built largely on land already owned by governmental entities. How important is minimizing the number of homes or businesses that will be destroyed in this project?

Answered: **164** Skipped: **1**



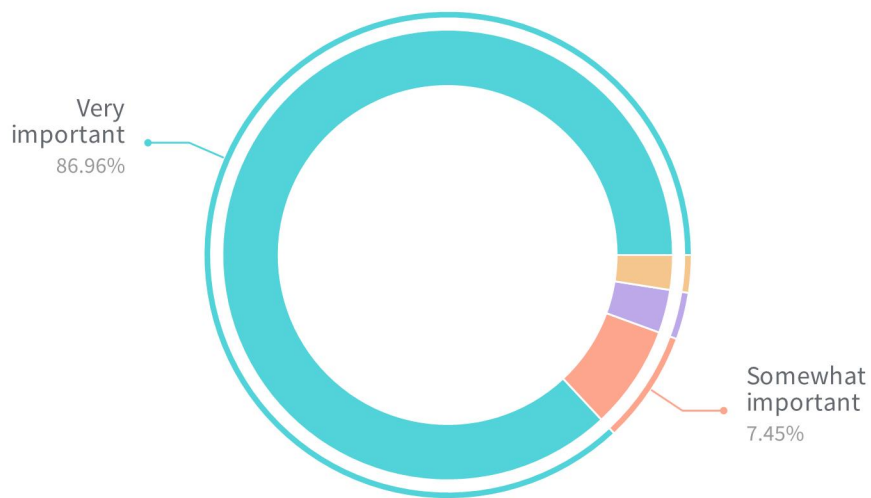
Very important Somewhat important Of minor importance Of no importance

ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Very important	121	73.78%
Somewhat important	27	16.46%
Of minor importance	9	5.49%
Of no importance	7	4.27%

QUESTION 23 | MULTIPLE CHOICE

Hundreds of millions of dollars is to be spent on 252. How important is making sure Brooklyn Center only pays its fair share of those cost.

Answered: **161** Skipped: **4**



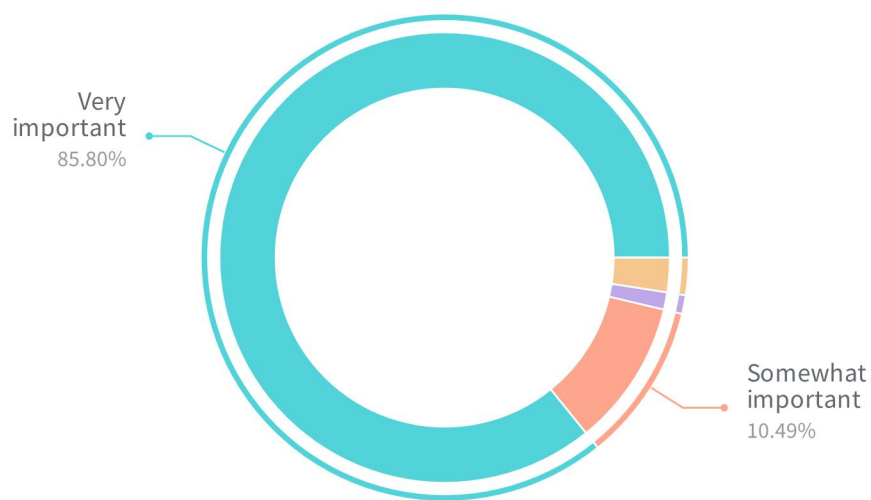
Very important Somewhat important Of minor importance Of no importance

ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Very important	140	86.96%
Somewhat important	12	7.45%
Of minor importance	5	3.11%
Of no importance	4	2.48%

QUESTION 24 | MULTIPLE CHOICE

Some of the previous proposed interchanges had safe designs, some did not, emphasizing location over safety. How important Is it that the interchange built has a safe and driver friendly design?

Answered: **162** Skipped: **3**



Very important Somewhat important Of minor importance Of no importance

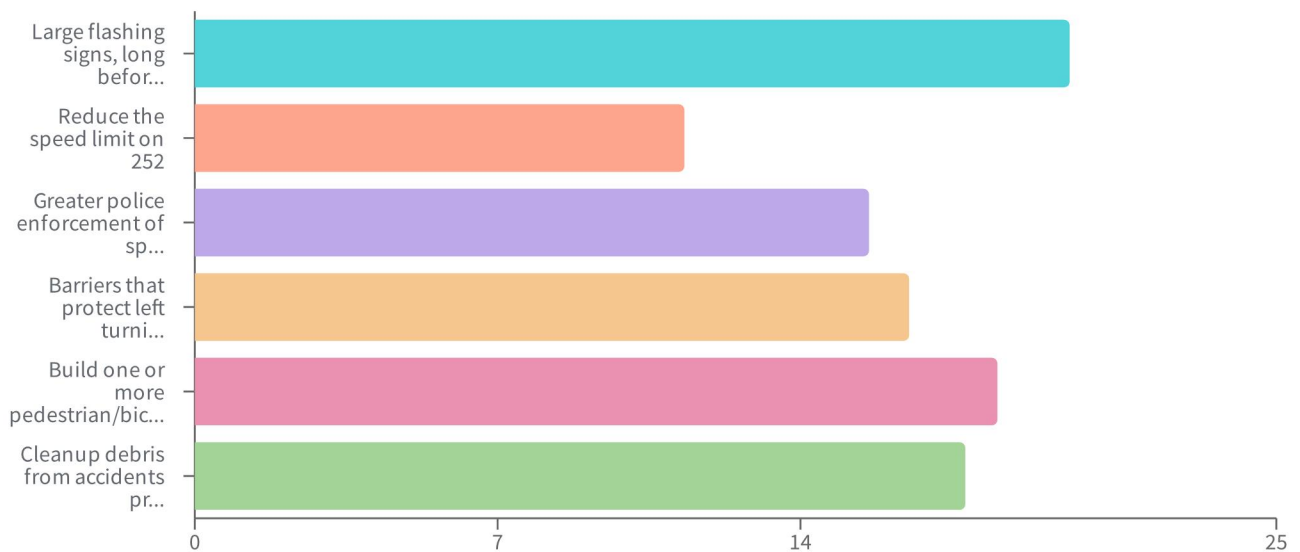
ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Very important	139	85.80%
Somewhat important	17	10.49%
Of minor importance	2	1.23%
Of no importance	4	2.47%

QUESTION 25 | MULTIPLE CHOICE

The new 252 is a few years away. What temporary measures, previously, suggested at community meetings, do you support?

Select all that apply

Answered: **155** Skipped: **10**



ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Large flashing signs, long before traffic lights that warn of light changes	109	20.22%
Reduce the speed limit on 252	61	11.32%
Greater police enforcement of speed limits on 252	84	15.58%
Barriers that protect left turning vehicles from being hit by ongoing traffic	89	16.51%
Build one or more pedestrian/bicycle overpasses at 66th,70th and/or 73rd	100	18.55%
Cleanup debris from accidents promptly so it does not remain on the street	96	17.81%

QUESTION 26 | MULTIPLE CHOICE

How important is it for plans to be public, regarding alternative locations, types of interchanges, pollution, safety, and other details, for public feedback, before a particular plan is selected to be presented as the final proposal?

Answered: **164** Skipped: **1**



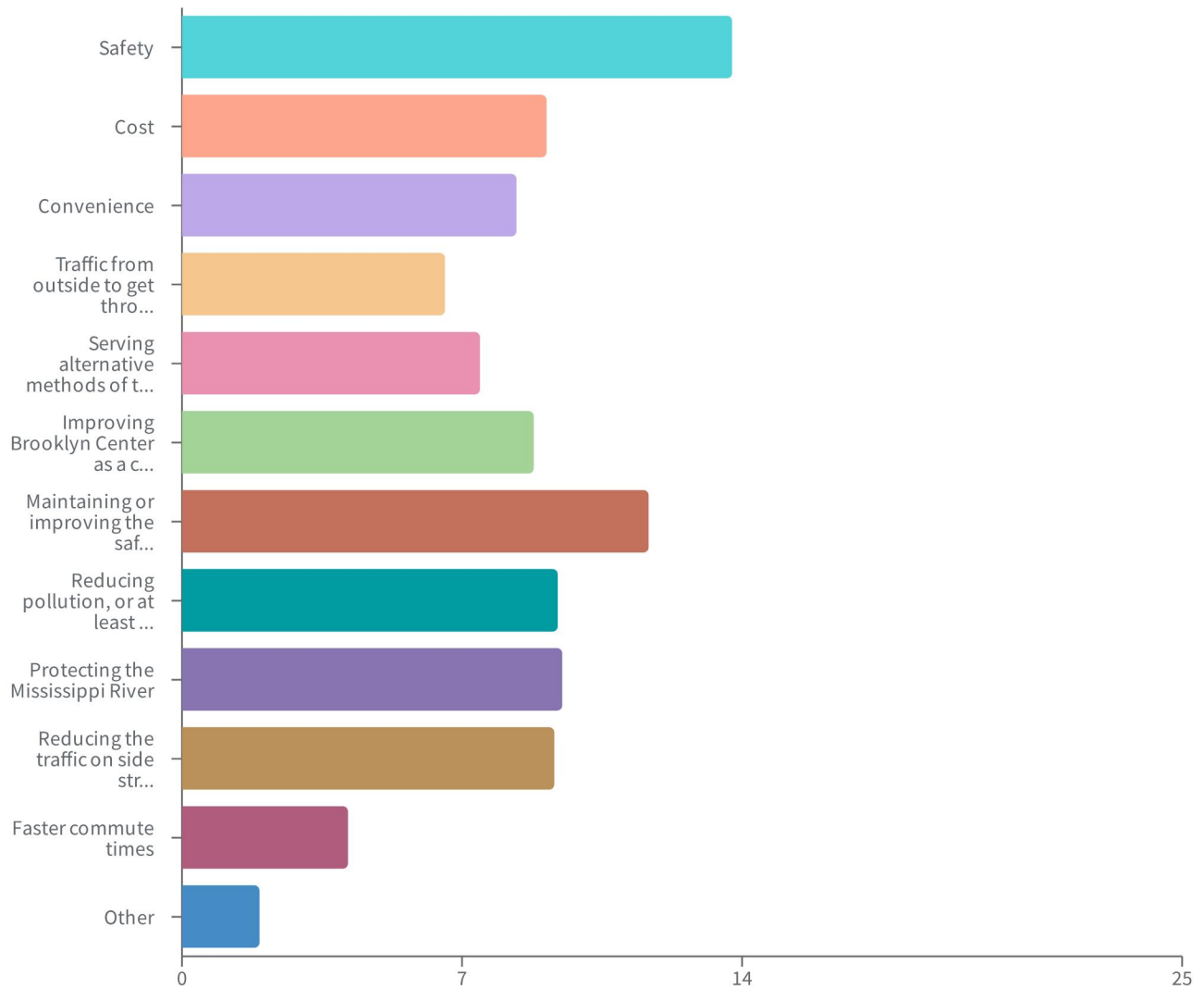
■ Very important ■ Somewhat important ■ Of minor importance

ANSWER CHOICES ▾	RESPONSES ▾	RESPONSE PERCENTAGE ▾
Very important	151	92.07%
Somewhat important	12	7.32%
Of minor importance	1	0.61%

QUESTION 27 | RANK ORDER

Please rank in order of importance what you think should be central to the rebuilding of 252.

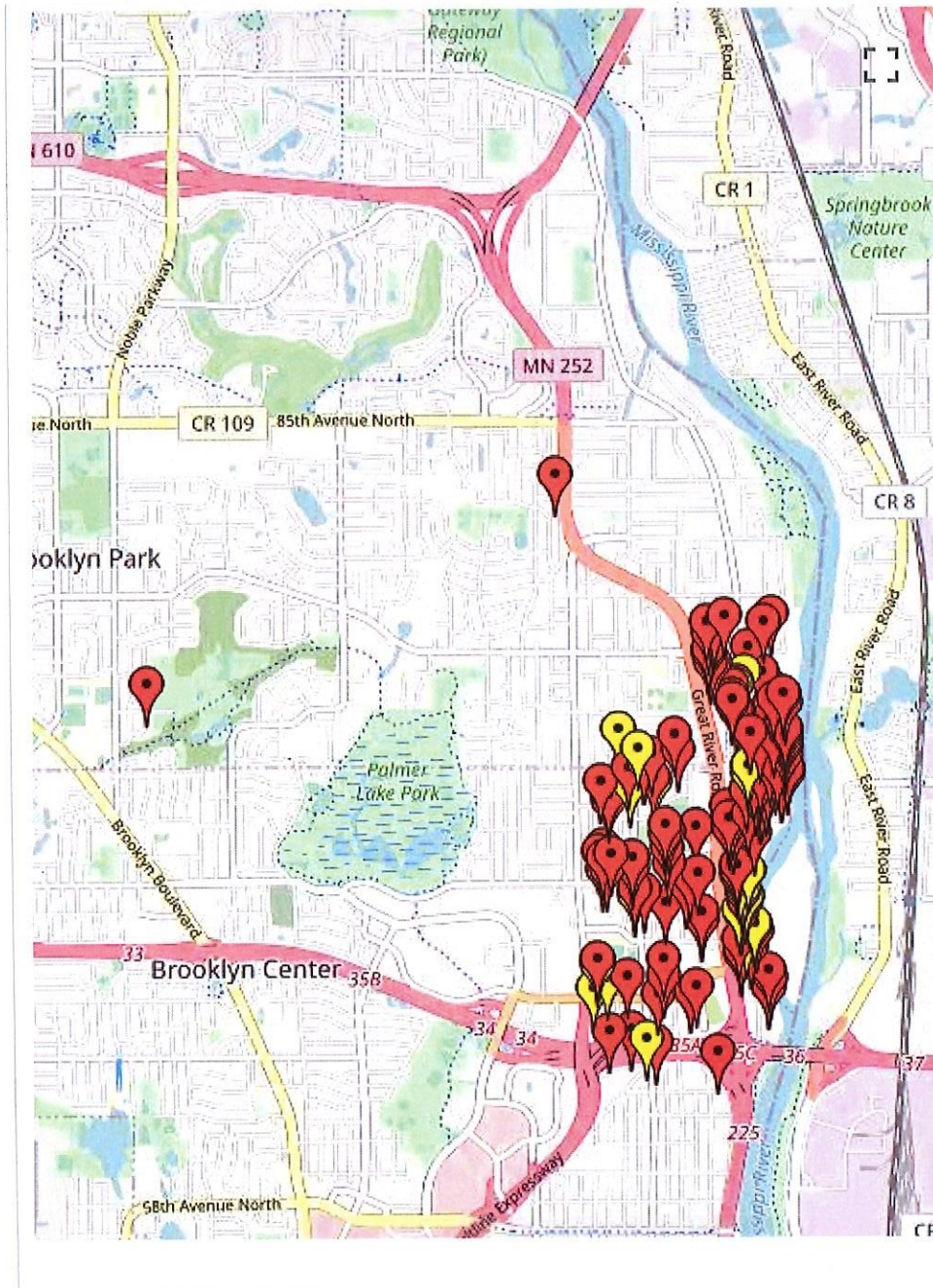
Answered: **142** Skipped: **22**



ANSWER CHOICES ▾	AVERAGE ▾	RESPONSE PERCENTAGE ▾
Safety	126.92	13.75%
Cost	84.12	9.11%
Convenience	77.18	8.36%

ANSWER CHOICES ▾	AVERAGE ▾	RESPONSE PERCENTAGE ▾
Traffic from outside to get through Brooklyn Center as quickly as possible	60.68	6.57%
Serving alternative methods of transportation other than automobiles	68.75	7.45%
Improving Brooklyn Center as a community	81.16	8.79%
Maintaining or improving the safety/integrity of neighborhoods	107.66	11.66%
Reducing pollution, or at least not increasing it	86.70	9.39%
Protecting the Mississippi River	87.74	9.51%
Reducing the traffic on side streets	85.90	9.31%
Faster commute times	38.30	4.15%
Other	17.89	1.94%

THE MAP SHOWS THE LOCATION OF RESPONDENTS TO THE SURVEY.



Red means responded online yellow paper survey.

Council Regular Meeting

DATE: 12/14/2020

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 Certifying Special Assessments for Improvement Project Nos. 2021-01 and 2021-02, Grandview South Area Street and Storm Drainage Improvements to the Hennepin County Tax Rolls

Background:

A public hearing is scheduled on December 14, 2020 to consider certification of proposed special assessments for street and storm drainage improvements for Improvement Project Nos. 2021-01 and 2021-02, Grandview South Area Street and Storm Drainage Improvements. All potentially affected property owners have been notified by mail of the date of the assessment public hearing and the amount of proposed special assessments.

I. Explanation of Improvements

The proposed project includes roadway, storm drainage and utility improvements for the residential neighborhood area referred to as the Grandview South Area. The project was previously established by the City Council on May 13, 2019, by Resolution 2019-74. On September 28, 2020, the City Council received a Feasibility Report regarding the proposed improvements. An Improvement Public Hearing to consider ordering the improvements was held on October 26, 2020 and City Council authorized preparation of project plans and specifications. On November 9, 2020, the City Council declared certain project costs to be assessed for the Grandview South Area Street and Storm Drainage Improvements and called for a public hearing on the proposed special assessments to be held on December 14, 2020.

The project feasibility report provides a description of recommended improvements for the neighborhood and an estimated project budget. The proposed improvements are as follows:

1. **Street Improvements** – Full street reconstruction of all streets including regrading, base preparation, installation of concrete driveway aprons, bituminous paving, installation of concrete curb and gutter, replacement of street signs, replacement of free-standing street lights with LED light fixtures and boulevard restoration. The existing concrete sidewalks within the project area will be repaired/replaced as needed. New 6 foot wide sidewalks are proposed along the south side of 59th Avenue from Knox Avenue to Dupont Avenue, along the east side of Irving Avenue from 59th Avenue to 200' south of 59th Avenue and along the northern portion of the Grandview Park parking lot.
2. **Storm Drainage Improvements** – Includes the installation of new storm sewers and installation of concrete curb and gutter on all streets, and repair and replacement of existing storm sewers, installation of new and repair and replacement of existing catch basins and manholes. Proposed water quality improvements include installing sump catch basins at select neighborhood discharge locations where feasible.
3. **Water Main Improvements** – Includes the replacement of approximately 40 percent of existing water

main pipes and installation of new valves, hydrants and water services to the shut off valve where impacted. The 16-inch and 24-inch steel water main on Emerson Avenue and 59th Avenue from Emerson Avenue to Colfax Avenue will be replaced in its entirety.

4. **Sanitary Sewer Main Improvements** – Includes complete replacement of sanitary sewer pipe, access structures and residential sewer services to the property lines. The sanitary sewer trunk lines within easements that run from Logan Avenue to Dupont Avenue is proposed to be lined with a cured in-place pipe liner.

II. Summary of Assessments

Special assessments are proposed as one of several funding sources for the improvements located within the Grandview South Area. On November 9, 2020, the City Council adopted the 2021 special assessment rates for street and storm drainage improvements for residential zoned properties. The 2021 rates were established in accordance with the City's Special Assessment Policy.

The feasibility report included a preliminary assessment roll identifying approximately 179 residential properties that are zoned "R1", 1 sub-dividable school property that is zoned "R1", 2 sub-dividable church properties that are zoned "R1", 8 multi-family properties that are zoned "R3", 1 multi-family property that is zoned "R4", 1 multi-family property that is zoned "R5", 1 church property that is zoned "C1", and 3 commercial properties that are zoned "C2". See attached revised Appendix D–Final Assessment Roll and Figure 8–Assessment Map from the project feasibility report.

Assessments for Full Street Reconstruction

Special assessments for non-subdividable single-family residential properties that are zoned R1 were calculated at full unit assessment rates of \$4,730 for street improvements and \$1,419 for storm drainage improvements. Other R1 zoned properties that are larger than the standard single-family lot including 1500 59th Avenue, 5818 Emerson Avenue, 5827 Humboldt Avenue, 5840 Humboldt Avenue, PID 02-118-21-14-0007 (Xcel Energy) and PID 01-118-21-23-0106 (Xcel Energy) were assessed based on computing a maximum number of subdividable lots times full R1 unit assessment amount for street and storm drainage improvements. The multi-family properties located along Logan Avenue (twin homes addresses 5716-5744) that are zoned R3 were assessed based on unit assessments prorated per total lot frontage for street and storm drainage improvements. The multi-family properties located at 5843 Fremont Avenue and 5800 Logan Avenue that are zoned R4 and R5 were assessed based on an acreage basis for street and storm drainage improvements. The commercial properties located at 5840 Lilac Drive, 5721 Logan Avenue, 5801 Logan Avenue and PID 02-118-21-13-0033 that are zoned C1 and C2 were assessed based on an acreage basis for street and storm drainage improvements.

Public Comments

Public comments were included in the Feasibility Report (Appendix B). Staff has not received any additional comments.

A property owner may choose to appeal or object to a special assessment. If an owner files an appeal with the City Clerk prior to public hearing, or should any person appear at the public hearing and object to an assessment, staff recommends that the City Council refer any substantive objections to staff for a report back to the City Council at a continued public hearing for that property. An example might be an issue whereby staff would need to research the history of a particular complaint and assemble documentation. The City Council should consider removing the objection related assessment from the proposed levy roll and adopting the remaining proposed assessments.

If an appeal for a specific property is actually filed with district court, the City Attorney will advise the City

Council of options for handling the dispute and potential litigation issues. Currently, staff is not aware of any substantive objection and recommends approval accordingly.

Payment Options Available to Property Owners

Once an assessment roll is adopted by the City Council, the owner of each property has the following payment options:

1. Pay the entire amount of the special assessment, without interest, between March 1 and September 30, 2021.
2. From October 1, 2021, to the end of the business day on November 21, 2021, a property owner may pay the total assessment, with interest calculated from October 1, 2021, to the date of payment.
3. A property owner may pay the assessment over a 10-year period. The first payment will be due with taxes in 2022. The total principle will be payable in annual installments. Interest at 3.0 percent is paid on the unpaid balance.
4. Partial prepayments (such as paying half now and certifying the balance) are not allowed under the City's current Assessment Policy.

III. Recommended Council Procedure

Public Hearing for Special Assessments: Staff recommends that a presentation be provided to the City Council prior to holding the assessment public hearing. Following the presentation, a public hearing to consider certification of proposed special assessments for street and storm drainage improvements should be conducted to receive public comments. The attached resolution certifying special assessments for street and storm drainage improvements for Improvement Project Nos. 2021-01 and 2021-02 to the Hennepin County tax rolls is provided for City Council consideration upon closing of the public hearing.

Budget Issues:

The proposed street and utility improvements are included in the 2021 Capital Improvement Program. The total project cost is estimated to be \$11,800,000. Funding sources for the project are budgeted from sources as described in the project feasibility report previously accepted by the City Council on September 28, 2020. The special assessment rates were adopted by the City Council on November 9, 2020, and funding source amounts that are included in the feasibility report are amended as follows as a result of minor special assessment revisions:

	Feasibility Report (9/28/20)	Amended (11/2/20)
Special Assessments	\$1,556,783.81	\$1,550,162.69
Sanitary Sewer Utility Fund	\$1,640,000.00	\$1,640,000.00
Water Utility Fund	\$2,090,000.00	\$2,090,000.00
Storm Drainage Utility Fund	\$1,786,742.96	\$1,788,287.88
Street Light Utility Fund	\$60,000.00	\$60,000.00
Street Reconstruction Fund	\$3,156,473.23	\$3,161,549.43
Municipal State Aid Fund	\$1,510,000.00	\$1,510,000.00
Total	\$11,800,000.00	\$11,800,000.00

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	12/7/2020	Cover Memo
Assessment Map	12/7/2020	Cover Memo
Final Levy Roll	12/7/2020	Cover Memo
Presentation	12/7/2020	Cover Memo

Member _____ introduced the following resolution and moved
its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR IMPROVEMENT
PROJECT NOS. 2021-01 AND 2021-02, GRANDVIEW SOUTH AREA STREET
AND STORM DRAINAGE IMPROVEMENTS TO THE HENNEPIN COUNTY
TAX ROLLS

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed Special Assessment Levy Nos. 21001 and 21002; and

WHEREAS, assessment rolls, copies of which are attached hereto and part hereof by reference, have been prepared by the City Engineer and City Clerk, tabulating those properties where street improvement and storm drainage costs are to be assessed.

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

1. Such proposed assessments, Special Assessment Levy No. 21001 for street improvements and Special Assessment Levy No. 21002 for storm drainage improvements, made a part hereof, are hereby accepted and shall constitute special assessments against lands named therein, and each tract of land therein included is hereby found to be benefited by the improvement in the amount of the assessments levied against it.
2. Such assessments shall be payable in equal annual installments extending over a period of ten (10) years as indicated on the assessment roll. The first of the installments shall be payable with ad valorem taxes in 2022, and shall bear interest on the entire assessment at the rate of 3.0 percent per annum from October 1, 2021, through December 31, 2022. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may at any time prior to certification of assessment to the County Auditor pay the whole assessment, to the City Treasurer, without interest, if entire assessment is paid on or before September 30, 2021. After September 30, 2021, he or she may pay the total assessment, plus interest. Interest will accumulate from October 1, 2021, through the date of payment. Such payment must be made by the close-of-business November 21, 2021, or interest will be charged through December 31 of the succeeding year. If the owner wishes to pay off the balance at some point in the future, such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

RESOLUTION NO. _____

4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the proper tax lists of the county, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

December 14, 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.

	Proposed Single R1 Assessment
	Proposed Multiple R1 Assessments
	Proposed R3 Assessment
	Proposed R4 Assessment
	Proposed R5 Assessment
	Proposed Commercial Assessment
	City Owned Property
	Previously Assessed



December 2020

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL

December 14, 2020

2021 GRANDVIEW SOUTH AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2021-01 AND 02

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	LEVY #	STORM	NOTES
0111821230026	1108	57th AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230020	1208	57th AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230007	1400	57th AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140003	1800	57th AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140004	1808	57th AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230077	1210	58th AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821110012	1500	59th AVE N	21001	\$ 56,484.00	21002	\$ 16,944.00	Subdividable R1 = 12 equivalent parcels
0211821140097	1703	59th AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821130033		Address Pending	21001	\$ 27,819.28	21002	\$ 11,972.58	Commerical C2 Brooklyn Center EDA Property (A) 46,740.52 sf, (B) 20,143.26 sf
0211821140007		Address Unassigned	21001	\$ 18,828.00	21002	\$ 5,648.00	Subdividable R1 = 4 equivalent parcels
0111821230106		Address Unassigned	21001	\$ 32,949.00	21002	\$ 9,884.00	Subdividable R1 = 7 equivalent parcels
0111821230027	5706	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230018	5707	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230028	5712	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230017	5715	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230066	5724	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230032	5725	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230067	5730	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230031	5731	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230068	5736	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230030	5737	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230069	5742	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230029	5743	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230098	5800	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230076	5801	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230099	5806	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230075	5807	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230074	5815	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230100	5818	EMERSON AVE N	21001	\$ 9,414.00	21002	\$ 2,824.00	Subdividable R1 = 2 equivalent parcels
0111821230073	5823	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230101	5824	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230072	5829	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230102	5830	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230071	5835	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230103	5836	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230070	5843	EMERSON AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230021	5706	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230012	5707	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230022	5714	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230011	5715	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230033	5724	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230040	5725	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230034	5730	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230039	5731	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230035	5736	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230038	5737	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230036	5742	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230037	5743	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230048	5801	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230047	5807	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230078	5808	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230046	5813	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230079	5814	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230045	5819	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230080	5820	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL

December 14, 2020

2021 GRANDVIEW SOUTH AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2021-01 AND 02

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	LEVY #	STORM	NOTES
0111821230061	5825	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230081	5828	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230060	5831	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230082	5834	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230083	5840	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230059	5843	FREMONT AVE N	21001	\$ 9,947.52	21002	\$ 4,280.76	Multi Family R4 (A) 19,800.00 sf, (B) 0 sf
0111821220024	5900	FREMONT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1 - Corner Property
0111821230015	5706	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230006	5707	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230016	5712	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230005	5715	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230041	5724	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230090	5725	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230042	5730	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230089	5731	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230043	5736	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230088	5737	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230044	5742	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230087	5743	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230049	5800	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230056	5801	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230050	5806	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230055	5807	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230051	5812	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230054	5813	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230052	5818	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230053	5819	GIRARD AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230009	5700	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140073	5701	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230008	5706	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140072	5707	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230010	5712	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140071	5713	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140092	5727	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230003	5732	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140091	5733	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230084	5738	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140090	5743	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230085	5748	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230086	5754	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140089	5755	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230002	5800	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140067	5801	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140066	5807	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230057	5812	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140065	5815	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230058	5818	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140110	5821	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0111821230105	5826	HUMBOLDT AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140109	5827	HUMBOLDT AVE N	21001	\$ 32,949.00	21002	\$ 9,884.00	Subdividable R1 = 7 equivalent parcels
0111821230104	5840	HUMBOLDT AVE N	21001	\$ 28,242.00	21002	\$ 8,472.00	Subdividable R1 = 6 equivalent parcels
0211821140074	5700	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140079	5701	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140075	5706	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140078	5707	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140076	5712	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140077	5713	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL
December 14, 2020
2021 GRANDVIEW SOUTH AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2021-01 AND 02

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	LEVY #	STORM	NOTES
0211821140060	5725	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140093	5728	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140059	5731	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140094	5734	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140058	5737	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140095	5740	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140057	5743	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140096	5746	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140068	5800	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140048	5801	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140069	5806	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140047	5807	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140070	5812	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140046	5813	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140045	5819	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140044	5825	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140043	5831	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140042	5837	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140041	5843	IRVING AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140080	5700	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140085	5701	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140081	5706	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140084	5707	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140083	5713	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140082	5716	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140036	5721	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140061	5724	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140035	5727	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140062	5730	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140034	5733	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140063	5736	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140033	5739	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140064	5742	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140049	5800	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140031	5801	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140050	5806	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140030	5807	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140051	5812	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140029	5815	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140052	5818	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140013	5823	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140053	5824	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140054	5830	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140014	5831	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140055	5836	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140098	5837	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140056	5842	JAMES AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140086	5700	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140087	5706	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140001	5707	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140005	5711	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140088	5712	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140008	5715	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140037	5720	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140009	5721	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140038	5726	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140012	5727	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140039	5732	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140011	5733	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1

CITY OF BROOKLYN CENTER FINAL ASSESSMENT ROLL
December 14, 2020
2021 GRANDVIEW SOUTH AREA RECONSTRUCTION
IMPROVEMENT PROJECT NOS. 2021-01 AND 02

PROPERTY ID	HOUSE	STREET NAME	LEVY#	STREET	LEVY #	STORM	NOTES
0211821140040	5738	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140028	5800	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140020	5801	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140021	5807	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140027	5808	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140022	5813	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140026	5814	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140023	5819	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140024	5825	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140017	5834	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140018	5840	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140016	5850	KNOX AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140019	5840	LILAC DRIVE	21001	\$ 16,235.96	21002	\$ 6,986.89	Commerical C1 (A) 32,316.80 sf, (B) 0 sf
0211821140002	5706	LOGAN AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140006	5712	LOGAN AVE N	21001	\$ 4,707.00	21002	\$ 1,412.00	R1
0211821140107	5716	LOGAN AVE N	21001	\$ 3,355.23	21002	\$ 1,006.50	Multi Family R3, Unit Rate
0211821140106	5720	LOGAN AVE N	21001	\$ 3,355.23	21002	\$ 1,006.50	Multi Family R3, Unit Rate
0211821130032	5721	LOGAN AVE N	21001	\$ 40,778.44	21002	\$ 17,551.12	Commerical C2 (A) 57,172.28 sf, (B) 55,92.08 sf
0211821140105	5724	LOGAN AVE N	21001	\$ 3,355.23	21002	\$ 1,006.50	Multi Family R3, Unit Rate
0211821140104	5728	LOGAN AVE N	21001	\$ 3,355.23	21002	\$ 1,006.50	Multi Family R3, Unit Rate
0211821140103	5732	LOGAN AVE N	21001	\$ 3,355.23	21002	\$ 1,006.50	Multi Family R3, Unit Rate
0211821140102	5736	LOGAN AVE N	21001	\$ 3,355.23	21002	\$ 1,006.50	Multi Family R3, Unit Rate
0211821140101	5740	LOGAN AVE N	21001	\$ 3,355.23	21002	\$ 1,006.50	Multi Family R3, Unit Rate
0211821140100	5744	LOGAN AVE N	21001	\$ 3,355.23	21002	\$ 1,006.50	Multi Family R3, Unit Rate
0211821140025	5800	LOGAN AVE N	21001	\$ 26,802.25	21002	\$ 11,533.93	Multi Family R5 (A) 53,348.43 sf, (B) 0 sf
0211821130031	5801	LOGAN AVE N	21001	\$ 18,020.28	21002	\$ 7,754.84	Commerical C2 Brooklyn Center EDA Property (A) 35,064.43 sf, (B) 1,876.05 sf
Total Assessments				\$ 1,178,450.57		\$ 371,712.12	

Public Hearing on Special Assessments

Grandview South Area Street and Storm Drainage Improvements (2021)



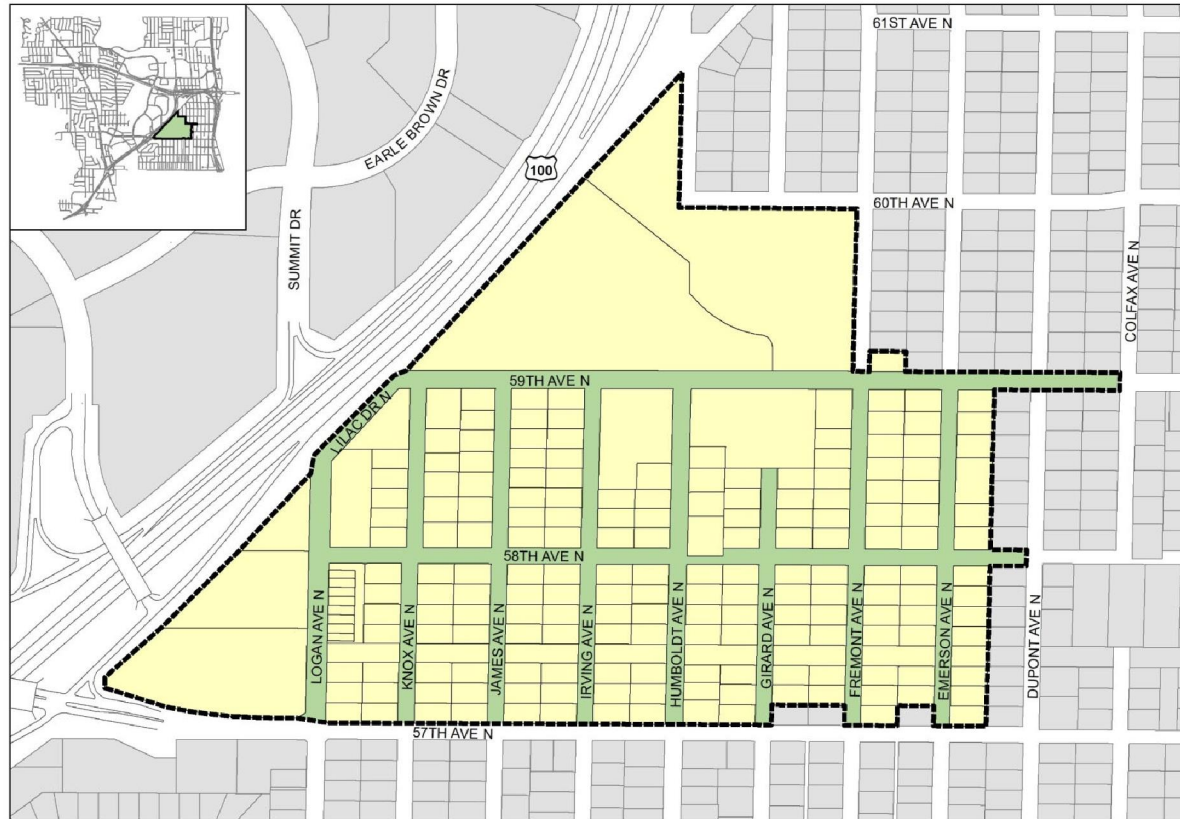
City Council Meeting, December 14, 2020
Mike Albers, City Engineer

Public Hearing on Special Assessments

- Grandview South Area Street and Storm Drainage Improvements, Improvement Project Nos. 2021-01 and 02
- Local public improvements to the City's infrastructure based on State of Minnesota Statute Chapter 429



Grandview South Area Street and Storm Drainage Improvements



Summary of Recommended Improvements

- Sanitary Sewer
 - Complete replacement of sanitary sewer pipes and access structures within streets
 - Line trunk sanitary sewer pipes within easement areas
 - Replace service lines up to property line within streets
- Water Main
 - Partial replacement of water main: approx. 40-60% (where adjacent to deep sanitary sewer replacement and steel line on 59th Ave/Emerson Ave)
 - Replace valves and hydrants throughout project area
 - Replace service lines up to property line and new curb stops
- Storm Drainage
 - Remove and replace storm structures and pipe as needed
 - Extend new catch basins and storm sewer pipe where feasible
 - Water quality treatment: sump catch basins, rain gardens, other improvements where feasible
- Street Lighting
 - Existing Street Lights on Multi-Use Poles to Remain
 - Replace 3 Free-Standing Street Lights with Fiberglass Poles and LED light fixtures
- Street Improvements
 - Reconstruction 30 feet wide for all streets except 32 feet wide on Humboldt Ave, 59th Ave & Lilac Dr and except 37 feet wide on Logan Ave
 - Full Depth Pavement and Aggregate Base
 - Full Curb and Gutter Replacement
- Sidewalk Improvements
 - New 6' concrete sidewalk on south side of 59th Ave from Dupont Ave to Knox Ave
 - New 6' concrete sidewalk on east side of Irving Ave from 59th Ave to first driveway 200' south of 59th Ave
 - New 6' concrete sidewalk along the northern portion of the Grandview Park parking loop
 - Sidewalk replacement/repairs as needed/impacted
 - Pedestrian Curb Ramps will be reconstructed at all cross streets with the Project
- Restoration
 - Driveways that are disturbed due to the street reconstruction will be replaced.
 - Disturbed boulevard areas will be restored with topsoil and sod.
 - Tree replacement on 1:1 ratio in fall



Preliminary Project Budget

	CIP – Est. <u>Project Amount</u>	Percent <u>Total</u>
Special Assessments	\$ 1,550,162.69	13.2%
Sanitary Sewer Utility	\$ 1,640,000.00	13.9%
Water Utility	\$ 2,090,000.00	17.7%
Storm Drainage Utility	\$ 1,788,287.88	15.1%
Street Light Utility	\$ 60,000.00	0.5%
Street Reconstruction Fund	\$ 3,161,549.43	26.8%
<u>Municipal State Aid Fund</u>	<u>\$ 1,510,000.00</u>	<u>12.8%</u>
Total	\$ 11,800,000.00	100%

Note: These are only preliminary estimated amounts – these amounts will change. Costs and funding will be further updated and revised in the final design stage and bidding of the project.



Preliminary Assessment Area



Assessment Map
Grandview South Area Street and Utility Improvements

Figure 8



Special Assessments - Estimated Amounts & Payment Options

The City has an Assessment Policy that outlines how street improvement projects are funded. The proposed assessments were calculated in accordance with the City's Special Assessment Policy. The assessment and interest rates were adopted by the City Council at the November 9, 2020 Council Meeting.

Assessment Rate for Street and Storm Improvements:

- 2021 Assessment Rates for R1 properties: Street assessment = **\$4,707 Per Property*** Storm assessment = **\$1,412 Per Property***
Total assessment = **\$6,119 Per Property**
- 2021 Assessment Rates for R3 properties: based on front foot basis, divided by total number of units
- 2021 Assessment Rates for R4/R5/C properties: based on acreage with a "A" zone rate and a "B" zone rate
- 2021 Interest Rate: 3.0% (0.5% decrease from 2020)

*For properties which may be legally subdividable into two or more lots, the assessment to be applied shall equal the maximum number of lots allowable times the unit R1 assessment.

Payment Options:

1. Pay in full - No interest between March & Sept. 30, 2021
 2. Pay in full from Oct. 1 to Nov. 21, 2021 with interest from Oct. 1
 3. Pay in installments with property taxes over a 10-year period starting in 2022
- Partial prepayments cannot be accepted
 - If the assessments are approved an Assessment Reminder Letter will be sent to property owners
 - Deferment Questions: Contact Engineering at 763-569-3340



Estimated Payment Amount

Assessment Amount: \$6,119.00				
Assessment Interest Rate: 3.00%				
Assessment Term: 10 Years				
Year	Annual Payment	Principle	Interest	Balance
1	\$841.36	\$611.90	\$229.46	\$5,507.10
2	\$777.11	\$611.90	\$165.21	\$4,895.20
3	\$758.76	\$611.90	\$146.86	\$4,283.30
4	\$740.40	\$611.90	\$128.50	\$3,671.40
5	\$722.04	\$611.90	\$110.14	\$3,059.50
6	\$703.69	\$611.90	\$91.79	\$2,447.60
7	\$685.33	\$611.90	\$73.43	\$1,835.70
8	\$666.97	\$611.90	\$55.07	\$1,223.80
9	\$648.61	\$611.90	\$36.71	\$611.90
10	\$630.26	\$611.90	\$18.36	\$0.00
Totals:	\$7,174.53	\$6,119.00	\$1,055.53	

Note: These are only preliminary estimated amounts – these amounts will change dependent on when interest starts accruing. Approximate monthly payment ranges from \$53 - \$70.



Preliminary Project Schedule

- Neighborhood Informational Meeting September 10, 2020
- City Council Received Feasibility Report September 28, 2020
- Held Improvement Public Hearing/Order Plans October 26, 2020
- Established 2020 Assessment Rates November 9, 2020
- **Assessment Public Hearing/Certify Assessment Roll December 14, 2020**
- Approve Plans/Advertise for Bids January 2021
- Accept Bids/Award Project February/March 2021
- Begin Construction April 2021
- Substantial Completion October 2021



Recommended Action

Public Hearing on Special Assessments – Simple Majority

- Motion to open Public Hearing on Special Assessments
- Take public input on the special assessments
- Motion to close Public Hearing
- Consideration of comments and motion to adopt resolution Certifying Special Assessments for Improvement Project Nos. 2021-01 and 2021-02, Grandview South Area Street and Storm Drainage Improvements to the Hennepin County Tax Rolls



Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Mark Ebensteiner, Finance Director

SUBJECT: An Ordinance Amending Ordinance No. 2018-08 Regarding Council Salaries for 2021-2022

Background:

Every two years the Financial Commission is required by the City Council Code of Policies to review the salaries for the Mayor and City Council and recommend any changes that may seem appropriate. The Financial Commission has reviewed the salaries in comparison to a specified group of comparison cities as outlined by policy. The data on comparison with those cities for the years 2016 through 2020 is attached.

The Financial Commission met on Thursday, November 16, 2020 to review the attached information and make their recommendation. Following a discussion the Commission unanimously recommended that the Mayor and City Council salaries increase by two percent for 2021 and 2022. The Commission cited that the two percent increases were consistent with recent staff wage adjustments. The Commission also suggested an increase would show appreciation to the City Council for the time spent attending meetings and their belief that the City has functioned well over the past two years.

The first reading of the attached ordinance was approved on November 23, 2020. Subsequently, notice of a public hearing on the ordinance was published in the Sun Post newspaper on December 3, 2020 as required by law. Following input from the public, it is requested that the Council vote on the new ordinance establishing 2021 and 2022 salaries. The ordinance will become effective January 1, 2021.

This item was first read on November 23, 2020; published in the official newspaper on December 3, 2020; and is offered this evening for a second reading and Public Hearing.

Requested Council Action:

- Motion to open Public Hearing
- Take public input
- Motion to close Public Hearing
- Motion to adopt Ordinance

Budget Issues:

Under the recommended proposal, the wage adjustments for the Mayor and City Council will increase in total by \$1,042 for 2021 and an additional \$1,063 for 2022. If approved, these amounts will be incorporated in the 2021 and 2022 budgets.

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Council Wage Comparison	12/8/2020	Backup Material
Council Wage Consideration	12/8/2020	Backup Material
MN Statute 415.11	12/8/2020	Backup Material
Ordinance - Council Salaries 2021-2022	12/8/2020	Ordinance



City of Brooklyn Center
Comparative Mayor and Council Wages

City	2010 Census Population	2016		2017		2018		2019		2020	
		Mayor	Council	Mayor	Council	Mayor	Council	Mayor	Council	Mayor	Council
Maplewood	38,018	\$ 13,618	\$ 11,986	\$ 13,479	\$ 11,864	\$ 13,958	\$ 12,286	\$ 13,958	\$ 12,286	\$ 13,958	\$ 12,286
Richfield	35,228	10,379	8,070	11,350	8,809	12,012	9,323	12,012	9,323	12,372	9,603
Roseville	33,660	9,300	7,020	9,300	7,020	9,300	7,020	9,300	7,020	9,300	7,020
Brooklyn Center	30,104	11,846	9,070	12,083	9,251	12,325	9,436	12,572	9,625	12,823	9,817
Fridley	27,208	10,689	8,270	10,689	8,779	10,689	8,779	10,689	8,779	10,689	8,779
Shoreview	25,043	9,348	6,936	9,540	7,080	9,540	7,080	9,828	7,296	9,828	7,296
White Bear Lake	23,797	9,600	7,500	9,600	7,500	9,600	7,500	9,600	7,500	9,600	7,500
Crystal	22,151	10,620	8,170	10,620	8,170	10,620	8,170	10,885	8,374	10,885	8,374
Golden Valley	20,371	12,207	9,136	12,207	9,136	12,825	9,598	12,825	9,598	13,530	10,126
New Hope	20,339	12,037	8,791	12,338	9,011	12,646	9,236	13,025	9,513	13,416	9,798
Average	27,592	\$ 10,964	\$ 8,495	\$ 11,121	\$ 8,662	\$ 11,352	\$ 8,843	\$ 11,469	\$ 8,931	\$ 11,640	\$ 9,060
Median	26,126	\$ 10,655	\$ 8,220	\$ 11,019	\$ 8,794	\$ 11,351	\$ 9,008	\$ 11,449	\$ 9,051	\$ 11,629	\$ 9,191

Brooklyn Center as a % of:

Average	109%	108%	107%	109%	107%	109%	107%	110%	108%	110%	108%
Median	115%	111%	110%	110%	105%	109%	105%	110%	106%	110%	107%

Notes:

Golden Valley: Pays per diem of \$50 per extra meeting, which is capped at a maximum of \$150 per month.
 Also provides city-owned tablet for Mayor/Council member use, which eliminated paper packets.

New Hope Members also receive \$25 per EDA meeting and have a city issued iPad with data plan

Maplewood: Members are provided a city iPad if needed.

Fridley: Members are provided a City issued laptop.
 Members are eligible for health insurance, with the same contributions as full-time employees.
 Council wage is the blended rate of: At Large (\$8,779) and Council (\$7,761).

Crystal: Members are provided a technology allowance, which will not exceed \$250 annually.

City of Brooklyn Center
Proposed Mayor and City Council Compensation for 2021-22

		Proposed 2021			Proposed 2022		
Current Compensation		1% Increase 2021	2% Increase 2021	3% Increase 2021	1% Increase 2022	2% Increase 2022	3% Increase 2022
Mayor	\$ 12,823	\$ 12,951	\$ 13,079	\$ 13,208	\$ 13,081	\$ 13,341	\$ 13,604
Council Member	\$ 9,817	\$ 9,915	\$ 10,013	\$ 10,112	\$ 10,014	\$ 10,214	\$ 10,415
Total Cost	\$ 52,091	\$ 52,612	\$ 53,133	\$ 53,654	\$ 53,138	\$ 54,195	\$ 55,263
Difference Year		\$ 521	\$ 1,042	\$ 1,563	\$ 526	\$ 1,063	\$ 1,610
Total Difference					\$ 1,047	\$ 2,104	\$ 3,172

415.11 SECOND TO FOURTH CLASS CITIES; GOVERNING BODY SALARIES.

Subdivision 1. **Set by ordinance.** Notwithstanding the provisions of any general or special law, charter, or ordinance, the governing body of any statutory or home rule charter city of the second, third or fourth class may by ordinance fix their own salaries as members of such governing body, and the salary of the chief elected executive officer of such city, in such amount as they deem reasonable.

Subd. 2. **After next election.** No change in salary shall take effect until after the next succeeding municipal election.

Subd. 3. **Temporary reductions.** Notwithstanding subdivision 2 or a charter provision to the contrary, the governing body may enact an ordinance to take effect before the next succeeding municipal election that reduces the salaries of the members of the governing body. The ordinance shall be in effect for 12 months, unless another period of time is specified in the ordinance, after which the salary of the members reverts to the salary in effect immediately before the ordinance was enacted.

History: *Ex1967 c 42 s 1,2; 1976 c 44 s 34; 2009 c 152 s 17*

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 14th day of December 2020, at 7 p.m. or as soon thereafter as part of the regular City Council meeting. The WebEx meeting can be accessed electronically by

<https://logis.webex.com/logis/j.php?MTID=m4e2521c99a845acbd144c753f56caf69> or by calling 1-312-535-8110 Access Code: 133 791 1584

As City Hall is currently closed due to the COVID-19 pandemic, we strongly encourage you to forward your comments and questions to the City Clerk at bsuciu@ci.brooklyn-center.mn.us or by phone at 763-569-3306.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 2018-08 REGARDING COUNCIL SALARIES FOR 2021-2022.

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

Section 1. City of Brooklyn Center Ordinance No. 2018-08 which amended the amount of the annual compensation to be paid to the Mayor and Council Members to become effective January 1, 2019, is hereby amended.

Section 2. Effective January 1, 2021, the annual salary for the Mayor shall be \$13,079 and the annual salary for Council Members shall be \$10,013.

Section 3. Effective January 1, 2022, the annual salary for the Mayor shall be \$13,341 and the annual salary for Council Members shall be \$10,214.

Section 4. This ordinance shall be effective after adoption and thirty days following its legal publication.

Adopted this _____ day of _____, 2020.

Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

(Underline indicates new matter.)

Council Regular Meeting

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

BY:

SUBJECT: An Ordinance Amending Chapter 27 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.

The ordinance has been drafted to prohibit the use on public streets and allow for uses on private property. Further modification was made to require snowmobiles to have property noise prevention equipment (mufflers).

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	12/1/2020	Ordinance
Resolution for Summary Publication	12/8/2020	Resolution Letter

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 CHAPTER 27 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 7 a.m. and 10 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 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;

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 ~~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. 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 CHAPTER 27 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-_____

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2020, 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.

The ordinance amends Sections 27-901 through 27-908 regarding snowmobiles, adds the regulation of recreational vehicles, modifies definitions, makes it unlawful to operate snowmobiles and recreational vehicles in the City unless such use is consistent with one of the stated exemptions, regulates the operations of such vehicles, requires certain equipment, and provides that administrative citations may be issued for violations. The full text of the ordinance is available on the City's website and paper copies are available at the City Hall.

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 by
dialing 1-312-535-8110
Access Code: 133 791
1584
December 14, 2020

AGENDA



ACTIVE DISCUSSION ITEMS

1. A Concept Development Proposal for 6221 Shingle Creek Parkway (The Crest Apartments)
2. Community Celebration Name

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
 - NOAH Preservation Program
 - Review Special Assessment Policy
 - Opportunity Site Update
 - Earle Brown Name
 - Tobacco Ordinance
 - Fire Truck Acquisition

MEMORANDUM - COUNCIL WORK SESSION

DATE: 12/14/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: A Concept Development Proposal for 6221 Shingle Creek Parkway (The Crest Apartments)

Recommendation:

- Consider a concept development proposal for 6221 Shingle Creek Parkway (The Crest Apartments)

Background:

The concept review process is an opportunity for the City Council to review a development concept prior to a formal proposal from an applicant, and provide comments, ask questions, and indicate whether or not the City would be open to the project. Concept reviews are helpful for projects that would involve EDA-owned land or public subsidy, as it provides insight to staff and the developer as to the City Council's level of interest, and any specific concerns, related to a project.

A concept review is considered advisory and is nonbinding to the City and the applicant. No formal action can be taken at a work session, and the Council is not being asked to vote on the proposal. If the developer chooses to submit a formal application to the City to proceed, it would be subject to the full review process, as with any other development application.

Concept Proposal

Aeon is the owner and operator of the Crest Apartments, which purchased the building in 2012 and completed a renovation in 2014. The Crest is a 122-unit affordable multi-family apartment in the community on 4.37 acres of land. The property abuts the Hennepin County library and service center to the north and Centennial Park to the east.

Aeon is preparing a Conduit Revenue Bond application to the state for \$17,000,000 to complete necessary renovations to the existing building and to construct an additional 47 units of affordable housing on the existing site. They have provided a project overview detailing their concept which is attached to this report.

The rehabilitation component of the proposal would provide \$5,000,000 of funds for needed improvements to the existing building, which consists of 78 one-bedroom units and 44 two-bedroom units. The units are all currently restricted at 50% area median income (AMI). There are an additional eleven units that are set aside to serve persons with disabilities.

The new construction component would allow a second multi-family building on the site which would provide 47 units of predominantly two and three-bedroom units. The rents would average roughly 60 percent AMI.

The new building would be six stories in height and include amenities such as a community room, fitness space

and homework room. Due to the presence of floodplains on the site, Aeon has not yet determined where the building will be located and has provided several possible locations.

They are currently proposing 59 parking stalls for the new building.

Staff has met with Aeon to discuss the site lay out and development plan; however, staff has not done a complete review of the proposal, which would occur at the time that a full land use application was submitted. Detailed items such as setbacks, stormwater, grading, traffic circulation, etc will all need to be carefully reviewed. Adjustments to the site plan may be necessary as more detailed plans are developed.

Financing

The developer has submitted a preliminary proforma and sources and uses. The primary source of financing for the development would be 4% Low Income Housing Tax Credits (LIHTC). The total project costs are estimated to be \$36,703,812. The project would also include a Tax Increment Financing (TIF) request. At present the developer is anticipating a request of \$1,400,000 in TIF; however a public subsidy application has not yet been submitted.

It should be noted that any public subsidy request would undergo a thorough review by the City's public finance consultant and would be required to meet the standards set forth in State Statute, which include demonstrating that without the subsidy the project could not go forward on its own.

Process

Aeon is requesting city approval to submit a preliminary application for Conduit Revenue Bonds to the state. If approved, the City Council will be asked to hold a public hearing and consider providing authority to issue conduit debt to the project.

Aeon will also need to submit to the city for land use entitlements for the project itself along with any application for public subsidy for a full and complete city review.

Policy Issues:

The City Council is being asked to consider the concept proposal from Aeon and provide feedback on the development plan, site layout, and public subsidy request.

Issues for the Council to consider:

- Is the development plan in keeping with the City's 2040 future land use plan and long range vision for the area?
- Are there aspects of concept or overall project that are concerning to the Council?
- Is the use of public subsidy appropriate to catalyze the redevelopment of this site?
- Does the proposed use the the site forward the City's strategic priorities?

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Project Overview	12/7/2020	Backup Material
Concept Layout	12/7/2020	Backup Material

The Crest

Rehabilitation and Expansion
Prepared by Aeon

Project Summary

Aeon purchased The Crest Apartments in 2012 and initial renovations were completed in 2014. The Crest offers 122 affordable, spacious homes to individuals and families in the Brooklyn Center community with access to the green space at the adjacent Garden City Park.

Aeon is proposing a project that would allow for necessary updates to The Crest's 122 homes as well as add 47 homes on the existing underutilized land.



We request that City Council support a submission to Minnesota Management and Budget by the City of Brooklyn Center for Housing Revenue Bonds on behalf of Aeon.

Community Need

The Twin Cities has a severe need for more affordable homes. There are currently only 37 affordable homes available for every 100 extremely low-income families in need (MN Housing). And without stable housing, people cannot properly address their health, education, employment, and social needs.

Given the unusual time we face with the COVID-19 pandemic, there is an even greater need for affordable housing. Renters have lost income, childcare, and social supports. Significant disruptions to the pipeline of new affordable housing could mean fewer new units coming online in the upcoming months or years. Aeon is confident we can navigate this uncertainty. Together, we can ensure our community's most vulnerable families have access to stability during this national crisis.



Rehabilitation of Phase 1

The Crest Phase 1 consists of 122 units, including 78 one-bedroom apartment homes and 44 two-bedroom apartment homes. The units are currently restricted to households at or below 50% of area median income or \$36,200 for a single-member household. Additionally, there are eleven units that have Section 811 rental assistance and serve individuals with disabilities.

The proposed project will inject approximately \$5,000,000 (or \$41,000 per unit) in renovations into the 13-story tower. The renovation dollars will allow the existing property to complete necessary improvements to building systems, including plumbing, HVAC, and elevators, to keep the project in good repair for the years to come. These dollars will also allow upgrades to the apartment homes.

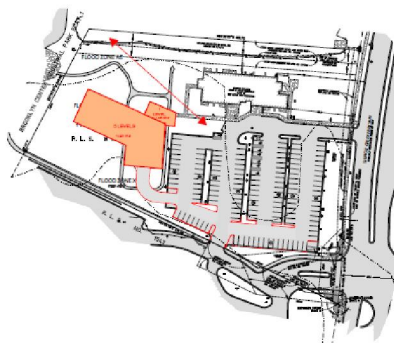
New Construction of Phase 2

The project is proposing an additional 47-unit building will focus on two- and three-bedroom units for families. The new building will have approximately 4 one-bedroom, 25 two-bedroom and 18 three-bedroom apartment homes. The new units would have a mix of affordability averaging roughly 60% of area median income.

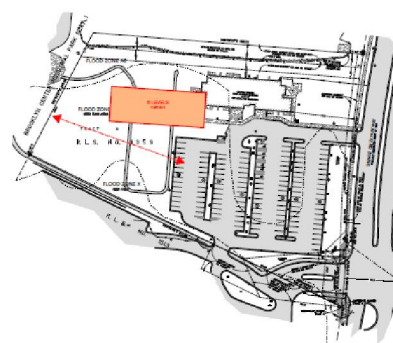
The new building is proposed to be a six-story structure with parking occupying the first floor. The building would stand alone with its own community room, management office, fitness space and homework room.

The property currently sits in a flood plain, so several building placement options need to be considered.

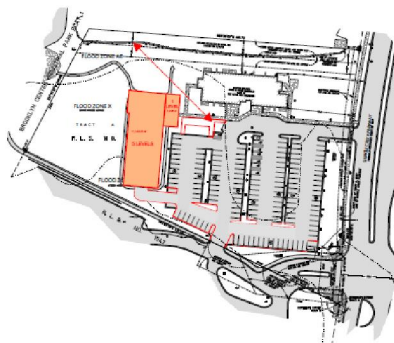
VIGNETTE 1



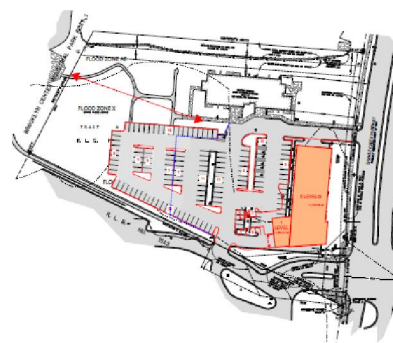
VIGNETTE 3



VIGNETTE 2



VIGNETTE 4



Parking

The existing Crest (122 units) would be allocated 117 surface parking stalls. Based on current use, this would be more than adequate to support the existing property. The proposed project would repair the existing parking lot and restripe it to achieve more efficiency in parking.

The new construction of 47 units will support 28 surface parking stalls and 31 covered stalls, for a total of 59 stalls. Due to limitations of the site, the covered stalls would occupy the first floor of the new construction building.

Financing

The Crest currently has an existing HUD Risk Share mortgage on it, with additional funds from Hennepin County and Minnesota Housing. The total existing funding equates to about \$2,440,000 – some of which will remain with the project in a new limited partnership and some of which will be replaced with new financing.

Property	Lender	Program	Principal	Maturity	
Crest, The	Hennepin Co	NSP	\$995,645	10/01/44	Assumed
Crest, The	MN Housing	FFCC	\$575,000	09/01/44	Repaid
Crest, The	MN Housing	First Mortgage, HRS	\$872,245	02/01/45	Repaid
Total			\$2,442,890		

In partnership with the City of Brooklyn Center, the project aims to request approximately 16,500,000 in tax exempt bonds in January 2021. The project will also secure a first mortgage and anticipates requesting TIF from the City of Brooklyn Center. The general partner is expected to make a contribution to round out the capital stack for the project. The anticipated total development cost for this project is roughly \$36,700,000.

Uses		Sources	
Acquisition/Existing Debt	\$12,664,890	First Mortgage	\$9,686,000
Construction	\$16,421,619	Low Income Housing Tax Credit	\$11,577,249
Environmental	\$75,000	Seller Loan	\$10,222,000
Professional Fee	\$1,376,398	Hennepin County (assumed)	\$995,645
Developer Fee/Consultants	\$3,300,000	Interim Income	\$300,000
Financing Costs	\$1,561,750	Return of Forward Commitment	\$400,000
Reserves	\$1,304,156	General Partner Contribution	\$2,122,918
		TIF Request	\$1,400,000
Total	\$36,703,812	Total	\$36,703,812

** Sources and Uses are subject to change during underwriting.

Construction Financing:

Construction Sources	
Tax Exempt Bonds	\$16,301,571
Taxable Bonds	\$2,646,228
	18,947,799

Timeline

Jan 2021	Bond Application Submission
July 2021	Project Close
July 2021	Construction Begins
December 2022	Rehab Complete*
December 2022	New Construction Complete*

* Due to COVID, timing for construction and renovation will be closely monitored to ensure resident health and safety throughout construction.

Contact Information:

Leslie Roering, Senior Real Estate Developer

lroering@aeon.org

612-746-4853





VIGNETTE 1



VIGNETTE 3



VIGNETTE 2



VIGNETTE 4



MEMORANDUM - COUNCIL WORK SESSION

DATE: 12/14/2020

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: 12/14/2020

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
- NOAH Preservation Program
- Review Special Assessment Policy
- Opportunity Site Update
- Earle Brown Name
- Tobacco Ordinance
- Fire Truck Acquisition

Background: