

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

November 9, 2020

AGENDA

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

CITY COUNCIL MEETING

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1584
November 9, 2020

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. - Butler

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:

- *October 26, 2020 Study Session*

- *October 26, 2020 Regular Session*
 - *October 26, 2020 Work Session*
- b. Approval of Licenses
 - *Motion to approve licenses as presented.*
 - c. Resolution Issuing a Hospitality Accommodations License to Radisson Hotel Brooklyn Center with Conditions
 - *Consider adoption of resolution issuing a hospitality accommodations license to Radisson Hotel Brooklyn Center with conditions.*
 - d. 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.*
 - e. Resolution Authorizing Acquisition by Eminent Domain and Approval of Appraised Values of Easements for Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05
 - *Motion to approve a resolution authorizing acquisition by eminent domain and approval of appraised values of easements for Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05.*
 - f. Resolution Establishing Interest Rate for 2021 Special Assessments
 - *Motion to approve a resolution establishing interest rate for 2021 special assessments.*
 - g. Resolution Establishing 2021 Street and Storm Drainage Special Assessment Rates
 - *Motion to approve a resolution establishing the 2021 street and storm drainage special assessment rates for street and utility improvement projects.*
 - h. Resolution Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Special Assessments for Improvement Project Nos. 2021-01 and 02, Grandview South Area Street and Storm Drainage Improvements
 - *Motion to approve a resolution declaring costs to be assessed and calling for a public hearing on proposed special assessments for Improvement Project Nos. 2021-01 and 02, Grandview South Area Street and Storm Drainage Improvements.*
 - i. Resolution Electing to Participate in the Local Housing Incentives Account Program Under the Metropolitan Livable Communities Act
 - *Motion to approve a resolution electing to participate in the Local Housing Incentives Account Program under the Metropolitan Livable Communities Act*
 - j. Motion to approve the Amendments to the City Council Calendar
 - *Motion to approve the amendments to the City Council Calendar*

7. Presentations/Proclamations/Recognitions/Donations

8. Public Hearings

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

9. Planning Commission Items

10. Council Consideration Items

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Background:

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

Budget Issues:

-None.

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
10/26 Study Session	11/4/2020	Backup Material
10/26 Regular Session	11/4/2020	Backup Material
10/26 Work Session	11/4/2020	Backup Material

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

STUDY SESSION
OCTOBER 26, 2020

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Mike Elliott at 6:00 p.m. The meeting was conducted via 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, Community Development Director Meg Beekman, City Clerk Barb Suci, and City Attorney Troy Gilchrist.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

-None.

MISCELLANEOUS

HOUSING POLICY MEETING – 11/30 5 PM TO 8PM

City Manager Curt Boganey stated, at the last Council meeting, the City Council agreed upon the date of November 30, 2020 from 5:00-8:00 p.m. for a Housing Policy meeting. He requested consideration of alternative dates as that date does not work for the consultant.

Community Development Director Meg Beekman stated the meeting dates originally proposed by the consultant were November 16, 18 or 19, 2020. She added three additional dates are proposed by City Staff as possible meeting dates.

Mr. Boganey stated the dates that have been proposed that will potentially work are November 11, November 24 and December 2. He added these dates have not been confirmed by the consultant. Ms. Beekman confirmed this.

Mayor Elliott stated he is not available on November 11 or 24, 2020. He added he is available on December 2, 2020.

Councilmember Butler stated all three dates work for her.

Councilmember Graves stated the City Council should go with December 2, 2020 if that date works for the Mayor. She added she is not sure why November 19, 2020 was not a possibility.

Councilmember Lawrence-Anderson stated any date is fine with her except November 10, 2020, which is her birthday.

Councilmember Ryan stated December 2, 2020 works for him.

Ms. Beekman asked whether November 19, 2020 works for the City Council, in the interests of having an alternative date to propose to the consultants.

Mayor Elliott stated November 11, 2020 would work for him if the meeting is one hour. Ms. Beekman stated the meeting will be longer than one hour.

Mayor Elliott stated another date should be found so there is an alternative date. He added December 3, 2020 works for him.

Councilmember Lawrence-Anderson asked why the meeting is being pushed so far out. She added a date was already agreed upon that fit the Mayor's schedule.

Mr. Boganey stated the November 30, 2020 date did not work for the consultants.

Councilmember Ryan stated December 2 or 3, 2020 work for him. He added he hopes this meeting can be nailed down.

Councilmember Graves agreed. She confirmed the dates work for her.

There was a majority Consensus of the City Council to pursue the dates of December 2 or 3, 2020 for the Housing Policy meeting.

PROCEDURES FOR RANDOM ACTS OF KINDNESS PRESENTATION

Mr. Boganey requested City Council feedback and comment regarding how to proceed with the Random Act of Kindness Awards at tonight's Council meeting. He added, in the past, the presentations have been divided among the Councilmembers and taken in order.

Mayor Elliott stated he would support rotating the presentations.

Councilmember Graves expressed concern that this might be difficult to navigate electronically. She added it is confusing to stay on track with the presentations. She noted it would be better from a logistical standpoint to have less people do the reading.

Councilmember Lawrence-Anderson stated it would be more meaningful to the recipients if the Mayor were to give the presentations and acknowledge these residents.

Councilmember Ryan agreed, adding it would be more straightforward to have one reader. He added the Mayor could call on Councilmember Butler to step in if need be. He noted it would be more simple to have one reader, and help move things along.

Mayor Elliott agreed to read the presentations.

City Clerk Barb Suciu confirmed that the presentations will be displayed in a PowerPoint and shared in the online meeting as they are being read.

252 TASK FORCE SURVEY PRESENTATION

Councilmember Butler requested City Council consideration of a presentation of survey results by the Highway 252 Task Force at an upcoming City Council Work Session. She added the Task Force has requested a meeting with City Staff. She noted they have accomplished what professionals have not been able to, which is engage residents on both sides of Highway 252 who will be impacted by the changes.

Mayor Elliott stated the Task Force has reached out with a request to present information to the City Council as part of a Regular Session, based on the nature of the information they have collected. He added he supports their request.

Councilmember Ryan stated he would like to have evaluation and a recommendation from City Staff regarding the so-called poll that was taken by the Riverwood neighborhood group. He added he has reservations about the methodology and purpose of the poll. He asked whether City Staff can provide a review of the poll.

Mr. Boganey stated City Staff can provide comments regarding the survey, in terms of the formation of the questions and how they may or may not meet criteria for statistically valid surveys. He added there is not much else that City Staff can offer in terms of evaluating the survey itself as the survey results are the results.

Councilmember Ryan stated he has had some exposure to opinion surveys, and appropriate methodologies, although I am no expert. He reviewed a recent phone call he received from a pollster, in which questions were framed to shape his opinion. He added he noticed some things about this survey that were problematic, as options that were given were not that which an objective process would identify. He noted he has issues with this neighborhood group's repeated claims that the Minnesota Department of Transportation is violating its safety protocols for location of interchanges. He noted he will support a presentation from them if it is the will of the City Council.

Councilmember Butler stated these are Councilmember Ryan's opinions. She added we need to caution ourselves about comments as they can be insulting to community work. She added the group has done a lot of research, and went door-to-door, getting the word out and dispersing information. She noted they have their own opinions because they will be impacted by whatever decisions are made. She noted there is a more respectful way to disagree, and Councilmember Ryan's language around their efforts is disrespectful, has been consistent with your attitude toward this group from the beginning.

Councilmember Butler stated she is not an expert on qualitative or quantitative data but she has been willing to listen to them whether she agrees with them or not, which is more than other City

Councilmembers have done. She added the group deserves an opportunity to come forward and address the City Council, in the same way that other groups have done, including the chicken and bees supporters.

Mayor Elliott stated a time should be scheduled for this group to attend a Council meeting, if they are ready to give a presentation. Mr. Boganey agreed to schedule the presentation at the group's earliest convenience.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

EARLE BROWN NAME CHANGE

Mr. Boganey stated this issue was discussed by the City Council in July 2020, at which time there was a level of interest from the City Council in getting a greater degree of factual certainty around assertions and allegations regarding Earle Brown. He added a local author reached out to the Mayor, and there was an expectation that the author would be invited to a future City Council meeting to review research that went into the book. He noted he received a voicemail from another individual who indicated he has additional information about the history of Earle Brown and would like to be present at a City Council meeting at which this issue is discussed.

Mr. Boganey stated he also received an email from a resident, Arvid Sorensen, expressing concern about changing the name given the factual disputes.

Mr. Boganey requested City Council feedback and comment regarding potential additional research, including reaching out to the University of Minnesota, as indicated in the July meeting minutes. He asked whether the City Council would wish to pursue additional information, and what organizations should be contacted so City Staff can pursue this issue.

Mr. Boganey stated, if the City Council believes there is sufficient information, given the fact that there is disputed information about Earle Brown, there are a variety of options open to the City Council in terms of changing the names of the City's amenities. He added City Staff can provide some options for City Council consideration.

Councilmember Ryan stated he would like more information and additional research from local historians, as the question that was raised was that Earle Brown testified before a Grand Jury regarding his membership in the KKK. He stressed the importance of finding out more about his motives. He noted it is also in the City's best interests to explore its options in changing street and place names.

Councilmember Lawrence-Anderson stated any changes like this should go to the people in the form of a referendum. She added community engagement is important to the City Council, and this is a crucial issue on which the elected Councilmembers should not decide. She reiterated her belief that the people of Brooklyn Center need to decide.

Mayor Elliott stated it is important for citizens to weigh in whenever possible. He added the decision to name streets and amenities after Earle Brown was a decision of the City Council, and

Mr. Brown nor his progeny were involved in these decisions. He noted, ultimately, the City Council is responsible for addressing this issue.

City Attorney Troy Gilchrist stated the election process cannot be used for an advisory question from citizenry. He added residents do not have the authority to make this type of decision under the law. He noted the City could collect public opinion but a decision on this matter would be down to the City Council.

Councilmember Ryan stated he is in favor of citizen engagement on all civic issues. He added the City Council should be consistent in its standards for community engagement in all matters, although it is ultimately a City Council decision, and should be reviewed further. He noted there is an open question about who Earle Brown was, in terms of his nefarious affiliation, and more information and potential community engagement is required to resolve this issue. He noted a potential decision will be made less controversial by community engagement.

Mayor Elliott stated two City Councilmembers have requested additional information before moving forward with this issue.

Mayor Elliott stated it is time to move to the Open Forum.

Mr. Boganey requested additional information from the City Council on this issue after the Regular Session. Mayor Elliott asked the City Council whether they feel that this discussion has reached its conclusion. Mr. Boganey stated the issue must be discussed again so City Staff can find out what kind of information to look for and what sources to search.

Discussion of this item continued at the October 26, 2020, Work Session.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Mayor Elliott adjourned the Study Session 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
OCTOBER 26, 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, Finance Director Mark Ebensteiner, Community Development Director Meg Beekman, City Engineer Mike Albers, Police Chief Tim Gannon, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

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

Hookah License

Simone Chamblish, Jambo Africa, requested consideration of getting a hookah license for her restaurant. She stated she would like to be included on a City Council agenda to talk about this issue, which is something that could help her restaurant and other local restaurants stay in business. She added she has heard the City has too many licenses, and the City Council has said that they oppose it, but other restaurants like Jammin Wings have it. She noted she wants to be able to talk to the City Council about it.

Mayor Elliott requested clarification regarding hookah licenses. Mr. Boganey stated hookah licenses fall under the City's tobacco Ordinance, which sets a limit on the number of tobacco licenses that can be issued. He added the City is well above the limit and no additional tobacco or hookah licenses can currently be issued.

Mayor Elliott requested clarification regarding the current number of tobacco licenses in Brooklyn Center.

City Clerk Barb Suciu stated the tobacco license limit is 14, and the City is currently at 20 licenses as all license-holders were grandfathered in at the time that the Ordinance was passed. She added there are 2 less licenses than when the Ordinance went into effect.

Mayor Elliott stated the City Council should grant Ms. Chamblish's request to have a discussion on this issue during a Work Session.

Councilmember Lawrence-Anderson stated she would welcome a Work Session discussion on this issue. She requested that an invitation be extended to a representative of Association for Non-Smokers Minnesota to attend this discussion as well. She noted she can provide contact information to City Staff to contact the Association. She stressed the importance of hearing both sides of the issue.

Mayor Elliott agreed.

Renaming of Earle Brown Buildings and Streets

Randy Christensen requested City Council consideration of costs and expenses related to changing the name of the City's Earle Brown buildings and streets. He added there are City buildings, signs, social media and events tied to the name, as well as taxpayer owned neighborhoods. He asked whether there has been sufficient independent review of the disputed allegations against Earle Brown and his reputation. He expressed his opinion that it is disingenuous for elected Councilmembers to make such a decision without an impartial review. He urged the City Council to lead the City's residents to the same conclusions that they have arrived at, so the City can rally around the City Council to strip the City of Brooklyn Center of the name of Earle Brown.

Arvid Sorenson stated he agrees this issue should be reviewed before a decision is made. He added these changes would cost a lot of money, which would be better spent on other projects in the community.

Opportunity Site Survey and Community Engagement

Alfreda Daniels stated she would like to speak about the Opportunity Site survey, and the community engagement process. She added she served on the committee that was formed to advise City Staff on how to engage the community. She noted the City needs to invest more effort on how to engage the diverse community. She noted the majority of community members have no idea about the Opportunity Site. She requested that the City Council hold City Staff accountable to properly engage residents on this project, which will impact all residents, positively or negatively, and every resident deserves a seat at the table and their voice heard.

Mayor Elliott stated it is incredibly important to engage the community in ways that are meaningful. He added the Opportunity Site is the single biggest project the City will have, probably in the next several decades.

Mayor Elliott thanked all the residents who joined the meeting to speak today.

Mayor Elliott moved and Councilmember Butler seconded to close the Informal Open Forum at 6:58 p.m.

Motion passed unanimously.

2. INVOCATION

Councilmember Dan Ryan read the following quotes as an Invocation:

“Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence.”

-John Adams

“When the leaders choose to make themselves bidders at an auction of popularity, their talents, in the construction of the state, will be of no service. They will become flatterers instead of legislators; the instruments, not the guides, of the people.”

-Edmund Burke

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, Finance Director Mark Ebensteiner, Community Development Director Meg Beekman, City Engineer Mike Albers, Police Chief Tim Gannon, City Clerk Barb Suci, and City Attorney Troy Gilchrist.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6a. APPROVAL OF MINUTES

1. September 22, 2020 Work Session with MnDOT
2. October 12, 2020 Study Session
3. October 12, 2020 Regular Session
4. October 12, 2020 Work Session

6b. LICENSES

Mechanical Licenses

C&M Heating and Air Conditioning Inc	13862 Wintergreen St. Andover 55304
JayHawk Mechanical, Inc.	3307 N 2 nd Street Minneapolis 55412
Owens Companies Inc	930 E. 80 th St. Bloomington 55420

Riccar Heating & A/C

Stafford Home Service

Stern Heating & Cooling, Inc

Twin City Fireplace & Stone

United Heating & A/C Inc

Wencl Services, Inc

Westair Corporation

2387 Station Parkway NW
Andover 55304

6225 Cambridge Street
St. Louis Park, 55416

34181 180th Ave
Red Wing 55066

6521 Cecilia Circle
Edina 55439

1295 Hackamore Road
Medina 55340

8148 Pillsbury Ave S
Bloomington 55420

11184 River Rd NE
Hanover 55341

Tobacco Related Product

Patrick Awad / Premier Tobacco
6930 Brooklyn Blvd

10501 Van Buren Circle NE
Blaine, 55434

RENTAL

INITIAL (TYPE IV – one-year license)
2606 65th Ave N

HPA USA 1 LLC

INITIAL (TYPE III – one-year license)
4213 63rd Ave N

4811 Lakeview Ave N

Buster Fallah/
Angels Health & Home Care Services
Eileen Booker

INITIAL (TYPE II – two-year license)
3300 65th Ave N
4506 71st Ave N
6430 June Ave N

Elizabeth Dolomengi
Obafemi Oladeji / Koladex Venture
Euphemia Brewer

RENEWAL (TYPE IV – one-year license)
5642 Logan Ave N

MNSF II W1 LLC -
Missing CPTED Follow Up

RENEWAL (TYPE III – one-year license)
6200 Brooklyn Blvd

5827 Ewing Ave N
5408 Girard Ave N
5618 Hillsvieview Rd
5443 Logan Ave N

Hayder Albatushi -
Met Requirements
Juan Carlos Quito Villa
Michael Gardner - Met Requirements
Nita Morlock - met requirements
Alfred Apata /

6807 Quail Ave N
6936 Unity Ave N

Ultimate Care Group - Missing CPTED
Paul Pham - met requirements
Paul Johnson - Met Requirements

RENEWAL (TYPE II – two-year license)

5337 -39 Queen Ave N
1300 68th Ln N
2912 69th Ln N
5333 Dupont Ave N
5250 Great View Ave
5302 Humboldt Ave N
5419 Humboldt Ave N
6765 Humboldt Ave N
4201 Lakeside Ave #201
6400 Noble Ave N
6424 Scott Ave N

Thanh Kim Oan
Grant & Pam Osgood
Lydia Kim
FYR SFR Borrower LLC
Chen Zhou
MNSF II W1 LLC
Cecilia Pineda
Loan Nguyen
Justin Frederick
Zam Zama Gesaade
Chen Zhou

RENEWAL (TYPE I – three-year license)

4201 Lakeside Ave #209
3301 Mumford Rd

Robert Morgan
Danny Vo

- 6c. RESOLUTION NO. 2020-094 ESTABLISHING IMPROVEMENT PROJECT NO. 2021-06, NORTHWEST AREA MILL AND OVERLAY**
- 6d. RESOLUTION NO. 2020-095 ESTABLISHING IMPROVEMENT PROJECT NO. 2021-07, LYNDAL AVENUE AREA PAVEMENT REHABILITATION**
- 6e. RESOLUTION NO. 2020-096 ESTABLISHING IMPROVEMENT PROJECT NOS. 2021-08, 09, 010 AND 11, RYAN LAKE INDUSTRIAL PARK AREA STREET AND UTILITY IMPROVEMENTS**
- 6f. RESOLUTION NO. 2020-097 AUTHORIZING A SEWER AVAILABILITY CHARGE (SAC) REDUCTION POLICY**
- 6g. FOURTH AMENDMENT TO THE EASEMENT WITH COVENANTS AND RESTRICTIONS AFFECTING LAND WITHIN SHINGLE CREEK CROSSING**
- 6h. RESOLUTION NO. 2020-098 ADOPTING AN AMENDMENT TO THE CITY COUNCIL CODE OF POLICIES REGARDING ACCESSING CITY ATTORNEY SERVICES FOR COUNCIL POLICY DEVELOPMENT**
- 6i. AMEND THE CITY COUNCIL MEETING CALENDAR**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. MULTI-CULTURAL ADVISORY COMMITTEE (MAC) QUESTIONNAIRE

Police Chief Tim Gannon reviewed the results of the recent Multicultural Advisory Committee (MAC) survey. He added the MAC survey, conducted in June 2020, included questions related to MAC functions, and members were asked to provide suggestions for ways to make the MAC more user-friendly and accessible to citizens. He noted responses were received from 9 of the 15 MAC members who were surveyed.

Chief Gannon stated the MAC was developed 15 years ago as a joint police partnership between Brooklyn Center and Brooklyn Park, and has since extended to 6 cities, each with their own MAC.

Chief Gannon reviewed the questions and responses on the survey:

1. Do you feel the Police Department is a safe and comfortable location for MAC meetings?
Responses: 86% - Yes, 14% - No

Chief Gannon stated the meeting usually includes a meal, so the location must be big enough to accommodate the MAC members as well as several staff for dinner.

2. Have others in the community indicated that the meeting location is a concern? Responses:
29% - Yes, 71% No

Chief Gannon stated he thinks 30% is a large number, so that should be reviewed as a possible barrier.

3. Possible alternative locations – Responses: library meeting rooms; community center; city hall; church buildings; council chambers.
4. What topics regarding police procedures and activities would you like to receive information on? Responses: training regarding black humans; police reform; cultural differences; school safety; hiring, and others.
5. The MAC application process includes a background check; would you like to see any improvements to this process? Is it a barrier to join? Answers: many come and leave without notice, difficult to know where they are; background checks are a barrier as people that are undocumented or with past criminal records may not want to join; add a class on racism and barriers; it was never explained to MAC members why they need a background check.

Chief Gannon stated the MAC has changed in the last few years, and the background check can be eliminated as long as applicants must be aware of the purpose and objectives of MAC. He added the only real requirement is that an applicant must live, work, worship or learn in Brooklyn

Center. He stressed the importance of ensuring that the MAC is a Brooklyn Center-specific body with ties to the City.

6. Suggestions for how MAC could play a bigger role in improving multi-cultural awareness in Brooklyn Center – Responses: Build trust by allowing community agencies to be at the police table to talk; more multicultural awareness is important.
7. Describe the level of communication from the Police Department regarding Department updates and significant events – Responses – we should have a MAC “What’s Up”; communication is great; let everyone play a role and communicate effectively; seems to be working well.

Chief Gannon stated the Police Department provides advanced information to the City Council and the MAC when there is an incident, in the interests of transparency. He added MAC members have ties within the community and can provide communication and information.

8. Do you feel the MAC adequately represents the different cultures in Brooklyn Center? Responses: 43% - Yes, 57% - no; need more youth; LGBTQ; Southeast Asian, minority business owners.
9. Do you feel comfortable attending MAC meetings with police officers in uniform? 86% - yes, 14% - no
10. Do you feel there should be additional officers present? Responses: 86% yes, 14% no

Chief Gannon stated MAC members are encouraged to bring information to their neighborhoods, and police officers are encouraged to show vulnerability and concern for residents.

Chief Gannon stated, in terms of next steps, a MAC meeting is scheduled for October 27, 2020, to review answers and remedies on the survey. He stressed the importance of making the MAC more approachable, make it easy to join, and remove any obstacles for citizen engagement and involvement. He noted MAC members are volunteers and a great resource for the City.

Councilmember Butler stated she agrees with comments that the meetings should not be held in the police station, and background checks should be removed. She added, moving forward, the lack of diversity on the MAC should be reviewed, as it is not representative of the community. She noted there should be more Latino, Asian and African American representation, and the Police Department should do a better job of recruiting.

Chief Gannon stated, while he respects the Councilmember’s comments, the advisory committee has unprecedented diversity in terms of gender and race. He added that is why the group was formed in the first place. He noted he is the only white male in attendance at MAC meetings. He invited Councilmembers to attend the MAC meetings and be involved in decision-making.

Councilmember Butler stated she was not speaking of Caucasian representation, and her comments are based on input from MAC members and the community. She added the MAC is primarily

made up of African immigrants, and there is no Latino or Asian presence. She noted the City Council has had discussions about creating an oversight committee.

Councilmember Graves stated she agrees with Councilmember Butler's statements. She added there are diverse MAC members, but it is not a good representative mix of different diverse communities. She noted she appreciates the dedication of MAC members who have served for a long time. She stressed the importance of inviting new people; consideration of monopolization; and appropriate MAC term length.

Councilmember Graves stated three of the survey questions had the same percentage of responses, 86% to 14%. She added there might be some conclusions that could be drawn from those responses. She noted the ultimate goal is that everyone who serves on the MAC feels that it is a safe and comfortable space.

Chief Gannon stated it is absolutely acceptable to consider opening the MAC up to members from diverse backgrounds. He added, from a historical standpoint, the MAC was formed due to the influx of African immigrants in the community. He noted, as diversity changes in Brooklyn Center, the MAC can embrace that as well.

7b. RESOLUTION NO. 2020-101 EXPRESSING RECOGNITION AND APPRECIATION TO JIM GLASOE FOR OVER 25 YEARS OF DEDICATED PUBLIC SERVICE TO THE CITY OF BROOKLYN CENTER

Mr. Boganey stated retired Director of Community Activities, Recreation and Services (CARS) Jim Glasoe has recently retired after 26 years of service to the City of Brooklyn Center. He added Mr. Glasoe was not able to join tonight's meeting. He read a letter from Mr. Glasoe expressing his immense gratitude for the City's support throughout his career, and for the relationships and people he will miss the most.

Mr. Boganey stated Mr. Glasoe was a good person as well as a great team member and manager, and he served the City of Brooklyn Center well.

Councilmember Butler stated she would like to pass on her congratulations and best wishes to Mr. Glasoe. She added she enjoyed interacting with him in her four years on the City Council.

Councilmember Graves agreed, adding she had the pleasure of working with Mr. Glasoe through her role as City Council Liaison to the CARS Commission. She added Mr. Glasoe always worked to ensure that Commission members had ownership of the meetings; he is a good listener, and she appreciates his sense of humor. She wished him well in his retirement.

Councilmember Ryan stated he echoes the sentiments of Councilmember Graves, as he saw many examples of Mr. Glasoe's outstanding service during his time as Liaison to the Parks & Recreation Commission. He added he appreciates Mr. Glasoe's many years of service and dedication to the City of Brooklyn Center.

Mayor Elliott read in full a Resolution expressing recognition and appreciation to Jim Glasoe for 25 years of public service to the City of Brooklyn center.

Mayor Elliott stated he came to know Mr. Glasoe many years ago, when he was Mayor Elliott's point of contact and supervisor while working on the Brooklyns Youth Council. He added he is a very good guy, and he has no recollection of any time where anybody had anything bad or negative to say about Mr. Glasoe, which is saying a lot for someone in that position. He added he is honored to have the opportunity to recognize Mr. Glasoe for his leadership and hard work.

Arvid Sorensen stated he worked with Jim Glasoe through his role on the Parks & Recreation Commission. He added Mr. Glasoe would always listen to suggestions, take advice, and provide any information that was requested. He noted he was pleased to have known Mr. Glasoe for most of his career in Brooklyn Center.

Mayor Elliott moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2020-101 Recognizing and Demonstrating Appreciation of 25 Years of Service to the City of Brooklyn Center by Mr. James Glasoe.

Motion passed unanimously.

7c. PROCLAMATION DECLARING OCTOBER 26, 2020 TO BE DESIGNATED AS RANDOM ACTS OF KINDNESS DAY

Elliott read in full a Proclamation declaring October 26, 2020 to be Random Acts of Kindness Day.

Councilmember Butler moved and Councilmember Lawrence-Anderson seconded to adopt a Proclamation Declaring October 26, 2020 to be Designated as Random Acts of Kindness Day.

Motion passed unanimously.

Mayor Elliott presented each Random Act of Kindness nomination.

Pang Yang, Park Center Senior High School teacher, nominated by Darryl Sannes, organized a community-wide event in October 2019, hosting Brooklyn Center youth authors and Hmong authors from across the country. Mayor Elliott stated he attended this wonderful event.

Darnell Hancock, nominated by Allan Hancock, shared vegetables from her garden with her neighbors, and visits with them observing social distancing guidelines. She notifies neighbors when there is a package left on their doorstep and will collect and deliver packages if needed.

Mike White, CEAP volunteer, nominated by Sophie Ball, took on the additional role of helping with curbside food distribution during Covid-19. He has been a role model and serves the community with his whole heart.

Darryl Sannes and Arlene Swanson, nominated by Diane Sannes, in celebration of Earth Day's 50th Anniversary, they put stickers on storm drains along Willow Lane with the important message "Do Not Pollute".

Cathy Cartalucca, CEAP volunteer, nominated by Sophie Ball, does a fabulous job and takes on extra roles to help the community by hand-sewing cloth bags to give to families to carry their food more easily. She goes above and beyond in serving the community.

Yong Cheng Yang, Park Center High School student, nominated by Diane Sannes, was accepted to the 2020 Minnesota House of Representatives High School Page Program. She experienced the legislative process firsthand assisting members during first week of the legislative session.

Allan Hancock, nominated by Darnell Hancock, helps with garbage pick-up at the Metro Transit Station once a month, and helped a neighbor replace their kitchen sink and leaking pipe connection.

Diane Sannes, nominated by Darryl Sannes, volunteered for Hennepin County's Annual Bike and Pedestrian Survey near Brooklyn Center Transit Center, to do counts for the last several years, including this year on September 9, 2020 in the rain.

Diane and Darryl Sannes, nominated by Allen Hancock, organized a monthly trash pick-up event at the Metro Transit Station every last Saturday of the month. They encouraged others to join them in this important effort.

Tom Green, nominated by Jerrold Keller, pulls a wagon around Brooklyn Center, cleaning the parks and trails.

Pam and John Solomon, nominated by Marquita Butler, they are welcoming and inviting to all of their neighbors, including their next-door neighbor who in his 90s. Pam often brings over dinner, banana bread and groceries; they fix things in the house and help with snow in the winter. We need more neighbors like John and Pam!

Aurelius Butler III, nominated by Marquita Butler, cleaned up several bags of trash in his neighborhood in commemoration of Earth Day.

Steve Schonning, former Planning Commissioner, nominated by Jack MacMillan, joined the Planning Commission in 2010 to be a part of the re-growth of Brooklyn Center. He worked to ensure that redevelopment proposals, including Shingle Creek Crossing, were reviewed with the City's best interests in mind. He was always out visiting locations of proposed redevelopment projects, and always came to meetings well-prepared, with good questions and comments. Steve Schonning was honored to serve the City, and he served it well beyond expectations.

Tom Green, nominated by Dan Ryan, has been picking up trash daily in City parks for 5 years. He says it is therapeutic and helps him stay connected to the parks. He encourages people to take pride in their surroundings and take better care of the City's parks.

Randy Christensen, former Planning Commission Chair, nominated by Jack MacMillan, joined the Planning Commission in 2015 and was elected Chair in 2016. Randy, a professional property manager and licensed real estate agent, was an ideal Planning Commissioner, with leadership skills that made him a great Chair. He always came to meetings prepared, ran a professional meeting, and encouraged citizens to come forward and speak up about proposed projects, but also kept the meetings moving forward smoothly. Mr. Christensen devoted his time in selfless service to the City of Brooklyn Center.

Moria Knutson, nominated by Molly Faul, made masks and gave them to kids that needed them so they could go to school.

Osseo School Enrollment Center, nominated by Diane Sannes, with its amazing enrollment team who provide support to local families, including a family with 8 children who moved to the School District from Wisconsin. Thank you for working every day to make tough jobs go smoothly.

Tom Green, nominated by Marquita Butler, went above and beyond this summer to keep the City's parks clean. He put in several hours a day, used his own supplies, and encouraged and invited others to get involved. He inspired us all to do more to keep our community clean.

Mayor Elliott stated this is Tom Green's third nomination this evening.

Women of Brooklyn United Methodist Church, nominated by Diane Sannes, provided dinner for over 200 students for the Garden City Elementary School Fair. The BUMC Women were Linda Browning, Sheila Weber, Carol Foster, Arlene Swanson and Jill Michael.

Linda Browning expressed recognition for Diane and Darryl Sannes, who recruit volunteers and take the lead on volunteer projects. Diane has a very deep loyalty to Garden City Elementary School, and BUMC support her volunteer efforts.

Mayor Elliott asked if Pamela wished to speak. Pamela Solomon stated it is important for residents to get to know their neighbors and provide support and assistance when needed. She added the youth of the community should be lifted up and supported as much as possible, especially now. She added it is in her heart and soul as a therapist, mom, sister and daughter, to help as much as she can within the community.

Mayor Elliott thanked Pamela for her support over the years, to him personally and many other Brooklyn Center residents. He thanked her for all she does for the community.

Paul Jackson, Cub Foods Manager, nominated by Darryl Sannes, worked with Cub to donate much needed back-to-school supplies to Brooklyn Center schools and students in October 2019.

Kendra Deschler, TCF Bank - Brooklyn Center, nominated by Darryl Sannes, along with TEAM TCF, provided snacks for a School Fair and supported Back-To-School efforts.

Councilmember Butler thanked the nominees, and also those who recognized their efforts and submitted nominations. She added she nominated her son as he wanted to pick up trash in their

neighborhood, and she encouraged him to volunteer. She stressed the importance of setting an example and encouraging young people, and all residents, to volunteer and get involved in the community in various ways. She noted there are many other residents who were not nominated for all the work they do, but who should also be recognized.

Councilmember Ryan stated he appreciates Councilmember Butler's comments. He added small things can add up, when people step up and make a personal effort to improve their community. He stressed the importance of public recognition of the efforts of people who take the initiative to get things done, and Random Acts of Kindness is a great way to acknowledge the importance of community service. He noted local neighborhood engagement can make every block a better place to live.

Mayor Elliott called for a five-minute recess at 8:22 p.m.

The City Council returned from recess at 8:27 p.m.

8. PUBLIC HEARINGS

8a. RESOLUTION NO. 2020-099 ORDERING IMPROVEMENTS AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS FOR IMPROVEMENT PROJECT NOS. 2021-01, 02, 03 AND 04, GRANDVIEW SOUTH AREA STREET, STORM DRAINAGE AND UTILITY IMPROVEMENTS

City Engineer Mike Albers reviewed the proposed Grandview South Area Street and Utility Improvements for 2021, to include roadways, storm drainage and utility improvements in the south half of the neighborhood. All potentially affected property owners have been notified of tonight's public hearing as well as assessment amounts. The assessment hearing has been scheduled for December 14, 2020 and separate notice will be sent to property owners.

Mr. Albers stated the project is a planned continuation of the City's Capital Improvement Plan, initiated in the early 1990s to reconstruct the City's aging public streets and utilities. He added 2021 will be 28th year of the project, and approximately 95% of the City, or 101 miles of roadways, have been reconstructed. The project evaluation includes sanitary sewer, water main, drainage, streets, sidewalks and trails, and streetlights. City Staff will coordinate with private utility to review their infrastructure needs.

Mr. Albers stated the project budget of \$11.8 million is proposed to be funded through a variety of sources, including \$1.5 million from special assessments, or 13.2% of project cost. He added a total assessment per property of \$6,149 is proposed, which is an estimated 1.5% increase over the established 2020 assessment rate, with a tentative interest rate of 3.5%. Residents can pay the assessment amount in full or choose from other payment options. An assessment reminder will be mailed to property owners if the project is approved.

Mr. Albers stated City Staff recommends City Council adoption of a Resolution ordering improvements and authorization preparation of plans and specifications for the 2021 Grandview South Area Street and Utility Improvements.

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

Motion passed unanimously.

Randy Christensen thanked Mr. Albers for his presentation. He added he understood exactly what Mr. Albers was talking about.

Renee Anderson stated she is a resident but also works in the Public Works Department. She added she understands residents' concerns regarding assessments. She noted she and her husband fully support the Grandview project moving forward as planned.

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

Motion passed unanimously.

Mayor Elliott stated he lives on 57th Avenue. He asked whether that is a County road, with shared responsibility.

Mr. Albers stated no improvements are proposed for 57th Avenue as it is not included in the project area. He added most of the sanitary sewer on 57th Avenue runs north/south with very little pipe in the actual roadway.

Councilmember Ryan stated 57th Avenue is an MSA road, and as such, any improvements would receive additional State Aid assistance. Mr. Albers confirmed this.

Mayor Elliott moved and Councilmember Ryan seconded to Adopt RESOLUTION NO. 2020-099 Ordering Improvements and Authorizing Preparation of Plans and Specifications for Improvement Project Nos. 2021-01, 02, 03 and 04, Grandview South Area Street, Storm Drainage and Utility Improvements

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

-None.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2020-100 AWARDING THE SALE OF \$5,005,000 GENERAL OBLIGATION IMPROVEMENT AND UTILITY REVENUE BONDS, SERIES 2020A FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT.

Mr. Ebensteiner reviewed the sale of General Obligation Improvement Utility Revenue Bonds. He added the City's long-range street and utility improvement program consists of systematic

replacement of the City's aging streets, water, sanitary sewer, sidewalks and streetlights. The Grandview neighborhood was identified as the 2020 project, which includes roadway and utility improvements for 110 homes, 32 townhomes, 2 senior living facilities and 1 church. The bid was awarded to the lowest responsible bidder for approximately \$850,000, and bonds issued will fund approximately 80% of the project cost, with the remainder covered by available cash balances. The total proposed bond issue is \$4,785,000.

Doug Green, Baker Tilly, stated five bids were received that morning on behalf of the City, and the winning bid was Northland Securities, Inc. He added bids are awarded based on true interest cost, which was .96%, and the average maturity is approximately 6 years. He noted the principal amount was adjusted from \$5,005,000 to \$4,785,000.

Mr. Ebensteiner reviewed the repayment summary, including property tax levy for 2021 of \$83,472 or 0.42% of the levy increase, which will increase by \$155,000 for 2022; and utility revenues including water annual payments of \$200,000 and sanitary sewer annual payments of \$123,000.

Mr. Green reviewed the last 5 years of bond issues for the street projects, adding the City's credit rating is AA, based on a very strong financial position and annual budget performance. He stated the City has a stable outlook despite the pandemic and budget pressures at the State level. He added the decertification of TIF District #3, scheduled for December 31, 2021, will increase market value in the future.

Mr. Ebensteiner stated City Staff recommends City Council adoption of a Resolution awarding the sale of \$4,785,000 General Obligation Improvement and Utility Revenues Bonds.

Mr. Boganey congratulated the City Council and Financial Commission, with special thanks to Mr. Ebensteiner and Doug, for the implementation of forward-thinking financial planning and policies that have allowed the City to maintain an extraordinary AA bond rating.

Mayor Elliott moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2020-100 Awarding the Sale of \$4,785,000 General Obligation Improvement and Utility Revenue Bonds, Series 2020A, Fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment.

Motion passed 4-0 (Councilmember Lawrence-Anderson did not respond).

11. COUNCIL REPORT

-None.

12. ADJOURNMENT

Mayor Elliott moved and Councilmember Butler seconded adjournment of the City Council meeting at 9:16 p.m.

Motion passed 3-0 (Councilmembers Ryan and Lawrence-Anderson did not respond).

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
OCTOBER 26, 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 9:17 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, City Clerk Barb Suci, and City Attorney Troy Gilchrist.

EARLE BROWN NAME CHANGE – CONT'D

Mayor/President Elliott requested additional feedback and comment on this issue from the City Council.

Councilmember/Commissioner Ryan stated, as he stated earlier, he would like additional historical analysis. He added the book that was distributed to the City Council indicated that Earle Brown apparently joined the Ku Klux Klan in the interests of observation. He noted perspective was what he took away from the book's limited historical perspective. He reiterated his wish to review additional historical analysis.

ADJOURNMENT

Councilmember/Commissioner Ryan moved and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session at 9:20 p.m.

Motion passed 4-0 (Councilmember/Commissioner Lawrence-Anderson did not respond).

Council Regular Meeting

DATE: 11/9/2020

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:

The following businesses/persons have applied for City licenses as noted. Each business/person has fulfilled the requirements of the City Ordinance governing respective licenses, submitted appropriate applications, and paid proper fees.

Applicants for rental dwelling licenses are in compliance with Chapter 12 of the City Code of Ordinances, unless comments are noted below the property address on the attached rental report.

Gasoline Service Station

Two Rivers Investment Inc	1525 120th Ln NE
6840 Humboldt Ave N	Blaine 55449

-

Mechanical Licenses

C&M Heating and Air Conditioning Inc	13862 Wintergreen St. Andover 55304
Furnace Pro	290 109th Ln NW Coon Rapids 55433

-

Tobacco Related Product

Two Rivers Investment	1525 120th Ln NE
6840 Humboldt Ave N	Blaine, Mn 55449

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	7/7/2020	Backup Material
11-9-2020 Rentals	11/4/2020	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 November 9, 2020								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
6424 Girard Ave	Single	Initial	Rashidat Sowemimo	14	IV	N/A		
5333 James Ave N	Single	Initial	Jacob Sphatt	4	II	N/A		
3307 Ohenry Rd	Single	Initial	Assata Sheriff / Divine Home Care Services	7	III	N/A	III	
6430 Toledo Ave N	Single	Initial	David Habimana / Touchstone Properties	7	III	N/A	III	
5913 Vincent Ave N	Single	Initial	HPA US1 LLC	0	II	N/A		
5949 Vincent Ave N	Single	Initial	Olaleye Olagbaju / Royal Priesthood	6	III	N/A	III	
4408 69TH Ave N Northwest Residence	Multi 1 Bldg 4 Units	Renewal	Eugene & Diane Wright	4 1 per unit	II	0		II
4210 Lakebreeze Ave	Multi 1 Bldg 4 Units	Renewal	Bobbie & James Simons	2 .5 per unit	I	0		II
2802 Northway Dr Gateway Commons	Multi 21 Bldgs 252 Units	Renewal	Gary Brummer	182 .72 per unit	I	18 CFS .09 per unit 11/10/19 Vandalism 11/10/19 Vandalism 12/2/19 Theft 12/13/19 Theft 12/13/19 Theft 12/21/19 Theft 1/12/20 Theft Vehicle 1/27/20 Vandalism 2/9/20 Disturbance 3/18/20 Theft 3/30/20 Theft Vehicle 5/15/20 Theft 7/2/20 Theft 7/4/20 Theft Vehicle 7/16/20 Theft 7/17/20 Theft 7/27/20 Theft Vehicle 10/21/20 Theft Vehicle 10/26/20 THeft	I	II
509 61st Ave N	Single	Renewal	Tim Daniel - met all requirements	11	IV	0		II
3224 62nd Ave N	Single	Renewal	Michael Mills	9	III	0	III	II

Rental Licenses for Council Approval on November 9, 2020								
Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
2701 65th Ave N	Single	Renewal	Trinh Vu	0	I	0	I	I
6015 Dupont Ave N	Single	Renewal	Home SFR Borrower LLC	9	IV	0	IV	III
5254 Ewing Ave N	Single	Renewal	My Truong / J&M Homes - Met Requirements	8	III	0	III	IV
5914 Fremont Ave N	Single	Renewal	Alaafia Homecare	9	IV	0	IV	IV
6445 James Cir N	Single	Renewal	Kasawa Hospitality Super 8	0	I			II
4200 Lakebreeze Ave	Single	Renewal	Todd Bertelson /CPP3 LLC	5	II	0		II
4207 Lakeside Ave #322	Single	Renewal	Maie White	7	III	0		II
6430 Lee Ave N	Single	Renewal	Infinite Property / Xian Qiang Lin	0	I	0		I
7212 Lee Ave N	Single	Renewal	Qiang Fang - met requirements	0	I	0		III
3024 Nash Rd	Single	Renewal	James Morgan	4	II	0		I
6736 Perry Ave N	Single	Renewal	Mark Coville - Missing CPTED Inspection	2	I	0	I	IV
6812 Scott Ave N	Single	Renewal	Lankia Lartey	4	II	0	II	II
4913 Winchester La	Single	Renewal	Huda Hassen - missing CPTED & CFH	3	II	0		IV

* 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: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius Boganey, City Manager

SUBJECT: Resolution Issuing a Hospitality Accommodations License to Radisson Hotel Brooklyn Center with Conditions

Background:

On October 12, 2020 the Council held an applicant hearing under section 23-2413 of the City Code to determine if sufficient grounds existed to not renew the expired hotel accommodations license for Radisson Hotel Brooklyn Center, represented by owner Nupen Patel.

Following a lengthy and detail discussion (minutes excerpt attached), the City Council provided direction to staff to prepare a resolution to renew the license subject to conditions.

Staff has drafted the attached resolution authorizing license renewal subject to conditions as recommended provided by staff and amended by the City Council direction.

Budget Issues:

There are no budget considerations.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Resolution with conditions	11/3/2020	Cover Memo
10.12.20.excerpt.minutes	11/3/2020	Cover Memo

Member
resolution and moved its adoption:

introduced the following

RESOLUTION NO. 2020-____

RESOLUTION ISSUING A HOSPITALITY ACCOMMODATIONS LICENSE TO
RADISSON HOTEL BROOKLYN CENTER WITH CONDITIONS

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

WHEREAS, because the Hotel has failed to comply with a number of City regulations, the City Manager forwarded the application to the City Council to conduct a hearing and consider whether to renew the License for the Hotel; and

WHEREAS, the City Council held a hearing on the application at its meeting on October 12, 2020, heard from the Applicant and the Hotel manager, discussed the matter, and gave direction to City staff to prepare a resolution to renew the License with conditions for consideration and action at a future meeting; and

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

- a. Sections 23-2400 through 23-2415 of the Brooklyn Center City Code (“City Code”) require hospitality accommodations (hotels and motels) within the City to obtain and annually renew a hospitality accommodation license;
- b. Under Section 23-2401 of the City Code, it “is unlawful for any person, firm, or corporation to operate a hospitality accommodation in the City without a hospitality accommodation license”;
- c. The Applicant indicated he took possession of the Hotel in April 2019;
- d. The Hotel received a License effective as of May 1, 2019 and on January 31, 2019 the City mailed notice to the Hotel of the need to submit a renewal application before April 1, 2020;
- e. The Applicant did not submit an application by the April 1st deadline and License previously issued for the Hotel expired on April 30, 2020;
- f. The Applicant did not submit an application to renew the License until September 1, 2020;
- g. On September 2, 2020, the City sent the Applicant a letter indicating it received the application and that it will need to be considered by the City Council;

- h. On September 25, 2020, the City Manager sent the Applicant a letter (which is incorporated herein by reference) indicating the existence of violations that constitute sufficient grounds to not renew the License and notifying the Applicant of a hearing to be held on the renewal application at the October 12, 2020 City Council meeting. The violations identified in the letter are summarized as follows:
- 1) Failure to renew the License and operating without a License since May 1, 2020, which constitute sufficient grounds under Section 23-2413(A)(7) of the City Code to not renew the License;
 - 2) Failure to pay the lodging tax for the Hotel since March 2020, which constitutes sufficient grounds under Section 23-2413(A)(2) of the City Code to not renew the License; and
 - 3) Failure to pay an outstanding balance of \$50,049.54 of unpaid City utility charges, which constitutes sufficient grounds under Section 23-2413(A)(2) of the City Code to not renew the License; and
 - 4) Operating the Hotel in a way that does not comply with the local zoning regulations and the planned unit developed (PUD) issued for the property, which constitutes sufficient grounds under Section 23-2413(A)(6) of the City Code to not renew the License.
- i. The September 25, 2020 letter also noted the sharp increase in calls for police service at the Hotel, including for violent crimes. In the period from June through August 2020, the number of calls from the same period in 2019 increased by 716%;
- j. The City is aware the Hotel entered into a contract with a service provider (“Service Provider”) who, in turn, the City understands has an agreement with the Minnesota Department of Health for emergency housing of people displaced as a result of the pandemic. The agreement with the Service Provider indicates that starting on May 30, 2020 the Hotel would make available up to its entire capacity of 174 guest rooms for the state program. The original Service Provider was Start Today Hennepin, but Second Chance recently took over as the Service Provider to operate the program at the Hotel;
- k. As a result of the arrangement with the Service Provider, the Hotel is functionally being used as a homeless shelter. City staff believe that up to 100 guest rooms may have been used as part of the program at one time. City staff has raised concerns regarding the use as the Hotel for long-term housing as the PUD issued for the property limits it use to a short-term stay hotel, not an extended stay facility. Additionally, the Hotel was not designed or constructed to accommodate long-term stays;
- l. The City sent multiple notices to the Hotel regarding the failure to pay utilities and the lodging tax. The Hotel only recently paid the outstanding utility charges and lodging tax and as a result is no longer in violation with respect to those items;

- m. The City Council acknowledges the violations noted in the September 25, 2020 do constitute sufficient grounds under Section 23-2413 of the City Code to not renew the License;
- n. Included in the materials presented to the City Council for its October 12, 2020 meeting was a list of proposed conditions City staff prepared to address the issues and concerns it has been experiencing regarding the Hotel. The goal of the conditions is to place reasonable restrictions on the use of the Hotel as part of the state's program in order to protect the health, safety, and welfare of the public and the guests at the Hotel, and to recognize the limits on available City resources;
- o. The City Council conducted the hearing at its October 12, 2020 meeting and heard from the Applicant and the on-site manager of the Hotel. The testimony from the Applicant and the manager included the following:
 - 1) The Applicant said he was not aware a license from the City was required and that he was not aware the management company he relied on to pay the utilities and lodging taxes were not paying them. He claimed to not have received any of the notices previously sent by the City;
 - 2) The arrangement with the state is part of emergency COVID-19 operations and the people staying at the Hotel through the program are not necessarily homeless. He indicated he does not ask if the person or family checking in are homeless;
 - 3) The Applicant estimates that 35-40 guest rooms are currently being used as part of the state program to house individuals and families. At the peak, the Applicant indicated Hotel housed approximately 82 clients in approximately 67 rooms;
 - 4) He indicated those in the program stay anywhere from one week to two months, depending the success of the Service Provider in placing them elsewhere;
 - 5) The Service Provider typically has four to six staff on site during the day and two at night;
 - 6) With respect to the proposed conditions, the Applicant indicated that they already do many of them, such as meeting with City regularly and they already register vehicles in its lot; and
 - 7) The Applicant indicated the pandemic has hurt his business and that participation in the program has helped bring some revenue to the Hotel. He objects to the proposed condition limiting the number of guest rooms that may be used for the program to 35 as being too limiting.

- p. The City Council noted the Hotel is aware of whether a guest is part of the state program as they are staying as part of the agreement the Hotel entered into with the Service Provider and through which the Hotel is being compensated;
- q. The City Council is well aware of the strain the pandemic has had on businesses and previously adopted a resolution to authorize the City to grant flexibility in City regulations as it determines is appropriate to assist businesses as they reopened and attempted to operate under the restrictions imposed by the state. The City Council determines it is appropriate to temporarily extend this same regulatory flexibility to the Hotel to continue to house clients under the state program despite the inconsistencies with local zoning regulations; and
- r. While granting regulatory flexibility is appropriate under the circumstances, the City Council also needs to act to protect the health, safety, and welfare of the public and those staying at the Hotel. As such, it is reasonable and necessary to place conditions on the License granted the Hotel that limits the period and scope of such use and to impose certain operational requirements. Placing a limit on the number of lodging units (guest rooms) that may be used as part of the program is appropriate as it recognizes the capacity limits of both the Service Provider and City staff to effectively address the resulting needs for services.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brooklyn Center hereby approves and issues a Level I hospitality accommodation license pursuant to City Code Section 23-2408 for the Radisson Hotel Brooklyn Center for the period of May 1, 2020 to April 30, 2021, subject to compliance with all of the following conditions:

- 1. Homeless Shelter Operations. The hospitality accommodation may continue to be used for the housing of the homeless pursuant to the state's program and managed by a Service Provider, subject to compliance with the following and the other conditions imposed on this hospitality accommodations license:
 - a. The homeless shelter use must cease within 90 days of the end of the Governor's declaration of a peacetime emergency related to the COVID-19 pandemic. The Applicant is encouraged to work with the Service Provider to develop a transition plan to properly place those residing at the Hotel once the emergency declaration ends;
 - b. No more than 50 lodging units (guest rooms) in the hospitality accommodation may be used as part of the homeless shelter use; and
 - c. The Applicant shall not allow the expansion of the homeless shelter use, including any related on-site services, beyond the level existing as of the date of this license renewal, without first obtaining all zoning approvals required to allow the expanded use.

2. Regular Inspections. The Applicant shall allow City's inspectors to inspect the hospitality accommodation, including the lodging units, and the hospitality accommodation property at least every other week, but more often if the City determines more frequent inspections are needed for the safety of the guests. This condition does not limit the City's authority to conduct property safety inspections and such other inspections without prior consent as provided for under Sections 23-2400 through 23-2415 of the City Code.
3. Regular Meetings. The Applicant shall designate at least one staff member to meet with City staff at the hospitality accommodation at least once every two weeks to discuss health, public safety, and any other City concerns related to the operation of the hospitality accommodation, including the homeless shelter use. A representative of the Service Provider shall also be required to attend these meetings. The City may require more frequent meetings if it deems necessary.
4. Register Vehicles and Tow. The Applicant shall require those parking on the hospitality accommodation property to register their vehicles with the hospitality accommodation. The Applicant shall enter into a contract with a towing company to conduct a sweep at least once every day to tow unregistered vehicles from the hospitality accommodation property. The Applicant shall post such signs of the requirement to register vehicles and related towing information as it determines is appropriate.
5. Service Provider. The Applicant shall immediately notify the City if there is a change in Service Provider related to the homeless shelter use. The notice shall include the name and contact information for the new Service Provider.
6. Notice of Discharge. The Applicant shall notify the City if it takes action to discharge anyone staying at the hospitality accommodation as part of the homeless shelter use.
7. License Level. Because the homeless shelter use is a recent and temporary use of the hospitality accommodation, this license is being renewed as a Level I hospitality accommodation license. However, the calls for service occurring during the 2020 calendar year may be considered when reviewing and acting on the renewal license in April 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.

8f. CONSIDERATION OF HOSPITALITY ACCOMMODATION LICENSE RENEWAL REQUEST FOR RADISSON BROOKLYN CENTER

Deputy City Manager Dr. Reggie Edwards reviewed a request for renewal of a hospitality accommodations license for Radisson Brooklyn Center, the applicant. He added a letter was sent January 31, 2020, regarding the accommodations license which must be renewed, or it would expire by April 2020. He noted the hotel was notified by City Staff numerous times that their establishment has been operating without a license since January 31, 2020; additionally, the hotel owners did not pay lodging tax or utilities.

Dr. Edwards stated the hotel is currently being used as a homeless shelter, which is inconsistent with the City's zoning regulations. He added there has been an increase in police calls by 760% between June-August 2020 compared to the same time period in 2019. He noted the hotel owner was notified of tonight's public hearing, and City Staff received a license application from the owner.

Dr. Edwards requested City Council consideration of two options related to this application, and an indication of Consensus so City Staff can prepare a Resolution for City Council review and approval: non-renewal of the license, or renewal with conditions. He added the hotel owner has made payments on utilities as well as taxes. He noted the outstanding issue is the use of the hotel as a homeless shelter and the increase in police calls.

Dr. Edwards stated City Staff recommends that the following conditions be considered for addition to a potential license renewal: no more than 35 lodging units will be made available and guests will be limited to stays of no longer than 60 days; and City Staff will be allowed to conduct regular inspections on a bi-weekly basis, with additional inspections as needed; representatives of the hotel and third-party service provider will attend regular update meetings with City Staff; the hotel owner will contract with a towing company to remove unregistered vehicles, engage parking lot cleaners and install related signage in the parking lot; require that the hotel; ensure that the service provider or their representative is available for contact by City Staff; always in communication with City Staff; and the license will be started at a Level 1, applying police calls from 2020 to the level of license that is determined for 2021.

City Attorney Troy Gilchrist stated this issue is brought to City Council due to noncompliance under unique circumstances due to the emergency situation. He added, as City Staff indicated, the hotel's current permitted use is a limited state hotel, with traditional, short-term guests, and it is not set up as a long-term dwelling facility, which raises issues from a zoning perspective. He noted, during the pandemic crisis, this City Council has expressed a willingness in the past to grant regulatory flexibility, which would be required in this case. He stressed that the City Council will not be violating the Zoning Ordinance by allowing this use to continue, but rather granting regulatory flexibility for a limited period of time.

Mayor Elliott asked what other remedies have been pursued by City Staff with regard to this issue.

Mr. Boganey stated there are no other remedies available to City Staff when a license holder has violated the licensing Ordinance other than a decision from the City Council regarding whether or not there should be action taken on the license, including nonrenewal, suspension or renewal with conditions.

Mayor Elliott asked whether the City Council can consider these licenses on a case-by-case basis. He expressed concern about using data from police calls to determine licenses. He stated it has been well-documented that Ordinances that determine licensing based on police calls are problematic and can lead to lawsuits. He urged the City Council to find another solution that does not rely unnecessarily on police calls. He added we all know the people who get the police called on them more frequently. He requested that the City Attorney and City Staff do more research to see if there are creative ways to address this important issue. He noted he will not support this approach.

Mayor Elliott stated Mayor Pro Tem Butler is still running the meeting.

Councilmember Ryan asked Mayor Elliott whether his objection is related to alleged police enforcement of certain Zoning Ordinances. He added City Staff can provide information about how they are implemented. He asked whether Mayor Elliott feels that enforcement actions are racially prejudiced, based on his comments. He noted City Staff has been tasked with identifying policies that may be considered racist, while continuing to attempt to be anti-racist. He requested clarification from Mayor Elliott.

Mayor Elliott stated he is unsure which aspect of his comment requires clarification.

Councilmember Ryan stated City Staff may want to mitigate homelessness and help people who are homeless, while also acknowledging violations to City Ordinances that must be enforced. He added he believes the way forward is to offer Option 2 and accept the renewal of the license with conditions. He stressed the importance of understanding that the hotel is suffering from the current extraordinary financial decline related to the pandemic. He noted the City Council should not impose greater hardship to a business that has been unfairly impacted by the pandemic.

Councilmember Ryan stated he supports moving forward with Option 2, and seeing what conditions are recommended by City Staff.

Mayor Elliott stated he is open to that approach. He added he implored that City Staff would think about the historical lens of police action being applied, and we all know who it affects the most, especially in the case of housing. He noted there has been an increase in data and lawsuits that prove that using police enforcement and actions to determine licensure disproportionately affects minorities and people of color. He added he is open to the recommendations of City Staff.

Councilmember Graves stated she has a few questions, but Mr. Gilchrist has been indicating that he would like to speak. Mayor Pro Tem Butler asked Mr. Gilchrist to proceed with his comments.

Mr. Gilchrist stated the issue before the City Council relates to noncompliance with Zoning Code for operating without a license; failure to pay lodging tax; failure to pay utility bills; and

noncompliance with local zoning. He added police calls do affect the licensing level, but that issue would be addressed for this property in 2021. He noted the license, if renewed, would be a Level 1, so the only issue to be addressed are the violations, not based on police calls.

Councilmember Graves asked whether the delinquent payments have been made by the hotel. Mr. Boganey stated it is his understanding that the applicant paid lodging and utilities taxes, and has applied for a license. He added the only continuing violation would be compliance with Zoning regulations.

Councilmember Graves requested clarification regarding the nature of police calls to the hotel, and percentages per calls.

Mr. Boganey stated several Police staff have joined the meeting who may be able to answer those questions in more detail. He added it is his understanding that there have been a variety of activities that have occurred on the property, some of which would be considered serious or violent crimes.

Police Commander Rick Gabler stated there has been an increase in a wide variety of calls for service to the Radisson Hotel, including violent crimes. He added the calls were related to robberies, assaults, domestic assault, drug overdose, auto thefts, trespassing, and burglary at neighboring hotels.

Councilmember Graves asked whether the calls come from a range of people, or mostly people who are staying at the hotel. Commander Gabler stated there have been a wide variety of calls from the hotel owners, hotel guests, and neighboring businesses.

Councilmember Graves stated her recollection is that the Radisson was in partnership with Hennepin County in deciding to provide a place to live for homeless people.

Mr. Boganey stated the City's initial understanding was the hotel was working in partnership with the County, but later it became known to City Staff that it was a contract with the State of Minnesota.

Councilmember Graves asked whether the property owner's current contract includes the State of Minnesota. Mr. Boganey confirmed this. He added a third-party provider administers the contract, and there has been a recent change in the provider.

Councilmember Graves asked whether the number of people staying at the hotel has increased or decreased since it has been used as a homeless shelter.

Mr. Boganey stated he would defer to the applicant who will be able to answer those questions during the public hearing.

Mayor Pro Tem Butler asked what will happen to the people who are living there if the license is not renewed.

Mr. Gilchrist stated the hotel would not be allowed to operate under City Code until they obtain a new license, for which there is a process.

Mayor Elliott asked whether there is an opportunity to work with the State of Minnesota to address security concerns in this situation.

Mr. Boganey stated City Staff have met with the third-party provider and hotel representatives over the past several months, with some representation by the State of Minnesota. He added conditions at the property have improved greatly over the past 4-6 weeks which is a positive result of the collective effort of all involved parties.

Mr. Boganey stated, as a point of clarification, City Staff's recommendation is that the activity would cease within 60 days of the end of the Governor's Emergency Peacetime Declaration. He added the hotel would then return to hotel use as allowed under the City's Zoning Ordinance.

Mayor Elliott asked what would happen to the people that are being housed there, when the hotel returns to its original use. He added the end of the Emergency Declaration will not be the same for everyone. He noted that well-intended condition has the impact of throwing people out who otherwise need housing.

Mayor Elliott stated the City can work with the hotel to develop a plan that will provide housing for people, so they do not end up back on the streets.

Mr. Boganey stated City Staff have been working with the provider for several weeks, to encourage them to transition individuals into more permanent housing. He added they have had some success with those efforts. He noted the number of people has reduced, although some people were asked to leave due to violations.

Mayor Elliott stated there is a need for this type of housing, and the third-party provider could request that more people are housed there. He added there is definitely a need for housing for the homeless.

Mr. Gilchrist stated the City Council can give direction to change the conditions, but the current use is not consistent with the PUD for this property nor local Zoning requirements. He added the owner would be required to go through the normal Zoning process if the property continues with this use which is not in compliance with the current PUD and current Zoning.

Mayor Elliott asked whether the number of units would be limited to 35 lodging units. He asked whether there were up to 100 individuals living there at one point.

Mr. Boganey stated he believes that there may have been 100 people, with one person in each unit.

Councilmember Graves requested that the City Council open the public hearing and move this issue forward. She added some of the Mayor's questions may be answered by the applicant.

Mayor Elliott stated he has legitimate questions for the City Manager and the City Attorney. He added he understands Councilmember Graves wants to get off the call because it is getting late, but this is a very important issue.

Councilmember Graves stated she has questions for the applicant. She added she is not trying to rush off the call, but rather keep the meeting moving along.

Mayor Elliott stated he wants Councilmember Graves to have her needs met, but he has questions for the City Manager and the City Attorney, and he feels that Councilmember Graves is rushing him along. He added he tries to make sure that everyone has ample opportunity to ask questions, at length and in depth, including Councilmember Graves. He noted he does not want to feel when he is asking questions that she is rushing him along.

Councilmember Graves apologized, stating that was not her intent. She added she is also thinking about the applicant, who is waiting to have their chance to speak at the public hearing, which should be opened, whenever the Mayor is ready.

Mayor Elliott stated he is trying to get an understanding of the number of units, and how many there are now, and the current trend for occupancy. He added he is fine with opening the public hearing. He noted Mayor Pro Tem Butler is still running the meeting.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to open the Public Hearing.

Motion passed unanimously.

Nathan Patel, owner of Radisson Brooklyn Center, stated he did not know there was a license renewal process. He apologized for this oversight. He added the City's utility bills were being sent to the management company, and not to the hotel. He noted the utility bill was paid immediately upon receipt by the hotel owners.

Mr. Patel stated he does not appreciate the statements regarding the hotel's guests' homelessness status. He added guests are not asked if they are homeless. He added the hotel is under contract with the State of Minnesota to facilitate a variety of emergency Covid-related operations.

Mr. Patel stated the State of Minnesota places people in the hotel for specific reasons, and security issues have been fixed. He added it will be difficult to run this program if there is a limit of 35 people who are allowed to stay there, and he is required to request permission from the City Council for additional guests.

Mr. Patel stated, with regard to cars in the parking lot, car registration information is recorded, and a towing company has been retained. He added health and fire inspections have been completed.

The General Manager of the Radisson Brooklyn Center stated all the outstanding items have been taken care of. He noted City, Police and Fire inspections have been scheduled and completed.

Councilmember Graves apologized for referring to the hotel guests as homeless people. She added it was not her intention to be insensitive to the reasons why people are temporarily displaced and staying at the hotel. She added all people are deserving of empathy and understanding.

Councilmember Graves asked how many people are currently staying at the hotel, and whether that number has increased or decreased. She asked what the average length of stay is.

Mr. Patel stated approximately 35-40 guest rooms are currently occupied by individuals and families. He added numbers were higher at the beginning of Covid-19 outbreak. He noted there are no permanent guests.

The hotel's General Manager confirmed there are currently 35 occupied rooms, and stays range from 1 week to 2 months, depending upon the guest's circumstances and housing needs. He added the third-party provider, Second Chance, is a new provider, and their staff work very hard to ensure that clients are housed expeditiously. He noted there are 4-6 staff on site during the day, and 2 staff at night, to assist clients.

Mayor Elliott asked whether the hotel would be able to enforce restrictions if there are only 35 rooms made available. Mr. Patel stated requests for emergency housing comes from the State of Minnesota through the provider. He added he is unsure how to enforce a cap on the number of available rooms. He noted policies and procedures have been put in place, and additions have been made to the hotel, including laundry and food services on every floor.

Mayor Elliott stated there would be enforcement issues if no more than 35 guest rooms are made available. He added as long as there is proper management at the facility, it will be possible for the operator and the provider to increase safety and address other issues. He noted limits on the maximum number of units is the wrong focus, in his view.

Councilmember Ryan stated this is an important discussion, and the focus is that this hotel is not structured to be a homeless shelter. He added the hotel's business declined, and they have stepped up to fill a need during these extraordinary times. He noted this issue should be moved forward out of public hearing. He expressed his support for Option 2 – approval with conditions.

Councilmember Ryan stated the hotel has made a good faith effort to address these issues. He added, while compliance with City Ordinances is necessary, it is important to not penalize a good faith effort on the part of the hotel.

Councilmember Graves asked whether the hotel anticipates being able to make more or less revenue this year than in a normal year, in terms of their partnership with the State.

Mr. Patel stated the current arrangement is allowing the hotel to stay afloat, keep people employed, and assist the Minnesota Health Department respond to emergency housing needs due to the pandemic.

Councilmember Graves asked what the hotel's maximum capacity is. Mr. Patel stated there are 134 rooms, but the maximum that have been filled at one time for emergency housing is 67 rooms with 82 clients, including families.

Councilmember Graves stated the hotel's capacity would be a concern, with respect to Covid-related safety precautions.

Mr. Patel stated the Radisson is not classified as a Covid-19 hotel, and there would not be any clients who are Covid-positive. He added there are other local hotels that are classified for housing Covid patients.

Mayor Elliott stated, with regard to regular inspections, the hotel would be required to allow City Staff to inspect the accommodations as needed for the safety of the guests. He added the other option is regular meetings involving City Staff and representatives of the hotel to discuss public safety and other concerns related to the operation. He noted the third-party provider would be required to attend these meetings.

Mr. Patel stated the hotel management has no problem with regular inspections, as long as they have notice.

Mayor Elliott asked the City Attorney whether there would be privacy issues, if inspectors would be required to inspect the hotel rooms. Mr. Gilchrist stated he has not reviewed this issue with City Staff. He added licensing ensures compliance with safety features, so this would be the same process as rental licensing which is regulated through the licensing Ordinance.

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

Motion passed unanimously.

Mayor Pro Tem Butler requested that the City Council arrive at a consensus on this issue. She added she heard from three Councilmembers that there is support for the second option.

Councilmember Lawrence-Anderson concurred, stating that is the most prudent and humanitarian course of action due to the pandemic. She added the zoning issue can be reviewed and any other issues related to the Emergency Declaration and allow the hotel to continue to provide shelter for those in need of it.

Councilmember Ryan concurred.

Councilmember Graves stated she is also in agreement, but she suggested an increase in the number of rooms to 50 rooms, and put increase the time limit to 90 days after the end of the Governor's Declaration, instead of 60 days.

Councilmember Lawrence-Anderson concurred.

Mayor Elliott stated it was his understanding that the consensus was to select option 2 but not impose any other recommendations, including a limit on the number of rooms. He added that is what he supports. He added limiting the number of rooms does not provide enough flexibility for emergency situations, and he does not support a limited number of rooms. He noted the Minnesota Department of Health is involved, and inspectors can ensure that health and public safety issues are addressed.

Councilmember Graves stated she agrees it would be better not to have a specific number of rooms, but rather have City Staff work with the owner and partners at the State level to figure out the details. She added the number of rooms seems arbitrary. She added she agrees there should be more rooms made available, but she is thinking of City Staff and the third-party provider and their capacity to serve the individuals and families that would be housed there, keeping it to a manageable level but leaving room for growth.

Mayor Elliott stated he agrees that the issue of capacity is important, but a limit on the number of rooms would prevent the State and third-party provider from being able to house people. He added it would be unacceptable if there was a limit on the number of rooms, and people would not have a place to go.

Councilmember Graves stated Mayor Elliott misunderstands her concerns. She added the third-party provider, Second Chance, is a new partnership and has only been doing this job for 1 week, with limited staff, which will have an impact on how many people can be housed. She noted the highest room occupancy they have had was 67 rooms, and she suggested 50 which is not the highest number but could still be within the capacity of the new third party provider to give support and assistance.

Mayor Elliott stated he is concerned about the second wave of the pandemic, and what will happen in the fall. He added putting a limit on the number of days or the number people will have a negative impact as the hotel would have to come back for approval if an extension is required. He noted, if the City Council is amenable, the number of available units should be increased, and have health and safety inspections in place to address these issues.

Mayor Pro Tem Butler asked input from the City Manager, and then requested a vote as a City Council regarding a consensus on adoption. She requested clarification on what the second option would be.

Mr. Boganey stated City Staff feels, based on recent experiences at the hotel as well as staff capacity, it would be difficult to provide effective solutions and follow-up inspections without limitations, that will be more likely to result in success for all parties and ensure a safe environment for people living at the hotel. He added increased capacity at the hotel will stretch the City's ability to provide support and increases potentially negative outcomes. He noted it will be more difficult to assure positive outcomes related to health and safety on the property.

Mr. Boganey stated he agrees with Councilmember Graves' comment about the new third party provider, Second Chance, who may not have the experience or capacity yet to serve residents appropriately, and the previous provider was operating beyond their capacity. He added some

limitations are essential because neither the hotel, the third-party provider or the City have sufficient staff to provide unlimited necessary services.

Mr. Boganey stated, if there is a need for more units, the State has contracts across the State and across the region, and presumably they would find another location that would not be overburdened.

Councilmember Ryan stated he would like to move forward to a decision, and City Staff's recommendation should be respected. He added the fundamental point is that the City of Brooklyn Center, even with collaboration from the County and State, may not be able to solve this problem locally. He noted the hotel is not designed to be used as a homeless shelter, but has made a good faith effort, partly generated by the pandemic, to address the problem of homelessness in the community. He stressed the importance of relying on City Staff's guidance.

Mayor Elliott thanked Mayor Pro Tem Butler for running the meeting in his absence, and he is back now.

Mayor Elliott asked Councilmember Graves for her opinion on how to enforce limitations on the number of rooms that would be made available.

Councilmember Graves stated she is unsure of the contract specifics, but the business owner indicated there is an agreement in place with the State of Minnesota, and the owner can potentially add limitations.

Councilmember Graves stated she stands by her suggestion of a limit of 50 people, as that provides room for those in need and support for the business itself. She added she supports a 90-day limit on stays, as 3 months is a length of time that is adequate to ensure that people move on and find new housing. She noted Councilmember Lawrence-Anderson agreed with her, and she would like to hear Councilmember Butler's opinion. She complimented Councilmember Butler for doing an excellent job running the meeting.

Mr. Boganey stated, from a staff perspective, 50 people is a little higher than what would be preferred but it is a reasonable and manageable limitation.

Councilmember Butler stated she respects the insight and opinion of Councilmember Graves on this issue, in light of her professional experience. She added she is amenable to 50 people and 90 days. She noted the City Council needs to be respectful of City Staff's comments regarding their capacity for support. She reiterated her support for Councilmember Grave's suggestions.

Councilmember Lawrence-Anderson stated she still supports Councilmember Grave's suggestion which is also has support from City Staff.

Mayor Elliott stated he does not support the consensus. He added the City can assign more resources to this issue, from federal funding to respond to issues directly arising from the pandemic. He noted there should not be a cap on the number of people, as the City should be able to provide housing if people need it.

It was the majority consensus of the City Council to support the renewal of Radisson Brooklyn Center's license and amend the conditions to include the following: a maximum of 50 rooms will be made available for stays of no longer than 90 days.

Council Regular Meeting

DATE: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Doran Cote, Director of Public Works

BY: Mike Albers, 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.

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. 4; 6001 Brooklyn Boulevard (PIN 03-118-21-12-0020): This parcel is owned by the City's Economic Development Authority and requires acquisition of the entire parcel with total compensation being offered in the amount of \$66,646.

Parcel No. 5; 6007 Brooklyn Boulevard (PIN 03-118-21-12-0019): This parcel is owned by the City's Economic Development Authority and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$43,130.

Parcel No. 8; 6025 Brooklyn Boulevard (PIN 03-118-21-12-0016): This parcel is owned by the City's Economic Development Authority and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$0.

Parcel No. 9; 6031 Brooklyn Boulevard (PIN 03-118-21-12-0015): This parcel is owned by the City's Economic Development Authority and requires both permanent easements and temporary

construction easements with total compensation being offered in the amount of \$0.

Parcel No. 10; 6037 Brooklyn Boulevard (PIN 03-118-21-12-0098): This parcel is owned by the City's Economic Development Authority and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$0.

Parcel No. 11; 6045 Brooklyn Boulevard (PIN 03-118-21-12-0087): This parcel is owned by the City's Economic Development Authority and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$0.

Parcel No. 12; 6101 Brooklyn Boulevard (PIN 34-119-21-43-0050): This parcel is owned by the City's Economic Development Authority and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$0.

Parcel No. 13; 6107 Brooklyn Boulevard (PIN 34-119-21-43-0049): This parcel is owned by the City's Economic Development Authority and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$0.

Parcel No. 18; 6301 Brooklyn Boulevard (PIN 34-119-21-42-0007): This parcel is owned by the City's Economic Development Authority and requires acquisition of the entire parcel with total compensation being offered in the amount of \$20,000.

Parcel No. 25; 6437 Brooklyn Boulevard (PIN 34-119-21-31-0111): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$34,000.

Parcel No. 41; 6206 Brooklyn Boulevard (PIN 34-119-21-43-0031): This parcel requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$7,500.

Parcel No. 42; 6234 Brooklyn Boulevard (PIN 34-119-21-43-0001): This parcel is owned by the City's Economic Development Authority and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$0.

Parcel No. 43; 6250 Brooklyn Boulevard (PIN 34-119-21-43-0066): This parcel is owned by the City of Brooklyn Center and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$0.

Parcel No. 54; 5836 Brooklyn Boulevard (PIN 03-118-21-13-0041): This parcel is owned by the City's Economic Development Authority and requires both permanent easements and temporary construction easements with total compensation being offered in the amount of \$0.

To date, including the above 14 parcels, we have acquisition agreements with 14 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

4, 5, 8, 9, 10, 11, 12, 13, 18, 25, 41, 42, 43 and 54 is \$171,276.

To date, including the above 14 parcels, the total value of the permanent easements and temporary construction easements for the project is \$171,276.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/2/2020	Cover Memo
Easement Status	11/2/2020	Cover Memo
Easement - City Parcel Sketches	11/2/2020	Cover Memo
Parcel 25 - Memo of Agreement	11/2/2020	Cover Memo
Parcel 41 - Memo of Agreement	11/2/2020	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. 4; 6001 Brooklyn Boulevard (PIN 03-118-21-12-0020) the sum of \$66,646 for acquisition of the entire parcel; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 5; 6007 Brooklyn Boulevard (PIN 03-118-21-12-0019) the sum of \$43,130 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. 8; 6025 Brooklyn Boulevard (PIN 03-118-21-12-0016) the sum of \$0 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 9; 6031 Brooklyn Boulevard (PIN 03-118-21-12-0015) the sum of \$0 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 10; 6037 Brooklyn Boulevard (PIN 03-118-21-12-0098) the sum of \$0 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 11; 6045 Brooklyn Boulevard (PIN 03-118-21-12-0087) the sum of \$0 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 12; 6101 Brooklyn Boulevard (PIN 34-119-21-43-0050) the sum of \$0 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of

RESOLUTION NO. _____

Brooklyn Center shall pay the owners of Parcel No. 13; 6107 Brooklyn Boulevard (PIN 34-119-21-43-0049) the sum of \$0 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 18; 6301 Brooklyn Boulevard (PIN 34-119-21-42-0007) the sum of \$20,000 for acquisition of the entire parcel; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 25; 6437 Brooklyn Boulevard (PIN 34-119-21-31-0111) the sum of \$34,000 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 41; 6206 Brooklyn Boulevard (PIN 34-119-21-43-0031) the sum of \$7,500 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. 42; 6234 Brooklyn Boulevard (PIN 34-119-21-43-0001) the sum of \$0 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 43; 6250 Brooklyn Boulevard (PIN 34-119-21-43-0066) the sum of \$0 for land and damages; and

WHEREAS, for full compensation for conveyance of said property, the City of Brooklyn Center shall pay the owners of Parcel No. 54; 5836 Brooklyn Boulevard (PIN 03-118-21-13-0041) the sum of \$0 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 4, 5, 8, 9, 10, 11, 12, 13, 18, 25, 41, 42, 43 and 54 for permanent easements and temporary construction easements that will be conveyed to the City, in the name of the City of Brooklyn Center.

November 9, 2020

Date

Mayor

RESOLUTION NO. _____

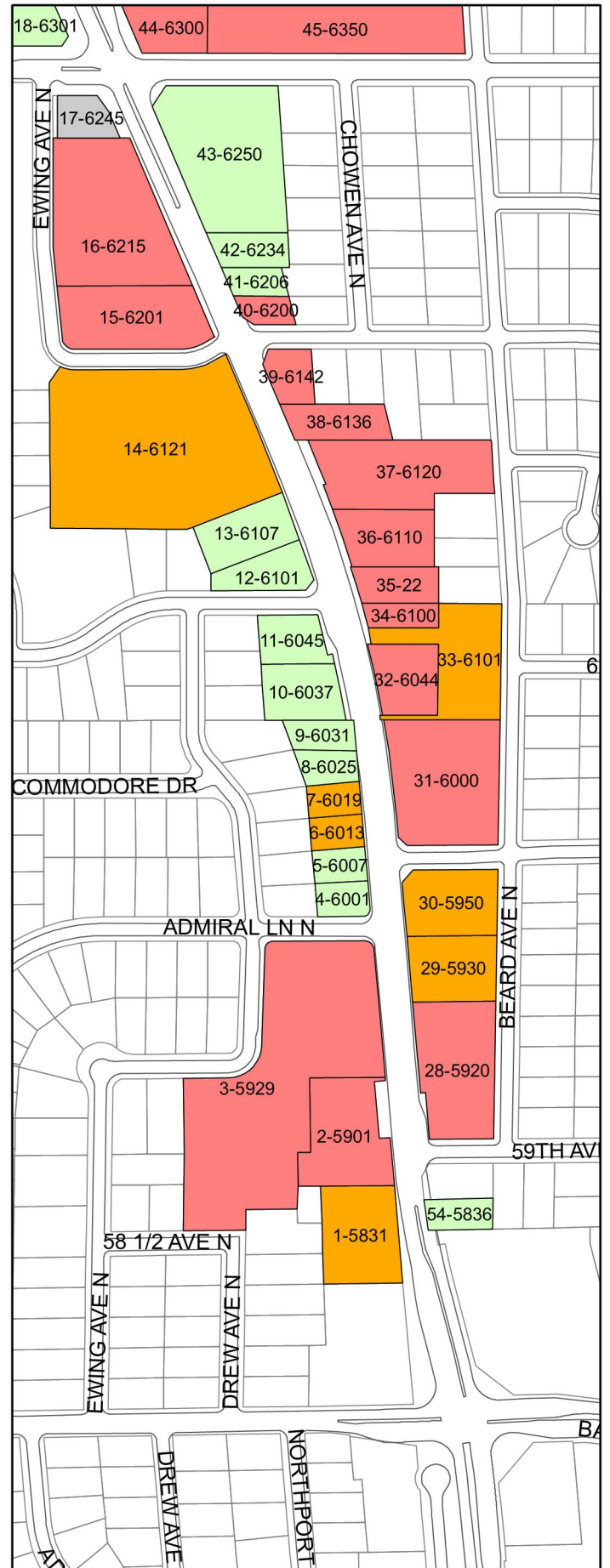
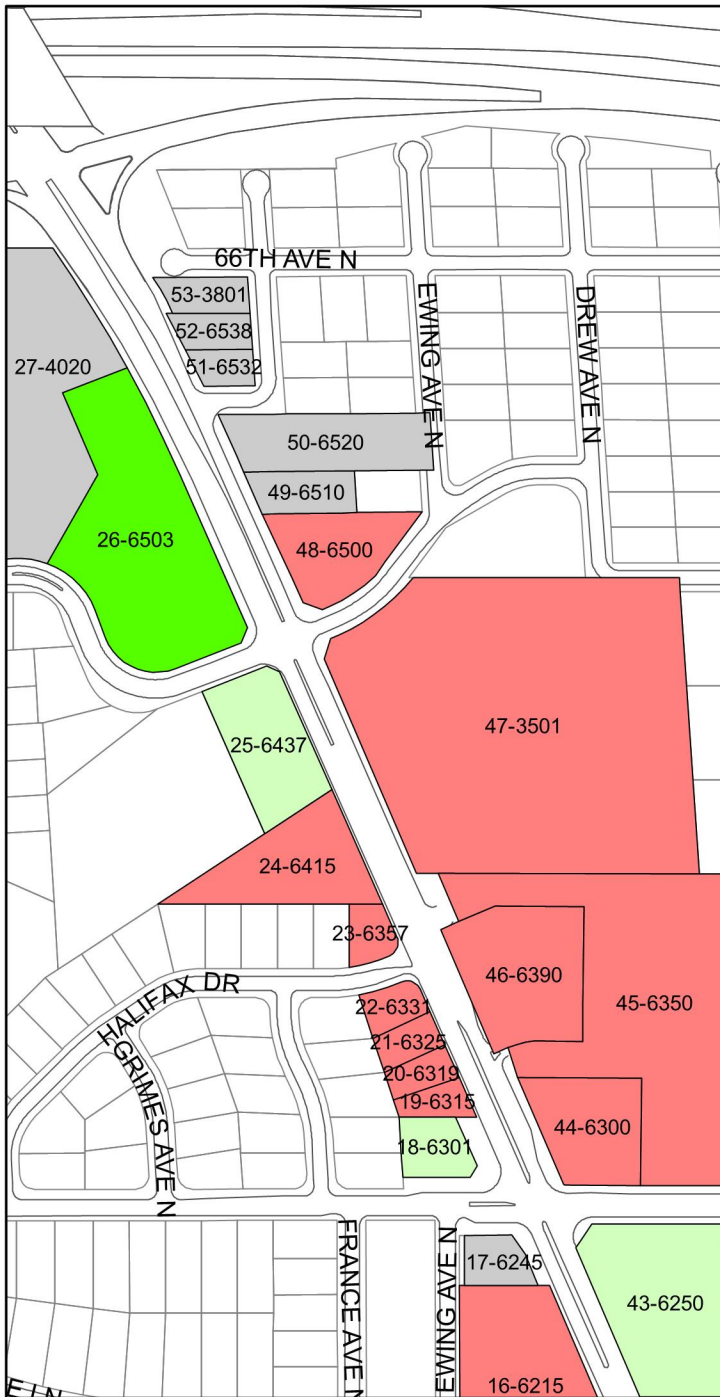
ATTEST: _____
City Clerk

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.



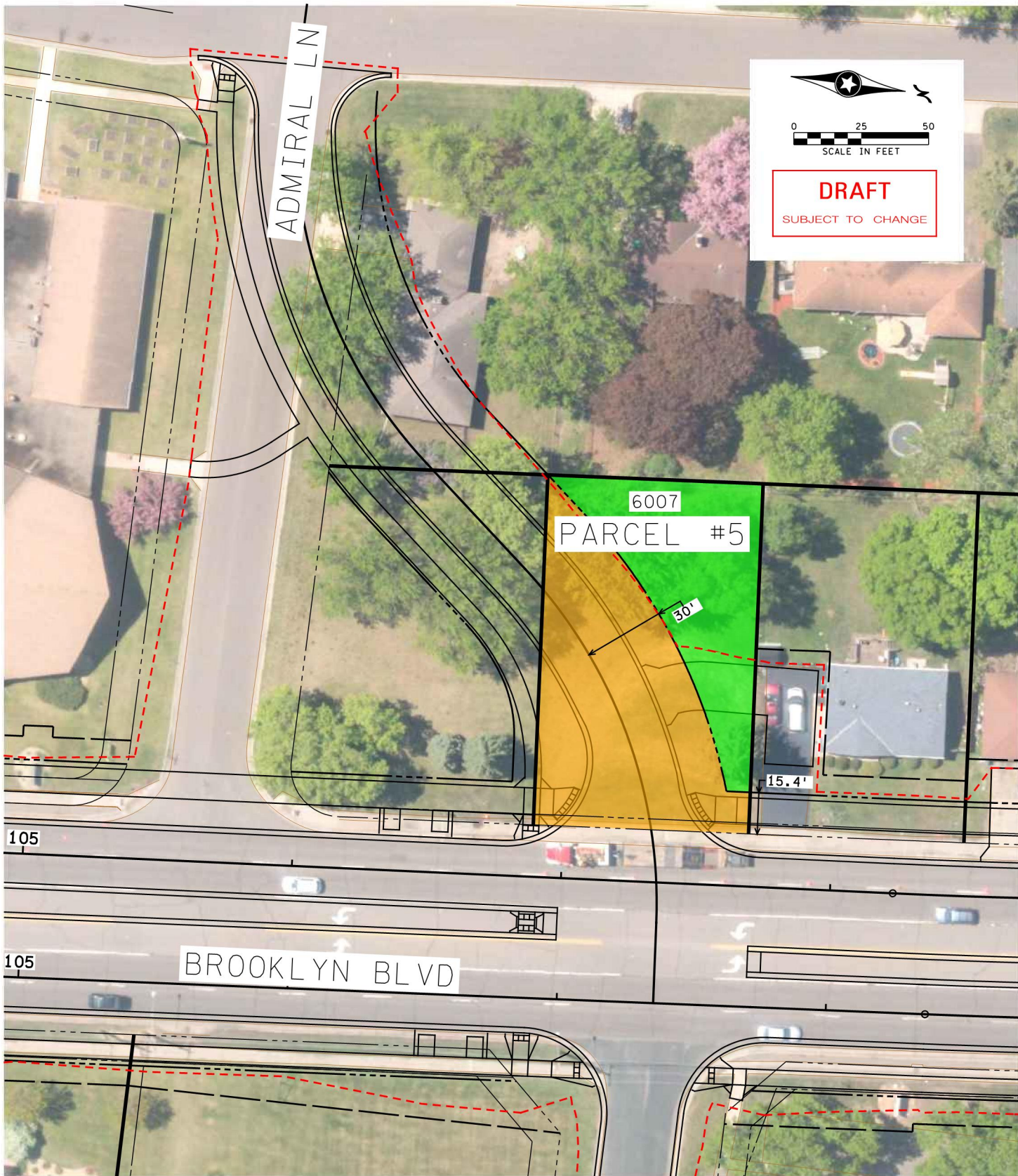
Legend

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



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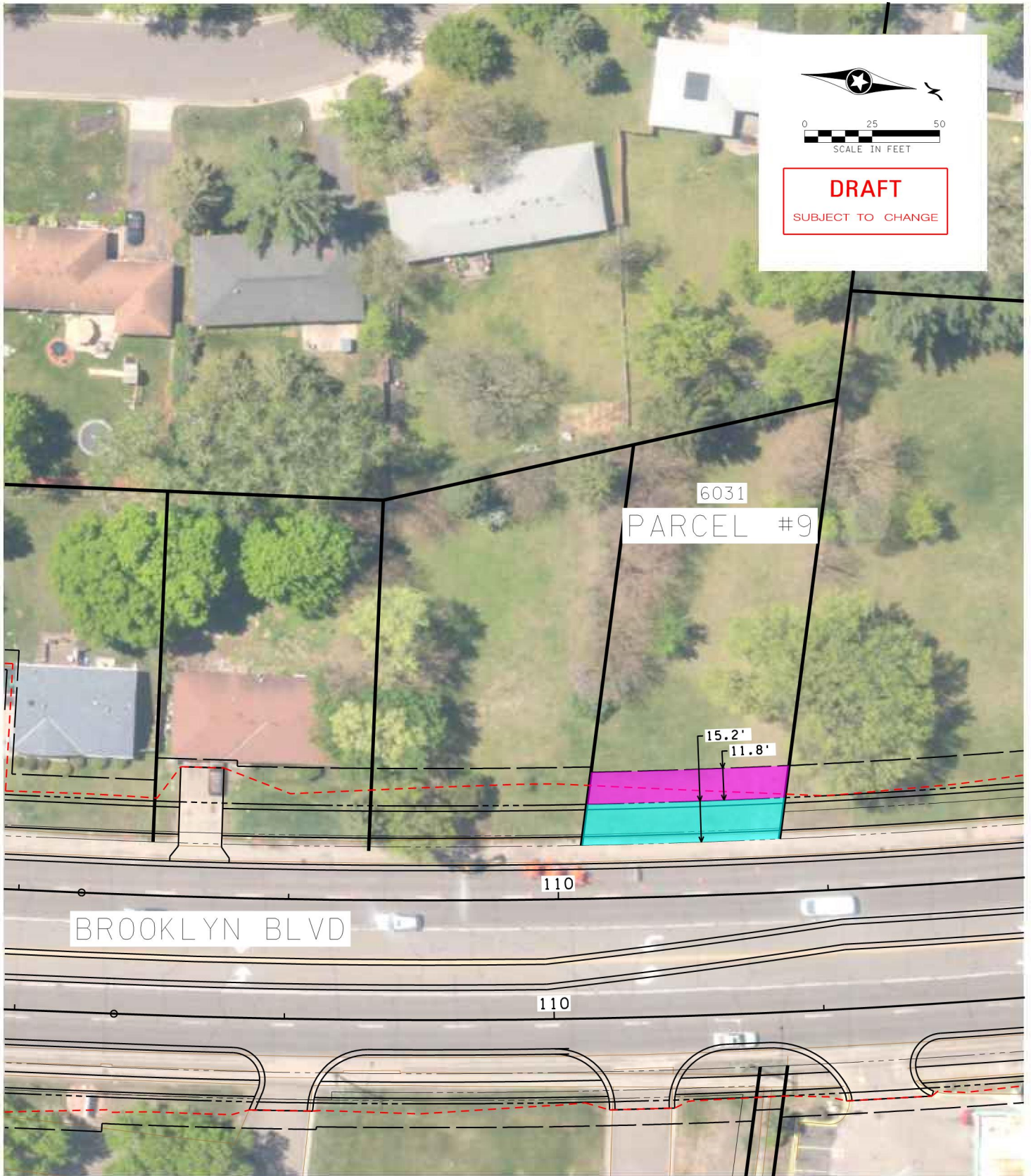
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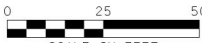


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	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]			
	11680	1205	1117			
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014					DATE 7/11/2020	PARCEL 8
CITY OF BROOKLYN CENTER		2021-05				

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 SCALE IN FEET

DRAFT

SUBJECT TO CHANGE

BROOKLYN BLVD

110

110

6031

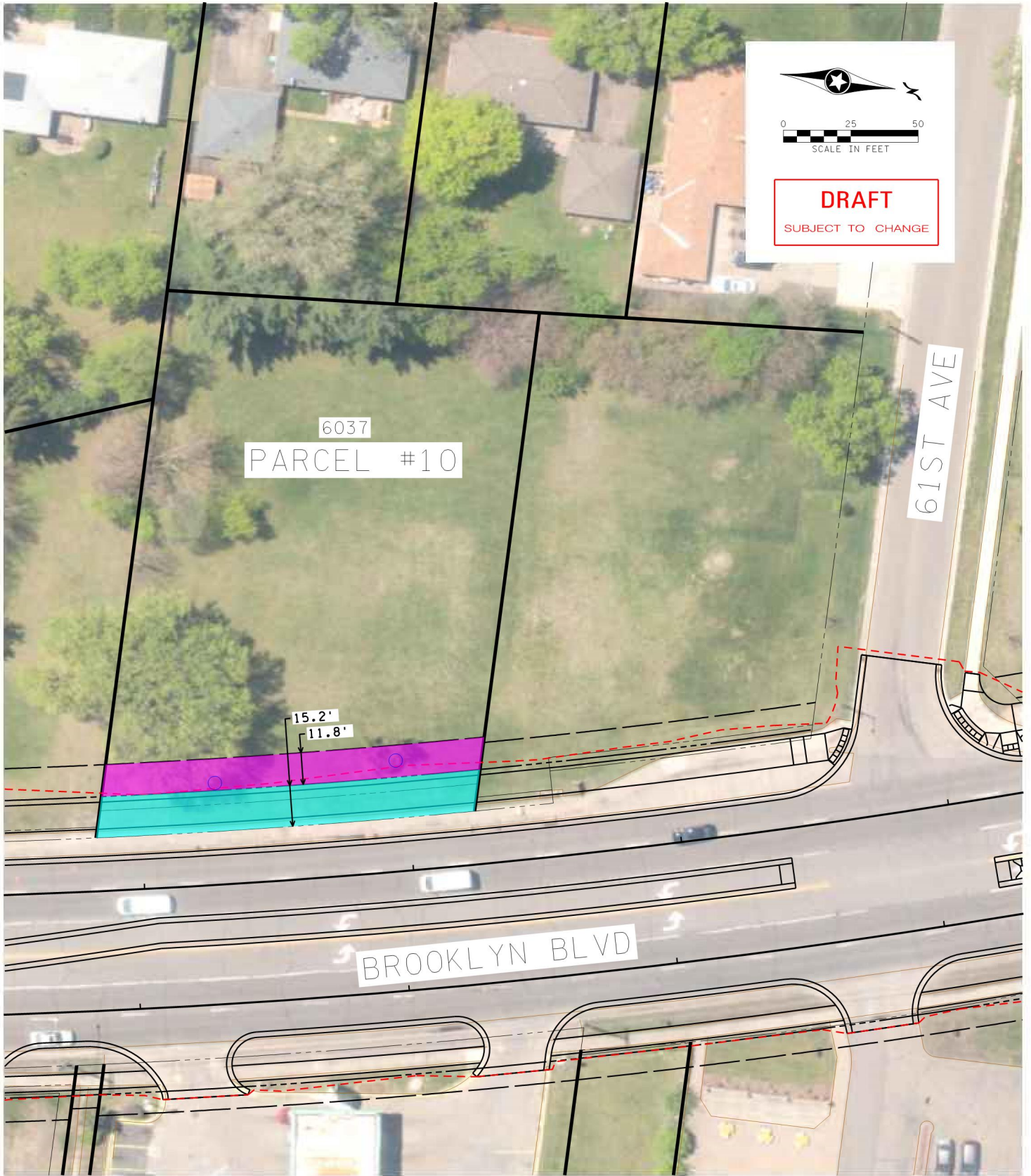
PARCEL #9

15.2'

11.8'

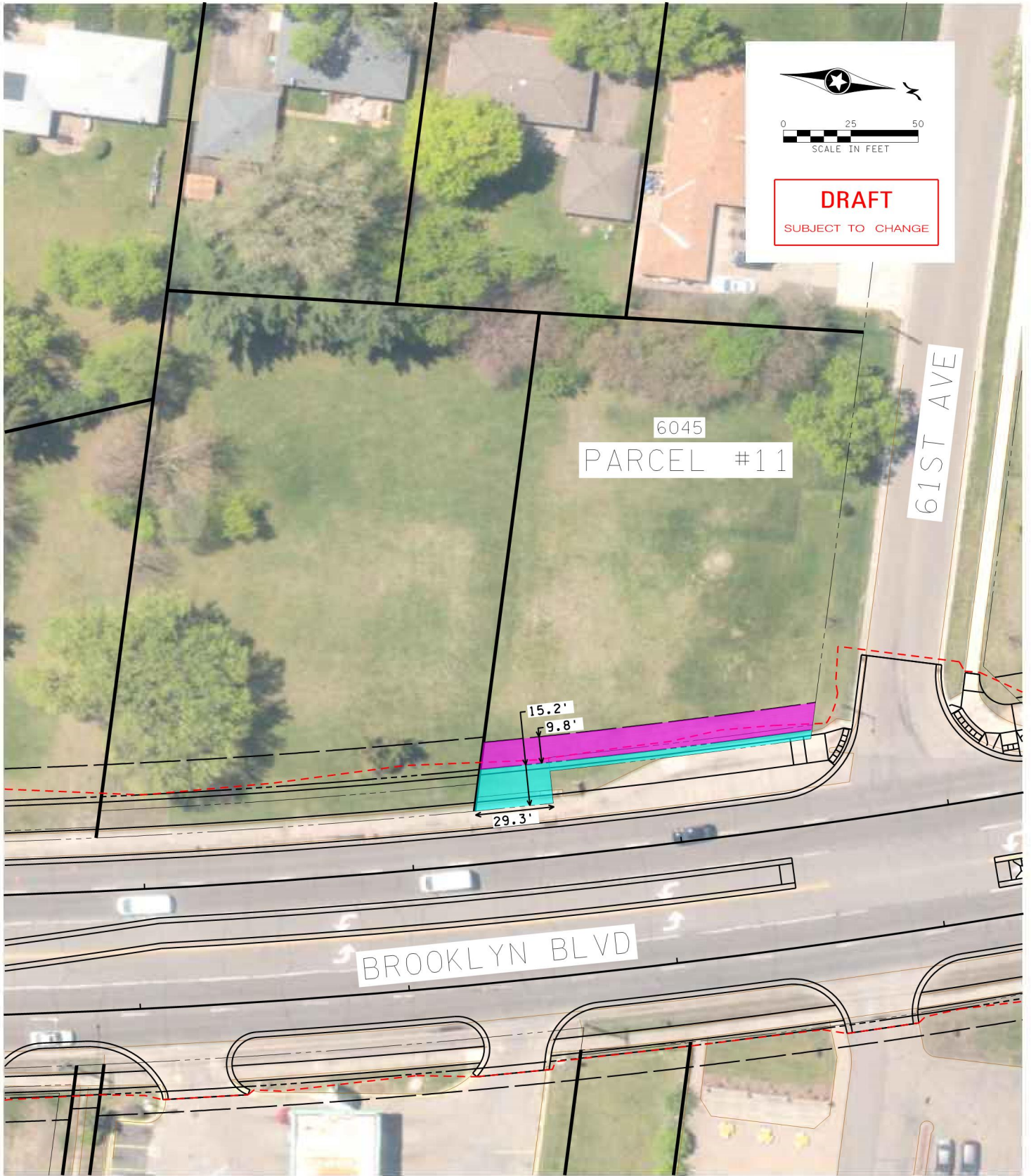
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03-11-821-12-0015	6031 BROOKLYN BOULEVARD			
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]	
	12150	1113	868	
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014				
CITY OF BROOKLYN CENTER		2021-05		DATE 7/11/2020
				PARCEL 9



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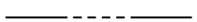
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DRAFT
 SUBJECT TO CHANGE

6045
PARCEL #11

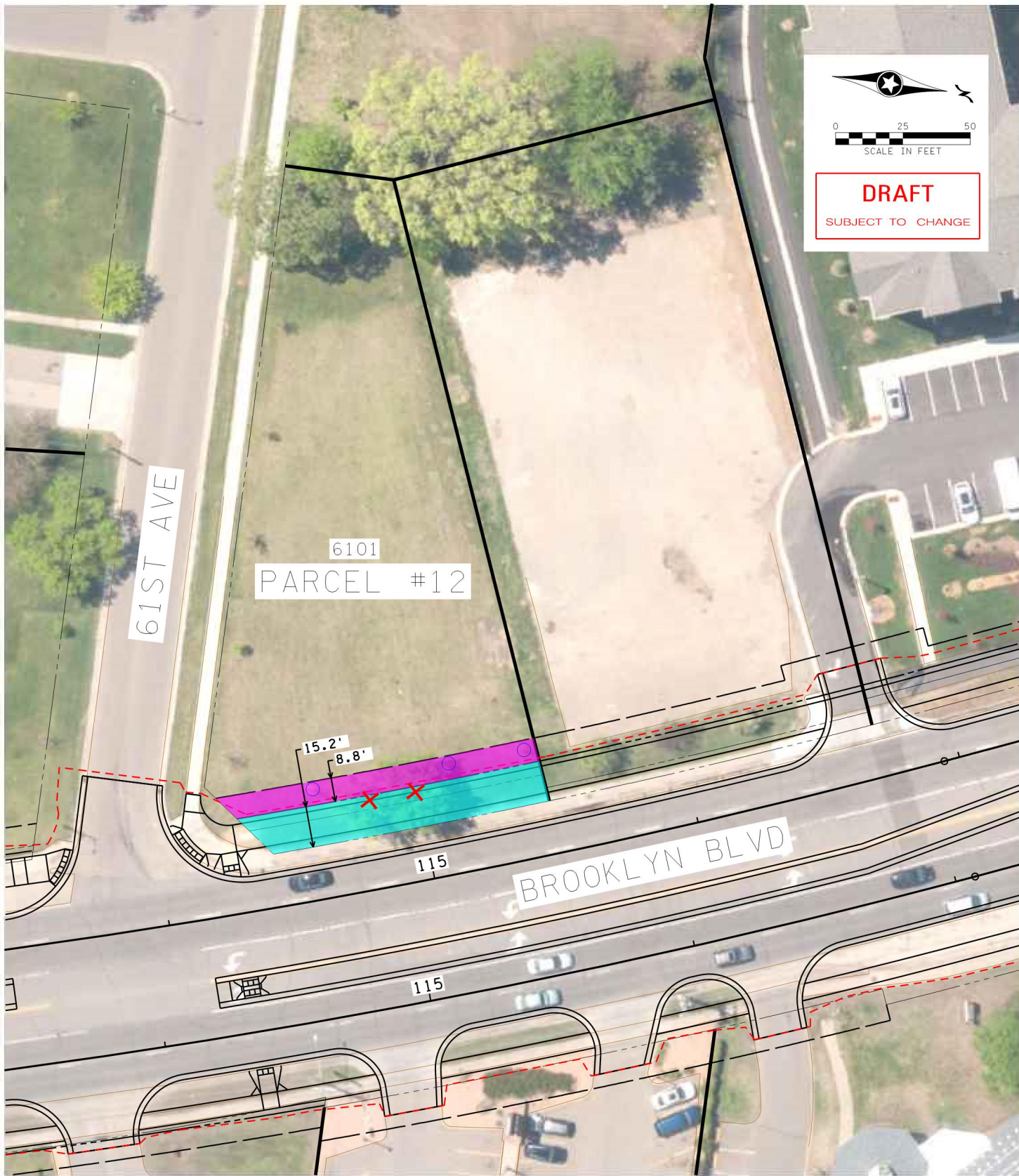
61ST AVE

BROOKLYN BLVD

15.2'
9.8'
29.3'

PID	ADDRESS			PARCEL LINE	
03-11-821-12-0087	6045 BROOKLYN BOULEVARD			EXISTING R/W	
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]	EXISTING PE	
	19320	728	1219	TEMP EASE	
BROOKLYN BOULEVARD - PHASE 2				PROPOSED D&U	
SP 109-020-014				CONST LIMITS	
CITY OF BROOKLYN CENTER				TREE REMOVAL	
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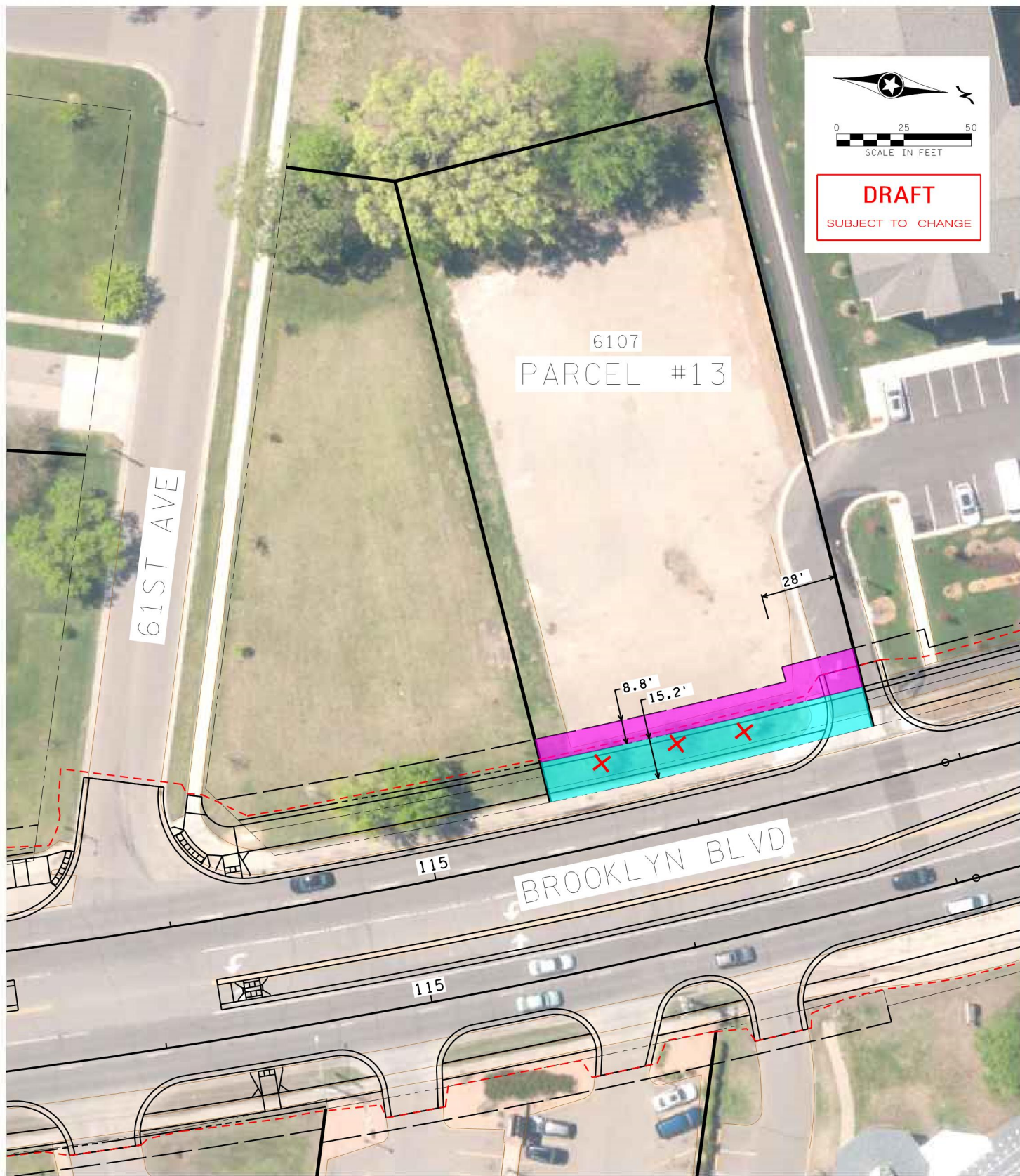
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SUBJECT TO CHANGE

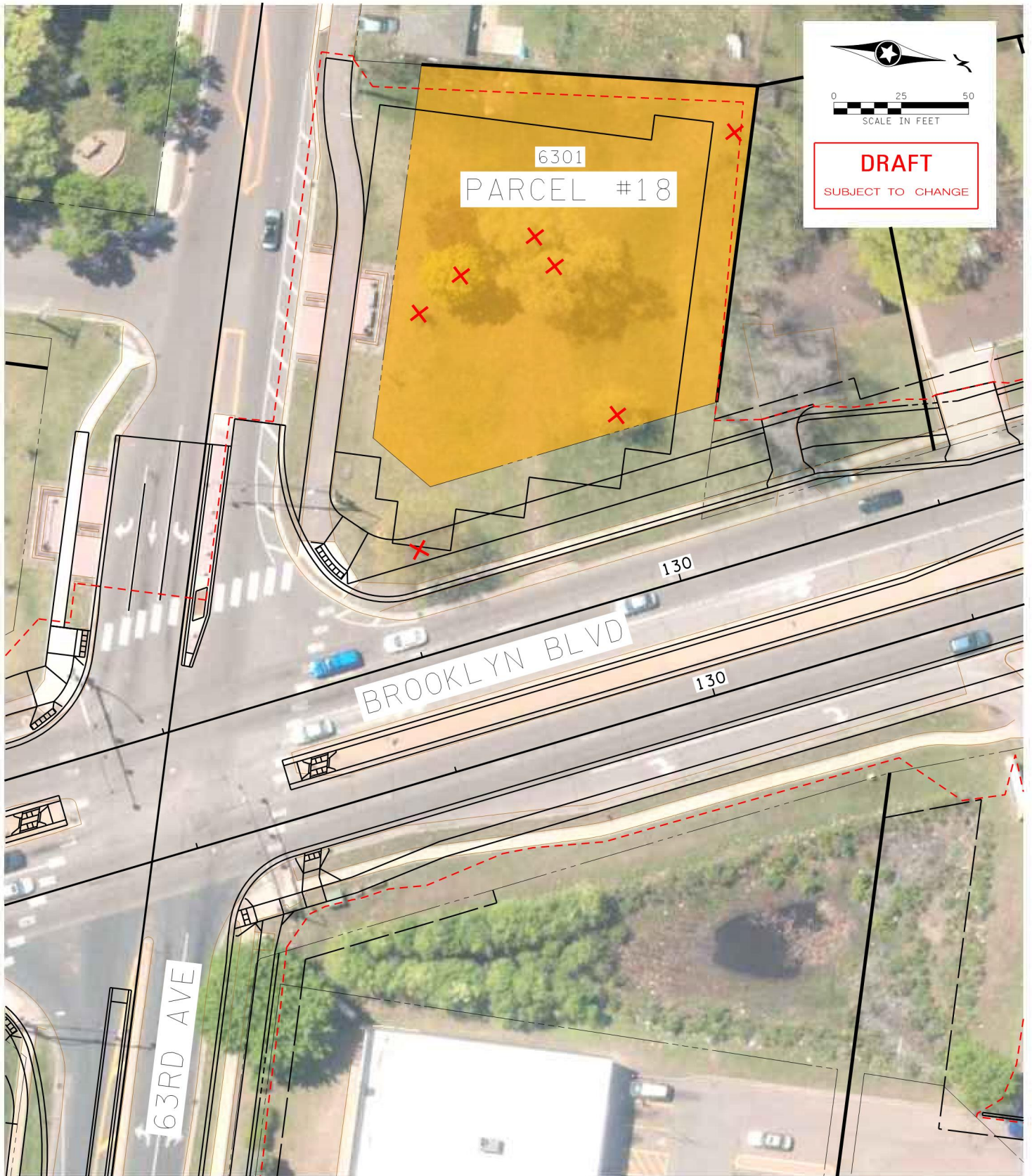
PID	ADDRESS			PARCEL LINE	
34-11-921-43-0050	6101 BROOKLYN BOULEVARD			EXISTING R/W	
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BROOKLYN BOULEVARD - PHASE 2				PROPOSED D&U	
SP 109-020-014				CONST LIMITS	
CITY OF BROOKLYN CENTER				TREE REMOVAL	
				TREE W/IN TEMP EASE	
2021-05			SRF		
			DATE	PARCEL	
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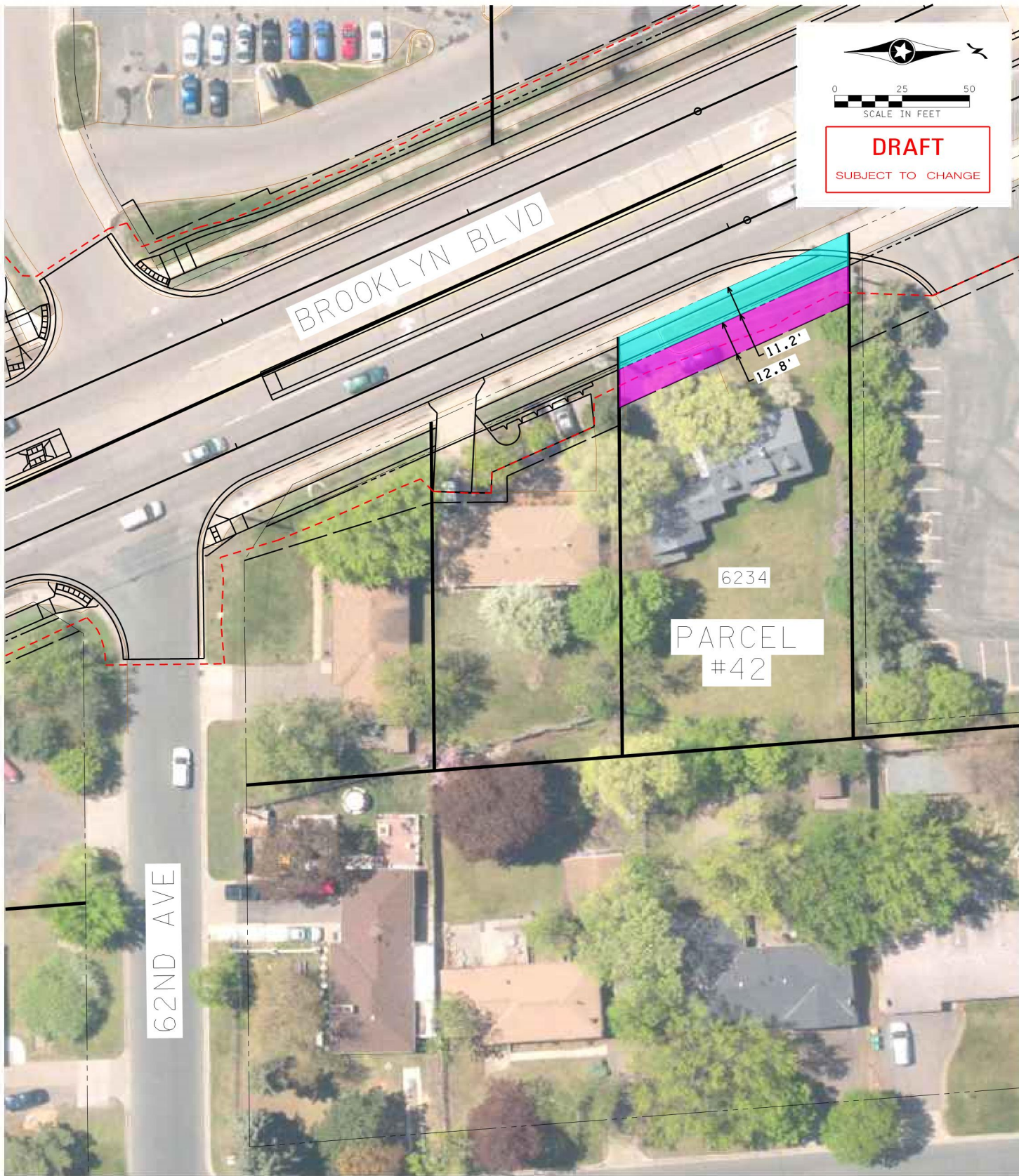


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 SUBJECT TO CHANGE

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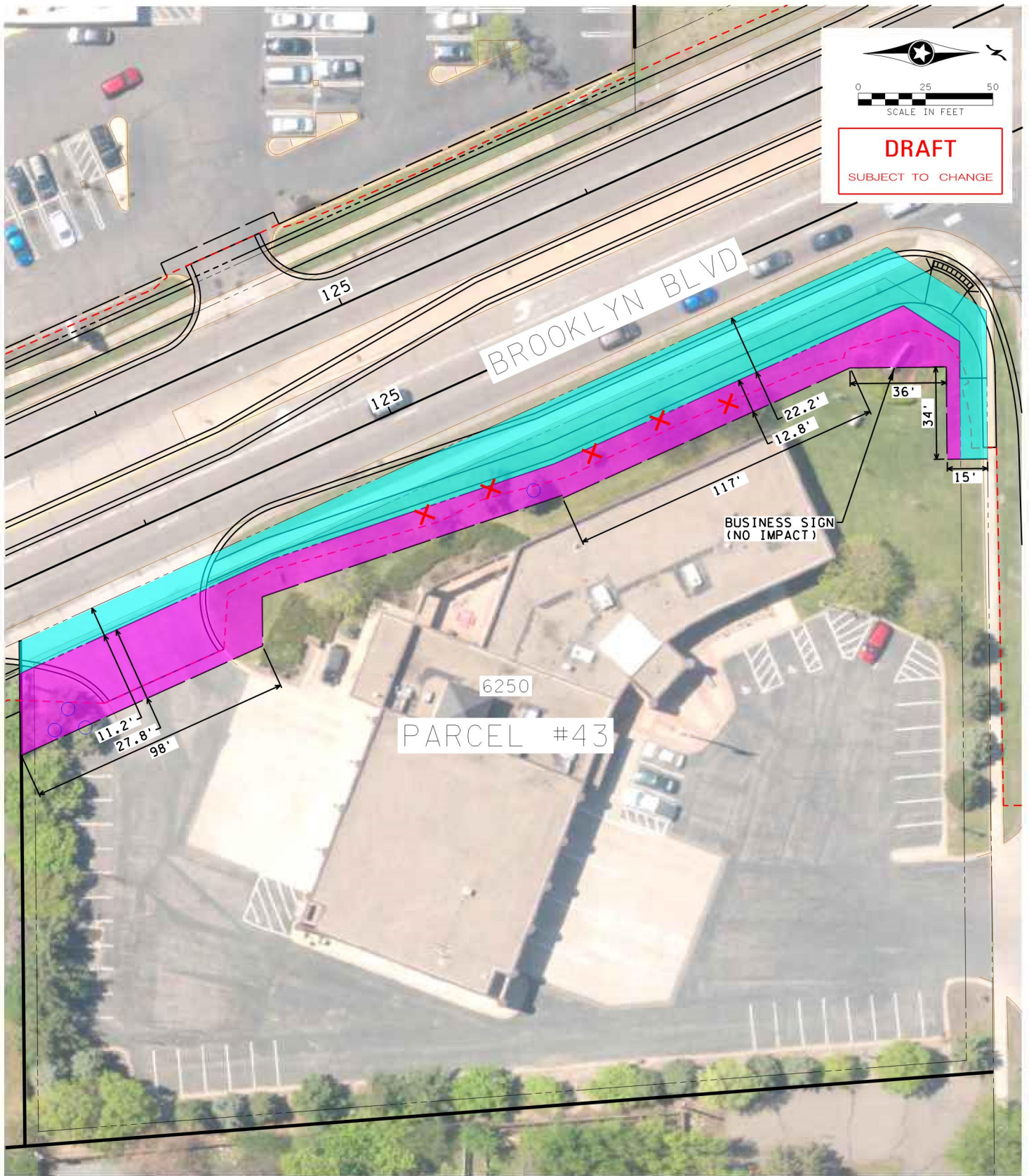


 SCALE IN FEET

DRAFT
 SUBJECT TO CHANGE

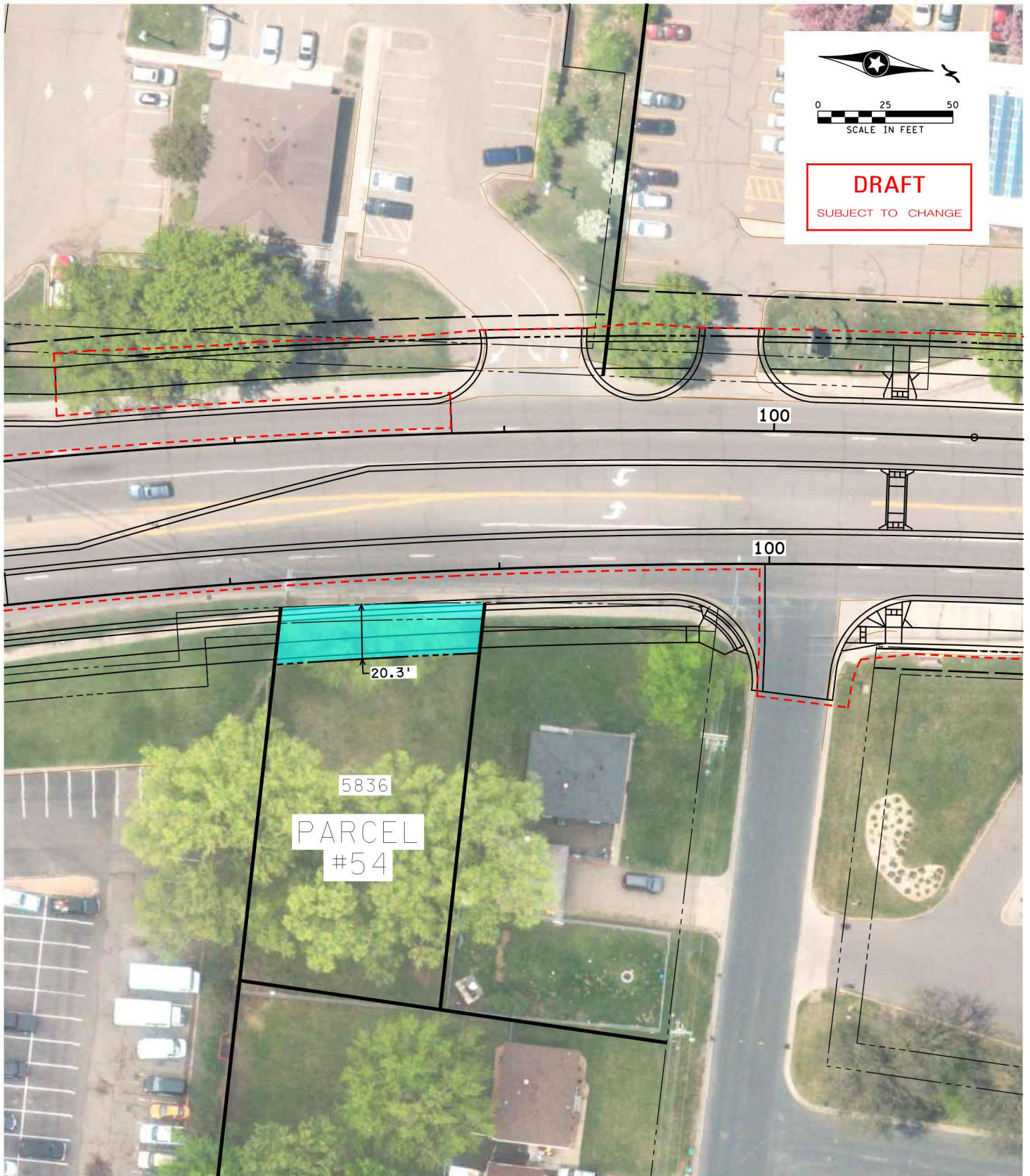
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PID	ADDRESS			PARCEL LINE EXISTING R/W EXISTING PE TEMP EASE PROPOSED D&U CONST LIMITS TREE REMOVAL TREE W/IN TEMP EASE
34-11-921-43-0066	6250 BROOKLYN BOULEVARD			
	EXISTING PARCEL AREA [SQ.FT]	D&U, S/T EASE [SQ.FT]	TE [SQ.FT]	
	93970	7152	6530	
BROOKLYN BOULEVARD - PHASE 2 SP 109-020-014				SRF DATE 7/11/2020
CITY OF BROOKLYN CENTER		2021-05		
				PARCEL 43

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DRAFT
SUBJECT TO CHANGE

5836
PARCEL
#54

20.3'

100

100

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MEMORANDUM OF AGREEMENT

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

Parcel No: 25
Fee Owners: HSRE-MN Brookpark, LLC

On this 2nd day of November, 2020, HSRE-MN Brookpark, LLC, a Delaware limited liability company under the laws of the State of Delaware 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 \$ 34,000.00 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:

This is subject to the City Attorney's approval of requested revisions to the easements.

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)
HSRE-MN Brookpark, LLC

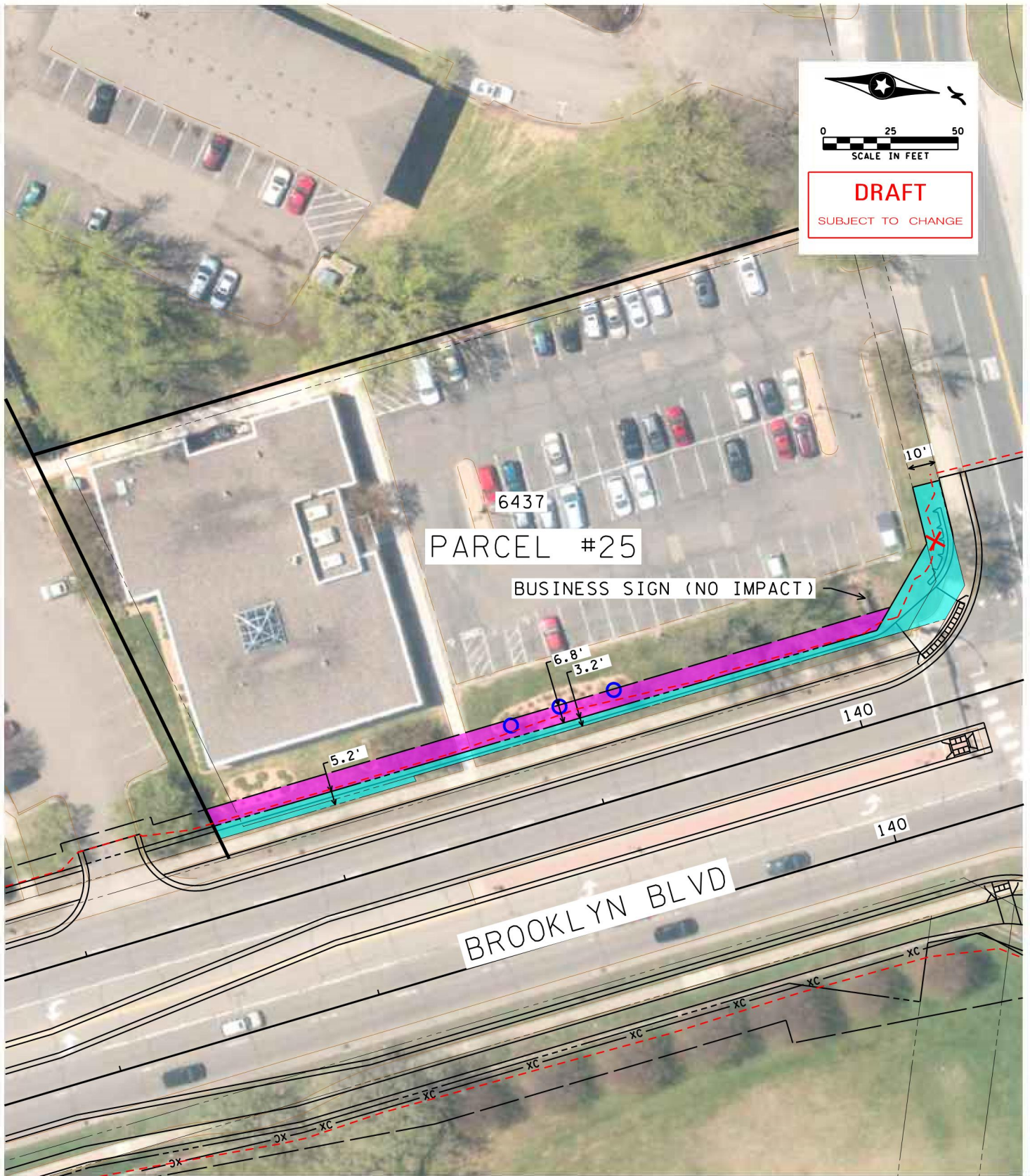
City of Brooklyn Center

By: 

By: _____

Its: Authorized Signatory

Its: _____



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MEMORANDUM OF AGREEMENT

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

Parcel No: 41
Fee Owners: Jer Yang and Shua Yang

On this 8th day of October, 2020, Jer Yang and Shua Yang, 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 \$ 7,500⁰⁰ 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)

Jer Yang

Shua Yang

The City of Brooklyn Center

By: _____

Its: _____



September 30, 2020

SRF No. 11765-D0290

Jer Yang
Shua Yang
6206 Brooklyn Boulevard
Brooklyn Center, MN 55429

SUBJECT: OFFER TO ACQUIRE
BROOKLYN BOULEVARD (HENNEPIN COUNTY ROAD 152)
PHASE II IMPROVEMENTS PROJECT
PROPERTY ADDRESS: 6206 BROOKLYN BOULEVARD
PARCEL No.: 41

Dear Jer and Shua:

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 **\$7,500.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

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

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

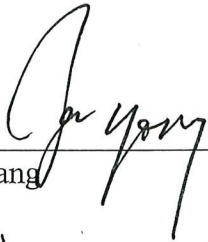


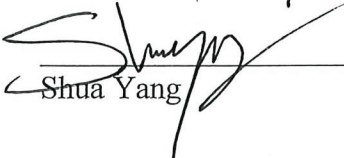
Matthew Marsh
Right of Way Specialist

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 8th 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.



Jer Yang

Shua Yang



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.: 41
Fee Owners: Jer Yang and Shua Yang

Legal Description of property to be acquired:

See Attached Exhibit A

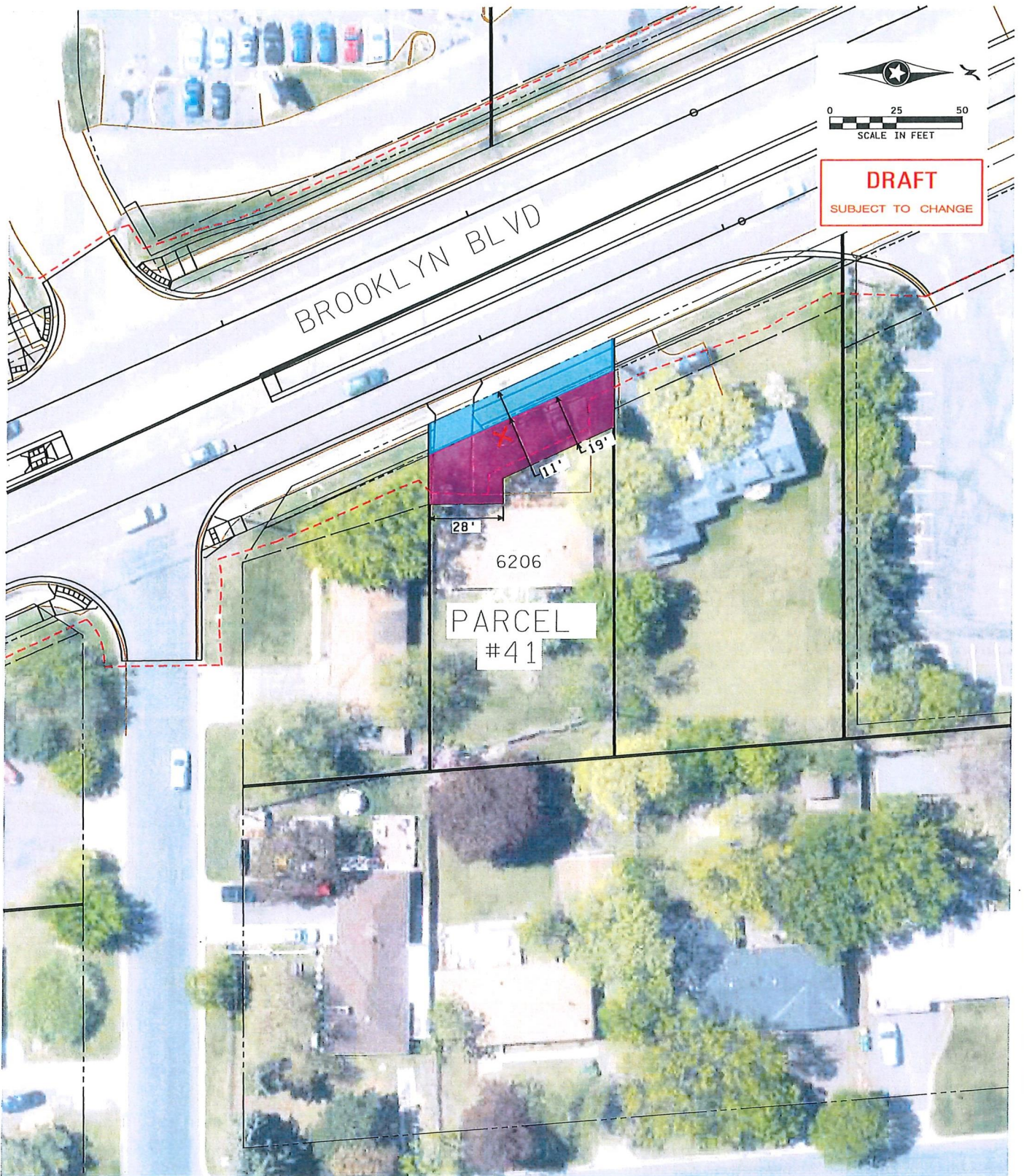
ACQUISITION INFORMATION

Drainage and Utility Easement: 834 square feet
Temporary Construction Easement: 1,552 square feet

VALUATION

Land Value Before Taking	= \$200,000.00
Land Value After Taking	= <u>\$192,500.00</u>
Drainage and Utility Easement	= \$ 1,275.00
Temporary Easement	= \$ 2,180.00
Indicated Damages	= \$ 1,886.00
Severance Damage	= <u>\$ 1,987.00</u>
TOTAL (rounded)	= \$ 7,500.00

Exhibit A



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Appraisal Receipt and Disclosure

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

County: Hennepin

Property Address: 6206 Brooklyn Boulevard

Parcel No: 41

Owner(s): Jer Yang and Shua Yang

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 8th day of October, 2020

Owner(s):

Jer Yang

Shua Yang

SRF Consulting Group Inc.

Contact: Matthew Marsh

Address: 3701 Wayzata Boulevard, Suite 100

Minneapolis, MN 55416

Phone: 763-249-6703

Council Regular Meeting

DATE: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Doran Cote, Director of Public Works

BY: Mike Albers, City Engineer

SUBJECT: Resolution Authorizing Acquisition by Eminent Domain and Approval of Appraised Values 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.

The proposed reconstruction and streetscape improvements will improve roadway and intersection 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. The City's consultant has staked the easement limits and prepared appraisals for the easement acquisition. The City's consultant presented the property owners with an offer letter and a copy of the appraisal and allowed the owner time to either accept or reject the offer. The City's consultant has been diligently working with the property owners to reach agreements to voluntarily convey the easements. 12 of the 47 parcels are owned by the City of Brooklyn Center or City's Economic Development Authority. To date, we have reached easement acquisition agreements with 14 of the 47 parcels.

More than 30 days has elapsed since the initial offers were made and for some parcels the easement acquisition could not be negotiated and for some the mortgage consent has not been provided, therefore, eminent domain must be used to obtain the easements. There are a total of 32 properties that are being recommended for the eminent domain process. 7 of the properties have signed the easements documents but the mortgage consent has not been provided and easements on the remaining 25 properties could not be negotiated.

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 of which the 32 properties that are being recommended for the eminent domain process account for approximately \$653,400.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/2/2020	Cover Memo
Easement Status	11/2/2020	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING ACQUISITION BY EMINENT DOMAIN AND APPROVAL OF APPRAISED VALUES OF EASEMENTS FOR BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2 IMPROVEMENTS, PROJECT NO. 2021-05

WHEREAS, the City Council has authorized the project titled Brooklyn Boulevard Corridor Project Phase 2 Improvements (the “Project”); and

WHEREAS, the Project area includes a 1.0-mile segment of Brooklyn Boulevard (County Road 152) between Bass Lake Road (County Road 10) and Interstate 94; and

WHEREAS, the Project scope includes reconstruction and streetscape improvements that will improve roadway and intersection safety, enhance traffic operations, reduce access points and provide improved bicycle and pedestrian facilities. The project will enhance bicycle and pedestrian travel by adding a trail, improving sidewalks and transit stops, adding streetscaping and landscaping and improving the functionality of intersections with modified turn lanes and access control throughout the corridor; and

WHEREAS, the Project is scheduled to be constructed in 2021; and

WHEREAS, the City Council finds that it is necessary to acquire certain permanent easements and temporary construction easements (collectively, the “Easements”), legally described in Exhibit A attached hereto, in order to install and maintain the Project; and

WHEREAS, the City has engaged a qualified independent consultant to provide an opinion of damages caused by the Easement acquisitions from each impacted property; and

WHEREAS, the City has made offers of compensation to the landowners for the Easements consistent with the independent opinions of damages; and

WHEREAS, the City’s consultant has been diligently working with the landowners of the impacted properties to reach agreements to voluntarily convey the Easements; and

WHEREAS, despite these efforts, conveyance documents for the Easements from owners and/or lenders of the following parcels are still needed to ensure the City’s ability to construct the Project:

- Parcel 1 (5831 Brooklyn Blvd) - WSK Professional Bldg., LLC
- Parcel 2 (5901 Brooklyn Blvd) - 5901 Brooklyn Blvd LLC
- Parcel 3 (5929 Brooklyn Blvd) - Cross of Glory Lutheran Church of Brooklyn Center
- Parcel 6 (6013 Brooklyn Blvd) - Rosa F. Chiqui Lema, Mario German Chiqui
- Parcel 7 (6019 Brooklyn Blvd) - Salem, Inc.
- Parcel 14 (6121 Brooklyn Blvd) - The Sanctuary at Brooklyn Center, LP c/o SCA Properties LLC

- Parcel 15 (6201 Brooklyn Blvd) - Huey Sam Fung, Nhi Hue Fung
- Parcel 16 (6215 Brooklyn Blvd) - Maple Grove Holdings LLC
- Parcel 19 (6315 Brooklyn Blvd) - Raymond He
- Parcel 20 (6319 Brooklyn Blvd) - Marisol Solis, Rufugio DelCarmen Martinez
- Parcel 21 (6325 Brooklyn Blvd) - Blanca G. Velez
- Parcel 22 (6331 Brooklyn Blvd) - Sanh Nguyen, Vivian Truong
- Parcel 23 (6357 Brooklyn Blvd) - James Ronald Jansen, Judith Mary Jansen
- Parcel 24 (6415 Brooklyn Blvd) - Parents in Community Action, Inc.
- Parcel 28 (5920 Brooklyn Blvd) - Old National Bank
- Parcel 29 (5930 Brooklyn Blvd) - CAPI USA
- Parcel 30 (5950 Brooklyn Blvd) - CAPI USA
- Parcel 31 (6000 Brooklyn Blvd) - TJ Weber Properties, LLC
- Parcel 32 (6044 Brooklyn Blvd) - Old Partners Inc
- Parcel 33 (6101 Brooklyn Blvd) - 6939 Baird LLC Et Al c/o Halverson and Blaiser
- Parcel 34 (6100 Brooklyn Blvd) - My Bui Le
- Parcel 35 (PID: 3411921430047) - My Bui Le
- Parcel 36 (6110 Brooklyn Blvd) - Duoos Bros. American Legion Post 630 Housing Corporation
- Parcel 37 (6120 Brooklyn Blvd) - Imam HusainIslamic Center
- Parcel 38 (6136 Brooklyn Blvd) - April Graves
- Parcel 39 (6142 Brooklyn Blvd) - Duc Minh Truong
- Parcel 40 (6200 Brooklyn Blvd) – Hayder Albatushi & Uroba
- Parcel 44 (6300 Brooklyn Blvd) - AutoZone Parts, Inc.
- Parcel 45 (6330 Brooklyn Blvd) - BCK Enterprises LLC
- Parcel 46 (6390 Brooklyn Blvd) - EJA Trust - Brooklyn, LLC
- Parcel 47 (3501 65th Ave) - Independent School District No. 279
- Parcel 48 (6500 Brooklyn Blvd) - Provost Living Trust

WHEREAS, the City Council finds it reasonably necessary, proper and convenient, and in the interest of the general welfare that the City acquire by eminent domain title to and possession of the Easements in furtherance of the Project; and

WHEREAS, the City Council finds that the construction schedule for the Project makes it necessary to acquire title to and possession of the Easements prior to the filing of the final report of the condemnation commissioners to be appointed by the district court; and

WHEREAS, the City Council finds that appraisers opinions of damages caused by the acquisition of the Easements, as indicated below, reflect fair market value:

Parcel 1	\$19,300.00
Parcel 2	\$27,100.00
Parcel 3	\$50,200.00
Parcel 6	\$29,000.00
Parcel 7	\$32,300.00
Parcel 14	\$8,700.00
Parcel 15	\$9,200.00

Parcel 16	\$22,900.00
Parcel 19	\$25,600.00
Parcel 20	\$26,900.00
Parcel 21	\$29,000.00
Parcel 22	\$13,700.00
Parcel 23	\$35,900.00
Parcel 24	\$23,100.00
Parcel 28	\$37,600.00
Parcel 29	\$9,400.00
Parcel 30	\$5,900.00
Parcel 31	\$21,400.00
Parcel 32	\$9,100.00
Parcel 33	\$1,500.00
Parcel 34&35	\$4,600.00
Parcel 36	\$6,000.00
Parcel 37	\$1,400.00
Parcel 38	\$8,800.00
Parcel 39	\$28,000.00
Parcel 40	\$6,000.00
Parcel 44	\$26,500.00
Parcel 45	\$31,500.00
Parcel 46	\$34,700.00
Parcel 47	\$67,500.00
Parcel 48	\$600.00

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

1. The acquisition of the Easements is necessary and for a public purpose in furtherance of the Project; and
2. The law firm of Kennedy & Graven, Chartered, is authorized and directed to take all steps necessary on behalf of the City to acquire through eminent domain the Easements that are not acquired by voluntary negotiation, including filing an action in eminent domain and using the quick take procedure under Minn. Stat. § 117.042; and
3. The appraised values for the Easements reflect the fair market values thereof and are hereby approved for the purposes of Minn. Stat. § 117.042; and
4. City staff and Kennedy & Graven are authorized to modify the legal descriptions of the Easements for the purpose of accurately describing the necessary property as depicted on the plans for the Project.

November 9, 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

Legal descriptions of easements

[attached]

PARCEL 1

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.

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.

Together with a 4.00 foot temporary easement for construction purposes over, under, across and through the North 13.00 feet of the South 112.00 feet of said Lot 2. Said temporary easement lying westerly of and adjacent to a line run parallel with and distant 43.00 feet westerly of said described line.

Said temporary easement to expire November 30, 2022.

PARCEL 2

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

Lot 12, Auditor's Subdivision No. 216, Hennepin County, Minnesota, Except that part of said Lot 12 lying within PEARSON'S NORTHPORT 3RD ADDITION and Except that part of Lot 12 described as follows: Commencing at the Northeast corner of Section 3, Township 118, Range 21; thence west along the North line of said Section 3 a distance of 1741.08 feet; thence Southeasterly, deflecting to the left 111 degrees 58 minutes 7.7 seconds, a distance of 104.54 feet; thence Southerly deflecting to the right 17 degrees 20 minutes 35.2 seconds, a distance of 1073.19 feet; thence Westerly, at a right angle, along a line hereinafter referred to as "Line A" a distance of 54 feet to the actual point of beginning of the tract being excepted; thence Southerly, at a right angle, 140 feet; thence Easterly, at a right angle, to the Easterly line of said Lot 12; thence Northerly along said Easterly line to said "Line A"; thence Westerly to the actual point of beginning.

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.

A 14.10 foot temporary easement for construction purposes over, under, across and through the following described property:

Lot 12, Auditor's Subdivision No. 216, Hennepin County, Minnesota, Except that part of said Lot 12 lying within PEARSON'S NORTHPORT 3RD ADDITION and Except that part of Lot 12 described as follows: Commencing at the Northeast corner of Section 3, Township 118, Range 21; thence west along the North line of said Section 3 a distance of 1741.08 feet; thence Southeasterly, deflecting to the left 111 degrees 58 minutes 7.7 seconds, a distance of 104.54 feet; thence Southerly deflecting to the right 17 degrees 20 minutes 35.2 seconds, a distance of 1073.19 feet; thence Westerly, at a right angle, along a line hereinafter referred to as "Line A" a distance of 54 feet to the actual point of beginning of the tract being excepted; thence Southerly, at a right angle, 140 feet; thence Easterly, at a right angle, to the Easterly line of said Lot 12; thence Northerly along said Easterly line to said "Line A"; thence Westerly to the actual point of beginning.

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.

PARCEL 3

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

That part of Lot 1, Block 1, CROSS OF GLORY 2ND ADDITION, embraced within PEARSON'S NORTHPORT 3RD 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 and said described line there terminating.

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

That part of Lot 1, Block 1, CROSS OF GLORY 2ND ADDITION, embraced within PEARSON'S NORTHPORT 3RD ADDITION.

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

Beginning at the intersection of the northerly line of said Lot 1 with a line run parallel with and distant 35.00 feet westerly of the following described "Line A"; thence northwesterly and westerly along said northerly line a distance of 8.84 feet; thence South 04 degrees 58 minutes 26 seconds East a distance of 29.09 feet; thence South 85 degrees 01 minutes 34 seconds a distance of 4.00 feet; thence South 04 degrees 58 minutes 26 seconds East a distance of 11.00 feet; thence North 85 degrees 01 minutes 34 seconds East a distance of 4.00 feet; thence South 04 degrees 58 minutes 26 seconds east a distance of 91.42 feet; thence South 85 degrees 01 minutes 34 seconds West a distance of 9.00 feet; thence South 04 degrees 58 minutes 26 seconds East a distance of 40.00 feet; thence South 85 degrees 14 minutes 14 seconds West a distance of 37.87 feet; thence South 04 degrees 45 minutes 46 seconds East a distance of 160.00 feet to the southerly line of said described property; thence easterly along said southerly line a distance of 55.14 feet to the intersection with said parallel line, thence northerly along said parallel line to the point of beginning.

"Line A" is described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes

56 seconds East a distance of 1729.11 feet; thence southeasterly 598.85 feet along a tangential curve concave to the southwest having a radius of 22896.14 feet and a central 01 degree 29 minutes 55 seconds; 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 and said "Line A" there terminating.

Said temporary easement to expire November 30, 2022.

PARCEL 6

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

Lot 4, Block 1, PEARSON'S NORTHPORT 3RD 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 and said described line there terminating.

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

Lot 4, Block 1, PEARSON'S NORTHPORT 3RD 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 and said described line there terminating.

Together with a 45.60 foot temporary easement for construction purposes over, under, across and through the South 27.00 feet of said Lot 4. Said temporary easement lies westerly of and adjacent to a line run parallel with and distant 42.80 feet westerly of said described line.

Said temporary easement to expire November 30, 2022.

PARCEL 7

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

All that part of Lot 3, Block 1, PEARSON'S NORTHPORT 3RD ADDITION which lies southwesterly of a line run parallel with an distant 42 feet southwesterly of the following described line: From a point on the South line of Section 34, Township 119 North, Range 21 West distant 1741.08 feet west of the southeast corner thereof, run northwesterly at an angle of 68 degrees 01 minutes 52.3 seconds with said South Section line for 432.38 feet to the point of beginning of the line to be described: thence run southeasterly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degrees 20 minutes 35.2 seconds) for 867.16 feet and there terminating.

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

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

All that part of Lot 3, Block 1, PEARSON'S NORTHPORT 3RD ADDITION which lies southwesterly of a line run parallel with an distant 42 feet southwesterly of the following described line: From a point on the South line of Section 34, Township 119 North, Range 21 West distant 1741.08 feet west of the southeast corner thereof, run northwesterly at an angle of 68 degrees 01 minutes 52.3 seconds with said South Section line for 432.38 feet to the point of beginning of the line to be described: thence run southeasterly along the last described course for 100 feet; thence deflect to the right on a 2 degree 00 minutes curve (delta angle 17 degrees 20 minutes 35.2 seconds) for 867.16 feet and there terminating.

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

concave to the west having a radius of 2842.62 feet and a central angle of 17 degrees 33 minutes 15 seconds and said described line there terminating.

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

Said temporary easement to expire November 30, 2022.

PARCEL 14

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

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

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

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

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

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

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

Together with a temporary easement for construction purposes over, under, across and through that part of said Lot 1 described as beginning at the intersection of the north line of said Lot 1 with a line run parallel with and distant 42.80 feet southwesterly of said described line; thence southerly along said parallel line a distance of 18.10 feet; thence North 84 degrees 29 minutes 15 seconds West a distance of 13.89 feet; thence South 60 degrees 24 minutes 22 seconds West a

distance of 10.42 feet; thence North 29 degrees 35 minutes 38 seconds West a distance of 10.26 feet to the northerly line of said Lot 1; thence northeasterly along said northerly line a distance of 23.82 feet to the point of beginning.

Said temporary easement to expire November 30, 2022.

PARCEL 15

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

Lot 2, Block 1, EWING LANE ADDITION

Said perpetual easement being that part of said Lot 2 lying easterly of a line described as beginning at the intersection of the north line of said Lot 2 with a line run parallel with and distant 32.00 feet southwesterly of the following described "Line A"; thence southeasterly along said parallel line a distance of 88.11 feet; thence southeasterly deflecting to the right 05 degrees 36 minutes 00 seconds a distance of 30.71 feet to the intersection with a line run parallel with and distant 35.00 feet southwesterly of said "Line A"; thence southeasterly along said parallel line a distance of 19.48 feet to the southeasterly line of said Lot 2 and said described line there terminating.

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

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

Lot 2, Block 1, EWING LANE ADDITION

Said temporary easement being that part of said Lot 2 described as beginning at the intersection of the north line of said Lot 2 with a line run parallel with and distant 32.00 feet southwesterly of the following described "Line A"; thence southeasterly along said parallel line a distance of 88.11 feet; thence southeasterly deflecting to the right 05 degrees 36 minutes 00 seconds a distance of 30.71 feet to the intersection with a line run parallel with and distant 35.00 feet southwesterly of said "Line A"; thence southeasterly along said parallel line a distance of 19.48 feet to the southeasterly line of said Lot 2; thence southwesterly along said south line a distance of 20.41 feet; thence North 29 degrees 35 minutes 38 seconds West a distance of 5.00 feet; thence North 60 degrees 24 minutes 22 seconds East a distance of 17.00 feet; thence North 23 degrees 48 minutes 56 seconds West a distance of 45.43 feet; thence North 66 degrees 34 minutes 44 seconds East a distance of 2.29 feet to the intersection with a line run parallel with and distant 37.00 feet southwesterly of said "Line A"; thence northwesterly along said parallel line a distance of 90.29 feet to the northerly line of said Lot 2; thence easterly along said north line a distance of 5.46 feet to the point of beginning.

Said "Line A" is described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees

48 minutes 56 seconds East a distance of 1729.11 feet; thence southeasterly 598.85 feet along a tangential curve concave to the southwest having a radius of 22896.14 feet and a central 01 degree 29 minutes 55 seconds and said described "Line A" there terminating.

Said temporary easement to expire November 30, 2022.

PARCEL 16

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

Lot 1, Block 1, EWING LANE ADDITION

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

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

Lot 1, Block 1, EWING LANE ADDITION

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

Beginning at the intersection of the northerly line of said Lot 1 with a line run parallel with and distant 32.00 feet westerly of the following described "Line A"; thence westerly along said northerly line a distance of 7.84 feet; thence southeasterly, deflecting to the left 113 degrees 50 minutes 18 seconds, a distance of 145.15 feet; thence southwesterly, deflecting to the right 90 degrees 00 minutes 00 seconds, a distance of 9.00 feet; thence southeasterly, deflecting to the left 90 degrees 00 minutes 00 seconds, a distance of 12.00 feet; thence southwesterly, deflecting to the right 62 degrees 50 minutes 21 seconds, a distance of 47.40 feet; thence southeasterly, deflecting to the left 62 degrees 50 minutes 21 seconds, a distance of 26.00 feet; thence northeasterly, deflecting to the left 90 degrees 00 minutes 00 seconds, a distance of 47.00 feet; thence southeasterly, deflecting to the right 90 degrees 00 minutes 00 seconds, a distance of 124.00 feet; thence southeasterly 67.08 feet along a tangential curve concave to the southwest having a radius of 22859.14 feet and a central angle of 00 degrees 10 minutes 05 seconds to the southerly line of said described property; thence easterly along said southerly line a distance of 5.46 to the intersection with said parallel line, thence northwesterly along said parallel line to the point of beginning.

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

Said temporary easement to expire November 30, 2022.

PARCEL 19

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 "Line 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.

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.

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

Lot 4, Block 1, FAIR MEADOWS

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 20

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

Lot 3, Block 2, FAIR MEADOWS

Said perpetual easement being that part of said Lot 3 lying northeasterly of a line described as beginning at the intersection of the north line of said Lot 3 with a line run parallel with and distant 35.00 feet southwesterly of the following described "Line A"; thence southeasterly along said parallel line a distance of 61.15 feet; thence southerly to a point on the south line of said Lot 3 distant 127.40 feet northeasterly of the southwest corner of said Lot 3 and said described line there terminating.

Said "Line A" is described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said "Line A"; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet and said "Line A" there terminating.

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

Lot 3, Block 2, FAIR MEADOWS

Said temporary easement being that part of said Lot 3 described as beginning at the intersection of the north line of said Lot 3 with a line run parallel with and distant 35.00 feet southwesterly of the following described "Line A"; thence southeasterly along said parallel line a distance of 61.15 feet; thence southerly to a point on the south line of said Lot 3 distant 127.40 feet northeasterly of the southwest corner of said Lot 3; thence southwesterly along south line a distance of 8.50 feet; thence northwesterly, parallel with said "Line A" a distance of 72.24 feet to the north line of said Lot 3; thence northeasterly along said north line a distance of 10.80 feet to the point of beginning.

Said "Line A" is described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said "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 21

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

Lot 2, Block 2, FAIR MEADOWS.

Said perpetual easement being that part of said Lot 2 lying northeasterly of a line run parallel with and distant 35.00 feet southwesterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet and said described line there terminating.

A 10.80 foot temporary easement for construction purposes over, under, across and through the following described property:

Lot 2, Block 2, FAIR MEADOWS.

Said temporary easement lying southwesterly of and adjacent to a line run parallel with and distant 35.00 feet southwesterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet and said described line there terminating.

Said temporary easement to expire November 30, 2022.

PARCEL 22

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

Lot 1, Block 2, FAIR MEADOWS

Said perpetual easement being that part of said Lot 1 lying northeasterly of a line run parallel with and distant 35.00 feet southwesterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet and said described line there terminating.

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

Lot 1, Block 2, FAIR MEADOWS

Said temporary easement lying southwesterly of and adjacent to a line run parallel with and distant 35.00 feet southwesterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet and said described line there terminating.

Said temporary easement to expire November 30, 2022.

PARCEL 23

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

Lot 1, Block 1, FAIR MEADOWS

Said perpetual easement being that part of said Lot 1 lying northeasterly of a line run parallel with and distant 33.00 feet southwesterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet and said described line there terminating.

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

Lot 1, Block 1, FAIR MEADOWS

Said temporary easement lying southwesterly of and adjacent to a line run parallel with and distant 33.00 feet southwesterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet and said described line there terminating.

Together with a temporary easement for construction purposes over, under, across and through that part of said Lot 1 described as beginning at the intersection of the north line of said Lot 1 with a line run parallel with and distant 46.80 feet southwesterly of the above described line; thence southeasterly along said parallel line a distance of 38.36 feet; thence southwesterly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 9.00 feet; thence northwesterly parallel with the above described line a distance of 42.28 feet to the north line of said Lot 1; thence easterly along said north line a distance of 9.84 feet to the point of beginning.

Said temporary easement to expire November 30, 2022.

PARCEL 24

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

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

Said perpetual easement being that part of said Lot 3 lying northeasterly of a line run parallel with and distant 33.00 feet southwesterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet and said described line there terminating.

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

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

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

Beginning at the intersection of the northerly line of said Lot 3 with a line run parallel with and distant 33.00 feet southwesterly of line described "Line A"; thence southwesterly along said northerly line a distance of 6.92 feet; thence southeasterly deflecting to the left 80 degrees 30 minutes 18 seconds a distance of 20.13 feet; thence southwesterly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 3.00 feet; thence southeasterly deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 35.00 feet; thence northeasterly deflecting to the left 90 degrees 00 minutes 00 seconds 3.00 feet; thence southeasterly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 22.45 feet; thence southwesterly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 4.50 feet, thence southeasterly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 11.00 feet; thence northeasterly deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 4.50 feet; thence southeasterly deflection to the right 90 degrees 00 minutes 00 seconds a distance of 139.32 feet; thence southerly deflecting to the right 23 degrees 50 minutes 18 seconds a distance of 19.32 feet to the southerly line of said described property; thence easterly along said southerly line a distance of 16.00 feet to the intersection with said parallel line; thence northwesterly along said parallel line to the point of beginning.

"Line A" is described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 181.37 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1729.11 feet and said described "Line A" there terminating.

Said temporary easement to expire November 30, 2022.

PARCEL 28

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

Lot 1, Block 1, FIRST BROOKDALE STATE BANK ADDITION

Said perpetual easement being that part of said Lot 1 lying westerly of a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds; thence South 05 degrees 02 minutes 26 seconds East, tangent to said curve, a distance of 737.46 feet; thence southeasterly 431.10 feet along a tangential curve concave to the east having a radius of 2546.48 feet and a central angle of 09 degrees 41 minutes 59 seconds and said described line there terminating.

An 8.10 foot temporary easement for construction purposes over, under, across and through the following described property:

Lot 1, Block 1, FIRST BROOKDALE STATE BANK ADDITION

Said temporary easement lying easterly of and adjacent to a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds; thence South 05 degrees 02 minutes 26 seconds East, tangent to said curve, a distance of 737.46 feet; thence southeasterly 431.10 feet along a tangential curve concave to the east having a radius of 2546.48 feet and a central angle of 09 degrees 41 minutes 59 seconds and said described line there terminating.

Together with a 25.50 foot temporary easement for construction purposes over, under, across and through that part of the North 52.00 feet of said Lot 1 lying easterly of and adjacent to a line run parallel with and distant 39.10 feet easterly of the above described line.

Said temporary easement to expire November 30, 2022.

PARCEL 29

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

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

Said perpetual easement being that part of said described property lying westerly of a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds; thence South 05 degrees 02 minutes 26 seconds East, tangent to said curve, a distance of 737.46 feet and said described line there terminating.

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

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

Said temporary easement lying easterly of and adjacent to a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes

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

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

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

Said temporary easement to expire November 30, 2022.

PARCEL 30

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

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

Said perpetual easement being that part of said Lot 1 lying westerly of a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds; thence South 05 degrees 02 minutes 26 seconds East, tangent to said curve, a distance of 737.46 feet and said described line there terminating.

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

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

Said temporary easement being that part of said described property lying westerly of the East 204.00 feet of said described property and lying easterly of a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central

01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds; thence South 05 degrees 02 minutes 26 seconds East, tangent to said curve, a distance of 737.46 feet and said described line there terminating.

Said temporary easement to expire November 30, 2022.

PARCEL 31

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

Lot 1 Block 1 EVANS NORDBY ADDITION, Hennepin County, Minnesota

Said perpetual easement being that part of said Lot 1 lying westerly of a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds; thence South 05 degrees 02 minutes 26 seconds East, tangent to said curve, a distance of 737.46 feet and said described line there terminating.

An 8.80 foot temporary easement for construction purposes over, under, across and through the following described property:

Lot 1 Block 1 EVANS NORDBY ADDITION, Hennepin County, Minnesota

Said temporary easement lying easterly of and adjacent to a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds; thence South 05 degrees 02 minutes 26 seconds East, tangent to said curve, a distance of 737.46 feet and said described line there terminating.

Together with a 1.00 foot temporary easement for construction purposes over, under, across and through that part of the most southerly 149.00 feet of said Lot 1 lying easterly of and adjacent to a line run parallel with and distant 39.80 feet easterly of the above described line.

Together with a 3.00 foot temporary easement for construction purposes over, under, across and through that part of the most southerly 70.00 feet of said Lot 1 lying easterly of and adjacent to a line run parallel with and distant 40.80 feet easterly of the above described line.

Said temporary easement to expire November 30, 2022.

PARCEL 32

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

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

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

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

Said perpetual easement being that part of said described property lying westerly of a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds and said described line there terminating.

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

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

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

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

Said temporary easement lying easterly of and adjacent to a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds and said described line there terminating.

Said temporary easement to expire November 30, 2022.

PARCEL 33

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

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

Said perpetual easement being that part of said Tract A lying westerly of a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds and said described line there terminating.

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

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

Said temporary easement lying easterly of and adjacent to a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds and said described line there terminating.

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

Said temporary easement to expire November 30, 2022.

PARCELS 34 & 35

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

Lot 1, Block 1, ARTHUR TREACHER'S ADDITION

Said perpetual easement being that part of said Tract A lying westerly of a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds and said described line there terminating.

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

Lot 1, Block 1, ARTHUR TREACHER'S ADDITION

Said temporary easement lying easterly of and adjacent to a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds and said described line there terminating.

Said temporary easement to expire November 30, 2022.

PARCEL 36

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

Lot 2, Block 1, P.B.C. FIRST ADDITION, Hennepin County, Minnesota.

Said temporary easement being that part of said Lot 2 lying westerly of a line run parallel with and distant 44.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds; thence southeasterly 870.51 feet along a compound curve concave to the west having a radius of 2886.96 feet and a central angle of 17 degrees 16 minutes 35 seconds and said described line there terminating.

Said temporary easement to expire November 30, 2022.

PARCEL 37

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, Hennepin County, Minnesota.

Said temporary easement being that part of said Lot 1 described as beginning at the southwest corner of said Lot 1; thence northwesterly along the westerly line of said Lot 1 a distance of 63.93 feet to an angle point in said westerly line; thence North 68 degrees 38 minutes 02 seconds East, assumed bearing, along the westerly line of said Lot 1 and its northeasterly prolongation a distance of 12.00 feet; thence southeasterly parallel with the westerly line of said Lot 1 a distance of 68.62 feet to the south line of said Lot 1; thence westerly along said south line a distance of 12.79 feet to the point of beginning.

Said temporary easement to expire November 30, 2022.

PARCEL 38

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

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

Said perpetual easement being that part of said Lot 7 lying westerly of a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds and said described line there terminating.

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

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

Said temporary easement is described as follows:

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

Together with that part of said Lot 7 described as commencing at the intersection of the north line of the South 35.00 feet of said Lot 7 with a line run parallel with and distant 39.60 feet easterly of the above described line; thence easterly along said north line a distance of 14.40 feet; thence southerly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 34.60 feet to the intersection with said parallel line; thence northwesterly along said parallel line a distance of 37.58 feet to the point of beginning.

Said temporary easement to expire November 30, 2022.

PARCEL 39

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.

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 9.00 feet; thence southerly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 21.37 feet to the intersection with said parallel line; thence northwesterly along said parallel line a distance of 23.19 feet to the point of beginning.

Said temporary easement to expire November 30, 2022.

PARCEL 40

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

Lot 3, except that part thereof; which lies southwesterly of a line run parallel with and distant 42 feet northeasterly of the following described line: From a point on the North line of Section 3, Township 118, Range 21, distant 1741.08 feet west of the Northeast corner thereof, run southeasterly at an angle of 68 degrees, 01 minutes, 52.3 seconds with said North Section line for 104.53 feet; thence deflect to the right at an angle of 17 degrees, 20 minutes, 35.2 seconds, for 536.92 feet to the point of beginning of the line to be described; thence run northwesterly along the last described course for 100 feet; thence deflect to the left of a 2 degree 00 minutes curve (delta angle 17 degrees, 20 minutes, 35.2 seconds) for 867.16 feet; thence deflect to the left of a 0 degree, 15 minute curve (delta angle 1 degree 29 minutes 54.8 seconds) for 599.42 feet and there terminating; and except a triangular piece adjoining and northeasterly of the above described line and southwesterly of the following described line: Beginning at a point on the above described line distant 20 feet northwesterly of its intersection with the Southerly line of said Lot 3; thence run southeasterly to a point on a said Southerly line distant 20 feet easterly of said intersection:

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

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

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

Lot 3, except that part thereof; which lies southwesterly of a line run parallel with and distant 42 feet northeasterly of the following described line: From a point on the North line of Section 3, Township 118, Range 21, distant 1741.08 feet west of the Northeast corner thereof, run southeasterly at an angle of 68 degrees, 01 minutes, 52.3 seconds with said North Section line for 104.53 feet; thence deflect to the right at an angle of 17 degrees, 20 minutes, 35.2 seconds, for 536.92 feet to the point of beginning of the line to be described; thence run northwesterly along the last described course for 100 feet; thence deflect to the left of a 2 degree 00 minutes curve (delta angle 17 degrees, 20 minutes, 35.2 seconds) for 867.16 feet; thence deflect to the left of a 0 degree, 15 minute curve (delta angle 1 degree 29 minutes 54.8 seconds) for 599.42 feet and there terminating; and except a triangular piece adjoining and northeasterly of the above described line and southwesterly of the following described line: Beginning at a point on

the above described line distant 20 feet northwesterly of its intersection with the Southerly line of said Lot 3; thence run southeasterly to a point on a said Southerly line distant 20 feet easterly of said intersection:

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

Said temporary easement is being that part of said described property lying westerly of the East 88.00 feet of said Lot 3 and lying easterly of a line run parallel with and distant 31.00 feet easterly of line described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet; thence southeasterly 600.01 feet along a tangential curve concave to the southwest having a radius of 22940.48 feet and a central 01 degree 29 minutes 55 seconds and said described line there terminating.

Said temporary easement to expire November 30, 2022.

PARCEL 44

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

Lot 1, Block 1, RAINBOWS GARDEN CITY SECOND ADDITION

Said perpetual easement is described as the South 8.00 feet of said Lot 1.

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

Lot 1, Block 1, RAINBOWS GARDEN CITY SECOND ADDITION

Said temporary easement being the North 10.00 feet of the South 18.00 feet of said Lot1.

Together with a temporary easement for construction purposes over, under, across and through that part of the westerly 5.00 feet of said Lot 1 lying northerly of the South 18.00 of said Lot 1 and lying southeasterly of a line run at a right angle to the westerly line of said Lot 1 through a point on said westerly line distant 92.00 feet northwesterly from the southwest corner of said Lot 1.

Said temporary easement to expire November 30, 2022.

PARCEL 45

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

Lot 2, Block 1, RAINBOWS GARDEN CITY SECOND ADDITION

Said perpetual easement being the West 55.00 feet of the most southerly 8.00 feet of said Lot 2.

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

Lot 2, Block 1, RAINBOWS GARDEN CITY SECOND ADDITION

Said temporary easement being the West 35.00 feet of the North 10.00 feet of the most southerly 18.00 feet of said Lot 2.

Together with a temporary easement for construction purposes over, under, across and through that part of said Lot 2 described as beginning at the northwest corner of Lot 1, said Block 1; thence easterly along the north line of said Lot 1 a distance of 16.82 feet; thence northwesterly deflecting to the left 108 degrees 02 minutes 00 seconds a distance 36.81 feet; thence easterly deflecting to the right 108 degrees 02 minutes 00 seconds a distance of 123.17 feet; thence northerly deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 42.03 feet to the southerly line of Lot 1, Block 1, RAINBOWS GARDEN CITY ADDITION; thence westerly along said southerly line to the west line of said Lot 2; thence southerly along said west line a distance of 65.31 feet to the point of beginning.

Together with a temporary easement for construction purposes over, under, across and through that part of said Lot 2 described as commencing at the northwest corner of said Lot 2; thence southeasterly along the west line of said Lot 2 a distance of 51.00 feet to the point of beginning of said temporary easement; thence northeasterly deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 14.50 feet; thence southeasterly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 61.00 feet to the northerly line of said Lot 1, Block 1, RAINBOWS GARDEN CITY ADDITION; thence southwesterly along said northerly line a distance of 14.50 feet to the west line of said Lot 2; thence northerly along said west line a distance of 61.00 feet to the point of beginning.

Said temporary easement to expire November 30, 2022.

PARCEL 46

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

Lot 1, Block 1, RAINBOWS GARDEN CITY ADDITION

Said perpetual easement being that part of said Lot 1 lying southwesterly a line described as beginning at the intersection of the southerly line of said Lot 1 with a line run parallel with and distant 31.00 feet northeasterly of the following described "Line A"; thence northwesterly along said parallel line a distance of 74.73 feet; thence northwesterly deflecting to the right 05 degrees 42 minutes 38 seconds a distance of 90.45 feet to the intersection with a line run parallel with and distant 40.00 feet northeasterly of said "Line A"; thence northwesterly along said parallel line a distance of 117.28 feet to the northerly line of said Lot 1 and there terminating.

Said "Line A" is described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet and said "Line A" there terminating.

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

Lot 1, Block 1, RAINBOWS GARDEN CITY ADDITION

Said temporary easement being that part of said described property:

Said temporary easement being that part of said Lot 1 described as beginning at the intersection of the southerly line of said Lot 1 with a line run parallel with and distant 31.00 feet northeasterly of the following described "Line A"; thence northwesterly along said parallel line a distance of 74.73 feet; thence northwesterly deflecting to the right 05 degrees 42 minutes 38 seconds a distance of 90.45 feet to the intersection with a line run parallel with and distant 40.00 feet northeasterly of said "Line A"; thence northwesterly along said parallel line a distance of 117.28 feet to the northerly line of said Lot 1; thence northeasterly along said northerly line a distance of 35.21 feet; thence southeasterly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 10.00 feet; thence southwesterly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 13.00 feet; thence southerly deflecting to the right 68 degrees 07 minutes 40 seconds a distance of 46.85 feet; thence southeasterly deflecting to the left 21 degrees 53 minutes 00 seconds a distance of 89.71 feet; thence southwesterly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 5.00 feet; thence southeasterly deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 86.41 feet; thence easterly deflecting to the left 65 degrees 59 minutes 20 seconds a distance of 180.98 feet; thence southerly deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 28.15 feet to the southerly line of said Lot 1; thence westerly and southwesterly along said southerly 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 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet and said "Line A" there terminating.

Said temporary easement to expire November 30, 2022.

PARCEL 47

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

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

Said perpetual easement being that part of said Tract A lying southwesterly a line described as beginning at the intersection of the southerly line of said Tract A with a line run parallel with and distant 31.00 feet northeasterly of the following described "Line A"; thence northwesterly along said parallel line a distance of 152.18 feet; thence northwesterly deflecting to the right 05 degrees 42 minutes 38 seconds a distance of 80.40 feet to the intersection with a line run parallel with and distant 39.00 feet northeasterly of said "Line A"; thence northwesterly along said parallel line a distance of 188.58 feet; thence northerly deflecting to the right 24 degrees 28 minutes 56 seconds a distance of 49.10 feet; thence westerly deflecting to the left 90 degrees 40 minutes 10 seconds a distance of 22.08 feet; thence northwesterly deflecting to the right 71 degrees 53 minutes 52 seconds a distance of 20.17 feet; thence northeasterly deflecting to the right 39 degrees 17 minutes 22 seconds a distance of 41.90 feet to the northerly line of said Tract A and there terminating.

Said "Line A" is described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet and said "Line A" there terminating.

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

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

Said temporary easement being that part of said Tract A described as beginning at the intersection of the southerly line of said Tract A with a line run parallel with and distant 31.00 feet northeasterly of the following described "Line A"; thence northwesterly along said parallel line a distance of 152.18 feet; thence northwesterly deflecting to the right 05 degrees 42 minutes 38 seconds a distance of 80.40 feet to the intersection with a line run parallel with and distant 39.00 feet northeasterly of said "Line A"; thence northwesterly along said parallel line a distance of 188.58 feet; thence northeasterly deflecting to the right 24 degrees 28 minutes 56 seconds a distance of 49.10 feet; thence westerly deflecting to the left 90 degrees 40 minutes 10 seconds a distance of 22.08 feet; thence northwesterly deflecting to the right 71 degrees 53 minutes 52 seconds a distance of 20.17 feet; thence northeasterly deflecting to the right 39 degrees 17 minutes 22 seconds a distance of 41.90 feet to the northerly line of said Tract A; thence

southeasterly deflecting to the right 140 degrees 27 minutes 50 seconds a distance of 108.79 feet; thence southwesterly deflecting to the right 84 degrees 32 minutes 10 seconds a distance of 8.59 feet; thence southeasterly deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 135.67 feet; thence southeasterly deflecting to the right 05 degrees 42 minutes 38 seconds a distance of 120.60 feet; the southeasterly deflecting to the left 05 degrees 42 minutes 38 seconds a distance of 163.98 feet to the southerly line of said Tract A; thence westerly along said south line a distance of 9.65 feet to the point of beginning.

Said "Line A" is described as commencing at the northwest corner of the Southeast Quarter of Section 34, Township 119, Range 21, Hennepin County, Minnesota; thence South 03 degrees 45 minutes 23 seconds East, assumed bearing, along the west line of said Southeast Quarter a distance of 52.09 feet to the point of beginning of said described line; thence South 23 degrees 48 minutes 56 seconds East a distance of 1850.54 feet and said "Line A" there terminating.

Said temporary easement to expire November 30, 2022.

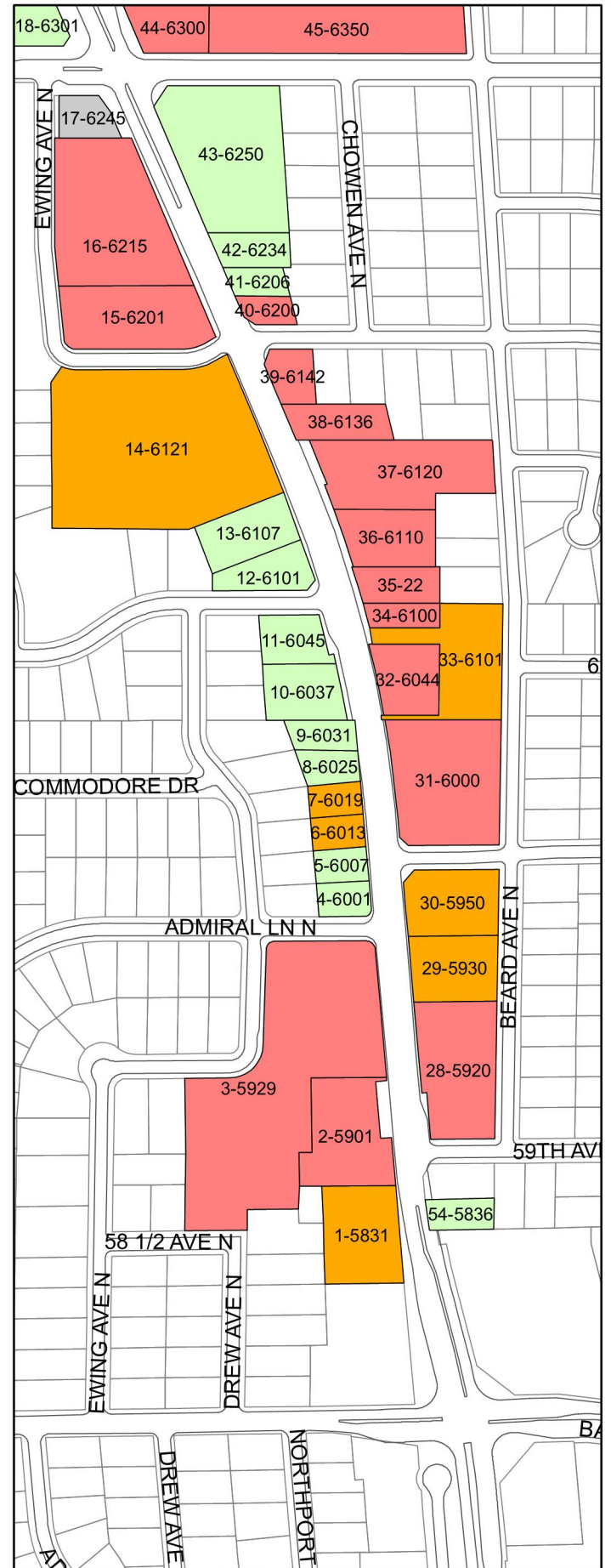
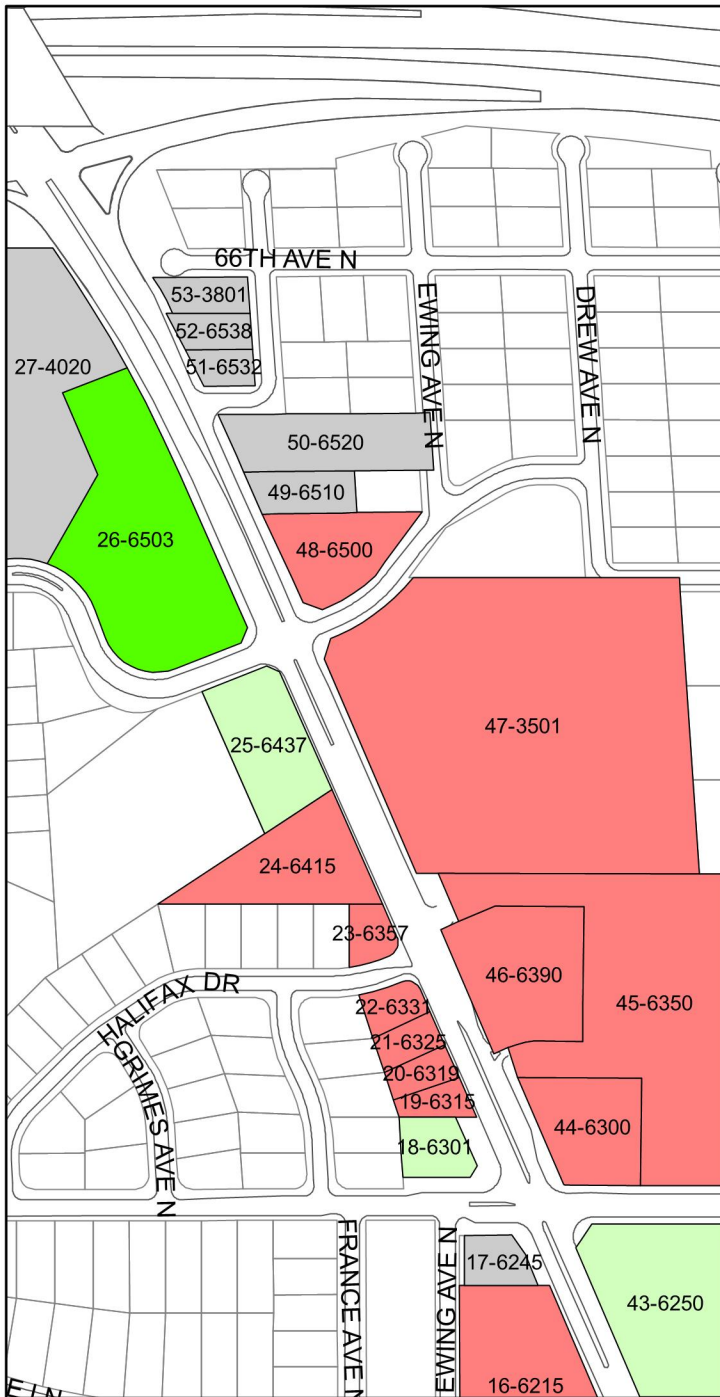
PARCEL 48

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; thence 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.



Legend

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

Council Regular Meeting

DATE: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Doran Cote, Director of Public Works

BY: Mike Albers, City Engineer

SUBJECT: Resolution Establishing Interest Rate for 2021 Special Assessments

Background:

Each year the City Council sets an interest rate for special assessments levied against properties based on the City's Special Assessment and Internal Loan Interest Rate Policy. The objective of this policy is to establish an equitable interest rate that will not unfairly burden the property owner yet recover the cost of borrowing from outside sources, recover the cost of administering the special assessments, and protect the City from the possibility that special assessment prepayments might impair the City's ability to service the bonds.

City Council policy has been to establish the special assessment interest rate by calculating the sum of the interest rate for the most recent general obligation bond, adding two percent to cover the overhead costs described above and rounding to the nearest one-half percent in accordance with the policy. The most recent improvement bond sale by the City of Brooklyn Center was 2020 General Obligation Improvement Bonds at 0.97 percent which results in a special assessment interest rate of 3.0 percent for 2021. This interest rate is 0.5 percent lower than the 2020 rate.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/2/2020	Cover Memo

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING INTEREST RATE FOR 2021 SPECIAL ASSESSMENTS

WHEREAS, the City Council levies special assessments for certain neighborhood street and utility projects, delinquent utility bills, and other services provided to property owners that go unpaid; and

WHEREAS, amounts outstanding are certified to Hennepin County for collection with property taxes; and

WHEREAS, by City Council policy, interest is to be charged on outstanding amounts certified to Hennepin County for collection with property taxes; and

WHEREAS, the interest rate to be charged is two percent over the net interest rate for the most recent City General Obligation bond sale rounded up to the next one-half percent; and

WHEREAS, the most recent General Obligation Improvement Bond sale resulted in a net interest rate of 0.97 percent.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the interest rate charged on outstanding special assessments for the year 2021 is hereby established at 3.0 percent.

November 9, 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: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Doran Cote, Director of Public Works

BY: Mike Albers, City Engineer

SUBJECT: Resolution Establishing 2021 Street and Storm Drainage Special Assessment Rates

Background:

Each year the City Council establishes assessment rates for R1, R2, and R3 residential zoned properties based on the City's Special Assessment Policy. Within these zoning districts, the assessment rate for street and storm drainage improvements is based on a unit amount that applies to all single-family residential properties. The unit amount represents a specific portion of the average cost for reconstructing a typical residential street and storm drainage system. Street assessments for non-residential and R4 to R7 residential properties are computed separately for each project.

Special assessment rates are typically adjusted each year to reflect normal inflationary increases in construction costs. The City's Special Assessment Policy indicates that "the unit assessment shall be adjusted annually to reflect cost of living increases as measured by the Construction Index" (City Council Code of Policies Section II – 2.10.2.B.1.a.2). The Engineering News Record (ENR) Construction Cost Index has experienced an average annual percent change for 2020 of 1.0 percent (see Table 1).

Table 1. ENR Construction Cost Index - 12-Month Average Annual Percentage Change

Year	2013	2014	2015	2016	2017	2018	2019	2020*
12-mo avg. annual % change	2.7	6.3	3.0	1.4	3.5	5.3	0.9	1.0

Source: ENR website, October 12, 2020, edition

Note: * 12 month average November 2019 - October 2020

Based on the 2020 information above, staff recommends adjusting the special assessment rates by an increase of 1.0 percent for 2021, which will be an increase of \$61 from the 2020 total assessment amount for street reconstruction projects. This rate should continue to maintain the portion of street and storm drainage costs that are assessed at approximately 33 percent of the total cost for street and storm drainage improvements. The City Council has historically targeted 33 percent as the portion of street and storm drainage improvements that are assessed to adjoining R1, R2, and R3 residential properties.

Budget Issues:

Increasing the 2020 special assessment rates for 2021 would result in an assessment amount of \$4,707 for street improvements and \$1,412 for storm drainage improvements. The total assessment amount would be \$6,119 per R1 single-family residential lots in 2021 compared to \$6,058 in 2020. The assessment amount for street improvements on partial street reconstruction projects (full pavement replacement) will be \$3,530 per R1 single-family residential lots in 2021. The assessment amount for street improvements on

pavement rehabilitation projects (mill and overlay) will be \$1,556 per R1 single-family residential lots in 2021. The attached resolution provides the corresponding adjustments for R2 and R3 zoned properties based on the proposed unit assessment rates.

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	11/2/2020	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING 2021 STREET AND STORM DRAINAGE SPECIAL ASSESSMENT RATES

WHEREAS, the residential assessment rates for street and storm drainage improvements are annually reviewed and approved by the City Council; and

WHEREAS, the residential assessment rates should be adjusted annually to be effective January 1; and

WHEREAS, the 2021 street and storm drainage assessment rates for R1, R2 and R3 zoned districts are based on a specific proportion of approximately 33 percent of the average cost for street and storm drainage improvements; and

WHEREAS, the R4, R5, R6 and R7 zoned districts will continue to be assessed based on an evaluation of project cost and project benefit.

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

1. The residential street and storm drainage special assessment rates for street reconstruction and pavement rehabilitation shall apply to properties in R1, R2 or R3 zoned districts. These rates shall also be applied to parcels of property in other land use zones when such parcels (a) are being used as one-family or two-family residential sites at the time the assessment roll is levied; and (b) could not be subdivided under the then-existing Subdivision Ordinance.
2. The residential assessment rates for street and storm drainage reconstruction effective January 1, 2021, shall be as follows:

<u>Land Use</u>	<u>2021 Assessment Rates</u>
R1 zoned, used as one-family site that cannot be subdivided	\$4707.00 per lot (street) \$1412.00 per lot (storm drainage)
R2 zoned, or used as a two-family site that cannot be subdivided	\$62.7600 per front foot with a \$4707.00 per lot minimum (street) \$18.8267 per front foot with a \$1412.00 per lot minimum (storm drainage)

RESOLUTION NO. _____

<u>Land Use</u>	<u>2021 Assessment Rates</u>
R3 zoned (per unit)	$\frac{\text{Assessable frontage} \times \$62.7600}{\text{Number of residential units}}$ (street)
	$\frac{\text{Assessable frontage} \times \$18.8267}{\text{Number of residential units}}$ (storm)

3. The residential assessment rates for partial street reconstruction effective January 1, 2021, shall be as follows:

<u>Land Use</u>	<u>2021 Assessment Rates</u>
R1 zoned, used as one-family site that cannot be subdivided	\$3530.00 per lot (street)
R2 zoned, or used as a two-family site that cannot be subdivided	\$47.0667 per front foot with a \$3530.00 per lot minimum (street)
R3 zoned (per unit)	$\frac{\text{Assessable frontage} \times \$47.0667}{\text{Number of residential units}}$ (street)

4. The residential assessment rates for pavement rehabilitation effective January 1, 2021, shall be as follows:

<u>Land Use</u>	<u>2021 Assessment Rates</u>
R1 zoned, used as one-family site that cannot be subdivided	\$1556.00 per lot (street)
R2 zoned, or used as a two-family site that cannot be subdivided	\$20.7467 per front foot with a \$1556.00 per lot minimum (street)
R3 zoned (per unit)	$\frac{\text{Assessable frontage} \times \$20.7467}{\text{Number of residential units}}$ (street)

5. The residential assessment rates for street and storm drainage reconstruction and pavement rehabilitation shall not apply to R4, R5, R6 or R7 zoned districts. The assessment rates for street reconstruction and pavement rehabilitation for R4, R5, R6 or R7 zoned property shall be based on an evaluation of the project cost and project benefit for each project.

RESOLUTION NO. _____

November 9, 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: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Doran Cote, Director of Public Works

BY: Mike Albers, City Engineer

SUBJECT: Resolution Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Special Assessments for Improvement Project Nos. 2021-01 and 02, Grandview South Area Street and Storm Drainage Improvements

Background:

This project was established by the City Council on May 13, 2019, by Resolution 2019-74, for the area commonly referred to as the Grandview South Area Improvements. This action was taken in accordance with the Capital Improvement Program (CIP), which identifies Grandview South Area for improvements during the 2021 construction season. The feasibility report for this project was accepted on September 28, 2020 and an improvement public hearing was conducted on October 26, 2020.

The attached resolution declares certain project costs to be assessed for the Grandview South Area Street and Storm Drainage Improvements and calls for a public hearing on the proposed special assessments on December 14, 2020.

The purpose of holding the special assessment 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 Grandview South Area Street, Storm Drainage, and Utility Improvements is estimated to be \$11,800,000. The total special assessments for this project are estimated to be \$1,178,450.57 for street improvements, and \$371,712.12 for storm drainage improvements.

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	11/2/2020	Cover Memo

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DECLARING COSTS TO BE ASSESSED AND CALLING FOR A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS FOR IMPROVEMENT PROJECT NOS. 2021-01 AND 02, GRANDVIEW SOUTH AREA STREET AND STORM DRAINAGE IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council has accepted the Engineer's Feasibility Report for Improvement Project Nos. 2021-01 and 02, Grandview North Area Street and Storm Drainage Improvements; and

WHEREAS, the total cost of the street and storm drainage improvement portion of said project is estimated to be \$8,010,000; and

WHEREAS, the City Clerk and City Engineer have prepared a proposed assessment roll 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. That portion of the cost to be assessed against benefited property owners for street improvements included in City Improvement Project No. 2021-01 is declared to be \$1,178,450.57. That portion of the cost to be assessed against benefited property owners for storm drainage improvements included in City Improvement Project No. 2021-02 is declared to be \$371,712.12.
2. Notice is hereby given that an on-line assessment public hearing will be held on the 14th day of December, 2020, 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 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
3. The City Clerk is directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and shall state in the notice the total cost of the improvement.

RESOLUTION NO. _____

4. 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 hearing.

November 9, 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: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH:

BY: Meg Beekmen, Community Development Director

SUBJECT: Resolution Electing to Participate in the Local Housing Incentives Account Program Under the Metropolitan Livable Communities Act

Background:

The Metropolitan Livable Communities Act establishes a Metropolitan Livable Communities Fund which is intended to fund development projects that support housing and other development issues facing the metropolitan area. Funding is available through several accounts that offer grants to support projects that provide environmental clean up, affordable housing, and transit oriented development.

In order to be eligible to receive grants through these programs, cities are required to participate in the Local Housing Incentives Account program. In order to participate in the Local Housing Incentives Account Program, each municipality must adopt by resolution the affordable and life-cycle housing goals assigned by the Metropolitan Council.

Every ten years, the Metropolitan Council calculates affordable housing goals for municipalities within the seven county metropolitan area. Affordable and life-cycle housing goals are calculated based on each community's share of the region's need for affordable housing in the coming decade. The goals are distributed in each community's System Statement, which is then incorporated into its updated Comprehensive Plan to acknowledge this "need" number. The number is based on each community's forecasted sewer-serviced growth, their existing affordable housing choices relative to the regional average, and whether or not they import or export low-wage workers. Forecasted growth considers a community's transit capacity, land use guidance, employment growth, and other economic and demographic trends. "Need" numbers are further adjusted as described above to encourage affordable housing development that will provide reasonable housing options at all incomes throughout the region.

Brooklyn Center's affordable and life cycle housing goals assigned by the Metropolitan Council are below:

Decade	Affordable Housing Goal	Life-cycle Housing Goal
2011-2020	106-163	160-400
2021-2030	131-238	1,000

The goals have already been included in the adopted 2040 Comprehensive Plan. the Metropolitan Council anticipates that Brooklyn Center will grow by 2,258 housing units by 2040. However, by 2030, the expectation is that Brooklyn Center's share of the regional affordable housing would include between 131 and 238 housing units. The System Statement further breaks these down by affordability and identifies a goal of 103 units at or below 30 percent AMI and 135 units at 51-80 percent AMI.

The goals also include 1,000 life-cycle housing units. Life-cycle goals are intended to ensure communities are allowing for a variety of housing types; specifically a mix of densities within their residential land. In other words, the goal is that at least 1,000 of the new housing units built by 2030 will be at a minimum density of 8 units per acre.

While these are goals adopted by the Metropolitan Council, and in turn the City, there are no penalties if the goals are not met, nor if they are exceeded. They simply represent what the Metropolitan Council deems the City's share of the expected need for these housing types through 2030.

Budget Issues:

No budget issues.

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	10/27/2020	Resolution Letter
Goals Methodology	10/27/2020	Backup Material

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

**RESOLUTION ELECTING TO PARTICIPATE IN
THE LOCAL HOUSING INCENTIVES ACCOUNT PROGRAM
UNDER THE METROPOLITAN LIVABLE COMMUNITIES ACT**

CALENDAR YEARS 2021 THROUGH 2030

WHEREAS, the Metropolitan Livable Communities Act (Minnesota Statutes sections 473.25 to 473.255) establishes a Metropolitan Livable Communities Fund which is intended to address housing and other development issues facing the metropolitan area defined by Minnesota Statutes section 473.121; and

WHEREAS, the Metropolitan Livable Communities Fund, comprising the Tax Base Revitalization Account, the Livable Communities Demonstration Account, the Local Housing Incentive Account and the Inclusionary Housing Account, is intended to provide certain funding and other assistance to metropolitan-area municipalities; and

WHEREAS, a metropolitan-area municipality is not eligible to receive grants or loans under the Metropolitan Livable Communities Fund or eligible to receive certain polluted sites cleanup funding from the Minnesota Department of Employment and Economic Development unless the municipality is participating in the Local Housing Incentives Account Program under Minnesota Statutes section 473.254; and

WHEREAS, the Metropolitan Livable Communities Act requires that each municipality establish affordable and life-cycle housing goals for that municipality that are consistent with and promote the policies of the Metropolitan Council as provided in the adopted Metropolitan Development Guide; and

WHEREAS, a metropolitan-area municipality can participate in the Local Housing Incentives Account Program under Minnesota Statutes section 473.254 if: (a) the municipality elects to participate in the Local Housing Incentives Program; (b) the Metropolitan Council and the municipality successfully negotiate new affordable and life-cycle housing goals for the municipality; (c) the Metropolitan Council adopts by resolution the new negotiated affordable and life-cycle housing goals for the municipality; and (d) the municipality establishes it has spent or will spend or distribute to the Local Housing Incentives Account the required Affordable and Life-Cycle Housing Opportunities Amount (ALHOA) for each year the municipality participates in the Local Housing Incentives Account Program.

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

RESOLUTION NO. _____

1. Elects to participate in the Local Housing Incentives Program under the Metropolitan Livable Communities Act for calendar years 2021 through 2030.
2. Agrees to the following affordable and life-cycle housing goals for calendar years 2021 through 2030:

Affordable Housing Goals Range	Life-Cycle Housing Goal
131-238	1,000

3. Will prepare and submit to the Metropolitan Council a plan identifying the actions it plans to take to meet its established housing goals.

November 9, 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.

Attachment: 2021-2030 Affordable and Life-cycle Housing Goals Methodology

Months of cumulative outreach and discussion about how 2021-2030 affordable and life-cycle housing goals should be calculated (summarized at a [May 4 Communities Development Committee](#) meeting), has led to a methodology that is consistent and easy to understand. The selected methodology attempts to strike a reasonable, balanced approach that considers the variety of differing circumstances across communities. The 2021-2030 affordable housing goals will be a range to reflect the uncertainty and variety of local affordable housing development, and use a similar approach that 2011-2020 goals used.

How were 2011-2030 affordable housing goals calculated?

In 2009 and 2010 broad discussions were had about how to determine 2011-2020 affordable housing goals, including some of the same stakeholders - and even some of the same people! - that provided input for the coming decade's goals. In summary, an estimate of available funding for affordable housing was determined for the 2011-2020 decade and used to calculate what percent of the decade's *need* for affordable housing could possibly be developed. This percentage was calculated at 65%, which was then applied to each community's share of affordable housing need for 2011-2020 to create a low end of an affordable housing goal range. The high end of a community's goal range was the need number itself. Some communities had access to additional funding sources and therefore the low end of their range was increased, but ***most communities' 2011-2020 affordable housing goal was a range between 65% and 100% of their 2011-2020 share of affordable housing need.***

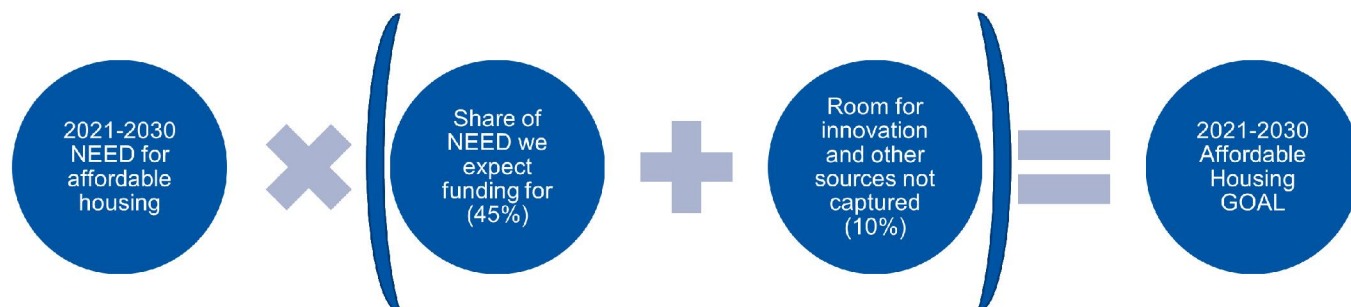
How are 2021-2030 affordable housing goals being calculated?

Affordable and life-cycle housing goals are calculated based on each community's share of the region's need for affordable housing in the coming decade. Each community has, or is in the process of, updating their comprehensive plans to acknowledge this "need" number, which is based on their forecasted sewer-serviced growth, their existing affordable housing choices relative to the regional average, and whether or not they import or export low-wage workers. Forecasted growth considers a community's transit capacity, land use guidance, employment growth, and other economic and demographic trends. "Need" numbers are further adjusted as described above to encourage affordable housing development that will provide reasonable housing options at all incomes throughout the region.

Determining affordable housing "goals" (which are required for LCA participation) based on affordable housing "needs" (which are required to be addressed per the Metropolitan Land Planning Act) ensures that those goals factor in all the unique characteristics of a community. However, it is widely acknowledged that there is not sufficient funding available to meet the forecasted affordable housing "need," and affordable housing goals are an opportunity for cities to consider a more realistic, if still ambitious, number of affordable housing units that could be built in the coming decade.

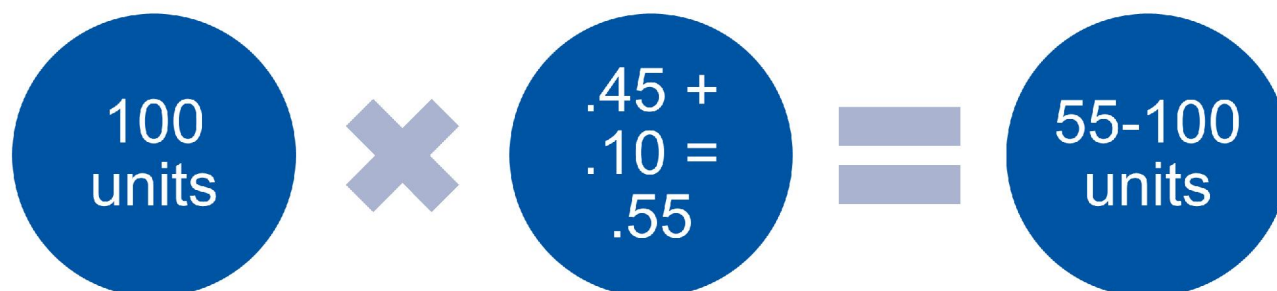
For this reason, the amount of funding anticipated for affordable housing development in the coming decade is the primary consideration in determining affordable housing goals. Working closely with Minnesota Housing, we have estimated that funding in 2021-2030 could support the construction of about 45% of the forecasted need for affordable housing.

We must acknowledge that not every source of affordable housing funding is captured in this calculation. We also acknowledge that there are many things individual local governments can do to incentivize and partner with affordable housing developers to increase their chances of accessing available funding. Finally, many focus group participants and survey respondents indicated a desire to set goals above minimum funding limitations as an incentive to do more. For this reason, we have set the low end of your community's 2021-2030 affordable housing goals at 55% of your share of the region's need for affordable housing (also known as the "need" number in your comprehensive plan). That percentage reflects the funding availability estimate (45%), plus an additional 10% to account for local policies and less common funding sources. Shown another way:



We heard from survey respondents and stakeholder conversations that funding has historically limited our ability to meet all affordable housing needs, but many partners – both cities and other stakeholders – felt that affordable housing goals should also reflect the future need. There is no penalty for not meeting affordable housing goals, and equating “goals” with “needs” may incentivize us to work harder to address affordable housing needs and bring attention to the need for more funding to create resilient communities where housing choices are robust.

For that reason, the high end of your community's 2021-2030 affordable housing goal is equal to your 2021-2030 affordable housing need number from your comprehensive plan. For example, if your share of the region's need for affordable housing in the coming decade is 100 units, your goal range would look like this:

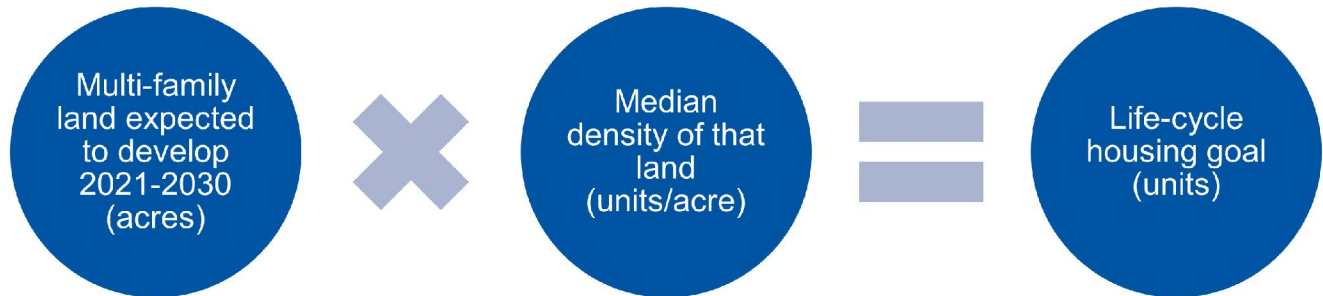


How were 2011-2020 life-cycle housing goals being calculated?

Life-cycle housing goals were also considered in partnership with communities and stakeholders in 2009-2010. In summary, life-cycle housing goals were also determined as a range. The low end of the range was the 2011-2020 share of affordable housing need. The high end of the range was calculated by multiplying all land guided multi-family residential AND expected to develop in the 2011 decade by the maximum densities of those land uses. This resulted in some very high life-cycle housing goals!

How are 2021-2030 life-cycle housing goals being calculated?

Life-cycle goals are intended to ensure communities are allowing for a variety of housing types; specifically a mix of densities within their residential land. Although all communities must allow minimum average residential densities for sewer serviced growth, and additional average density minimums near certain transit investments, this measure is more about knowing how many multi-family units are possible. Therefore, life-cycle goals are being measured by looking at all multi-family land uses (defined as land uses with a minimum of 8 units per acre or more), and multiplying the acres of land expected to develop in the coming decade by the median density of those multi-family land use designations. Shown another way:



Council Regular Meeting

DATE: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Motion to approve the Amendments to the City Council Calendar

Background:

At the October 26, 2020 City Council the City Council amended the City Council calendar to add a worksession on November 30, 2020. That date has changed to Thursday, December 3. Approve tonight will allow for the amendment to the calendar to reflect the current date.

Budget Issues:

None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Amended City Council Meeting Calendar	11/4/2020	Backup Material



2020 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 13	
January 27	
February 10	
February 24	
March 9	
March 23	
April 13	
April 27	
May 11	
May 26 (Tuesday)	
June 8	
June 22	
July 13	
July 27	
August 10	
August 24	
September 14	
September 28	
October 12	
October 26	
November 9	
November 23	
December 14	
Additional Meetings	
Feb. 3	
Mar. 2	
May 4	
Sept. 8	

Special City Council Meetings	
All dates are Monday unless otherwise noted	
April 6	7:00 p.m.
Board of Appeal & Equalization	CC
May 18	6:00 p.m.
Board of Appeal & Equalization Reconvene	CC
June 1	6:30 p.m.
Work Session w/Auditor and Budget Work Session w/Financial Commission	CC
July 6	6:30 p.m.
Work Session w/Financial Commission	CC
Capital Improvement Plan & Capital Project Funds	
July 20	6:30 p.m.
Work Session w/Financial Commission	CC
2020 Budget Overview	
August 3	6:30 p.m.
Work Session w/Financial Commission	CC
General Fund – Department Requests	
August 14	6:00 p.m.
Canvass results from the Primary Election	CC
August 17	6:30 p.m.
Work Session w/Financial Commission	CC
General Fund – Department Requests	
September 2 (Wednesday)	6:30 p.m.
Work Session w/Financial Commission	CC
General Fund – Department Requests	
October 15	6:30 p.m.
Work Session w/Financial Commission, Special Revenue Funds, Debt Service Funds, Internal Service Funds	CC
October 19	6:30 p.m.
Work Session w/Financial Commission	CC
Utility/Enterprise Funds	
November 13	6:00 p.m.
Canvass results from the General Election	CC
November 30	5:00 p.m.
Housing Policy Discussion	CC
December 3	5:00 p.m.
Housing Policy Discussion	CC
December 7	6:30 p.m.
2021 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/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

November 9, 2020

AGENDA



ACTIVE DISCUSSION ITEMS

1. EDA-owned Scattered Site Development Discussion
2. Snowmobile and Recreational Vehicle Ordinance Discussion
3. Fair Housing Policy

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items
 - Jambo Africa - Request for Hookah Tobacco License
 - Earle Brown Name - 11/23
 - Council Retreat Follow-up
 - Tobacco Regulations
 - Citizen's Discipline Review Board - 11/23
 - 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

MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH:

BY: Meg Beekman, Community Development Director

SUBJECT: EDA-owned Scattered Site Development Discussion

Background:

The City and EDA own several single lot scattered sites in the City. Each site is unique in how and why it was acquired and held. What these lots have in common is that they were not acquired through the City's past Remove and Restore Program, which acquired vacant dilapidated properties, razed them and sold the lots to a builder to construct affordable for-sale homes.

902 53rd Ave N - The EDA acquired this property in 2014 for a purchase price of \$145,000. It is an undersized lot; however it is buildable. It is zoned R-2 and guided Low Density Residential in the 2040 Comprehensive Plan.

3401 53rd Ave N - The EDA acquired this property in 2012 for \$32,700. It was acquired to facilitate a land swap with the owner of Lake Point Apartment to exchange for a trail easement through the rear of their property. This arrangement did not move forward, and the lot has been sitting vacant adjacent to the apartment building ever since. The property is zoned R-5, which would allow for multi-family residential.

4800 and 4812 71st Ave N - These lots were acquired in 2010 and 2013 and replatted as part of the the roadway reconstruction of 71st Avenue N and construction of CEAP. They were previously considered remnant parcels, but if combined could create a developable lot. They are zoned R-1 and guided Low-density Residential in the 2040 Comprehensive Plan; however, they abut Brooklyn Boulevard and may be suitable for a higher density use such as a duplex or triplex.

5401, 5407, 5415 Brooklyn Boulevard - These lots are remnant lots that were acquired as part of the first phase of the Brooklyn Boulevard reconstruction project. They were replatted together to accommodate the reconfiguration of the frontage road at 55th Avenue N near Northport Elementary. They are zoned C-1 and R-2, but are guided for Medium Density Residential, which would allow up to six units to be placed on the parcel.

PID: 3311921430087 - This parcel is immediately abutting land owned by the Crystal Airport on the west side of the City and has not ever been assigned an address. It has been likely owned by the EDA since the airport was built. It has never been developed, but could accommodate a single family home. It is zoned R-1 and guided Low-density Residential in the 2040 Comprehensive Plan.

PID: 3611921120008 - This parcel has not been assigned an address and has been owned by the City since before its incorporation. It has Mississippi River frontage, and was historically held by the City in order to accommodate possible access to the river as a source of surface water if the state were to ever limit or prohibit

access to the City's current source of underground water. It is very unlikely that this would ever occur, and if it did, there are other options for access to alternate water sources. The parcel would accommodate a single family home.

The City frequently receives inquiries from interested parties seeking opportunities to develop single lots in the City. Proposed uses range widely. Because these scattered sites were not acquired through a particular program, there is no clear direction on how the City Council would like to see them reused. While future land use designations and zoning guide the density and land uses of each parcel, some proposals for reuse do not align with current regulations or seek land write downs.

Ideally, the City would prepare a comprehensive RFP which identifies the development goals of each parcel available and seek proposals for the highest and best use. The reality; however, is that these sites are not top of the list in terms of redevelopment priorities or strategic initiatives staff is working on. Unfortunately, there is not staff capacity to address these sites in this manner at this time. Nevertheless, staff receives inquiries from interested parties on a somewhat frequent basis.

Because the redevelopment of these sites is not staff's highest priority, staff is seeking direction from the City Council on how to respond to these inquiries.

Option 1: Place a hold on development of these sites until staff has the capacity to issue an RFP for development. This would be reviewed in a year to evaluate if it would be possible to issue an RFP at that point. Any interested parties would be told the lots are not for sale at this time, and that an RFP will be issued at a later date.

Option 2: City Council identifies priorities and broad development goals for the sites to guide staff in evaluating interested parties on a case by case basis, which will then be brought before City Council through the typical divestment process.

If the Council chooses Option 2, Staff is seeking direction on which priorities and development goals the Council wishes staff to focus on. This list below is not exhaustive, but has been identified for discussion purposes. It would also be helpful to identify if there are particular sites the City Council is not interested in seeing developed at this time.

Development Goal Options:

- Housing types the City doesn't currently have
- Legally-binding affordable housing
- Larger-unit housing
- Owner-occupied duplex/triplexes
- Owner-occupancy versus rental
- Senior housing
- Increase tax base

Development Priority Options:

- Proof of concept development (material or development type that is new or testing the market)
- Highest value for the land
- Minority developer, minority contractors/subs
- Local developer, local contractors/subs
- First-time developer
- Mission-driven/non-profit developer
- Development will serve identified local community
- Development is in alignment with current zoning and land use guidance

Staff is seeking guidance on what the Council's goals and priorities are from highest to lowest. That said, each available site is unique and is not suitable for all types of development. Based on the Council's direction, staff will be able to work with interested parties to match them with suitable sites and present proposals that align with the Council's overall goals and priorities for the City.

Policy Issues:

- Which Option would the City Council prefer staff to pursue?
- If the City Council prefers Option 2, what are the overall goals and priorities for the development of these sites that the City Council would like staff to follow when working with interested parties?
- Are there sites that the City Council is not interested in seeing developed at this time?

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Presentation Slidedeck	10/30/2020	Backup Material

EDA-owned Scattered Site Development Discussion



City Council Work Session Meeting, November 9, 2020
Meg Beekman, Community Development Director

EDA-owned Scattered Sites

- 902 53rd Ave N
- 3401 53rd Ave N
- 4800 71st Ave N and 4812 71st Ave N
- 5401, 5407, and 5415 Brooklyn Boulevard
- PID 3311921430087
- PID 3611921120001
- Staff is seeking direction on a divestment strategy



902 53rd Ave N

Zoned: R-2

Guided: Low Density
Residential

Acquired: 2014

Sale Price: \$145,000



3401 53rd Ave N

Zoned: R-5

Guided: Med Density
Residential

Acquired: 2012

Sale Price: \$32,700

Size: .26 Acres



4800/4812 71st Ave N

Zoned: R-1

Guided: Low Density
Residential

Acquired: 2010/2013

Sale Price:
\$206,000/\$34,400

Size: .4 Acres



5401/5407/5415 Brooklyn Boulevard

Zoned: C-1 and R-2

Guided: Med-Density
Residential

Acquired: 2016

Sale Price: \$725,000



PID

3311921430087

Zoned: R-1

Guided: Low Density
Residential



PID:
3611921120008

Zoned: R-1

Guided: Low Density
Residential



Proposal

- Option 1: Place a hold on development of these sites until staff has the capacity to issue an RFP for development. This would be reviewed in a year to evaluate if it would be possible to issue an RFP at that point. Any interested parties would be told the lots are not for sale at this time, and that an RFP will be issued at a later date.
- Option 2: City Council identifies priorities and broad development goals for the sites to guide staff in evaluating interested parties on a case by case basis, which will then be brought before City Council through the typical divestment process.



Option 2 Discussion

- Development Goal Options:
 - Housing types the City doesn't currently have
 - Legally-binding affordable housing
 - Larger-unit housing
 - Owner-occupied duplex/triplexes
 - Owner-occupancy versus rental
 - Senior housing
 - Increase tax base



Option 2 Discussion

- Development Priority Options:
 - Proof of concept development
 - Highest value for the land
 - Minority developer, minority contractors/subs
 - Local developer, local contractors/subs
 - Mission-driven/non-profit developer
 - Development will serve identified local community
 - Development is in alignment with current zoning and land use guidance



Process

If Option 2 is selected, each option would still require developer to follow the same process :

- Sale of EDA-owned property
 - Preliminary Development Agreement
 - Purchase Agreement (Public Hearing)
- Planning Case Application: Preliminary and Final Plat, PUD, Site and Building Plan Review (as applicable)
 - Planning Commission (Public Hearing)
 - City Council Review (Public Hearing for PUD rezoning)



Policy Discussion

- Which Option would the City Council prefer staff to pursue?
- If the City Council prefers Option 2, what are the overall goals and priorities for the development of these sites that the City Council would like staff to follow when working with interested parties?
- Are there sites that the City Council is not interested in seeing developed at this time?



MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

BY: Jesse Anderson, Deputy Director of Community Development

SUBJECT: Snowmobile and Recreational Vehicle Ordinance Discussion

Recommendation:

Provide direction to staff regarding an ordinance amendment regulating the use of personal recreational vehicles.

Background:

The City has received complaints related to a particular property regarding the use of snow mobiles and other all terrain vehicles both on private property as well as on City roadways. The complaints spurred a review of the City's ordinances as they relate to the use of snow mobiles and all terrain vehicles within City limits.

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 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.

Other cities within the Metropolitan Area, prohibit the use of snow mobiles and all terrain vehicles on public property, except for specified trails designated for such use. No such trails exist within the City of Brooklyn Center. There are local suburbs that allow for use on private properties. The prohibition is based on the excess noise and odors produced by these vehicles, as well as the added wear and tear that they produce on roadways that are not designed to handle them.

Because the City has not had an ordinance that addresses these issues, staff has not been able to take enforcement action when complaints have been received. It should be noted that staff receives very few complaints about the use of snowmobile or recreational vehicles within city limits, in parks, and on private property. In most cases when there is a report of the use of a snowmobile or other recreational vehicle in use on city streets or parks, the violator is not at the scene and often difficult to track down. However, when the complainant provides an address and staff approaches the property to verify, it is often found that the use of a snowmobile or a recreation vehicle has been used onsite. Without an enforcement tool, staff often advises that the user should limit the noise and be courteous to neighbors when using the recreational vehicle.

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 suggests 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 would be 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 suggests 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.

Staff Recommendations:

1. Staff have revised the draft ordinance based on the Housing Commission's recommendations and added an exemption that would allow for the use on private property.
 1. While staff added the exception per the Housing Commission's recommendations, staff continues to have concerns about the enforcement of the language, and does not believe that this language will effectively address the current complaints the city has received.
 2. The language, as recommended by the Housing Commission, places the burden of proof on the person complaining to prove that they were harmed or annoyed. Further, the presence of a violation is determined by neighbors, opening the door for situations where the ordinance may be enforced inconsistently from one property to another.
2. Alternative language could remove the exception allowing recreational use on private property, but allow it on properties adjacent to lakes. If this is done, staff would also recommend creating an exemption for recreational vehicles to be used as equipment when needed for snow removal or landscaping work.

Policy Issues:

- What exception language would the City Council like to proceed with?
- Is the City Council comfortable scheduling a first reading for the ordinance amendment.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
Current Snowmobile Ordinance	9/22/2020	Backup Material
Housing Commission's Recommended Ordinance	10/21/2020	Ordinance

Staff recommended ordinance

10/21/2020

Ordinance

c. Property Damage Liability - \$50,000 each occurrence.

3. Workers' Compensation Coverage

a. Statutory coverage to comply with section 1776.182 of the Minnesota Statutes.

Coverage shall be provided by an Insurance Carrier who holds a Certificate of Authorization (licensed) with the State of Minnesota.

Evidence of such insurance will be in the form of a Certificate of Insurance, industry standard ACORD form, or similar type form approved by the City. The Certificate shall state that coverage cannot be canceled mid term or not renewed without thirty (30) days prior written notice to the City, any phraseology limiting this requirement shall be stricken.

Catering food vehicles must be parked at the street curb while engaging in vending operations and vending shall be done only from the curb side of the vehicle. Each catering food vehicle must be equipped with flashing lights on both front and rear of the vehicle, clearly visible to oncoming automobiles in full daylight. No owner or operator of any catering food vehicle shall call attention to his business or to his goods, wares, or merchandise, by crying them out, by blowing a horn, or by any loud or unusual noise. Every catering food vehicle while carrying on a vending operation shall be attended by at least two adult persons, one of whom shall have the following specific duties: For the full period during which such catering food vehicle is stopped for vending or stopped in such a manner or place as to reasonably cause others to believe that it is proposing to engage in vending operations, said person shall stand alongside said catering food vehicle in such a manner as to be able to observe traffic coming from all directions and to observe children crossing the street in the immediate vicinity of said catering food vehicle. Such person shall give adequate warning to oncoming vehicles and to children so as to avoid accident or injury to said children.

Section 27-204. PENALTIES. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000) and imprisonment for not more than ninety (90) days, or both, together with the costs of prosecution.

SNOWMOBILES

Section 27-901. DEFINITIONS.

For the purposes of this ordinance 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 persons, other than a lien holder, having the property in or title to snowmobile entitled to the use or possession thereof.

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

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

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 or right, for the purposes of vehicular traffic.

Section 27-902. OPERATION ON STREETS AND HIGHWAYS.

1. No person shall operate a snowmobile upon a municipal street. No person shall operate a snowmobile upon the roadway, shoulder or inside bank or slope of any state trunk, county state aid, or county highway in this City and, in the case of a divided state trunk or county highway, on the right of way between the opposing lanes of traffic, except as provided in this ordinance; nor shall operation on any such highway be permitted where the roadway directly abuts a public sidewalk or property used for private purposes. No person shall operate a snowmobile along the right of way of any state trunk, county state aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of such right of way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto. No snowmobile shall be operated at any time within the right of way of any interstate highway or freeway within the City.
2. A snowmobile may make a direct crossing of a street or highway, except at an interstate highway or freeway, provided:
 - a. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.
 - b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

- c. The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard.
 - d. In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.
 - e. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, both front and rear lights shall be on.
3. Notwithstanding any prohibition in this ordinance, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

Section 27-903. UNLAWFUL OPERATION. Except as otherwise specifically permitted and authorized, it is unlawful for any person to operate a snowmobile within the limits of the City of Brooklyn Center:

- 1. After having received a visual or audible signal from any law enforcement officer to come to a stop, to:
 - a. operate a snowmobile in willful or wanton disregard of such signal, or
 - b. interfere with or endanger the law enforcement officer or any other person or vehicle, or
 - c. increase speed or attempt to flee or elude the officer.
- 2. On a public sidewalk or walkway provided or used for pedestrian travel or along a street boulevard.
- 3. On private property of another without lawful authority or consent of the owner or occupant.
- 4. On any publicly owned lands and frozen waters, including but not limited to school grounds, park property, playgrounds, recreation areas and golf courses, except areas previously listed or authorized for such use by the proper public authority. Authorized areas in the City of Brooklyn Center owned by the City shall be designated by council resolution.
- 5. At any place while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

6. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
7. At a speed greater than 10 miles an hour when within 100 feet of any lakeshore, except in channels, or of fishermen, ice houses, or skating rinks.
8. At any place in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
9. So as to tow any person or thing on a highway except through use of rigid tow bar attached to the rear of the snowmobile.
10. In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons.
11. During the hours from 11 p.m. to 7 a.m. of any day except that it shall not be unlawful to operate a snowmobile until midnight on Friday and Saturday.

Section 27-904. EQUIPMENT. 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. 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.
2. Brakes adequate to control the movement of and to stop and hold the snowmobile under any conditions of operation.
3. 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. 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 in to 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 before sunrise or at times of reduced visibility.

5. Reflective material at least 16 square inches on each side, forward of the handlebars.

Section 27-905. PERSONS UNDER 18.

1. No person under 14 years of age shall operate on highways or make a direct crossing of a street or highway as the operator of a snowmobile. A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile on highways as permitted under this ordinance and make a direct crossing of streets or highways only if he has in his immediate possession a valid snowmobile safety certificate issued by the Commissioner of Natural Resources as provided by Minnesota Statutes.
2. It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

Section 27-906. LEAVING SNOWMOBILE UNATTENDED. Every person leaving a snowmobile in a public place shall lock the ignition, remove the key and take same with him.

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.

Section 27-908. VIOLATIONS. Every person convicted of a violation of any of the provisions of this ordinance 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.

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.

CITY OF BROOKLYN CENTER

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 at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to the operation of all-terrain vehicles, off-highway motorcycles, snowmobiles and other recreational vehicles within the City.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

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 limited 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; or
8. The operation of recreational vehicles by a public utility company as part of its construction or maintenance activities.
9. The operation of recreational vehicles on a private property with the consent of the owner between the hours of 7am to 10m.

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 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 a loud, unnecessary, or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons;
3. While under the influence of intoxicating liquor or narcotics or habit-forming

drugs;

4. 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; or
5. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.

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

Section 27-904. EQUIPMENT.

1. To the extent the operation of a snowmobile (recreational vehicle) is allowed under Section 27-902, it is unlawful for any person to operate a snowmobile any place within the limits of the City of Brooklyn Center unless it is equipped with the following:
 - 1.a. Standard mufflers which are properly attached and in constant operation, and which reduce the noise of operation of the motor to the minimum necessary for operation. ~~Mufflers shall comply with Regulation NR57 which is hereby adopted by reference.~~ No person shall use a muffler cutout, bypass, straight pipe or similar device on a snowmobile motor, and the exhaust system shall not emit or produce a sharp popping or crackling sound. Mufflers shall comply with Minnesota Rules Part 6100.5700.
 - 2.b. Brakes adequate to control the movement of and to stop and hold the snowmobile under any conditions of operation.
 - 3.c. A safety or so-called “deadman” throttle in operating condition, so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the driving track.
 - 4.d. At least one clear lamp attached to the front with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. It shall also be equipped with at least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. The equipment shall be in operating condition when the vehicle is operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility.
 - 5.e. Reflective material at least 16 square inches on each side, forward of the

handlebars so as to reflect or beam light at a 90-degree angle.

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

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 27-909 of the Brooklyn Center City Code is hereby amended 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 VIII. 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.)

CITY OF BROOKLYN CENTER

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 at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to the operation of all-terrain vehicles, off-highway motorcycles, snowmobiles and other recreational vehicles within the City.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

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 limited 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; or
8. The operation of recreational vehicles by a public utility company as part of its construction or maintenance activities.
9. The operation of snowmobile for direct access to a adjoining property where snowmobile use is permitted.
10. The operation of a recreational vehicle for the sole use of onsite landscaping construction project, or snow removal.

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 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 a loud, unnecessary, or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons;

3. While under the influence of intoxicating liquor or narcotics or habit-forming drugs;
4. 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; or
5. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.

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.

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ARTICLE VIII. 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.)

MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Fair Housing Policy

Background:

At the March 9, 2020, City Council meeting, the City Council held a discussion regarding the Housing Policy Framework. At that meeting numerous housing related efforts were discussed. Adoption of a fair housing policy was discussed and the City Council directed staff to work with the Housing Commission to draft a fair housing policy.

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

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

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

Overview of Draft Housing Policy:

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

Most of the actions identified in the draft Fair Housing Policy are activities that the city has already been doing; however, the policy serves to gather information, resources and the city's obligations in one place. The draft Fair Housing Policy is attached.

One adopted, staff will ensure that the required resources are collected and available for both online and in person viewing. Staff will also review what additional policies might need to be addressed. The policy calls for analysis of the City's housing stock, its municipal code, future development projects through the lens of furthering fair housing practice. These are activities that are currently in process and would continue on an ongoing basis.

Policy Issues:

- Does the City Council have any recommended changes or concerns related to the draft fair housing Policy?
- Is the City Council comfortable with directing staff to prepare a resolution adopting the proposed Fair Housing Policy for City Council consideration at a future meeting?

ATTACHMENTS:

Description	Upload Date	Type
Draft Fair Housing	11/4/2020	Backup Material
Approved Fair Housing	11/4/2020	Backup Material
Brooklyn Center MN Official Website	11/4/2020	Backup Material

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

1. Purpose/Vision

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

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

2. Fair Housing Policy Statement

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

3. General Practices

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

a. Intake and Referral

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

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

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

b. Meaningful Access

- i. **Online Information.** The City of Brooklyn Center will display information about fair housing prominently on its website. The website will include links to various fair housing resources, including the Department of Housing and Urban Development, Minnesota Department of Human Rights, Mid-Minnesota Legal Aid, and others, as well as links to state and federal fair housing complaint forms. In addition, the City will post the following documents on its website as they are adopted:

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

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

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

- iii. **Languages.** The City of Brooklyn Center is committed to providing information in the native language of its residents. The City will provide information in languages other than English as needed.

- c. **Require landlords to provide Brooklyn Center's fair housing policy to new applicants and tenants.**
- d. **Staff and Officials Training.** The City will provide training on an ongoing basis to its staff and housing officials on fair housing considerations.
- e. **Housing Analysis.** The City will review its housing inventory and community needs annually to examine the availability and affordability of both rental and owner-occupied housing for all residents in order to have such information available for future City actions.
- f. **Code Analysis.** The City will review its municipal code annually, to identify impediments to accessing housing and any potential for disparate impact or treatment.
- g. **Project Planning and Analysis.** City planning functions and development review will consider whether potential projects may perpetuate segregation or lead to displacement of protected classes for developments seeking financial assistance from the City.
- h. **Community Engagement.** The City will seek community input, particularly from underrepresented populations in the community, with regard to fair housing issues, development, zoning, and land use changes facilitated by the City.
- i. **Affirmatively Furthering Fair Housing.** As a subrecipient of federal funds, the City will, as requested by Hennepin County as the entitlement jurisdiction, participate in the Regional Analysis of Impediments, as organized by the regional Fair Housing Implementation Council (FHIC), an ad hoc coalition of Community Development Block Grant (CDBG) entitlement jurisdictions and others working together to affirmatively further fair housing. The City will review the recommendations from the analysis for potential integration into City planning documents, including the Comprehensive Plan and other applicable documents.



Fair Housing Policy

1. Purpose and Vision

Title VIII of the Civil Rights Act establishes federal policy for providing fair housing throughout the United States. The intent of Title VIII is to assure equal housing opportunities for all citizens. Furthermore, the City of Bloomington, as a recipient of federal community development funds under Title I of the Housing and Community Development Act of 1974, is obligated to certify that it will affirmatively further fair housing.

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

2. Policy Statement

It is the policy and commitment of the City of Bloomington to ensure that fair and equal housing opportunities are available to all persons in all housing opportunities and development activities funded by the City regardless of race, color, religion, sex, sexual orientation, marital status, status with regard to public assistance, creed, familial status, national origin, or disability. This is done through external policies to provide meaningful access to all constituents as well as fair housing information and referral services; and through internal practices and procedures that promote fair housing and support the City's equity and inclusion goals.

3. External Practices

a. Intake and Referral

The City of Bloomington has designated the Staff Liaison to the Human Rights Commission as the responsible authority for the intake and referral of all fair housing complaints. At a minimum the Staff Liaison will be trained in state and federal fair housing laws, the complaint process for filing discrimination complaints, and the state and federal agencies that handle complaints. The date, time, and nature of the fair housing complaint and the referrals and information given will be fully documented. The Human Rights Commission will advise the City Council on City programs and policies affecting fair housing and raise issues and concerns where appropriate.

b. Meaningful Access

- i. **Online Information.** The City of Bloomington will continue to display information about fair housing prominently on its website. The website will continue to include links to various fair housing resources, including the Department of Housing and Urban Development, Minnesota Department of Human Rights, Mid-Minnesota Legal Aid, and others as well as links to state and federal fair housing complaint forms. In addition, the City will post the following documents on its website:
 1. Reasonable Accommodation Policy;
 2. Limited English Proficiency (LEP) Policy;
 3. Americans with Disabilities Act (ADA) Policy regarding access to City services; and
 4. The State of Minnesota's Olmstead Plan.
- ii. **In-Person Information.** The City of Bloomington will provide in-person fair housing information including:
 1. A list of fair housing enforcement agencies;
 2. Frequently asked questions regarding fair housing law; and
 3. Fair housing complaint forms for enforcement agencies

- c. **Languages.** The City of Bloomington is committed to providing information in the native language of its residents. The City of Bloomington will provide information in languages other than English as described in its LEP Policy.

4. Internal Practices

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

- a. **Staff and Officials Training.** The City will continue to train its staff and officials on fair housing considerations.
- b. **Housing Analysis.** The City will review its housing periodically to examine the affordability of both rental and owner-occupied housing to inform future City actions.
- c. **Code Analysis.** The City will review its municipal code periodically, with specific focus on ordinances related to zoning, building, and occupancy standards, to identify any potential for disparate impact or treatment.
- d. **Project Planning and Analysis.** City planning functions and development review will consider housing issues, including whether potential projects may perpetuate segregation or lead to displacement of protected classes.
- e. **Community Engagement.** The City will seek input from underrepresented populations in the community. Conversations regarding fair housing, development, zoning, and land use changes may be facilitated by the City.
- f. **Affirmatively Furthering Fair Housing.** As a recipient of federal funds, the City agrees to participate in the Regional Analysis of Impediments, as organized by the regional Fair Housing Implementation Council (FHIC), an ad hoc coalition of Community Development Block Grant (CDBG) entitlement jurisdictions and

others working together to affirmatively further fair housing. The City will review the recommendations from the analysis for potential integration into City planning documents, including the Consolidated Plan, the Comprehensive Plan, and other related documents.

Adopted by the City Council on August 6, 2018



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Fair Housing

Equal Housing Opportunity

The City of Brooklyn Center does not discriminate on the basis of race, color, religion, sex, national origin, age or disability in the admission or access to, or treatment or employment in, its services, programs, or activities. Upon request, accommodation will be provided to allow individuals with disabilities to participate in all City services, programs and activities.

The Federal Fair Housing Act and the Minnesota Human Rights Act

The Federal Fair Housing Act prohibits discrimination in housing because of:

- Race or color
- National origin
- Religion
- Sex
- Familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18)
- Handicap (disability)

Visit [Hud.gov](#) for more information on Federal Fair Housing Laws and [LawHelpMN.org](#) for information on tenants' rights in Minnesota.

The Minnesota Human Rights Act (Statute 363A) mirrors the federal legislation, prohibiting discrimination based on:

- Race or color
- National origin
- Religion
- Sex
- Familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18)
- Handicap (disability)

Additionally, it prohibits discrimination based on:

- Sexual or affectional orientation
- Marital status
- Creed
- Status with regard to receipt of public assistance

For more information on [Minnesota's State Statutes on Human Rights](#)

What housing is covered?

Fair housing covers most housing. In some circumstances, fair housing laws exempt owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker and housing operated by organizations and private clubs that limit occupancy to members.

What actions are prohibited?

In the sale and rental of housing: No one may take any of the following actions:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- For profit, persuade owners to sell or rent (blockbusting)
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing

In mortgage lending: No one may take any of the following actions:

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points or fees
- Discriminate in appraising property
- Refuse to purchase a loan
- Set different terms or conditions for purchasing a loan

In addition: It is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status or handicap (disability). This prohibition against discriminatory advertising applied to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

Additional protections if you have a disability

If you or someone associated with you:

- Have a physical or mental disability(including hearing, mobility and visual impairments, cancer, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities
- Have a record of such a disability
- Are regarded as having such a disability

Your landlord may not:

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move)
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing

Example: A building with a "no pets" policy must allow service animals as defined by the Americans with Disabilities Act, such as a person with visual impairments to keep a guide dog.

However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

Also see [Fair Housing for Seniors with Disabilities](#)

or see [Hud Disability in Housing](#)

Requirements for new buildings

In buildings that are ready for first occupancy after March 13, 1991, and have an elevator or four or more units:

- Public and common areas must be accessible to persons with disabilities
- Doors and hallways must be wide enough for wheelchairs
- All units must have:
 - An accessible route into and through the unit
 - Accessible light switches, electrical outlets, thermostats and other environmental controls
 - Reinforced bathroom walls to allow later installation of grab bars
 - Kitchen and bathrooms that can be used by people in wheelchairs

If a building with four or more units has no elevator and will be ready for first occupancy after March 13, 1991, these standards apply to ground floor units.

These requirements for new buildings do not replace any more stringent standards in State or local law.

For more examples and information on this topic, see [Reasonable Accommodations in Housing](#) provided by [LawHelpMN.org](#)

Housing opportunities for families

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under 18 live with:

- A parent
- A person who has legal custody of the child or children
- The designee of the parent or legal custodian, with the parent or custodian's written permission

Familial status protection also applies to pregnant woman and anyone securing legal custody of a child under 18.

Exemption: Housing for older persons is exempt from the prohibition against familial status discrimination if:

- The HUD Secretary has determined that it is specifically designed for and occupied by elderly persons under a Federal, State or Local government program
- It is occupied solely by persons who are 62 or older
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates an intent to house persons who are 55 or older.

A transition period permits residents on or before September 13, 1998 to continue living in the housing, regardless of their age, without interfering with an exemption

Where can I file a fair housing complaint or find out more about fair housing and tenants' rights?

These agencies may be able to provide you with important information or help you file a housing complaint:

- [Home Line Tenant Hotline](#)
PH: 612-728-5767 or 866-866-3546
 - [NEW! How to be the Smartest Renter on your Block...A Minnesota Tenant's Rights Guide](#) Home Line is selling this booklet to help with renters through the process of finding, getting and maintaining rental housing, with special emphasis on tenant's rights. Click the link above for more information.
- [HUD's Office of Fair Housing and Equal Opportunity](#)
PH: 800-669-9777 or TTY: 800-927-9275
 - [HUD Complaint Link](#)
 - [HUD Fair Housing Rights & Obligations](#)
 - [HUD Fair Housing Resources](#)
- [LawHelpMN.org](#)
 - [Housing Discrimination Information](#)
- [Legal Aid Society For Hennepin County](#)
PH: 612-334-5970 or TTY: 612-332-4668
- [Minnesota Attorney General's Office](#)
PH: 651-296-3353 or 800-657-3787 or TTY: 800-366-4812
- [Minnesota Department of Human Rights](#)
PH: 651-296-5663 or TTY: 651-296-1283 or 800-657-3704

Before you contact any of the above organizations to file a discrimination complaint, it would be beneficial to have the following information available:

- Your name and address
- The name and address of the person your complaint is against
- The address of the housing involved
- A short description of the event that caused you to believe your rights were violated
- The date(s) of the alleged violation

Where can I get legal advice?

Hennepin County Courts offers free legal advice through their "Legal Access Point Clinics". For clinic hours, visit mncourts.gov/Help-Topics/Self-Help-Centers.aspx. Don't forget to check out their Self-Help Center while you are there.

Community Action Partnership, in collaboration with Volunteer Lawyers Network, has begun offering legal services clinics in suburban Hennepin County. For dates and times, visit the [Volunteer Lawyers Network website](#)

MEMORANDUM - COUNCIL WORK SESSION

DATE: 11/9/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Cornelius L. Boganey, City Manager

SUBJECT: Pending Items

Recommendation:

- Jambo Africa - Request for Hookah Tobacco License
- Earle Brown Name - 11/23
- Council Retreat Follow-up
- Tobacco Regulations
- Citizen's Discipline Review Board - 11/23
- 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

Background: