**Council Study Session**
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 85983453489# Passcode: 083211#
September 27, 2021

# AGENDA

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

**CITY COUNCIL MEETING**
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 85983453489# Passcode: 083211#
September 27, 2021

# AGENDA

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

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

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

## 2. Invocation - Butler - 7 p.m.

## 3. Call to Order Regular Business Meeting

This meeting is being conducted electronically under Minnesota Statutes, section 13D.021 due to the pandemic. For those who are connected to this meeting, please keep your microphone muted. If there is an opportunity for public comment, you may unmute and speak when called upon. Please do not talk over others and anyone being disruptive may to 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 the following minutes:*

- *9.13.21-Study Session Meeting*
- *9.13.21-Regular Session Meeting*
- *9.13.21-Work Session Meeting*

b. Approval of Licenses

*- Motion to approve the licenses as presented.*

c. Acceptance of Assistance to Firefighters Grant Program

*- Recommend that the City Council approve the Resolution authorizing the acceptance of the Assistance to Firefighters Grant Program*

d. Resolution Approving and Authorizing Execution of West Mississippi River Regional Trail Cooperative Agreement Between Three Rivers Park District and the City of Brooklyn Center

*- Motion to approve the attached resolution approving and authorizing execution of West Mississippi River Regional Trail Cooperative Agreement between Three Rivers Park District and the City of Brooklyn Center.*

e. Resolution Authorizing Execution of Encroachment Agreement Between City of Brooklyn Center and Medtronic, Inc.

*- Motion to consider approval of the resolution authorizing execution of an Encroachment Agreement between the City of Brooklyn Center and Medtronic, Inc.*

f. Resolution Accepting Feasibility Report and Calling for an Improvement Public Hearing for Improvement Project Nos. 2022-01, 02, 03 and 04, Woodbine Area Street and Utility Improvements

*- Motion to approve a resolution accepting feasibility report and calling for an improvement public hearing for Improvement Project Nos. 2022-01, 02, 03 and 04, Woodbine Area Street and Utility Improvements.*

g. Resolution Approving and Authorizing Execution of Cooperative and Subgrant Agreement for Connections II Shingle Creek Restoration Project Between Shingle Creek Watershed Management Commission, City of Brooklyn Center and the City of Brooklyn Park

*- Motion to approve the attached resolution approving and authorizing execution of the Cooperative and Subgrant Agreement for Connections II Shingle Creek Restoration Project, Between Shingle Creek Watershed Management Commission, City of Brooklyn Center and the City of Brooklyn Park.*

## 7. Presentations/Proclamations/Recognitions/Donations

## 8. Public Hearings

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

a. Resolution Vacating Certain Easements Within Lot 1, Block 1 Evangelical Church of the Master 2nd Addition, Hennepin County, Minnesota

*- Motion to re-open the Public Hearing, take public input, close the Public Hearing and consider approval of a resolution vacating certain easements that are associated with the 69th Avenue North Addition.*

b. Resolution Certifying Special Assessments for Delinquent 2021 Public Utility Service Accounts to the Hennepin County Property Tax Rolls

*- Motion to:*

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

*- Motion to approve a resolution certifying special assessments for delinquent public utility service accounts to the Hennepin County property tax rolls.*

c. Resolution Approving a Modification to the Tax Increment Financing Plan for Tax Increment Financing District No. 3

*- Motion to open a public hearing, take public comment and close the public hearing.*

*- Motion to approve a resolution approving a modification to the tax increment financing plan for the tax increment financing district No. 3*

**9. Planning Commission Items**

a. Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2021-003 For Preliminary and Final Plat, Re-Zoning, PUD Amendment, and Special Use Permit Approvals for Certain Property Commonly Known as Lutheran Church of the Master and Located at the Northwest Corner of 69th Avenue North and Dupont Ave North (1107 Emerson Lane, 6907 Dupont Avenue North, 1100 69th Avenue North and 1200 69th Ave North) and the Recommended Approval of a 2040 Comprehensive Plan Amendment to 1100 69th Avenue North

*- Motion to adopt a resolution approving Planning Commission Application No. 2021-003 for preliminary and final Plat, re-zoning, Planned Unit Development amendment, and Special Use Permit approvals for certain property located at 1107 Emerson Lane, 6907 Dupont Avenue North, 1100 69th Avenue North, and 1200 69th Avenue North, and a recommended amendment to the City's 2040 Comprehensive Plan to allow for the re-designation of 1100 69th Avenue North from Public/Semi-Public/Institutional to Medium Density-Residential (5.01-15 Dwelling Units/Acre), based on the findings of fact and submitted plans, and as amended by the conditions of approval in the resolution.*

b. Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2021-004 Submitted by Kyle Thompson of Hoyt Properties on Behalf of Fraser for a Use Determination and Issuance of a Special Use Permit to Operate a Children's Day Treatment Center for the Property Located at 6701 Parkway Circle

*- Motion to adopt a resolution approving Planning Commission Application*

*No. 2021-004 for issuance of a Special Use Permit to operate a children's day treatment center at 6701 Parkway Circle, based upon the findings of fact and submitted plans, and as amended by the conditions of approval in the resolution.*

c. Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2021-005 for Issuance of a Special Use Permit for a new Dynamic Messages Sign (DMS) with a Public Use 1200 69th Avenue North)

*- Motion to adopt a resolution approving Planning Commission Application No. 2021-005 for issuance of a Special Use Permit for a new Dynamic Messages Sign (DMS) with a public use at 1200 69th Avenue North, based upon the findings of fact and submitted plans, and as amended by the conditions of approval in the resolution.*

**10. Council Consideration Items**

a. Resolutions Approving the Preliminary 2022 Property Tax Levy and Budget

*- It is recommended that the City Council consider approval of two resolutions setting the 2021 preliminary property tax levy and budget.*

b. Emergency Ordinance 2021-02 Sunset

*- Tonight the City Council is being asked to either:*

1. *Take no action and let the Emergency Ordinance run out; or*
2. *Extend Ordinance 2021-02*

**11. Council Report**

**12. Adjournment**

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

**Requested Council Action:**

*- Motion to approve the following minutes:*

- *9.13.21-Study Session Meeting*
- *9.13.21-Regular Session Meeting*
- *9.13.21-Work Session Meeting*

**Background:**

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

**Budget Issues:**

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Operational Excellence

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| 9.13.Study Session | 9/20/2021 | Backup Material |
| 9.13 Regular Session | 9/20/2021 | Backup Material |

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

STUDY SESSION
SEPTEMBER 13, 2021
VIA ZOOM

## CALL TO ORDER

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

## ROLL CALL

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

## CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Ryan requested a revision to move Regular Session Consent Agenda Item 6.f. Resolution Accepting the Pohlad Family foundation Racial Justice Grant in the Amount of $550,000, to Council Consideration Item10.c.

Mayor Elliott asked Councilmember Ryan what is his rationale for making this revision. Councilmember Ryan stated he has concerns, as may other Council Members, and it is a point of privilege by any Member of the City Council to remove a Consent Agenda Item and place it under consideration.

Councilmember Lawrence-Anderson stated she has no objection and does have a few questions as well so she concurs with this request to revise the agenda.

Mayor Elliott asked City Clerk Suciu to make this agenda revision.

## MISCELLANEOUS

## SPECIAL WORKSESSION SEPTEMBER 27, 2021

City Manager Reggie Edwards asked the City Council to consider scheduling a Special Work Session on Monday, September 27, 2021, at 5 p.m. He noted that almost a year ago, there were conversations about the Opportunity Site as it relates to a water park and entertainment area development within that site. There have also been discussions around the building of a new Community Center or an expansion. One possibility to fund such projects is consideration of a sales tax, whether one-quarter percent, one-half percent, or one percent. That would involve a process including City Council approval, a legislative approval, and then a referendum within

Brooklyn Center. Staff would like to make a presentation at a Work Session on potential project costs and process if the City Council is inclined to consider a sales tax.

Mayor Elliott stated that time works for him. He polled the Council Members on availability for a September 27, 2021 meeting date. Councilmembers Butler, Graves, Ryan, and Lawrence-Anderson indicated they are available.

City Council consensus was reached to direct staff to schedule a Special Work Session on Monday, September 27, 2021, at 5 p.m., to discuss whether to pursue sales tax legislation to fund Community Center improvements and a water park.

## DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

## YOUTH ON BOARDS PROGRAM DISCUSSION

Dr. Edwards noted this is an item the City Council identified and considered as it relates to the growth and empowerment of young people, which is part of the multiple strategy approach around empowering and strengthening youth engagement in ownership and decision making within the City of Brooklyn Center. It was identified in last year's budget for $10,000 to help in the process of creating opportunity for young people to serve on our Commissions and Boards. This involves working and coordinating with young people and also working with our Commissions and Boards as we prepare to receive young people and share power and decision making in a way that we demonstrate good competency in the context of intergenerational competency. He invited Community Development Director Beekman to make the staff presentation.

Community Development Director Meg Beekman explained that Julie from Brooklyn Bridge Alliance for Youth had intended to share in making this presentation; however, since it is being considered during the Study Session, Julie may not yet be on the call.

Ms. Beekman stated elevating youth's voice has been a goal of the City Council and as part of the 2021 budget and identifying those priorities, $10,000 was identified within the recreation budget to further this goal. Brooklyn Bridge Alliance for Youth has been working in partnership with Youthprise to develop a program that would accomplish this goal with the function of placing youth at decision making and recommending tables among Brooklyn Bridge Alliance partners. They have been working with Hennepin County and Brooklyn Park to pilot this project and would like to include a pilot program within Brooklyn Center.

Ms. Beekman underscored that the way this program is designed focuses on a pilot. The idea would be, if the City Council is amenable, staff would work with Brooklyn Bridge Alliance for Youth and staff liaisons, identify one to three advisory Boards or Commissions that would be a good fit for the program, work with the City Attorney to figure out logistics of what it would take to place young people at these tables, and return to the City Council with an implementation plan.

Ms. Beekman explained the purpose of this program is to create intentional pathways for emerging leaders that allows them to fully participate at decision making tables. Staff believes that by placing young people in these environments, it creates a more inclusive environment for everyone.

The goal is to utilize and capitalize on a wider range of voices, experiences, needs, and ideas at these decision and advisory tables.

Ms. Beekman stated the scope of the pilot project would include a comprehensive plan for recruitment implementation, and on-boarding, which is the important component of this project. The youth would need to be mentored and guided throughout the process so they are building capacity to be leaders and have successful outcomes, as well as ongoing communication and support so there is a feedback group as part of the process.

Ms. Beekman presented steps to identify the advisory Commissions or Committees where decisions are made that may impact young people; to match young adults 14 to 25 years of age from within the community with these leadership opportunities; provide inclusive training for the adults already on Commissions and Committees to build capacity at both ends so they are prepared to receive and include these young people; and, assist with on-going maintenance to keep up with the needs in each Commission and continual onboarding.

Ms. Beekman explained that because this is a pilot program, the idea would be to begin with a fairly narrow scope in terms of which Boards and Commissions would be the most appropriate and work the best. That has not yet been identified but staff has talked with recreation about the Parks and Rec Committee, with the Housing Commission and Planning Commission, but if this is going to move forward, staff will need to take more time to make sure it makes sense and also understanding how it might affect the current by-laws and logistics of those Boards. Once identified, staff will evaluate what that legal and logistical implication for youth participation.

Ms. Beekman stated staff will then need to initiate any modifications to those procedures and processes in order to facilitate youth participation. That may require coming back to the City Council, particularly if there is a resolution or adopted by-laws that dictate the makeup of the Commissions. The last step is to identify the youth matches and begin the implementation process.

Ms. Beekman stated this would be led by the Brooklyn Bridge Alliance for Youth in partnership with Youthprise. They received a grant to begin this work so they are not asking for any funding at this time from the City to initiate the program, but to allow us to test it out. She explained that other staff will be involved, depending on which Boards and Commissions are selected. That will also need to be part of the process as we move forward.

Ms. Beekman stated at this point, staff is looking for feedback from the City Council whether they see value in this program to include youth at advisory and decision-making tables within the City, if there are additional questions or concerns related to the program or next steps, what direction the City Council supports, and whether or not this is a program they are interested in implementing and exploring.

Mayor Elliott stated when he first became Mayor, Youthprise had requested a meeting with him to talk about what this would look like in Brooklyn Center. He thinks this is a good program and it is important to have youth on our various Commissions so he is excited to explore it. Mayor Elliott stated during the meeting, Youthprise, through their executive director, shared that this was a model based on the work Northfield has done. He would like to talk with the Mayor of Northfield

to learn about what worked well and what hasn't worked well, in their program. Mayor Elliott stated another model he has looked at is having a youth commission, as other cities have where, instead of spreading them out to various committees, the youth commission is a city commission, they get the same things as other commissions, and provide feedback on those various issues. Mayor Elliott stated he does not know whether one is better than the other at this point. He has looked at San Francisco's and programs with smaller cities but overall, he thinks this is something the City should pursue.

Mayor Elliott stated he thinks about some of the other non-profits and people of color organizations that are in Brooklyn Center that could also be doing this work that the City could partner with in order to support the youth in our City from a cultural perspective. He noted KEC (Knowledge, Education, Creativity) Academy does a lot of good work with young people and has a leadership and college training program.

Mayor Elliott stated he also thinks about the African American woman who is working diligently to build a variety of youth programs including Youth in Tech and the other resources in our community and what that might bring to this work, how we can be intentional about doing this so we make sure it works very well for our youth and community.

Mayor Elliott stated the topic of youth in government and in general in our City is one that is incredibly important to him and every member of the City Council so he looks forward to moving this forward and exploring ways to make sure this works best for our City.

Councilmember Lawrence-Anderson stated she thinks this is a marvelous idea, one she loves, and the Mayor's idea of a youth commission is worthy but she would like to first see this pilot program and how it works out. She stated her only concern relates to young youth, 14 to 16 years of age, as transportation would be a component for live meetings but hopefully that can be mediated.

Councilmember Lawrence-Anderson stated the City Council may want to consider, when Ms. Beekman reviews bylaws for the various commissions, that the City may want to look at increasing the number of members on Commissions to allow for youth and Commissioners who are new to the process as well as legacy historical long-term Commissioners to continue to serve so there is balance between youth, new ideas, as well as people who provide the historical component.

Councilmember Lawrence-Anderson stated she does not have the bylaws for each of the Commissions right now to know what the membership numbers are but does know that sometimes it is difficult to get a quorum with some of the Commissions. She stated if we are diligent with our selection, hopefully, that situation can be remedied. She stated again she thinks this is a great pilot program and is excited to see how it works.

Councilmember Graves stated she also agrees this is a great idea and has long wanted youth to be involved with some of the decision-making processes within the City. She is also not opposed to having some other kind of youth advisory board, although she feels in a way the City could utilize the Brooklyn Bridge Alliance more in that respect than we are currently. She stated she read through the document and it sounds like there would be some level of mentorship and people left

on the Commissions who have been there for a while as new people come on so she was not particularly concerned about that.

Councilmember Graves stated she was thinking about which Commissions could use youth voice the most to start with. Right away she thought of the Park and Rec Commission, especially as the City is expanding programming at the Community Center and focusing more on health and wellness. That would be a great table to have them at and there are some openings on that Commission.

Councilmember Graves stated the Community Center, Rec Center provides youth programing but having some teenagers on that Commission could do a lot towards giving us new ideas that speak to young people's interests that we may not have had in the past.

Councilmember Graves stated if we have not gotten people to be part of our Public Safety Commission, that would be a great place to have youth present. She noted that may not be a Commission the City Council was particularly thinking about but she definitely thinks having their voice at that table would be important.

Councilmember Graves stated she also thought about the Crime Prevention Commission, specifically as she asked questions at a past meeting about some of the different potential programs that could come out of that Commission that are a little more far reaching into the community and culturally relevant whether talking about age, racial, or ethnic demographics.

Councilmember Graves stated those are the Commissions that came to her mind right away although she thinks opportunities on the Financial Commission would give them a chance to understand the City budget and have a voice in how we spend in the City and also be beneficial.

Councilmember Butler stated she definitely agrees with all of the comments made, noting she served on the School Board as a student rep for four years while in high school so she definitely was able to carry a lot of that up until now. She thinks it is definitely a valuable experience and she learned a lot while on the School Board. Councilmember Butler stated it gives the adults a different perspective even though they don't get to vote in that particular instance but can provide perspectives of someone who is in the classroom and involved directly in school. Councilmember Butler stated she thinks it would be definitely value added to have their voice on the different Commissions.

Councilmember Butler stated she works at the Young Women's Christian Association (YWCA) in girls programming and they are partnering with Brooklyn Center. This fall, if there are enough girls interested in participating, they will be doing a Girls in Action Advocacy Council. One thing she wanted them to have is exposure to the City Council in some way. That program is in the building process right now but definitely thinks along similar lines of having youth engaged in decision making and being heard, noting that based on our conversation with youth in the spring, there is definitely a want to be more involved. She stated she is excited about this and looks forward to hearing more.

Councilmember Ryan expressed his appreciation for the comments previously made by Mayor Elliott and other Members, and asked what better way to prepare the next generation of leaders. He noted our future is our youth and it is great to have something we all can agree on.

It was the consensus of the City Council to support proceeding with the Youth on Boards Program as outlined by staff.

## SNOW REMOVAL ORDINANCE REVIEW

Mayor Elliott introduced the item, stated the City Council has discussed this ordinance, and during the winter last year the City Council took action to prevent towing. He thought a much better way to do this is for the City Council to consider an ordinance provision on towing of vehicles and collectively deciding what we want to do. Mayor Elliott opened the floor for an open discussion by the City Council and asked for the Council Member's thoughts on the towing provision.

Councilmember Graves stated she has always wanted to have a deeper discussion about this provision. She noted that before Mayor Elliott was on the City Council, they received a report from the Police Chief who pointed out specific equity issues related to multigenerational families living in a single-family home with driveways not capable of housing all of their vehicles without being parked on the street. There was also some conversation around specific apartment buildings that don't have the required number of parking spaces.

Councilmember Graves explained the point is that often times, those from lower-income and marginalized communities are the ones bearing the brunt of ticketing and towing of vehicles. She stated she does not know who tows in Brooklyn Center but wonders about other incentives the towing company might have to preclude being incentivized to target specific areas at specific times.

Councilmember Graves stated when she and Councilmember Ryan were part of the racial equity group through the League of Minnesota Cities, they talked about a case study specific to towing. She thinks a more nuanced approach would be helpful but is not necessarily in favor of completely getting rid of the ordinance all together. In accommodating people who, through no fault of their own, are being penalized, she thinks the City Council should take action to improve on that situation.

Councilmember Ryan stated his appreciation for the comments of Councilmember Graves. He noted we all recognize it is an imperative that promptly clearing snow and ice, curb to curb on a residential streets, is just common sense. He stated if we look at winter storms recently, and while there are climate change deniers, there has definitely been a change that he has observed in this region. Councilmember Ryan stated we never used to get the frequent type of winter storms where it starts out as rain precipitation, goes to sleet, turns to snow, and then the temperatures drop. He stated getting streets cleared faster is imperative because of the icing conditions.

Councilmember Ryan stated he recognizes that certain Council Members feel that towing is an example of a policy that fails the economic equity test. He explained he would rather not look at the towing issue as either-or, either there is towing that fails an equity test or there is no

enforcement where traffic and pedestrian safety are compromised. Councilmember Ryan stated he would like to explore alternatives.

Councilmember Ryan suggested one alternative to offer motorists who don't have their own off-street parking is to plow parking lots at City parks, which are located to be within reasonable walking distance in our neighborhoods. Then, during snow emergencies people who must park on the street could drive to their neighborhood park and leave their cars a short time until their street is plowed. He stated there are also church parking lots that could afford temporary off-street parking for residents who must park on the street. Councilmember Ryan stated the churches he is familiar with are interested in economic equity. He asked if the City can partner with the churches in Brooklyn Center that have ample space available for short-term parking during snow emergencies.

Councilmember Ryan stated he strongly feels we should not strike Subsection 2 from the ordinance. He also feels strongly there is a need for the City to have the authority to tow cars during snow events because without that enforcement tool, violators could simply ignore the existing 2 a.m. to 6 a.m. ban, which they do currently without getting ticketed.

Councilmember Ryan stated Brooklyn Park is like Brooklyn Center, focused on equity issues, and they tow cars because they recognize the need from a public safety standpoint for efficient and safe traffic operations, traffic safety, and pedestrian safety that the streets are clear.

Councilmember Butler stated this is one that is conflicting for her. She appreciates wanting to have streets plowed curb to curb and remembers when we had a presentation from the former Police Chief about the need to have parking. He, at no time, put in his presentation anything about emergency vehicles having to get through or ever having any issues getting through and yet, at the time, the City Council's focus was on the fact that emergency vehicles may not be able to get through.

Councilmember Butler stated an issue she has, since that was not part of the presentation, nor did the former Police Chief ever indicate that as being a reason but the majority of the City Council, at that time, focused on why it needed to be passed. She stated without that type of information where it has been a problem, she does not continue to stand by this ordinance. She noted there are a lot of apartment buildings, when they were built, that fit into the parking requirements but as time has progressed and the needs of families changed, those people in apartments have two cars if not more, and if there are multi-generations in one apartment, a lot of our apartments are simply not accommodating the current needs for families and parking.

Councilmember Butler stated for her it is concerning that a lot of our residents who don't have a place a park are being towed during this time so she would love to get rid of the towing. She stated she is fine with ticketing and does not agree with getting rid of the parking ordinance in general because it would not be a good look for cars to be parked on the street at all times. But when it comes to snow emergencies, she does not agree with towing.

Mayor Elliott asked whether the City Council wants to discuss this more at a Work Session.

Councilmember Graves stated she is open to that and thinks it would be helpful if staff took feedback tonight and return with some ideas to discuss.

Mayor Elliott stated he worked with the City Attorney to amend the ordinance so he will work with staff and come back with ideas. He also he spoke with neighboring cities and does not know if the information on how they deal with their ordinance is public, but knows one city that shares a border said they are not enforcing their towing ordinance and it is similar to Brooklyn Center's ordinance, because there are issues around what part of the city they start in. Mayor Elliott noted if always starting in one part of the City, it always results in disproportionally towing in that part of the City and not the other.

Mayor Elliott stated one thing he has been thinking about, and Councilmember Butler made this point, is whether ticketing is enough of a consequence and reminder for folks to not park as opposed to towing their vehicle. He met with a resident this week who talked about her car being towed from a parking lot and she still has not gotten that car back after three weeks because she has to borrow from friends and family and pay extra gas, extra costs, more than she would otherwise be paying, or taking Uber to work which is more costs than if she had her vehicle. Her vehicle was towed not because of snow but because it was at an apartment but the outcome is still the same, three weeks with costs she is probably not financially able to afford to get her car back any more.

Mayor Elliott stated that balanced with the rationale of policy in the first place, he would ask is this a solution after problem or is this really addressing a problem that exists in our community and creating additional economic hardships. He stated these are all questions Council Members have raised and additional information and options need to be considered.

Councilmember Lawrence-Anderson asked for a point of clarification and whether the City Council will have a follow-up Work Session. Mayor Elliott answered in the affirmative. Councilmember Lawrence-Anderson stated she asked because Mayor Elliott said he was redrafting a resolution.

Mayor Elliott stated the timeline is to do something before there is a snow event so there is time to schedule another Work Session.

Dr. Edwards asked for clarification related to direction for staff, noting Mayor Elliott has mentioned another Work Session and Councilmember Graves asked staff to present on what they have heard and come back with information.

Mayor Elliott stated that is the direction and he will also be involved since he brought this forward and has been working with the City Attorney to redraft the ordinance. He stated staff needs to return with more information and clarity on the discussion held this evening.

Dr. Edwards asked if staff is being asked to report on the resolution or ordinance. Mayor Elliott stated the topic is towing and the City Council wants to look at the various options available and what the consequences might be. He stated again he will work with staff on this and has been talking with other local cities that have an ordinance similar to Brooklyn Center's ordinance.

Councilmember Ryan stated he would be interested in hearing from staff about the suggestions he made relating to offering options to people who have to park on the street. He stated it is his observation that there is an issue if cars are allowed to park on both sides of the street, especially during winter conditions, as many are 30 feet to 32 feet wide so there would be clearance for two-way traffic and sometimes one-way traffic. Councilmember Ryan stated that cannot be ignored but he looks forward to all of us working together on resolving this.

**ADJOURNMENT**

Mayor Elliott adjourned the Study Session at 6:51 p.m.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

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

1. That attached hereto is a full, true, and complete transcript of the minutes of a Study Session of the City Council of the City of Brooklyn Center held on September 13, 2021.

2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its September 27, 2021 Regular Session.

_____ _____

City Clerk Mayor

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
SEPTEMBER 13, 2021
VIA ZOOM

## 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.

### ROLL CALL

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

Mayor Mike Elliott opened the meeting for Informal Open Forum at 6:52 p.m.

Alfreda Daniels stated two months ago, she asked about accountability for Councilmembers of their behavior towards citizens who show up to participate at City Council meetings. She is still waiting to get updates about what the City is doing for an accountability process for City Councilmembers.

Mayor Elliott stated the City Council was going to discuss that at the Council retreat but that did not happen so, at this point, no action or movement has been taken. He stated they will need to follow up on that and asked the Councilmembers for suggestions on how to move forward on that particular item.

Councilmember Graves stated she remembers the conversation and bringing up some of the specifics that were developed at the first retreat as a City Council to create a respectful and inclusive environment. She had suggested that be included as part of the meeting minutes or in a way so we can hold each other accountable to those rules of engagement. Councilmember Graves stated staff has that information and, for example, if holding a workshop with a group of individuals, you could set ground rules. That is one way to create and practice accountability.

Councilmember Graves stated the other thing that is a level of accountability is just who you decide to vote for when it's election time. She stated she is open to ideas staff, the City Council, or residents may have specific to this question including from the person who posed it in the first place.

Ms. Daniels stated she appreciates different Council Member's comments; however, knows there are ground rules that are usually stated before meetings and that community members should not be attacked by City Council Members but that still wasn't followed. She knows it is her right to not vote for people she feels are not representing the community; however, regardless of all of that, she feels residents deserve to show up at their City Council meetings and feel safe and able to participate without fear of retaliation or attack from City Council Members. She stated she is very disappointed that the City Council did not see this as something important to discuss during the retreat.

Ms. Daniels stated this is very important and not everyone feels comfortable showing up at City Council meetings and especially when it comes to communities of color and then to show up and be shut down by the City Council Members or intimidated without any accountability is disappointed.

Ms. Daniels stated she is asking again that the City Council find a way to hold themselves accountable beyond those ground rules which are not being followed because it was there when these incidents happened so she is asking again. She reminded the City Council they are not there at their own will; they are there to represent the community, their safety, and their participation is important.

Mayor Elliott thanked Ms. Daniels and stated the City Council can follow up and may have some discussions around what that accountability looks like in various situations. He asked the Councilmembers with ideas to make them known and they can think about options to do.

Councilmember Graves stated one of the things we have done at times is to let each other know when something is triggering or there has been behavior or words that were hurtful either to the City Council or those calling. She knows there have been times when she, Mayor Elliott, and Councilmember Butler have said things like that. To her, that is a measure of accountability and she is not sure what other ideas there might be. Councilmember Graves stated she is wondering if Ms. Daniels has something specific she would like to see happen, such as suspend a Council Member for a meeting, or something else.

Ms. Daniels stated that is a good question but the City Council should find a way to do this because they are elected, have rules and bylaws, and she does not want to put that responsibility on her. She noted she asked this question, has been asking for this accountability piece for months, and the fact that it has not even been discussed and then to be asked what she is looking for, it is not her responsibility to do that.

Ms. Daniels stated to just say something is triggering and be done with that is no accountability. She stated the City Council should have this discussion and she urged them to take this seriously. She noted part of the mission of the City is to get more participation from residents and especially people who are within the minority group. She noted that some of these people have seen the behavior of some on the City Council and are discouraged to show up so she thinks the City Council needs to find a way to hold themselves accountable.

Ms. Daniels stated if the City Council thinks suspending the person for a meeting or making sure the person publicly apologizes, that is a decision the City Council should make. What she would like to see is that the City Council take this seriously, discuss it, and find a way to hold themselves accountable.

Mayor Elliott thanked Ms. Daniels for her comments.

Arvid Sorenson stated the concept of having youth on Commissions is a great idea; however, he thinks implementation will have to solve a lot of issues. He stated he would love to work on that with staff or whoever is assigned to do it.

Mayor Elliott thanked Mr. Sorenson for the offer, agreed it made sense for Mr. Sorenson to be involved in that process, and stated he would be connected and involved in determining what this looks like.

No one else wished to address the City Council.

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

Motion passed unanimously.

## 2. INVOCATION

Councilmember Ryan read the following quote from Dr. Martin Luther King:

*'The time is always right to do what is right.'*

## 3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:07 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 Reggie Edwards, Acting Finance Director Andy Splinter, Community Development Director Meg Beekman, Fire Chief Todd Berg, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

## 5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## 6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Ryan moved and Mayor Elliott seconded to approve the Agenda and Consent Agenda, as amended, to move Regular Session Consent Agenda Item 6.f. Resolution Accepting the Pohlad Family Foundation Racial Justice Grant in the amount of $550,000, to Council Consideration Item 10.c. and the following consent items were approved:

**6a. APPROVAL OF MINUTES**

1. August 16, 2021 – Joint City Council & Financial Commission Meeting
2. August 16, 2021 – Special City Council Meeting
3. August 23, 2021 – Work Session Meeting
4. August 23, 2021 – Study Session Meeting
5. August 23, 2021 – Regular Session Meeting
6. September 1, 2021 – Joint City Council & Financial Commission Meeting

**6b. LICENSES**

**GARBAGE HAULERS**

| | |
|---|---|
| Dick's Sanitation | 8984 215th Street West<br>Lakeville MN 55044 |

**MECHANICAL LICENSES**

| | |
|---|---|
| Action Heating & A/C | 8140 Arthur Street<br>Spring Lake Park MN 55432 |
| The Fire Place Guys | 680 Hale Avenue Suite 110<br>Oakdale MN 55128 |
| Woodland Way, Inc | 2901 E Franklin Avenue<br>Minneapolis MN 55406 |

**RENTAL**

*INITIAL (TYPE IV – six-month license)*

| | |
|---|---|
| 7230 West River Road | Sonam Nyorie |
| 3800 Commodore Drive | David Koenig |

*INITIAL (TYPE III – one-year license)*

| | |
|---|---|
| 6212 Chowen Avenue N. | Doreen Kalema |
| 5707 Emerson Avenue N. | Garret Pplumley/C4D Homes |

*INITIAL (TYPE II – two-year license)*

| | |
|---|---|
| 3501 47th Avenue N. | BMW Holdings |
| 6700 Humboldt Avenue N. | MIMG CLXXXIV Sterling SQ SUB/Alexander Fletcher |
| 5323 Dupont Avenue N. | Anthony Nelson |
| 6918 Grimes Avenue N. | Olakunle Ojo |

*INITIAL (TYPE I – three-year license)*

*RENEWAL (TYPE IV – six-month license)*

| | |
|---|---|
| 4900 Zenith Avenue N. | IH3 Property Illinois/Mai Thao |

*RENEWAL (TYPE III – one-year license)*

| | |
|---|---|
| 6109-11-13 Beard Avenue N. | James & Bobbie Simmons<br>Missing CFH cert* CPTED |
| 5304 Vincent Avenue N. | Pao Vang – met requirements |
| 6757 Humboldt Avenue N. | Saleem Raza |
| 5313 Northport Drive | IH3 Property Illinois/Mai Thao |
| 6830 Scott Avenue N. | IH3 Property Illinois/Mai Thao |

*RENEWAL (TYPE II – two-year license)*

| | |
|---|---|
| 6220 France Avenue N. | Ewing Square Family Housing LP |
| 5742 Fremont Avenue N. | Bruce Goldberg |
| 6816 Fremont Place N. | Ali Sajjad |
| 5431 Logan Avenue N. | Chen Zhou |
| 7023 Logan Avenue N. | Fatou Jallow/Summit Properties<br>Met requirements |
| 6701 Scott Avenue N. | Olaleye Olagbaju/Royal<br>Priesthood LLC |

*RENEWAL (TYPE I – three-year license)*

| | |
|---|---|
| 3815 52nd Avenue N. | Jeffrey Sandberg |
| 3200 63rd Avenue N. | Adedamola Ogundipe |
| 3312 64th Avenue N. | Xuyan Janet Lang |
| 6312 France Avenue N. | TMC Mgt. Corp – met requirements |
| 7131 Indiana Avenue N. | Jeremy Paskewich |
| 5643 Knox Avenue N. | Jason Flaa |

**6c. RESOLUTION NO. 2021-104 IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT (LCDA) FUNDING AND AUTHORIZING AN APPLICATION FOR GRANT FUNDS**

**6d. RESOLUTION NO. 2021-105 DECLARING A PUBLIC NUISANCE AND ORDERING THE REMOVAL OF DEAD TREES AT CERTAIN PROPERTIES IN BROOKLYN CENTER, MINNESOTA**

**6e. RESOLUTION NO. 2021-106 TO ACCEPT CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN**

**6f. RESOLUTION NO. 2021-109 ACCEPTING THE POHLAD FAMILY FOUNDATION RACIAL JUSTICE GRANT IN THE AMOUNT OF $550,000** This item was considered after Agenda Item 10b.

Motion passed unanimously.

**7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS**

## 7a. PRESENTATION OF TRAINING CERTIFICATION AWARDS FROM MNFIRE

City Manager Reggie Edwards introduced the item and explained Fire Chief Berg pursued certification and safety measures and this item acknowledges that as well as the work that will come forth as we exercise the new skills training our firefighters have developed. He invited Fire Chief Berg to make comment.

Fire Chief Todd Berg explained that MnFIRE was started to educate, prevent, and support all Minnesota firefighters on the dangers of cardiac cancer and emotional trauma. Brooklyn Center firefighters took advantage during COVID and attended all of the on-line training sessions and have started to make the necessary adjustments to promote the wellness of ourselves and each other. He welcomed Chief Deputy State Fire Marshal Amanda Swenson to make the presentation.

State Chief Deputy State Fire Marshal Amanda Swenson stated it is her honor to present this award. She stated she is also a firefighter as is her husband so health and wellness for the fire service is deeply personal to her. She commented that all of the pillars around MnFIRE, health and safety, she takes seriously for herself and is glad to see departments take it seriously, noting that all too often, we hear tragic stories in this area. Chief Deputy Swenson stated she is glad to celebrate tonight and congratulated the Brooklyn Center Fire Department on achieving the MnFIRE Aware Certification in 2021. She stated Brooklyn Center's Fire Department is one of the first departments across the State to achieve this recognition.

State Chief Deputy Swenson stated to get to this point, the Department identified at least one MnFIRE Ambassador to serve as a liaison and champion for firefighter wellness in the Department, created a wellness committee to address firefighter health and safety issues, conduct annual wellness screening and monitoring, and training, diet, fitness, cardiac health, cancer awareness, and mental health. Then at least 80% of the Department has gone through the MnFIRE training sessions.

Chief Deputy Swenson stated to celebrate this milestone, they would like Brooklyn Center to prominently display two awards, one for the Fire Chief's office plus a plaque to display. She expressed her sincere gratitude for the Brooklyn Center Fire Department's commitment to firefighter health and wellness and officially recognized them for this achievement. She noted that another benefit is that each firefighter in the Department will receive a window cling to proudly show the support of MnFIRE and can also get logoware with the aware certification badge.

Chief Deputy Swenson announced registration for the next round of training is available and she hopes the Department continues to sign up for training and increase awareness around health and safety and work towards next year's certification. She stated it is her honor to be here and congratulated the Brooklyn Center Fire Department for this recognition.

Councilmember Lawrence-Anderson stated she is very happy to hear this presentation and proud of the Brooklyn Center Fire Department. She commended the firefighters' and Fire Chief Berg's commitment to this effort and hoped there will be a presentation in 2022 for successful completion as well. Councilmember Lawrence-Anderson thanked all involved.

Fire Chief Berg stated the Fire Department is truly committed to this and hopes to do it again next year. He announced that last week, through the Fire Safety FEMA Grant, the Fire Department was awarded $113,000 to put in a diesel exhaust removal system in both fire stations to get rid of those cancer-causing carcinogens that come from the fire engine's diesel exhaust and improve their safety. Fire Chief Berg stated the Department will continue working towards that and thanked State Chief Deputy Swenson and all for their kind thoughts.

Councilmember Graves agreed with fellow Councilmember Lawrence-Anderson's comments and thinks it is important we focus on wellness not only within the Fire Department but within the City as a whole whether the City Council or other Departments within the City. She thinks when we take better care of ourselves and each other, we show up better for the community that we serve.

Councilmember Graves noted that practicing breathing, mindfulness, and wellness, in general, is personal to her and something she wraps into her professional work as well. She stated some may pooh-pooh it and say they don't need to breathe, and sometimes people are just in their trauma and not quite ready to focus on things like that, but she thinks there are tangible issues such as the one Fire Chief Berg just pointed out specific to our environment as well. So, the more we become a trauma-informed and wellness-informed organization, the more we will be effective in healing in our interactions at large and with each other.

Councilmember Graves stated she is happy to see the Fire Department took the initiative on this and we are being a leader within the State.

Mayor Elliott stated he agrees with what the Council Members said, noting this was a great opportunity for the Department. He is grateful they are doing this work and is looking forward to learning more about the outcomes.

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to accept the presentation of training certification awards from MnFIRE.

Motion passed unanimously.

## 7b. PRESENTATION OF THE 2022 PRELIMINARY BUDGET

Dr. Edwards introduced the item and stated he and Acting Finance Director Sprinter will be presenting the 2022 preliminary budget. He noted the City Council will consider the final adoption of the 2022 preliminary budget at their next meeting and adoption of the 2022 final budget in December. Tonight, staff will provide insight into the factors that guided the development of the 2022 preliminary levy, budget highlights, fiscal analysis of budget highlights and their impacts, and next steps in the budgeting process. He explained that between tonight's meeting and the next meeting, there is time to modify the levy as the City Council determines to do so. It was noted that after tonight's meeting, the levy can go down but it cannot go up. Dr. Edwards stated this presentation will include the 2022 budget environment, guiding principles, budget fiscal direction, fiscal outlook, preliminary levy proposal, and next steps.

Dr. Edwards explained some of the factors considered related to COVID-19, the death of Daunte Wright, civil unrest, the City's economic condition being the second-highest populated but one of the highest poverty rates and lowest income that results in economic challenges while the City seeks to increase its tax base capacity, City Council established budget priorities and how to meet them within existing fiscal constraints, establishing organizational stability, and creating a community-centered City. Those are the factors staff kept in mind while creating the 2022 budget.

Dr. Edwards noted the guiding factors included recognizing unprecedented events and challenges faced by residents and staff, and the need to develop a budget that balanced the needs for economic growth, longer-term fiscal stability, the pursuit of City Council direction, and providing City services at an affordable cost for residents

Dr. Edwards explained what sets the direction for the 2022 budget is the mission, vision, direction, and priorities of the City Council as well as what departments are presenting as it relates to what they would like to achieve in the coming fiscal year. Based on these factors, staff set out to establish a budget and preliminary levy that would allow us to achieve the direction and fulfill the mission and vision of the organization and execute some of the desires as far as operational requests of the departments within the constraints of the economic condition of the City and comfort level of the City Council as it relates to tax increase.

Dr. Edwards displayed and gave an overview of the City's organizational chart depicting seven departments, noting two offices that were established with a unique function in working directly with the City Manager and coordinating work through Departments. One is the Office of Inclusion, Equity, and Diversity established last year and the other is the Office of Community Prevention Health and Safety that was established this year in alignment with the resolution approved by the City Council and to move that effort forward in a fiscally prudent way. Dr. Edwards referenced the Advisory Commissions and explained the purpose of each.

Dr. Edwards read the City's vision statement as follows: 'We envision Brooklyn Center as a thriving, diverse community with a full range of housing, business, cultural, and recreational offerings. It is a safe and inclusive place that people of all ages love to call home, and visitors enjoy due to its convenient location and commitment to a healthy environment.' He explained this vision statement sets the direction for everything staff brings forward in the budget as it relates to operations.

Dr. Edwards read the City's mission statement as follows: 'The mission of the City of Brooklyn Center is to ensure an attractive, clean, safe, and inclusive community that enhances the quality of life for all people and preserves the public trust.' He explained when creating this year's budget staff tried to achieve the mission statement and direction set forth by the City Council.

Dr. Edwards reviewed Brooklyn Center's values as it relates to customer intimacy and showing dignity and respect and operational excellence to deliver quality services in a cost effective and efficient manner. These values are considered offerings as an organization and how we hold ourselves accountable.

Dr. Edwards stated in 2018, the City Council established strategic priorities relating to enhanced community image; resident economic stability; inclusive community engagement; targeted redevelopment, safe, secure, stable community; and key transportation investments. Staff considered how the 2022 budget can specifically attend to these priorities. He noted there are far more priorities and operations that staff attends to but this allowed staff to hone in on a couple of key factors to target resources.

Dr. Edwards explained that last year, there were quite a few specific 2021 budget priorities established by the City Council. He displayed and read the list of budget priorities. The City Council directed staff to allocate some resources and effort towards these priorities. Then, when going into 2022, the City Council narrowed down the budget priorities to specific areas that were targeted to execute. He noted for 2022, there are not a lot of new things because resources are allocated to stabilizing existing services as well as building upon priorities outlined in 2021.

Dr. Edwards stated for 2022, several priorities were front and center. First and foremost was policing activities as it relates to the Public Safety Resolution adopted by the City Council. For the most part, there was not a lot of fiscal room due to limited ability to focus on that area so staff tried to determine the top priority, what resources could be allocated to start that work, stabilize the organization, and provide stable funding for the things the City is already doing to meet its general obligation and see-through previously established priorities.

Dr. Edwards stated a previously established priority relates to economic stability and livable wages that the City Council passed three years ago to provide a minimum livable wage of $16.16 per hour for every employee who works for the City. The City did not have the resources to do that all at once so the City started allocating resources and is continuing that process. If this budget is approved, there will be no staff members working for Brooklyn Center that are paid less than $16.16 per hour. He noted that does not address the ripple effect throughout the organization because the City does not yet have the resources to do that.

Dr. Edwards stated the City also continues to intentionally reduce costs to service our Recreation Department programs so they are more accessible, resulting in a loss of revenue that is absorbed with the intent to address the values set forth by the City Council as it relates to accessibility. There were also general revenue reductions within the Police Department.

Dr. Edwards noted Councilmember Graves had asked staff to identify areas by strategic priorities. He explained the departments are broken down by divisions and staff will be identifying how funds are spent according to the priorities. Then the City Council will have a sense of how resources are allocated. Initiatives identified by Departments in the 2022 budget include enhancing community image through beautification of public art, commercial clean-up and beautification, and increasing community events and gatherings. He noted these items may impact other areas such as engagement or safety but they are applicable in this particular area as it relates to enhancing the community image with a focus on what we do, not simply what we market or promote.

Dr. Edwards stated another strategic priority relates to resident economic stability through entrepreneurial markets on the Opportunity Site, business resource center, workforce development program and strategies, business outreach and communication efforts, entrepreneurial/small

business resources and support, a local procurement program tied to City spending, and a Business Subsidy Policy.

Dr. Edwards provided an overview of the areas to address inclusive community engagement including investment in community networks, increasing community events and gatherings, expansion of Community Center services, health, and social development, and coordinating two elections. Targeted redevelopment includes the adoption of the Brooklyn Boulevard Land Use Study, the Opportunity Site, and targeted redevelopment of the former Sears and Target sites and implementation of the Opportunity Site. All of these are included in the 2022 budget.

Dr. Edwards stated the priority relating to safe, secure, stable communities includes quite a few efforts including the creation of the Office of Community Prevention, Health and Safety, recreation dealing with health and social development initiative, Fire Department training and activities, and building capacity. Police Department efforts range from implementing a neighborhood response plan, working collaboratively with the City's community engagement team, expanding benchmark analytics for electronic tracking use of force, implementing a department data dashboard, and increased crisis intervention staff training.

Dr. Edwards reviewed community development strategic priorities to develop or revise educational materials in multiple languages, continue proactive Code enforcement, drafting a Tenant Protection Ordinance and Housing Policy Plan. He then listed key transportation investment projects including the Brooklyn Boulevard Phase 2 and Trunk Highway 252, full-depth pavement rehabilitation, and streetscape sustainability.

Dr. Edwards stated this information lays out a rationale for what they do and the foundation of what will be presented in the preliminary tax levy that addresses the vision and mission of the organization, attends to the strategic priorities established by the City Council, in addition to very specific budgetary priorities they set out. Given the context with COVID, civil unrest, economic challenges, etc., and considering that, it has shaped the direction of the preliminary levy proposal.

Acting Finance Director Andy Splinter explained the purpose of the budget policies is to provide a basic framework and assist in the decision-making process. He noted the City always wants to adopt a balanced budget, use current revenues to pay for current expenses, have a contingency of up to five percent of the budget, provide adequate funding for capital replacement and maintenance, a budget that describes goals, services, and programs, and keep a targeted unassigned general fund balance of 50-52% of the next year's budget.

Mr. Splinter presented the City's revenue policies to maintain a diversified and stable revenue system, complete annual revenue estimates through an objective conservative analytical process, review and revise user fees on an annual basis, fees and user charges for enterprise funds should fully support total direct and indirect costs, and user fees for City services will generally be established at a level to recover the full cost of providing the service, where possible.

Mr. Splinter displayed a chart depicting the property tax levy and explained staff is recommending changes in the general and debt service levies. The debt service levy is set by bonds issued recently with a $251,000 increase in the levy, which equates to 1.26% and adds $1.13 million in the general

fund for 5.67% or a total of 6.93%. As a rule of thumb, 1% of the levy is about $200,000 in revenue. At 7%, it is around a $1.4 million increase between debt service and general levy.

Mr. Splinter summarized where the $1.4 million comes from debt service of 1.26%, prevention health, and safety of .78%, COLA/cafeteria of 1.73%, part-time livable wage increase of .78%, reduced charges for services and fines in Recreation and Police Department of 1.07%, and excess increment and PERA aid loss of 1.32%, totaling 6.9% or $1,382.964.

Mr. Splinter explained that after presentations made to the City Council, some budget reductions were made on the revenue side to bring in Phase 1 of the Opportunity Site building permit of $530,000, lodging tax of $50,000, projected wage savings related to turnover of $250,000, reduced Fire Department vest purchase through the donation program at the Liquor Store of $16,000, reduced projected part-time wages in Recreation of $90,000, and contingency increase of $100,000.

Mr. Splinter summarized overall changes from last year's 2021 budget in the general fund, noting a general fund property tax increase of $1.1 million, loss of excess taxes/tax increments of $230,500, increase in lodging taxes of $300,000, and permits of $387,500, and loss in charges for services of $198,050, fines and forfeits of $55,000, and special assessments of $50,000.

Mr. Splinter displayed pie charts depicting revenues by source for the 2022 and 2021 budgets, noting property taxes will go up 1% for 2022, becoming 79% of general fund revenues. He stated that the percentage in 2018-2019 was at 75%. Because it has slowly been going up each year, it would be good for the City to find government grants or charges for services, licenses, or other ways to charge services of the general fund. Mr. Splinter stated staff expects that percentage to drop down next year as building picks up.

Mr. Splinter reviewed a summary of general fund expenses by function, pointing out a significant decrease in fiscal and support services of $46.57%, an increase in the administration of 10% related to next year's election and other initiatives, the new Office of Prevention, Safety and Health, reduction in the Police Department of 1.53% due to wage savings from turnovers, increase in the Fire Department of 19.79% due to $113,000 for the exhaust system federal grant and the City's 10% match and funding of new fire trucks going forward, an increase for the Community Activities, Recreation Services (CARS) for the new division for Public Health and Wellness of 24.81%. He noted that overall, the general fund increase is 3.85% on the expenditure side.

Mr. Splinter displayed pie charts depicting general fund expenses by function, noting the Police Department went down from 41% to 39% with the addition of the Officer Prevention Safety and Health. He noted there were not a lot of other large changes.

Mr. Splinter reviewed the general fund expenses by object code with personal services increasing by 1.24%, supplies by 20.89% due to larger purchase in the Fire Department, services and other charges of 7.15%, central garage charges of 9.78%, capital outlay of 1692.86% for the exhaust system to remove carcinogens, and net transfers of 9.68% for a total of 3.85%.

Mr. Splinter stated the salary assumes a 2% wage adjustment beginning January 1, 2022, cafeteria contributions for health insurance increased by 5%, and $450,000 in turnover/vacancy savings, which is a $50,000 increase from prior years.

Mr. Splinter provided a summary of taxable market value for a total change of 11.7% overall. He displayed pie charts depicting tax capacity estimates, noting residential went from 50.7% to 52.6%. The commercial went down about 2.5%, apartments picked up the other piece, and industrial stayed flat.

Mr. Splinter displayed a bar chart showing median value homes for the past 14 years. He stated the dip in median value during the recession was made up as of 2020 and has been extended due to large increases in home values from 2021 to 2022. He then displayed a bar chart depicting the City's property tax rates, including estimated rates for 2022, noting the effect of Tax Increment Financing (TIF) District #3 coming back on the general rolls. He referenced the increase in the City's tax capacity and thereby decreasing the tax rate even with a 6% levy increase.

Mr. Splinter showed a chart of Local Government Aid (LGA) for the past 20 years, noting it dropped down in 2010 when the State had budget issues and froze it at $411,378 but has since returned to similar levels as 2004 and is currently at $2.37 million for next year. He explained that one-half of LGA will go into the general fund and the other one-half will be dedicated to the capital project to reduce bonding. He then showed a chart of how much of general fund expenditures that LGA covers with it being as high as 10% in 2003, going down to 2% when the level was reduced by the State, and now at 5%. He cautioned that LGA is not guaranteed, noting the State had suggested they may take LGA away eight years ago.

Mr. Splinter reviewed a projection of debt service levies paid from property taxes, noting the $215,000 increase this year brings it up to the $1.8 million mark. In 2023, the City will not be issuing a bond so there will be a slight dip between 2023 and 2024. The large increase between 2024 and 2025 relates to the large bond issue projected for the City's portion of the Highway 252 project.

Mr. Splinter displayed a chart of projected property tax impacts, noting the property tax increase is 6.93% between the general levy and debt service levy. He explained that assuming single-family residential of median value homes went from a taxable market value of $188,000 last year up to $205,000 or a 17% increase. When applying the new tax rates, that single-family home will see a decrease in 2022 taxes of $20. He stated when initially discussed, it was indicated that with a 0% levy there would be a reduction of about $80 for a single-family home and about $10 per percentage point after that. For an average apartment building with a value of $2.2 million and assuming a similar value increase of 11.5%, it would then be worth $2.4 million. Under the new tax rates, that entire property would pay $18,718 for City taxes, or an increase of $86, a minor one-half percent increase. He stated commercial property would go down 15%, or an average of $3,300 for City taxes and industrial property would go down about $1,663, or 6.5%.

Mr. Splinter explained next steps would be for the City Council to adopt the preliminary budget and levy on September 27, 2021, hold joint City Council/Financial Commission Work Sessions

on October 4 and 18, 2021, to consider the special revenue funds and utility/enterprise funds, and hold a public hearing and adopt the 2022 budget and levy on December 6, 2021.

Dr. Edwards stated at the next meeting the City Council can deliberate on whether or not to approve the preliminary levy as proposed by him at 6.93%. He explained staff tried to meet the direction set forth by the City Council in its vision and mission and strategic and budget priorities in a time of economic and social challenge while stabilizing and providing the base funding for existing services and begin to address priorities of the City Council in a way that reduces, for the most part, taxes for every resident. Dr. Edwards stated he is proud they were able to achieve that. He noted that during previous discussions, it was known that 8% would be a breakeven with no increase in taxes except a fairly nominal increase for apartment owners. He is pleased to present this budget as outlined, noting this preliminary levy will again be considered at the next meeting.

Mayor Elliott referenced the creation of the Office of Prevention and Health and asked if that refers to the Department of Community Safety and Violence Prevention as outlined in the Public Safety Resolution.

Dr. Edwards answered it relates to the resolution. It does not propose a department in this particular budget because as he had mentioned in previous presentations, it was simply not fiscally possible to build out a department at this time. He tried to address the issues so the office would serve to do coordination, report directly to him, and coordinate elements within the resolution with public safety, Fire Department, and Police Department as well as be the host pilots should we receive funding for those grants for mental health workers as well as unarmed civilian officers. He explained the intent is to secure grant funding and that is the place to move forward those efforts.

Mayor Elliott stated if it is not fiscally sound to build out that department in this budget, when do you forecast being able to do that.

Dr. Edwards stated you have a department with a director, then the director will have staff working under them. The resolution calls for three departments and he does not think that would be fiscally possible in the foreseeable near future. He noted if $200,000 represents 1% in this budget, having three departments and three directors making $110,000 to $115,000 plus benefits, or $150,000 each, plus resources to do something. This would be an automatic escalation of a levy increase that he does not think will be tolerable by the City Council. So, he looked for alternatives to do that.

Dr. Edwards explained it is not fiscally reasonable or possible to add to the existing budget for three departments in the near years. He tried to find a way to achieve the spirit in what they are trying to do that is cost-effective and the City can afford to do. Regarding Mayor Elliott's question, Dr. Edward stated he does not know but imagines it will take at least four to five years to build out one department, much less three departments. He stated the City just does not have the capacity or resources and would have to eliminate other departments to add three new departments, fully staff them, and provide capacity for them to do work. That would be economically challenging to do.

Mayor Elliott stated it sounds like in Dr. Edward's estimation, the resolution we passed is not implementable under the current budget framework for another four to five years.

Dr. Edwards clarified that is not what he is saying. He explained if you use the term 'department' we may not be able to create three departments with directors but we have started addressing some of the elements within the resolution, even as it relates to some order of functionality that is possible. He stated it is not possible in the structure of three departments with directors plus resources, which he does not think is fiscally possible by the City in the near term.

Dr. Edwards stated before the resolution being adopted, he had indicated there may be other ways to go about that as it relates to structure, such as starting with an office and office manager. He explained that executing some of the elements and trying to fulfill the spirit of the resolution is doable. But if creating three departments, three directors, and staffing those departments, that is not implementable.

Mayor Elliott stated he wanted to get some clarity on that. He stated it is a lot of work to implement this type of change and he appreciates Dr. Edwards' thoughts on that. He stated he is keenly aware that for us to do the work set out in the resolution, it does call for us to reimagine our budget, re-envision how we are spending money, and how we are prioritizing our expenditures. He has seen other cities go through this process and is interested in doing this deep work to look at our budget so we are not necessarily doing the same thing from year to year. Mayor Elliott stated he thinks the money in the budget for this new office kind of talks about the resolution and the spirit of the resolution. But it is not quite what the City Council laid out and passed. He stated we can have an honest conversation about that and our budget and how we are allocating resources we have in the City. He thinks we need to take a deep dive into that and see how we can reimagine to make our financial decisions the best we can.

Mayor Elliott stated all of us care deeply about the budget, how we are allocating resources, and we all invest in that process. He appreciates that and the work staff put into this budget, noting it is not easy to create and present this kind of budget. He knew this was work-intensive and he does not want to undermine that as the Acting Finance Director, City Manager, and staff, in general, put a lot of work into this budget. Mayor Elliott stated he thinks from year to year, we see a budget that is very similar with minor changes. But we are in a time of transformation and speaking for himself, he thinks we have to, before the final budget is passed, really examine the budget.

Mayor Elliott stated he has heard from community folks who were very much interested in being part of the process in how we are budgeting and allocating our resources. He thinks it is important too that this budget funds the resolution, noting the whole world is watching us and seeing we implement what our community has spoken up and said this is our vision for safety in Brooklyn Center. He felt we would be remiss if we passed a budget without fully examining and accounting for what that could look like and at least considering some different options for how we do that so we come out of this whole and having implemented the vision that we set forth.

Dr. Edwards stated as he shaped this budget, he looked at the vision of the City. The City has a vision so when you speak of a new North Star and public safety, that is one element of a vision that includes water, parks, community development, etc. This budget is premised on the vision set

forth for the entire City in all of its elements and the parties of the City Council. So, it is within that vein that he identified and said complete implementation of the Public Safety Resolution is not fiscally possible given the overarching vision of the City as a whole.

Councilmember Graves stated this is one of the reasons why she wanted us to not rush so much to pass the resolution because the City Council was not able to get specific numbers on the cost of what it would be to create three different departments. She does, however, understand the spirit of the resolution and what we are trying to accomplish and is not thinking we can't accomplish a lot of that. She does not necessarily think that creating three departments and potentially moving funds from other City services and departments is the way we will get there right now. She thinks with the hiring of the Public Policy Aide at about $75,000 specifically to do some of that work and report to Mayor Elliott as well as the new office the City Manager is creating to do that work on an operational level and reporting to him, will move us in the right direction.

Councilmember Graves stated she works in the Office of Violence Prevention which is housed within the Health Department. In Minneapolis, they are talking about creating a new department that would move the Office of Violence Prevention and the Police Department into one single department.

Councilmember Graves stated we can't necessarily know how things need to be moved until we start to do some of the work as a City so that will happen with our Advisory Committee, the Policy Aide, as well as the person hired within the new Office of Health and Safety. She felt the City was on the right track and since she has been on the City Council before Mayor Elliott was on the Council, she had often questioned the large size of the Police Department budget and had seen it trending downwards in recent years.

Councilmember Graves stated she is also heartened by the addition of the work that will happen within the CARS Department that focuses on health and mental well being which will also be a way of preventing violence. So, not all of it will necessarily be within one office. She stated the Office of Racial Equity is a new office and Community Development was not in existence until about two or three years ago so we have had two offices and a new department all within her tenure of seven years on the City Council. She noted it took three or four years of her saying 'we need a Community Development Department, we need better communications,' before that department was created.

Councilmember Graves stated she knows that sometimes it is very slow and frustrating and, based on our last budget meeting, we need to have a deeper dive, as Mayor Elliott suggested, as a City Council and staff to discuss the ins and outs of the resolution, which has not happened since April to the level she thinks is necessary. She stated the City Council first saw the Public Safety Resolution in April and passed it within a week. She appreciates the City Manager's candor, honesty, and ability to both lean into what we want as a City Council to address the resolution in spirit and also get some of our feet moving on the ground while maintaining a balance with other services we need and maintain within the City. She thinks, as we get some of this work moving with the Policy Aide and this new office, that we may be able to reassess next year and see whether some of the work has moved into CARS, or another office, and maybe then some larger changes

can be made after getting through the pilot projects. Councilmember Graves stated she appreciates the presentation from Dr. Edwards and Mr. Splinter.

Councilmember Ryan stated he appreciates the comments of Councilmember Graves and her expertise in this area. He stated he voted for the Violence Prevention and Public Safety Resolution with considerable reservations because he immediately recognized this was a resolution drafted and crafted for a much larger jurisdiction. He felt to impose these departments, as the City Manager explained, would impose very significant costs and he questions the efficacy of just imposing another layer of bureaucracy when all on the City Council are closer in agreement on the greater range of issues on these things than we are in disagreement, perhaps, on the margins on a few things.

Councilmember Ryan stated he is optimistic that we can achieve the spirit of this effort without imposing a structure that may be inefficient, ineffective, and overly costly for our City, and that does not mean we are not on board with this. He stated those are his thoughts and he looks forward to more recommendations coming forward.

Councilmember Lawrence-Anderson thanked Dr. Edwards, his staff, and everyone who had their hands in this budget as she is certain it was not easy to do. She appreciates Mayor Elliott's comments yet 'Rome wasn't built in a day' and she understands the spirit in which the resolution was passed. Councilmember Lawrence-Anderson noted, much to Councilmember Graves' comments, we are making strides, and while not as expedient as some would like, slow and steady wins the race. She thinks we are heading in the right direction.

Mayor Elliott stated Amity Dimock wants to speak to this item.

Councilmember Graves stated if we are going into a community comment session, she would like to take a vote as a City Council to do so.

Mayor Elliott agreed to take a vote on whether to open the meeting to comments from the community.

Councilmember Graves noted that before we pass the budget, there will be an open comment period at a meeting in the future as well.

Amity Dimock stated the City Council does not want her to be talking about her displeasure.

Councilmember Graves stated she would prefer it is at the meeting when the City Council talks about the budget.

Mayor Elliott stated it was Councilmember Graves' idea and asked if she or someone else wants to make a motion.

Councilmember Graves stated she is only trying to get through the rest of the meeting and then take public comment on the specific budget at the budget public hearing.

Councilmember Ryan concurred with Councilmember Graves, noting there is more than ample time for public comment on this vital issue and he looks forward to taking those public comments. He stated the City Council has an obligation to get through the business of the evening and we will have numerous engagement and listening sessions to take all comments from the public on this vital issue before us. He restated he would like the City Council to be able to get through their business tonight.

City Attorney Troy Gilchrist stated folks may be thinking of different motions, noting Councilmember Graves indicated if opening the meeting to public comment, that should go through a motion and vote of the City Council. He also heard there would be a motion just to accept the presentation on the preliminary budget. He stated if referring to the latter, then the City Council could make and act on that motion to accept the preliminary budget presentation.

Councilmember Graves moved and Councilmember Ryan seconded to accept the presentation of the 2022 Preliminary Budget.

Motion passed unanimously.

Mayor Elliott stated to Councilmember Graves' earlier comments, he hopes we can continue to talk about and find ways to address these issues that are critical to the community. He stated he knows there will be a public hearing on the budget coming up. He is curious to hear more about Councilmember Graves' objection to hearing from Amity tonight, noting she is the mother of Kobe who this resolution is named after, in part. He wants sincerely to hear from Councilmember Graves on her thoughts about not having a public comment on the budget at this point. He stated it is the City Council's prerogative to do that and Councilmember Graves has a preference for not doing that at this point. Mayor Elliott stated he does not want to mischaracterize Councilmember Graves' comments or cause her any duress but wants to understand her rationale.

Councilmember Graves stated her rationale is what she stated before. She would like to get through the rest of this City Council meeting, noting there is another opportunity for the public to speak. She is not opposed to listening to anybody on their comments but does not want to do it underneath Agenda Item 7, Presentations, Proclamations, Recognitions, Donations, which was a presentation.

Councilmember Graves stated as you can see on the screen (agenda on display), we are to be considering the direction of the staff regarding the preliminary budget and tax levy to be adopted on Monday, September 27, 2021. She stated she would be more than welcome to hear comments at that time or for someone to reach out and call her or send her an e-mail, she would be happy to listen or to set up a time to meet. She stated between now and Monday, September 27, 2021, the City Council will not be passing this budget regardless. So, it is not going to change the amount of money budgeted for 2022 between now and the next City Council meeting. She wants to continue to move the meeting forward.

Mayor Elliott stated he would have liked to have heard from anybody in the community since we are meeting on Zoom and especially on these topics that are so pertinent. He stated he does understand Councilmember Graves' rationale but there are ways we can include more public

comment even as we are having these discussions as it is important to hear from people who have different opinions on these issues.

Mayor Elliott apologized to Amity as he knows this is an issue that is incredibly important to her as a mother who has lost a son. He stated he does not agree with Amity being muted, of all people, and he wants to say that publicly because he does not think that is okay to be continuously muted.

Amity Dimock stated she appreciates that and has never been anything but respectful but she is getting upset because five years is a joke, an insult, and salt on a wound.

Mayor Elliott apologized again and stated there will be an opportunity to hear from her on this matter.

Lori stated there are thousands of others who stand behind Amity.

Dr. Edwards stated staff mutes only according to the direction of the City Council and does not arbitrarily mute anybody. Mayor Elliott stated if you look at the rules, it is at the direction of the Mayor, the presiding officer.

## 8. PUBLIC HEARINGS

None.

## 9. PLANNING COMMISSION ITEMS

None.

## 10. COUNCIL CONSIDERATION ITEMS

### 10a. RESOLUTION NO. 2021-107 DECLARING A PUBLIC NUISANCE AND ORDERING THE ABATEMENT OF NUISANCE AT 3006 65TH AVENUE NORTH

Dr. Edwards introduced the item and explained this consideration is an abatement of 3006 65th Avenue North, a property that has signage spray-painted on the sides of the house and fences. According to the City's ordinances, you cannot spray paint on a house or building to create signage. There is no regulation as to what has been written but as it relates to signage, there is a way in which that is to be done. In this particular case, that information has been made known to the resident, the property has been inspected, citations issued, and the City has not received compliance on any of the items. Community interveners have also interacted and communicated with the property owners but there has not been any movement to come into compliance with the ordinance. Staff recommends declaring a nuisance and abatement of the nuisance on that property. He invited Ms. Beekman to make the staff presentation.

Community Development Director Meg Beekman stated this is a nuisance abatement at 3006 65th Avenue N. She explained that on July 12, 2021, the City received a complaint about the subject property. An inspection was conducted that day and found the property to violate two provisions

of the City Code. The Code prohibits signs from being painted directly onto walls. In addition, residentially zoned properties are allowed a maximum of one sign up to six square feet in size per parcel. Signs are defined as any publicly displayed message bearing device for visual communication or any attention attracting device that is used to bring the subject thereof to the attention of the public including but not limited to any mural, writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, symbol, valance or similar display.

Ms. Beekman explained signs are measured by calculating the area of the smallest possible polygon with a single continuous perimeter whose sides are made up of straight lines, which can be drawn around the display. She noted this language is taken directly from the Code.

Ms. Beekman provided background on the actions taken, noting staff spoke with the property owner on July 12, 2021, and verbally informed them of the violation. She explained this is a fairly common practice with Code enforcement called 'knock and talk.' Before a correction order is written, the inspector will talk to the property owner, explain the nature of the violation and options for correcting the violation. The staff has found this process brings compliance up drastically and more quickly than a typical process of writing a correction order immediately and following with citations. In this case, the property owner, at that time, was not cooperative and asked staff to leave the property, which they did immediately.

Ms. Beekman stated a follow-up inspection was completed on July 15, 2021, and the property owner was not at home at that time. Staff called a telephone number posted on the door and left a voice mail to convey the issues that had been found. A third inspection occurred on July 16, 2021, and no changes to the property had occurred. Staff again attempted to speak with the property owner but was not successful. A follow-up inspection was completed on July 22, 2021, and at that time a correction order was issued. This is a notice giving the property owner seven days to comply with the ordinance. A follow-up inspection occurred on July 30, 2021, and no change had occurred on the property. Ms. Beekman stated a second correction order was issued giving another seven days to comply with the ordinance. On August 9, 2021, the property was still in violation so, at that time, an administrative citation was issued with a notice of why it was issued and ask for the property to be brought into compliance.

Ms. Beekman stated on August 23, 2021, the staff went out and the property was still in violation so a second citation was issued and a follow-up inspection was completed on August 30, 2021. To date, no changes have occurred on the property. At that point, an abatement process was initiated. The staff did not issue a third citation. She explained Code allows a citation to be issued each day but that is not the City's typical practice and typically staff will do one per week. In this case, two citations were issued and a third was not issued.

Ms. Beekman displayed images of the property. She stated staff spoke with the owner and they indicated they were the ones that initiated the painting of the property. This property is owner-occupied and is not rental. She explained the husband of the occupant did contact the City and there was some communication with him. He does not live at the property though his name is on the deed and he did indicate a willingness to be cooperative and want to correct the issues. However, he does not have access to the property at this time.

Ms. Beekman stated the City continues to receive daily complaints about this property from neighbors and community members who are concerned. Staff recommends approval of a resolution to order the abatement of the conditions in violation of the Sign Ordinance which is creating a nuisance property. In this case, it would include items that relate to prohibitive signage, the signs painted on the building, tacked on utility poles and trees or fences, and signs painted in the right-of-way.

Ms. Beekman stated staff will select the least costly abatement option and with the least amount of property damage to bring it into compliance. A contractor provided several options ranging from painting over to sandblasting so those options will continue to be reviewed.

Ms. Beekman stated if approved tonight, the resolution will be presented to a judge to obtain a court order to enter the property and conduct the abatement. A final notice would be sent notifying the property owner of the process and that this action is taking place, giving a final warning, and an additional period to correct the nuisance. If the property is not corrected by that time, staff would initiate the abatement. Ms. Beekman stated the recommended action is to adopt the resolution declaring the property a public nuisance and ordering the abatement.

Dr. Elliott explained that Mayor Elliott has stepped away and asked Mayor Pro Tem Butler to preside.

Councilmember Graves asked if there was any attempt in those numerous attempts to reach the property owner to connect them with someone who might be able to do some kind of public art that would still convey their message that is less offensive and not using cuss words. She noted it seems the property owner did not want to talk to anyone at all but she was thinking of ways we could potentially use our public art approach to both meet the needs of the property owner's desire to spread a specific message about black lives mattering while also trying to comply with City ordinances.

Ms. Beekman stated the City's inspector's general approach is to provide resources for residents and often when we are working with Code enforcement cases, it is not just a simple cut-and-dry situation if someone is intentionally violating an ordinance. Usually, it is an education process or it is a capacity issue. She stated the Code enforcement inspectors are fairly well versed in providing resources but she can't say without a doubt they would have provided a resource of a community artist or alternative. But the inspector would have provided options available to the property owner. Ms. Beekman stated in this case, the property owner has been fairly uncooperative and not interested in speaking with any of our inspectors. Staff did reach out to one of the community intervenors we have worked with in the past to reach out to the property owner and see if that would be a better way to make contact. However, they also were not successful in having a conversation with the property owner. Ms. Beekman stated in this case there was not a specific option offered but thinks in terms of our practice, it is typical to regularly offer resources in place of issuing an immediate correction order.

Councilmember Ryan stated since he started on the City Council 15 years ago, this is something he has always struggled with as there are some property owners with very strong deeply felt beliefs who want to express them and do it in inappropriate ways. He stated he travels around the

metropolitan area and drives through a lot of neighborhoods of all different descriptions and will see a black lives matters sign in a front yard on very different looking properties. He stated that is an entirely appropriate way to express one's deep-felt beliefs and feelings and it is First Amendment rights but this is something that is done by people with the same genuine legitimate impulse but without the regard for accepting what are reasonable community standards about how they can go about these things and refuse to understand that some of the means they have used to express their believes and First Amendment rights are entirely inappropriate. He stated this is something we can't allow, we have an obligation to enforce our ordinances as written, and we take an oath to do so. He stated what escapes people's understanding is that they have no right in displaying those beliefs in such a way that is so garish and inappropriate. He stated if he was a neighbor, it would lower his property values. He stated that is an observation he wanted to share. He appreciates Community Development bringing this forward, had hoped that through the 'knock and talk' eventually these folks would get the message. But, since they have not, the City Council has to move it to the next level so we can take official action.

Dr. Edwards asked Ms. Beekman to provide clarification that the City cannot regulate what or how someone says the message. This violation of the ordinance does not pertain to the message, despite how it may offend some folks because people have the right to say that. It is a matter of how it is mounted or displayed on the house. If it was a banner in a frame or something attached to the wall, that is completely different and if you apply for a sign permit and it is approved, you can say the same thing in a different form.

Ms. Beekman stated that is correct and explained the Sign Ordinance is content-neutral and the City does not regulate the content of signage on any property or for any purpose. The City does have design standards that are set out for signs and that includes the number of permitted signs, size of signs, and materials the sign can be made out of. In the case of residential properties, they are allowed to have up to six square feet of signage and a permit is not required. She stated it is important to recognize that the enforcement is done equally across the board but much of Code enforcement is complaint-based. With this particular property, staff received numerous complaints and that is what initiated the initial action.

Mayor Pro Tem Butler moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2021-107 Declaring a Public Nuisance and Ordering the Abatement of Nuisance at 3006 65th Avenue North.

Motion passed unanimously.

**10b. RESOLUTION NO. 2021-108 AUTHORIZING ENTERING INTO A JOINT AND COOPERATIVE PURCHASING AGREEMENT FOR PURCHASE OF FIREFIGHTER'S SAFETY GEAR**

Dr. Edwards introduced the item and noted this item had been mentioned earlier in the meeting when Fire Chief Berg mentioned attending to the health and well-being of firefighters and spoke to the issue of breathing apparatus and gear. He invited Chief Berg to make the staff presentation.

Fire Chief Todd Berg asked the City Council to authorize Brooklyn Center's participation in the Public Safety Joint Purchasing Powers Agreement. He explained that in 2009, Hennepin County Fire Chiefs' Association started a joint purchasing agreement to purchase self-contained breathing apparatus for its firefighters. Since then, it has evolved into an all-encompassing purchasing power for much more of firefighters' protective equipment. Currently, there are 39 agencies signed onto this joint purchasing power. He read a list of protective gear and equipment being purchased, noting it is very specialized and highly expensive equipment.

Chief Berg stated the reason for considering this tonight is that until recently, many of the vendors allowed the pricing without being a member of the Joint Purchasing Powers Agreement but have since discontinued that service. He explained there is no cost to join this Agreement and the potential savings in protective gear with larger purchases will do nothing but benefit the Fire Department.

Councilmember Ryan thanked Chief Berg for bringing this item before the City Council. He asked how many other departments are participating in this effort. Chief Berg stated Brooklyn Center would be the 39th member in this Joint Purchasing Powers Agreement.

Councilmember Ryan stated this reminds him of Local Government Information Services (LOGIS), where 44 cities participate in joint purchasing of computer technology and various other software materials. He noted this is a unique thing where local governments can enjoy these savings, which are not available to companies in the private sector. He stated he is pleased to hear this, appreciates Chief Berg bringing this forward, and supports it as it will help the City to continue to fund necessary equipment needs for the Fire Department going forward.

Councilmember Lawrence-Anderson moved and Mayor Pro Tem Butler seconded to adopt RESOLUTION NO. 2021-108 Authorizing Entering into a Joint and Cooperative Purchasing Agreement for Purchase of Firefighter's Safety Gear.

Motion passed unanimously.

**10c. RESOLUTION NO. 2021-109 ACCEPTING THE POHLAD FAMILY FOUNDATION RACIAL JUSTICE GRANT IN THE AMOUNT OF $550,000**

Dr. Edwards introduced the item and explained when in the height of civil unrest and protest following the death of Daunte Wright, on April 11, 12, 13, and 14, 2021, the City was doing all it could to respond to what was happening in the City at that time. That was also trying to address issues related to COVID in which much of Brooklyn Center was disproportionately impacted. At the time, the City was reaching out to partners and folks who could potentially help provide resources to help the City do what it could not do in responding to the community, creating space and opportunity for peaceful protesting, as well as addressing the human need of people within the community.

Dr. Edwards stated in communication with State, County, and other government officials, one of our State partners connected him with presenting the fiscal hardship and resources needed and the lack of capacity of Brooklyn Center to fund efforts and services, reaching out to the Governor's

office, and asking for resources and help to address the issues the City was dealing with. One of the partners connected him with the Pohlad organization as maybe being beneficial to cover and reimburse any costs or provide costs going forward. Dr. Edwards noted the City had hundreds of thousands of dollars in expenditures that were unbudgeted and the City had little capacity to simply absorb that.

Dr. Edwards stated he reached out to a Pohlad Foundation executive and began to have conversations. Through those conversations, they also reached out to other foundations and because it was an unprecedented time the City was going through with civil unrest as well as COVID and disproportionate impact on Brooklyn Center as it relates to Hennepin County and the State, they simply needed help and financial resources and investment in surviving, rebuilding, and going forward.

Dr. Edwards stated at the time he asked the Pohlad Foundation in addition to the McKnight Foundation if they would co-host a meeting where Brooklyn Center could share the story of what was happening and then ask for the Foundations to invest in Brooklyn Center in a way that it had historically not done; innovatively to not only address the current crisis but help us move forward and rebuild, redesign, re-innovate, and recreate paths going forward for a thriving Brooklyn Center.

Dr. Edwards stated he had discussions with five major foundations: Pohlad Foundation, McKnight Foundation, Minneapolis Foundation, Blue Cross Blue Shield Foundation, and St. Paul Minnesota Foundation. He invited others to hear the story of Brooklyn Center with the intent of inviting and engaging other foundations throughout the State that may invest in Brooklyn Center.

Dr. Edwards stated when we made that pitch it was after a conversation with community members where they came together to dialog around how do we create a community-centered City and move forward in a way we had historically not done, and how do we build upon the lessons learned through the crisis of COVID, civil unrest, and the death of Daunte Wright. The community told the City three or four things that had to happen if we were to move forward. What mattered, was surviving and thriving by addressing the issues of public safety, economic disparity, and health. Also, being in the community and working with the community in all of those cases on life-essential services, which meant food and housing. The community came together and we worked hand-in-hand with the community in those areas because they were critical and needed to move forward.

Dr. Edward stated they began the process of establishing relationships and asking for those funds and investment and support. The Pohlad Foundation came first because it had a Justice Grant that was currently open. They anticipated three or four entities around the country that they would provide funding to. That was done in partnership with the National League of Cities. The Pohlad Foundation encouraged Brooklyn Center to apply and access their grant with no guarantee but helped and made that opportunity available. When the City submitted that grant, it was for a multitude of things related to justice, so it talked about healing in the Humboldt Avenue corridor and all that transpired there, to help transform that space from one of civil unrest to peaceful protesting and healing pain and anger that was felt by residents in that area and those who came in as well as the sense of anxiety felt from all prospective. It addressed how to heal through dialogues,

public art, reshaping, and streetscaping of space through the leadership of young people and having dialogues with the community and police to rethink and redesign that space. That was one element.

Dr. Edwards stated another element was to restart a dialogue between young people and police in healing. At that time, it was clear we could not enter into such a conversation but they knew there would be a day they could anticipate to begin to have those conversations and try to heal and build a new relationship and new trust that may not have existed.

Dr. Edwards stated because the City Council had passed the resolution, the third piece was the unarmed civilians to address minor traffic infractions so they asked for help in that area.

Dr. Edwards stated the four areas they asked for funding were for a process by which they would work with and engage the community to think about how to achieve public safety going forward. That also intersected with health, economics, and those life-essential resources. This would be an 18-month process with the community coming together, dialoguing, creating a shared understanding and experiences, and then emerging with new ideas of how we would go forward as it relates to creating a means around safety that is not predesigned by someone other than the community. That process was also part of the grant application and to apply to others to address areas of health, economic development, and life-essential resources. Dr. Edwards stated the Pohlad Foundation was in a place to handle this grant so the City applied and received those funds.

Dr. Edwards stated we are still working with the other foundations for funding in other areas but the City can get started with this one to start healing in our community and carve out a new path forward that involves all of the community being part of designing what that will look like and what the new pathways and solutions will be. During the civil unrest and COVID, we learned that the City government cannot do that in isolation because there were not enough wisdom, capacity, or resources. That has to be done as one with the community.

Dr. Edwards explained that is how the grant was written and the City Council has been provided with a copy of what was submitted to the Pohlad Foundation. The grant was for $937,000 and the City received funding of $550,000 over two years so $275,000 will be received per year. Dr. Edwards stated he anticipates going to other foundations to make up the balance of that so they can do the things he outlined that need to be done.

Dr. Edwards stated in an earlier discussion around execution and creation of the office, the City did not have a lot of resources to move forward completely with the resolution. The City does not have the fiscal capacity to do that so he looked for other opportunities and how they could fund a portion of it with City funds, start a pilot, seek funding to execute something, and move forward. That was the intent of addressing a need from a safety perspective in a broader context, relationships, trust-building, and healing which was sorely needed and is still needed. He noted they are just beginning the journey of healing and how to transform and move from a community perspective. This is what the Pohlad Foundation grant was written for and the City benefited because it received some of the funding. Dr. Edwards acknowledged there is more work to be done in other areas and finding funding from foundations, noting there has been some commitment but that has not been announced and will be forthcoming when those opportunities present themselves around health, economic, and life-essential resources.

Dr. Edwards stated that is the origin of and how the grant came about, the reason and rationale for it, and partnering with the Pohlad Foundation, Minneapolis Foundation, St. Paul Minnesota Foundation, McKnight Foundation, and Blue Cross Blue Shield Foundation. There was a need and these foundations were willing to not only say they are willing to think through this with us and put some resources on the table and invite other foundations to come to hear this story because something is happening in Brooklyn Center, an opportunity to make headway that they are not able to make in other places. Also, Brooklyn Center was hurting and reeling at the time and needed their assistance. The City reached out to the government and nonprofits for help and this is the first fruits of that effort to garner some of those resources to support Brooklyn Center during this time.

Mayor Pro Tem Butler noted this item was removed from the Consent Agenda by Councilmember Ryan. She opened the floor to Council Member's comments and questions.

Councilmember Ryan stated earlier this afternoon, he called Dr. Edwards to ask for clarification on what exactly the City of Brooklyn Center would be committed to by accepting the grant. He wished he had an opportunity to send that question to Dr. Edwards farther ahead of the meeting. He asked about specifics on what the Pohlad Foundation expects the City to act upon and in what timeframe.

Dr. Edwards stated there are three aspects: work with youth, healing, and unarmed civilian traffic enforcement. Those three areas were identified for use of these funds but there have not been in-depth conversations regarding the split of funds between those three areas. He noted this is a two-year grant with $275,000 per year to be used in those three areas.

Councilmember Ryan thanked Dr. Edwards for that clarification and asked about the three areas. Dr. Edwards explained work with youth involves a dialogue between youth and police. Healing relates to healing work within the City. Unarmed civilian traffic enforcement is an element in the resolution.

Councilmember Ryan stated what raised concerns with him is that there was a communication disconnect on the part of the staff in keeping the whole City Council, all Members, properly informed and briefed on the details of this sweeping and very expansive plan as it was developed. The plan, as presented tonight, is called the 'Evolving Brooklyn Center, a Community-Centered City.' Dr. Edward confirmed that is the name of the plan.

Councilmember Ryan stated this item was pulled from the Consent Agenda at his request because he felt it needed to be exposed to the proper scrutiny and he appreciates Dr. Edwards' clarifications. He explained he does not object to the spirit and concerns that gave rise to this initiative on Dr. Edwards' part. He noted change is very difficult and requires learning and sometimes struggle but above all, it requires collaboration and he fears what we have seen within the City Council, and it's not an error or fault of City administration or Dr. Edwards, but forcing things through and not giving others a chance to have a meaningful voice is not collaboration.

Councilmember Ryan stated we see things come to the City Council in whole cloth when there has not been the necessary groundwork laid through Work Sessions. That is the opposite and backward from the way the City Council, as a deliberative body, is supposed to function. Councilmember Ryan stated that is not Dr. Edwards' fault, it is something we have to settle within the City Council itself and he hates seeing Dr. Edwards get caught in the crossfire of procedural objections.

Councilmember Ryan stated this is very important and there is another matter whether there has been complete community engagement on other matters, such as the Opportunity Site as an example. He noted in the past Council Members have complained about inadequate and incomplete community engagement on the Opportunity Site but he knows community members participated in sessions to develop some of those initiatives. But the City Council's job is to conduct due diligence and see that the many Brooklyn Center residents who were not present at these sessions that produced this plan are fully engaged and have the opportunity to learn about and comment on it during the process. He stated there should not be something passed with many members having absolutely no knowledge of this plan.

Councilmember Ryan stated he hopes there will be a further Work Session to delve into it at greater length and bring this out to the rest of the public that was not engaged in the development of this plan. He thinks, in many respects, it is very exciting, challenging, and dynamic but it brings us into a rather new domain and he would like to bring all of our citizens along with in this effort. Councilmember Ryan stated he hopes Dr. Edwards appreciates the spirit in which he makes these comments.

Dr. Edwards stated he does appreciate that and would offer that when we were having conversations with the City Council and presenting itemized expenses and need for assistance from Hennepin County and the State, that was the same thing presented to the Pohlad Foundation and other foundations. He noted there had been conversations around that 'ask' and Evolving Brooklyn Center was part of trying to create a name and framing but it was the same 'ask' as when the City asked Hennepin County for help for expenses being incurred that the City could not pay for without significant hardship. That was the genesis and origin.

Dr. Edwards stated when he transitioned from Interim City Manager to City Manager, he had articulated to the City Council that one of the important things at that time was talking to foundations and that it was in process to garner and bring resources to the City. Also, he had talked with the City Council on the proposal of his transitioning to the City Manager's position primarily because those relationships and conversations were at play. Dr. Edwards stated there have been quite a few occasions we have had conversations about this work but it was unfolding and fluid and they did not know whether a foundation would fund or what the Governor, Department of Public Safety, or Hennepin County would help them secure. He was simply casting a net and trying to get help because it was needed. Dr. Edwards stated that he had been communicating regularly to City Council about what he was doing on behalf of Brooklyn Center.

Councilmember Ryan stated he realizes this is Foundation money and he hopes we can achieve some or most of these goals as outlined in the Evolving Brooklyn Center, a Community-Centered City but he noticed a funding gap between all of the projects as described and the current Pohlad Foundation grant of $550,000. There is $438,000 as yet unfunded and should that be the case, he

imagines Dr. Edwards would make strategic decisions about what recommendations he brings to the City Council about how to leverage the most funds we have to the greatest advantage. He asked if that is a fair generalization.

Dr. Edwards stated the Pohlad Foundation will have some criteria so the City cannot use these funds outside of what was applied for. He assumes they will have that discussion around those details and they will not fund all the City had requested based upon the application. Dr. Edwards stated he has already started talking to other foundations around the balance needed. He explained the City is not on the hook because what the City asked for, could not do. So, if the City got no funding, the City could not do those things or would have to find another way. He restated he is looking for other resources to fund the gap because the intent is that the City needs to do all of it as it is important. Dr. Edwards stated he thinks the City will be able to find resources to do the full proposal in its totality.

Councilmember Ryan stated he sees this as a real opportunity and asked if the Pohlad Foundation has a deadline where if this is not acted on immediately, this substantial grant could go away. He explained he felt somewhat more assured about moving forward now, but would still like it if the City Council could have a full briefing Work Session and come back to this with a vote very shortly. He asked if that is a possibility.

Dr. Edwards stated in essence, what has transpired thus far is that the Pohlad Foundation called and said, 'Hey Reggie, you got the funds, sent the letter, and do you want to accept it.' Dr. Edwards stated he has not had a detailed conversation around the specifics of implementation and use of those funds. He explained that the Pohlad Foundation evaluation and implementation staff would work with the City on how to utilize the funds. The staff has not talked through that but as soon as he knows that information, it will be brought to the City Council.

Dr. Edward explained that the Pohlad Foundation did not want to be out in front and do a public announcement around the funding and then have the City Council reject the funding. So, if the City Council did not want to accept these funds, now is the time to say they are not interested so the Pohlad Foundation does not go public and say they are funding Brooklyn Center.

Councilmember Ryan stated as he carefully read the plan, there are various projects specified and he would be comfortable going ahead because just as Dr. Edwards described, this puts Dr. Edwards in a tough spot if the City Council says they do or do not like some of this. Councilmember Ryan stated as long as the City Council has the discretion to make various decision points on specific projects within the prevue of the Pohlad Foundation grant, if that's true, then he would be more comfortable with moving forward. He asked if that is the case, that the City Council still has discretion on each of the projects described in the plan.

Dr. Edwards stated from his perspective, he would describe the process as what he brought forward in the proposal, which he shared the content of, and the Pohlad Foundation has agreed to grant funding for a portion of it. He will find out the details of what part the grant does and does not fund. The City Council would authorize staff to accept the Pohlad Foundation funding and then staff would execute it based upon the application and what the Pohlad Foundation has agreed to

fund. Dr. Edward stated he does not envision there is a check-in around various elements and assumes that the City Council will execute what was applied for.

Dr. Edward explained if the City Council felt this was not something they were interested in or wanting us to pursue, the City does not have the liberty of picking and choosing every element because a proposal was submitted for over $900,000 and that did not get funded. There are some things not intended to be funded by the Pohlad Foundation. The City cannot go back and say to fund all of it or fund the portion that the City Council did not intend for staff to execute with these funds.

Dr. Edwards stated he will come back once the conversation is clear and then the City Council can make decisions. That is not the process that the Pohlad Foundation intended and was hoping for but if the City Council is not ready or does not want to make the decision now to authorize staff to accept the funds and execute what was written in the application and the Pohlad Foundation wants to fund, then he will tell them that now so they don't hold a press conference. Dr. Edwards stated there may be a timeframe and once he has that detailed conversation, he will come back and report what specifically they are. He noted there are only four elements of the proposal and for the most part, the Pohlad Foundation said they would fund three but not to the same level for all of them, as he described earlier. Dr. Edward stated he will have that discussion with the Pohlad Foundation, find out the details on what specifically they will and will not fund, bring that back to the City Council, and they can then make the decision at that point.

Councilmember Ryan stated if it is working with youth and police, community healing, and unarmed civilian traffic enforcement, he is happy with going forward. Dr. Edwards stated the funding is for only those three. Councilmember Ryan stated it does not commit the City to a certain memorial that would be yet to be determined. Dr. Edwards stated if talking about healing, he will have to find out if there is anything related to a memorial as there is something related to healing along with that Humboldt corridor but he thinks they did not specifically fund that part. Dr. Edwards stated if the memorial aspect and some of that work were not included, then he will seek other funding to fill that gap.

Councilmember Ryan stated if there had been a Work Session, he would not have had to do this tonight, and considering planning is going forward on the Highway 252 project, depending on the recommendation after the Environmental Impact Statement, it could have local impacts including that stretch of Humboldt Avenue above 69th Avenue and certainly 69th Avenue to 65th Avenue. He hopes we would hold back on some of the elements to ensure we are not planning at cross purposes. Councilmember Ryan stated with the answers he has received tonight; he would appreciate clarification from the Pohlad Foundation but certainly hope we can gain this grant. He stated he would also appreciate comments from other Council Members.

Mayor Pro Tem Butler thanked staff for putting the application together, noting it was known that with passing the resolution, the City did not have all the funds to implement the work that needed to be done so we needed to get creative in how we approached that. This is one of the ways we can move forward with the work through these grant dollars.

Mayor Pro Tem Butler stated she had said at the last meeting and probably before that, that the excuse as Council Members that we don't know what is going on with the resolution is getting tired. She, someone with a full-time job that runs a whole team and is a mom and has several other responsibilities, has made herself available to staff and the Mayor to get caught up to speed on the resolution. So yes, we need a Work Session, she agrees with that, but to continue to say you don't know what is happening or the different elements are nobody's fault but your own. Mayor Pro Tem Butler stated we need to stop using that as an excuse in a public forum when we know the City Manager has made himself available as well as the Mayor who said he is available to bring everyone up to speed on the work that is happening with the resolution.

Councilmember Ryan stated he does not appreciate being attacked like that.

Mayor Pro Tem Butler stated she is still speaking and Councilmember Ryan had his chance to take up 15 minutes of our time but now she is speaking. She stated she is tired of hearing the same excuse every time something comes up involving this resolution, that people don't know what is going on and she has the right to express that frustration. She urged everyone to make an appointment with the City Manager and the Mayor because those two people are doing the work and pushing and moving forward with the resolution.

Councilmember Graves stated she also is happy with the work that City Manager Edwards has done with other staff to host community meetings. It is her understanding that it was a collaboration of community members from multiple segments and levels of expertise around different issues whether mental health, social work, etc. but the staff was also present including Police Department staff. She stated it was a collaborative effort to come up with the proposal submitted to the Pohlad Foundation and other foundations.

Councilmember Graves stated that for a while she has wanted to see our City seek out more grants to be able to do some of this work in the community that is so needed and we don't have the capacity for at a financial level. She was very excited to learn about this work.

Councilmember Graves stated to Councilmember Ryan that what she has done is set up a regular reoccurring meeting with the City Manager at least once a month to be brought up to speed with different things going on within different departments, whether staffing levels or the process being described now. She is excited about this work because the City would not have the capacity to make the moves they wanted to make without that diligent effort on the part of Dr. Edwards and other staff members to pull community members together and secure some of the funds, which is a work in progress.

Councilmember Graves stated she wanted to reiterate that this is a pilot project so it is going to allow us to test the waters. She likes the fact there will be additional help with implementation and evaluation so we can see what is working both in how it is being implemented or not working and also see the outcomes from the pilot process.

Councilmember Graves stated she is ready to move forward and accept the funds today because she feels confident there will be enough flexibility to make it work for our community and City.

She noted that as long as we are working together and learning through the process, it will help us move forward on this important public safety and public health issues.

Councilmember Ryan stated he appreciates Councilmember Graves' remarks and observations and he too has just started having those monthly meetings with Dr. Edwards. He stated if this had come up before, it would have been helpful but for discussion tonight, it proves his point that we need to have a Work Session to walk through all of this. He stated we have accomplished the basic things he wanted to know about but hopes in the future that we don't continue this pattern of bringing things to the City Council that all of the City Council are not fully informed on and then expected to act on immediately.

Councilmember Ryan stated based on what he has learned tonight, and in thanking Councilmember Graves and Dr. Edwards, he is ready to move forward on this.

Councilmember Lawrence-Anderson stated she appreciates Dr. Edwards' initiative in obtaining these funds for our community. She stated if it pleases the balance of the City Council, she is ready to make a motion.

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 2021-109 Accepting the Pohlad Family Foundation Racial Justice Grant in the amount of $550,000.

Motion passed unanimously.

Mayor Elliott returned to the meeting and asked Mayor Pro Tem Butler to continue chairing the meeting.

## 11. COUNCIL REPORT

None.

## 12. ADJOURNMENT

Councilmember Ryan moved and Mayor Pro Tem Butler seconded adjournment of the City Council meeting at 9:56 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

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

1. That attached hereto is a full, true, and complete transcript of the minutes of a Regular Session of the City Council of the City of Brooklyn Center held on September 13, 2021.

2. That said meeting was held pursuant to due call and notice thereof and was duly held at Brooklyn Center City Hall.

3. That the City Council adopted said minutes at its September 27, 2021 Regular Session.

_____ _____

City Clerk Mayor

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

**Requested Council Action:**

- *Motion to approve the licenses as presented.*

**Background:**

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

**Garbage Haulers**

| | |
|---|---|
| Sanimax | 505 Hardman Ave S<br>South St Paul MN 55075 |

**Mechanical Licenses**

| | |
|---|---|
| Zahl Petroleum Maintenance | 3101 Spring St NE<br>Minneapolis Mn 55413 |

**Budget Issues:**

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Rental Criteria | 3/16/2021 | Backup Material |
| Rental Licenses 9-27-2021 | 9/23/2021 | Backup Material |

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

**b. Police Service Calls.**

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

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

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

| Rental Licenses for Council Approval on September 27, 2021 | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Property Address | Dwelling Type | Renewal or Initial | Owner | Property Code Violations | License Type | Police CFS * | Final License Type ** | Previous License Type *** |
| 707 69th Ave N | Single | Initial | HP Minnesotal LLC | 2 | II | N/A | II | |
| 6800 France Ave N | Single | Initial | Wilburt L Brooks | 10 | IV | N/A | IV | |
| 4207 Lakeside Ave #125 | Single | Initial | Don Stenberg | 2 | II | N/A | II | |
| 4819 Azeilia Ave N | Multi 1 Bldg 12 Units | Renewal | Penelope Brown | 12 (1 per unit) | II | 0 | II | I |
| 2318 55th Ave N | Single | Renewal | Helen Osonowo - missing action plan | 4 | II | 0 | III | III |
| 3218 64th Ave N | Single | Renewal | Nicholas Standal | 5 | II | 0 | II | I |
| 4307 66th Ave N | Single | Renewal | Home SFR LLC | 4 | II | 0 | II | I |
| 5406 70th Cir | Single | Renewal | Mohammed Aaser | 5 | II | 0 | II | I |
| 5606 Bryant Ave N | Single | Renewal | MNSF II W1 LLC - met requirements | 13 | IV | 0 | IV | III |
| 6610 Colfax Ave N | Single | Renewal | Home SFR LLC | 0 | I | 0 | I | II |
| 2325 Ericon Dr | Single | Renewal | Ross Herman | 0 | I | 0 | I | II |
| 5420 Fremont Ave N | Single | Renewal | Ross Herman - missing cpted & action plan | 2 | I | 0 | III | III |
| 4806 Howe La | Single | Renewal | Xiong Lin/Prosperous Property | 0 | I | 0 | I | I |
| 5301 Logan Ave N | Single | Renewal | MNSF II W1 LLC - mising CPTED follow up | 23 | IV | 0 | IV | IV |
| 3512 Woodbine LA | Single | Renewal | HPA Borrower 2021-1 MS LLC - missing CPTED | 6 | III | 0 | III | III |
| | | | | | | | | |
| | | | | | | | | |

* 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 sho Type 1 = 3 Year  Type II = 2 Year  Type III = 1 Year

All properties are current on City utilities and property taxes

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Andy Splinter, Interim Finance Director

SUBJECT: Acceptance of Assistance to Firefighters Grant Program

**Requested Council Action:**

*- Recommend that the City Council approve the Resolution authorizing the acceptance of the Assistance to Firefighters Grant Program*

**Background:**

City of Brooklyn Center Fire Department was recently awarded the Assistance to Firefighters Grant Program from the Federal Emergency Management Agency, United States Department of Homeland Security, for a total of $113,076.36 with a local match of $11,307.64.

**Budget Issues:**

The Federal grant revenue, spending of the funds, and local match have been included in the preliminary general fund budget.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Safe, Secure, Stable Community

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| FEMA Award Letter | 9/17/2021 | Exhibit |
| Resolution to Accept Grant | 9/20/2021 | Resolution Letter |

# Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

FEMA

Effective date: 08/25/2021

Gary Hendrickson
BROOKLYN CENTER, CITY OF
6301 SHINGLE CREEK PKWY
BROOKLYN CENTER, 55430 2113

EMW-2020-FG-15675

Dear Gary Hendrickson,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2020 Assistance to Firefighters Grant (AFG) Grant funding opportunity has been approved in the amount of $113,076.36 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 10.0% of the Federal funds awarded, or $11,307.64 for a total approved budget of $124,384.00. Please see the FY 2020 AFG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2020 AFG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of thesé documents in your official file for this award.

Sincerely,

Robert Farmer
Acting Deputy Assistant Administrator
Grant Programs Directorate

# Summary Award Memo

**Program:** Fiscal Year 2020 Assistance to Firefighters Grant
**Recipient:** BROOKLYN CENTER, CITY OF
**DUNS number:** 071355937
**Award number:** EMW-2020-FG-15675

## Summary description of award

The purpose of the Assistance to Firefighters Grant program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the recipient`s project or projects submitted as part of the recipient`s application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program`s purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY 2020 Fiscal Year (FY) 2020 Assistance to Firefighters Grants funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

## Amount awarded table

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

| Object Class | Total |
|---|---|
| Personnel | $0.00 |
| Fringe benefits | $0.00 |
| Travel | $0.00 |
| Equipment | $124,384.00 |
| Supplies | $0.00 |
| Contractual | $0.00 |
| Construction | $0.00 |
| Other | $0.00 |
| Indirect charges | $0.00 |
| Federal | $113,076.36 |
| Non-federal | $11,307.64 |
| Total | $124,384.00 |
| Program Income | $0.00 |

## Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA`s prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2020 AFG NOFO.

**Approved request details:**

## Modify facilities

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION TO ACCEPT THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY, UNITED STATES DEPARTMENT OF HOMELAND SECURITY

WHEREAS, the City of Brooklyn Center Fire Department engages in firefighting activities which expose them to numerous carcinogens which can become embedded in their turnout gear and passed through the skin, especially when pores are exposed due to the heat and effort exerted in the activity of firefighting.

WHEREAS, technology has been developed to remove these carcinogens from the diesel truck exhaust, not allowing them from collecting on the firefighter's turnout gear.

WHEREAS, the City has applied for, and received a grant to address this safety issue from the Federal Emergency Management Agency via the Assistance to Firefighters Grant in the amount of $113,076.36 with a 10% local funding match

WHEREAS, the City Council, after due consideration, finds that the acceptance of the grant, promotes the fiscal welfare of the City, in in the best interests of the residents of the City, and is desirable for the welfare of the City's government and affairs

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

1. The City hereby accepts the Assistance to Firefighters Grant Program Grant from the Federal Emergency Management Agency, United States Department of Homeland Security in the amount of $113,076.36

2. City staff are hereby authorized to take any actions necessary to receive the City's share of Assistance to Firefighters Grant funds from the State of Minnesota for eligible expenses incurred

3. From and after the execution and delivery of such agreement, the Fire Chief, or his designee, is hereby authorized and directed to perform all acts necessary on behalf of the City of Brooklyn Center to carry out the purpose and intent of this Resolution.

_____ _____

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.

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Approving and Authorizing Execution of West Mississippi River Regional Trail Cooperative Agreement Between Three Rivers Park District and the City of Brooklyn Center

**Requested Council Action:**

*- Motion to approve the attached resolution approving and authorizing execution of West Mississippi River Regional Trail Cooperative Agreement between Three Rivers Park District and the City of Brooklyn Center.*

**Background:**

Both the City of Brooklyn Center and Three River Parks District (Park District) support the expansion of the regional trail system within the City, and specifically, the West Mississippi River Regional Trail ("Regional Trail") corridor connecting Crow River Regional Trail, Medicine Lake Regional Trail, Rush Creek Regional Trail, Twin Lakes Regional Trail, Mississippi Gateway Regional Park and North Mississippi River Regional Park.

In 2016, the City participated in the Park District Regional Trail master planning process and approved the master plan via Resolution No. 2016-115 on July 26, 2016. As part of this planning process, the City expressed its desire to convey ownership and all associated responsibilities of the existing City-owned trail along West River Road to the Park District in accordance with the master plan intent and Resolution #2016-115.

The Park District is prepared to accept ownership, operation, maintenance and management responsibilities for the existing local trail segments of the Regional Trail along West River Road within the City of Brooklyn Center. The Regional Trail within the City of Brooklyn Center includes an existing trail segment between 73rd Avenue and 66th Avenue located entirely within the Minnesota Department of Transportation ("MnDOT") right-of-way of Highway 252 and along West River Road ("City Trail") and future trail segment between 66th Avenue and I-694 along Willow Lane ("Future Trail").

The Park District will be required to secure a Limited Use Permit directly from MnDOT for City Trail as City does not have permanent property rights for the City Trail as it exists within Highway 252 right-of-way with permission of MnDOT. In addition, the Park District would be responsible to design, construct, operate, maintain and manage the Future Trail. The City supports the Park District efforts to implement and operate the Future Trail and, upon request, will convey property rights via easement or permit to the Park District for Regional Trail purposes where it has rights to do so.

Staff has worked with the City Attorney and that of the Park District to prepare the cooperative agreement.

The agreement includes elements of ownership, maintenance standards and on-going asset replacement. In essence, this action would transfer the ownership and responsibility of the trail to the Park District.

**Budget Issues:**

The transfer of ownership will reduce the City's need to plan for the cost for on-going maintenance and capital asset replacement of the trail bituminous and signage. The City will continue to work with the Park District on a winter maintenance agreement that includes the City's continued responsibility for plowing of the Regional Trail within the City.

**Inclusive Community Engagement:**

N/A

**Antiracist/Equity Policy Effect:**

N/A

**Strategic Priorities and Values:**

Key Transportation Investments

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 9/20/2021 | Cover Memo |
| Trail Agreement | 9/20/2021 | Cover Memo |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF WEST MISSISSIPPI RIVER REGIONAL TRAIL COOPERATIVE AGREEMENT BETWEEN THREE RIVERS PARK DISTRICT AND THE CITY OF BROOKLYN CENTER

WHEREAS, the City of Brooklyn Center and Three River Parks District (Park District) supported the expansion of the regional trail system within the City, and specifically, the West Mississippi River Regional Trail ("Regional Trail") corridor connecting Crow River Regional Trail, Medicine Lake Regional Trail, Rush Creek Regional Trail, Twin Lakes Regional Trail, Mississippi Gateway Regional Park and North Mississippi River Regional Park; and

WHEREAS, in 2016, the City participated in the Park District Regional Trail master planning process and approved the master plan via Resolution No. 2016-115 on July 26, 2016; and

WHEREAS, the Regional Trail within the City includes an existing segment between 73rd Avenue and 66th Avenue located entirely within the Minnesota Department of Transportation ("MnDOT") right-of-way of Highway 252 and along West River Road ("City Trail") and future trail segment between 66th Avenue and I-694 along Willow Lane ("Future Trail"); and

WHEREAS, as part of this planning process, the City expressed its desire to convey to the Park District its interest in the City Trail and Park District agrees to accept all ownership, operation, maintenance and management responsibilities of City Trail; and

WHEREAS, the Park District will be required to secure a Limited Use Permit directly from MnDOT for City Trail as City does not have permanent property rights for the City Trail as it exists within Highway 252 right-of-way with permission of MnDOT; and

WHEREAS, the Park District is responsible to design, construct, operate, maintain and manage the Future Trail; and

WHEREAS, the City supports the Park District efforts to implement and operate the Future Trail and, upon request, will convey property rights via easement or permit to the Park District for Regional Trail purposes where it has rights to do so.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the Mayor and City Manager are hereby authorized to execute the West Mississippi Regional Trail Cooperative Agreement and any amendments in the name of the City of Brooklyn Center.

RESOLUTION NO. _____

September 27, 2021 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

**CITY OF BROOKLYN CENTER**
**AND**
**THREE RIVERS PARK DISTRICT**

**WEST MISSISSIPPI RIVER REGIONAL TRAIL**
**COOPERATIVE AGREEMENT**

This agreement ("Agreement") is made and entered into this 19th day of August 2021, by and between the Three Rivers Park District, a body corporate and politic and a political subdivision of the State of Minnesota ("Park District"), and the City of Brooklyn Center, a Minnesota municipal corporation ("City").

**WHEREAS**, Park District is a political subdivision of the State of Minnesota authorized by statute to acquire, establish, operate, and maintain park facilities and regional trail systems; and

**WHEREAS,** City and Park District supported the expansion of the regional trail system within the City, and specifically, the West Mississippi River Regional Trail ("Regional Trail") corridor connecting Crow River Regional Trail, Medicine Lake Regional Trail, Rush Creek Regional Trail, Twin Lakes Regional Trail, Mississippi Gateway Regional Park and North Mississippi River Regional Park; and

**WHEREAS,** City participated in the Regional Trail master planning process and approved the master plan via Resolution No. 2016-115 on July 26, 2016; and

**WHEREAS**, the Regional Trail within the City includes an existing segment between 73rd Avenue and 66th Avenue located entirely within the Minnesota Department of Transportation ("MnDOT") right-of-way of Highway 252 and along West River Road ("City Trail") and future trail segment between 66th Avenue and I-694 along Willow Lane ("Future Trail"); and

**WHEREAS,** City desires to convey to the Park District its interest in the City Trail along West River Road and Park District agrees to accept all ownership, operation, maintenance and management responsibilities of City Trail; and

**WHEREAS,** Park District will be required to secure a Limited Use Permit directly from MnDOT for City Trail as City does not have permanent property rights for the City Trail as it exists within Highway 252 right-of-way with permission of MnDOT; and

**WHEREAS,** the Park District is responsible to design, construct, operate, maintain and manage the Future Trail; and

**WHEREAS,** City supports the Park District efforts to implement and operate the Future Trail and, upon request, will convey property rights via easement or permit to the Park District for Regional Trail purposes where it has rights to do so.

**NOW THEREFORE**, in consideration of the mutual covenants herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, City and Park District agree as follows:

**A. <u>City Trail Transfer</u>.** The parties recognize that the City Trail is located within MnDOT right-of-way and agree to cooperate to secure a new or amend an existing Limited Use Permit (LUP) to convey associated rights and responsibility of the City Trail from the City to the Park District. Certain ownership, operation and maintenance rights for City Trail were granted to the City by MnDOT through Cooperative Construction Agreement 67028 attached hereto in Exhibit D.

Upon Park District's securing of the MnDOT LUP, the City hereby transfers its interest in the City Trail to the Park District to be made part of the Regional Trail. The location and extent of the City Trail to be transferred from the City to Park District is shown on Exhibit A.

The Park District agrees to accept the transfer and to assume all responsibility for the maintenance, reconstruction, and management of the City Trail as part of the Regional Trail. The remaining terms of this Agreement shall apply to the City Trail portion of the Regional Trail and all references to the Regional Trail hereinafter made shall be limited to the City Trail portion of the Regional Trail. In the event that necessary permissions cannot be secured from MnDOT, this Agreement may be terminated by either party.

**B. <u>Future Trail Property Rights</u>.** City shall convey to Park District permanent property rights for Future Trail where the City has rights to do so, i.e. Recorded Document No. 4432475 attached hereto in Exhibit C, or other platted easements and rights-of-way. The City may fulfill this obligation through public easements, real property, or permanent irrevocable permit or any combination thereof (individually and collectively referred to hereafter as 'Easement') provided that a permanent irrevocable permit and license shall only be used in situations where City does not have an interest in real property but does have the legal authority to construct, maintain, and operate sidewalks, trails, and other such public ways within the permit area.

Non-fee title property rights (i.e. easements and permits) conveyance documents shall adhere to typical public trailway easement and permanent irrevocable permit (in the general form attached hereto as Exhibit B) unless otherwise agreed upon by both parties.

In the event City's right to so maintain a regional trail is lost by City action through vacation, condemnation, revocation of license or permit, or otherwise, City will acquire such additional rights, titles and interests as are needed to provide a continuous and contiguous regional trail corridor at City expense. If the City's loss of such right to maintain a regional trail occurs after construction of the regional trail, the City shall reconstruct the regional trail, if necessary, at City expense, subject to credit for any compensation Park District may receive for loss of its regional trail. The provisions of this paragraph shall not apply in the event that the City terminates or revokes a license or permit to Park District due to a violation or default by the Park District under the terms of the license or permit.

In locations where the City meets its Easement responsibilities via an irrevocable permit and license, the City represents that it currently has or will obtain the legal right and authority to construct, maintain, and operate regional trail within the permit area.

Park District shall be solely responsible to secure any additional property rights required for purposes of creating a continuous and contiguous regional trail corridor from willing sellers. In such cases, City shall approve via resolution Park District's acquisition of property rights so long as the acquisition is consistent with the approved route as shown on Exhibit A, or is otherwise acceptable to City.

The parties recognize that certain trail segments and road/railroad crossings may require agreements with third parties such as the Minnesota Department of Transportation ("MnDOT"). The parties to this Agreement shall cooperate to secure necessary permissions to use such crossings and bridges. In the event that necessary permissions cannot be secured, this Agreement may be terminated by either party provided that monies due to either party is first paid.

**C. <u>Design and Construction</u>.** Design and construction of the Regional Trail and associated structures and road crossings shall be in accordance with the Typical Trail Sections (Exhibit E) and standards and guidelines adopted by the Park District. The Park District will have final discretion over Regional Trail and safe crossing design and the interpretation and execution of engineering best practices.

**i. Design, Construction and Reconstruction by Park District**. While the Regional Trail and related structures are generally in place with the exception of the Future Trail, any future design, construction and reconstruction will be coordinated and funded by the Park District. Park District may, in its sole discretion, contract with consultants or other public agencies such as Hennepin County or Minnesota Department of Transportation to provide professional design and construction services including, but not limited to design development, bidding documents, construction plans and specifications, contract document preparation, construction administration, and project close out. Park District shall submit all Regional Trail plans to City for review and approval, provided however, that such approval shall not be unreasonably withheld.

Park District shall be responsible for bidding and construction of the Regional Trail and related structures in accordance with approved construction plans and specifications.

**ii. Design, Construction and Reconstruction by City**. In the alternative, City may design, construct, and reconstruct the Regional Trail and related structures at Park District expense if first approved by Park District, and responsibility accepted by the City for leading such project. If such a request is approved by the Park District, in its sole discretion, City shall assume all responsibilities associated with design, construction and reconstruction of Regional Trail and related structures, including, but not limited to design development, bidding documents, construction plans and specifications, contract document preparation, construction administration, and project closeout. City may do no work on the Regional Trail or related structures until it has submitted all Regional Trail plans, including substantial changes, to Park District for review and has received approval from Park District. Park District will delegate authority to approve substantial changes to appropriate staff. Approvals shall not be unreasonably withheld.

If the City's request to design and construct the Regional Trail and related structures is approved by the Park District, City shall be responsible for bidding

and construction of the Regional Trail and related structures in accordance with the Park District approved construction plans and specifications. Bids shall utilize unit costs where possible unless otherwise agreed to. City shall be responsible for construction administration including but not limited to construction supervision. City shall provide notice to Park District of the commencement of Regional Trail construction. Park District may observe construction and may consult with City regarding construction issues. City shall inform the Park District of final construction and shall schedule inspection by all parties and other appropriate agencies prior to closing the construction contract. Upon correction of any concerns identified in the inspections, City shall notify Park District in writing indicating completion of the project. Upon completion, Park District shall assume Park District responsibilities under this Agreement.

Park District may, at its reasonable discretion, withhold reimbursement for construction costs as provided by this Agreement for construction of the Regional Trail and related structures completed prior to Park District issuance of Notice to Proceed to City. Park District will issue a Notice to Proceed following (1) conveyance to Park District of MnDOT LUP for City Trail segment in accordance with Paragraph A and/or Easements for Future Trail segment in accordance with Paragraph B, (2) Park District approval of construction plans, specifications, and costs for Regional Trail and related structures, and (3) project funding approval by the Park District's Board of Commissioners.

Park District shall reimburse City for direct costs of design services, including consultant costs, incurred by the City to design the Regional Trail and related structures and construction paid or owed to the contractor engaged by City to build the Regional Trail and related structures if first approved by the Park District. The Park District and City will establish maximum reimbursement for design and construction of the Regional Trail and related structures upon City's request to assume said responsibilities. The balance of Regional Trail and related structures costs related to design and construction shall be the responsibility of City.

Park District will not reimburse City for indirect City costs incurred by City including, but not limited to, administrative staff costs, legal fees, or any other expenses which do not represent reasonable direct approved design, construction, or reconstruction costs except as provided herein. In the event the City uses its own forces to design and administer the construction of the Regional Trail and related structures, the City may seek reimbursement for direct and reasonable staff costs if first approved by the Park District. City shall provide all records necessary for audit of costs. Reimbursement shall not be due until (1) conveyance to Park District of MnDOT LUP for City Trail segment in accordance with Paragraph A and/or Easements for Future Trail segment in accordance with Paragraph B, (2) Park District approves the construction plans and specifications, and (3) Regional Trail and related structures are constructed in accordance with the Park District approved construction plans and specification. Park District shall reimburse City within thirty (30) days following receipt of verified statement of direct design and construction expenses for all costs authorized by this Paragraph.

**D. Permits and Assessments.** City shall not unreasonably withhold City approvals, City permits, and other official City permissions necessary for the Park District to operate, maintain, reconstruct, and construct the Regional Trail. In consideration of the Park District's performance under this Agreement including its maintenance obligations, City hereby agrees that the Park District shall not be subject to assessment by the City pertaining to improvements made on the lands included in, or adjacent to, the Regional Trail corridor.

**E. Inconsistent Rights.** The City, for itself, its successors and assigns, hereby covenants that it will not construct nor grant others the right to construct any structures or improvements within the Regional Trail corridor, which are inconsistent with the rights and interests herein granted to Park District.

**F. Operation and Maintenance.** Upon conveyance of City Trail to Park District in accordance with Paragraph A. and property rights for Future Trail in accordance with Paragraph B., Park District and its agents and licensees shall have the sole and exclusive right and authority to operate and control the Regional Trail and to establish rules and regulations governing its use to the extent not in conflict with ordinances of the City.

Park District will be responsible for the renovation, replacement, repair, maintenance, and general upkeep of Regional Trail and related infrastructure except bridges, tunnels and other structures owned by others, and as provided in Paragraph I. Park District shall be solely responsible for establishing maintenance standards for the Regional Trail, which will be consistent district wide.

Park District reserves the right to remove any vegetation or object that obstructs the use or safety of the Regional Trail including adjacent safety zones in accordance with Exhibit C – Typical Trail Sections.

**G. Trail Uses and Purposes.** Regional Trail shall be open to the general public and be used exclusively for outdoor recreation and commuter activities, including but not limited to non-motorized uses such as walking, jogging, skating, and biking. The use of electric-assisted bicycles as defined in Minnesota State Law and Other Power Limited Mobility Devices as defined by the American with Disabilities Act and in accordance with Park District Policy are permitted.

In addition, motor vehicles used by the City or Park District for maintenance, law enforcement or other public uses will be permitted on the Regional Trail. Routine maintenance and patrol with motor vehicles will be conducted from adjacent roadways where feasible.

**H. Winter Use.** As of the date of this Agreement, Park District policy is to leave the Regional Trail open to the public in winter but perform no winter maintenance. Park District reserves the right to operate and maintain the Regional Trail for winter use in its sole discretion. The City may request a Park District Winter Use Permit to operate and maintain the Regional Trail during winter months. Such permit will require City, among other things, to assume responsibility for trail maintenance, operation and liabilities associated with winter use.

**I. Signage.** The Park District shall be responsible to furnish, install, and maintain the trail information sign/kiosk program at Park District expense. Signage will indicate that the Regional Trail is owned/operated by the Park District. City may provide

additional signage within the Regional Trail corridor, provided however, that Park District shall approve additional signage, and that City shall be responsible for providing and maintaining respective signage.

The party responsible for trail design, construction and/or reconstruction shall provide all trail regulatory signs as prescribed by the Minnesota Manual on Uniform Traffic Control Devices (Mn MUTCD), as a part of the design and construction of the Trail. Park District shall be responsible for the maintenance of regulatory signs post-construction at Park District expense.

City shall be responsible for providing and maintaining roadway crossing treatments such as pedestrian striping, road signs and/or other treatments as prescribed by Mn MUTCD, or as appropriate when the Regional Trail cross a City, County or State roadway where a City obligation exists.

**J. Utilities.** City shall at all times retain the right to maintain, repair or replace any existing utilities and related facilities in, on, or under said Regional Trail provided that if any such activities by the City shall or may damage or limit the use of the Regional Trail, the City will give the Park District ninety (90) days prior written notice of the same (except in cases of emergency). The City will upon completion of such activities so affecting the Regional Trail or any portion thereof, restore the Regional Trail to its preexisting condition or better.

City and Park District recognize that prior notice is needed to develop temporary trail detour routes and temporary signage. City and Park District will cooperatively determine and implement a temporary detour route when feasible.

**K. Law Enforcement.** The City will patrol and police the Regional Trail in such manner and by such persons as the City shall deem necessary, and may enforce all rules and ordinances of the City except as provided herein. Notwithstanding anything herein to the contrary, the Park District shall have the right to enforce its rules, regulations and ordinances with respect to the Regional Trail. City shall not promulgate any ordinance, rule or regulation which contravenes any ordinance, rule or regulation of Park District with respect to the Regional Trail or which contravenes this Agreement.

**L. Indemnification.** Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law. Minnesota Statutes Chapter 466 and other applicable law govern the parties' liability. To the full extent permitted by law, this Agreement is intended to be and shall be construed as a "cooperative activity" and it is the intent of the parties that they shall be deemed a "single governmental unit" for the purposes of liability, all as set forth in Minnesota Statutes, Section 471.59, Subd. 1a (a); provided further that for purposes of that statute, each party to this Agreement expressly declines responsibility for the acts or omissions of the other party. In addition to the foregoing, nothing herein shall be construed to waive or limit any immunity from, or limitation on, liability available to either party, whether set forth in Minnesota Statutes, Chapter 466 or otherwise.

**M. Successor and Assigns.** The Agreement shall be binding upon the parties hereto and their respective successors and assigns, provided, however, that neither City nor Park District shall have the right to assign its rights, obligations and interests in or under this Agreement to any other party without the prior written consent of the other party.

**N. Amendment, Modification or Waiver.** No amendment, modification or waiver of any condition, provision or term of this Agreement shall be valid or of any effect unless made in writing and signed by the party or parties to be bound, or its duly authorized representative. Any waiver by either party shall be effective only with respect to the subject matter thereof and the particular occurrence described therein, and shall not affect the rights of either party with respect to any similar or dissimilar occurrences in the future.

**O. Rights and Remedies Cumulative.** The rights and remedies provided by this Agreement are cumulative and no right or remedy at law or in equity which either party hereto might otherwise have by virtue of a default under this Agreement nor the exercise of any such right or remedy by either party will impair such party's standing to exercise any other right or remedy.

**P. No Agency.** Nothing contained herein and no action by either party hereto will be deemed or construed by such parties or by any third person to create the relationship of principal and agent or a partnership or a joint venture or any other association between or among the parties hereto.

**Q. Saving Provision.** If any provision of the Agreement shall be found invalid or unenforceable with respect to any entity or in any jurisdiction, remaining provision of the Agreement shall not be affected thereby, and such provisions found to be unlawful or unenforceable shall not be affected as to their enforcement or lawfulness as to any other entity or in any other jurisdiction, and to such extent the terms and provisions of this Agreement are intended to be severable.

**R. Termination.** This Agreement may be terminated by Park District or City by mutual agreement or as otherwise provided in this Agreement. This Agreement shall be terminable by either party upon a material breach by the other party.

The provisions of Paragraph M survive termination with respect to claims that arise from actions or occurrences that occurred prior to termination.

**S. Governing Laws.** This Agreement will be construed in accordance with the laws of the State of Minnesota.

**T. Signing Authority.** City warrants that the undersigned is authorized to execute this Agreement.

**U. Enforcement.** In the event either party should bring an action to enforce the terms of this Agreement, the prevailing party shall be entitled to recover from the other all of the legal or other expenses of the prevailing party, including reasonable attorneys' fees, and to have the same awarded as part of the judgment in the proceeding in which legal expenses and attorneys' fees were awarded.

**V. Notices.** Any notice given under this Agreement shall be deemed given on the first business day following the date the same is deposited in the United States Mail (registered or certified) postage prepaid, addressed as follows:

If to the Park District:

Superintendent
Three Rivers Park District
c/c Legal Counsel
3000 Xenium Lane North
Plymouth, MN 55441

If to City:

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

**IN WITNESS WHEREOF**, Park District and City have entered into this Agreement as of the date and year first above written.

**Three Rivers Park District**, a public corporation and political subdivision of the State of Minnesota

Dated: _____ By: _____
Its Chair – Board of Commissioners

Dated: _____ By: _____
Its Superintendent
and Secretary to the Board

**City of Brooklyn Center**, a Minnesota municipal corporation

Dated: _____ By: _____
Its Mayor

Dated: _____ By: _____
Its City Manager

**Exhibit A** **Regional Trail Route**

**Exhibit B** **Public Trailway Perpetual Easement and Permanent Irrevocable Permit Agreement**

**Exhibit C** **Recorded Document No. 4432475**

**Exhibit D** **MNDOT Construction and Maintenance Agreement #67028**

**Exhibit E** **Typical Trail Section**

**Exhibit A**
**Regional Trail Route**




August 19, 2021

**EXHIBIT B**
**PUBLIC TRAILWAY PERPETUAL EASEMENT AND PERMANENT IRREVOCABLE PERMIT**

# PUBLIC TRAILWAY PERPETUAL EASEMENT AND PERMANENT IRREVOCABLE PERMIT AGREEMENT

This Public Trailway Easement ("Easement") and Permanent Irrevocable Permit ("Permit"), made this _____ day of _____, 2021, by the City of Brooklyn Center, a Minnesota municipal corporation ("Grantor") to Three Rivers Park District, a political subdivision of the State of Minnesota, Hennepin County, Minnesota ("Grantee").

## RECITALS

**WHEREAS,** Grantor and Grantee entered into a Trailway Cooperative Agreement ("Agreement") for the West Mississippi River Regional Trail ("Trail") dated as of _____ __, 2021; and

**WHEREAS,** pursuant to the Agreement, Grantor agreed to give to Grantee an Easement and/or Permit as further described herein and Grantee agreed to accept Easement and/or Permit according to the terms and conditions contained herein; and

**WHEREAS,** Grantor is willing to grant a perpetual non-exclusive easement to Grantee over property in Hennepin County, Minnesota, legally described on the attached Exhibit A ("Easement Area"); and

**WHEREAS,** Grantor willing to grant a Permanent Irrevocable Permit to Grantee over the property legally described on the attached Exhibit B ("Permit Area"); and

**WHEREAS,** said Easement and Permit provided by the Grantor does not convey ownership of lands within the Easement or Permit Areas to the Grantee.

**NOW THEREFORE,** in consideration of mutual covenants contained within the Agreement referenced above, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Grantor agrees to as follows:

## TERMS OF PERPETUAL EASEMENT AND PERMANENT AND IRREVOCABLE PERMIT

1.) Grant of Easement. Grantor grants and conveys to the Grantee the Easement legally described and depicted on the attached Exhibit A. The Easement shall be perpetual, shall run with the land, shall be binding upon Grantor and its successors and assigns and shall be for the benefit of Grantee and its successors and assigns. The Easement shall be non-exclusive; provided, however, this Easement shall be prior to and superior to any other easement hereinafter granted. Any future easement shall be subject to and subordinate to, and shall not interfere with, the Easement without the consent, in writing, of Grantee.

2.) Grant of Permit. Grantor grants to the Grantee the permanent, irrevocable Permit legally described and depicted on the attached Exhibit B. In accordance with the Agreement, the Grantor may substitute a Permit for an Easement only where the Grantor currently does not own property rights sufficient to convey an Easement. The Permit shall be permanent, shall be binding upon Grantor and its successors and assigns and shall be for the benefit of Grantee and its successors and assigns. The Permit shall be non-exclusive; provided, however, this Permit shall be prior to and superior to any other permitted use of the permitted area, hereinafter granted. Any future permit shall be subject to and subordinate to, and shall not interfere with, the Permit without the consent, in writing, of Grantee.

3.) Scope of Easement and Permit. The perpetual non-exclusive Easement and Permit granted herein includes the right of the Grantee, its contractor, agents, and employees to locate, install, construct, reconstruct, operate, maintain, inspect, alter and repair within the described Easement and Permits Areas any of the following facilities and amenities: public sidewalk or trail, trail signage, informational kiosks, benches, bike racks, fences, trail bridges/tunnels, and any other trail related structure.

4.) Trail Use and Purposes. This Easement and Permit is for public trailway purposes only. The Trail shall be open to the general public, and be used exclusively for outdoor recreation and commuting including but not limited to walking, jogging, skating, biking, and uses allowed under State and Federal law including, but not limited to, other personal driven mobility devices (OPDMD's) and electric personal assistive devices. In addition, motor vehicles used for maintenance, law enforcement or other public uses will be permitted within the Easement and Permit Areas.

5.) Loss of Property Rights. Grantor warrants that it will defend and indemnify Grantee against any loss, expense, or interruption to the contiguity of the Trail, and, further shall, at its own expense, take all necessary action, including, but not limited to, the use of eminent domain to secure a continuous and contiguous trail corridor. These obligations of Grantor may be specifically enforced by Grantee and further all costs of such enforcement, including reasonable attorney's fees, shall be paid by Grantor.

6.) Property Rights and Execution Authority. The Grantor warrants that it 1) has legal rights to construct, maintain and operate sidewalks, trails and other such public ways within the Permit Area, 2) has the right, title and capacity to convey the Easement and Permit to Grantee, and 3) that the undersigned is authorized to execute this Easement and Permit.

7.) Environmental Matters. Grantor shall provide Grantee written documentation of any and all previously and/or currently present hazardous materials, pollutants, or other containments within the Easement and Permit Areas known to the Grantor. Grantee shall not be responsible for any costs, expenses, damages, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon the release or threat of release of any hazardous substances, pollutants, or contaminants which may have existed on, or which relate to, the Easement and Permit Areas prior to the date of this instrument.

8.) Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on the Grantor, its successors and assigns.

**In witness whereof,** the said parties have caused this instrument to be executed on the date and year first written above.

City of Brooklyn Center

_____
Its Mayor

_____
Its City Manager

State of Minnesota )
) S.S.
County of Hennepin )

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____ and _____, the Mayor and City Manager, respectively of the City of _____, a Minnesota municipal corporation, Grantor.

_____
Notary Public

Notary Stamp or Seal

This instrument drafted by:
Three Rivers Park District
3000 Xenium Lane North
Plymouth, MN 55441

August 19, 2021

**EXHIBIT A: PUBLIC TRAILWAY EASEMENT**
**LEGAL DESCRIPTION**

*Placeholder page for legal description and graphic that can be recorded with the County.*

**EXHIBIT B: PUBLIC TRAILWAY PERMANENT, IRREVOCABLE PERMIT**
**LEGAL DESCRIPTION**

*Placeholder page for legal description and graphic that can be recorded with the County.*

**EXHIBIT C**
**RECORDED DOCUMENT NO. 4432474**

**EXHIBIT D**
**MNDOT CONSTRUCTION AND MAINTENANCE AGREEMENT #67028**

| | | |
|---|---|---|
| AGREEMENT SERVICES SECTION | STATE OF MINNESOTA DEPARTMENT OF TRANSPORTATION COOPERATIVE CONSTRUCTION AGREEMENT | AGREEMENT NO. 67028 |

S.P. 2748-39 (T.H. 252=110)
State Funds

Agreement between
The State of Minnesota
Department of Transportation, and
The City of Brooklyn Center
RE: State cost participation in bituminous surfacing, storm sewer and noise wall construction by the City on West River Road (old T.H. 252) from 66th Ave. to 73rd Ave. in Brooklyn Center

ORIGINAL AMOUNT ENCUMBERED
$707,155.44

AMOUNT RECEIVABLE
(NONE)

THIS AGREEMENT is made and entered into by and between the State of Minnesota, Department of Transportation, hereinafter referred to as the "State" and the City of Brooklyn Center, Minnesota, acting by and through its City Council, hereinafter referred to as the "City".

LKP

WITNESSETH:

WHEREAS the City is about to perform bituminous surfacing, storm sewer, water main, noise wall and retaining wall construction and other associated construction upon, along and adjacent to West River Road (old Trunk Highway No. 252) from Engineer Station 680+64.62 (66th Avenue) to Engineer Station 727+64.90 (73rd Avenue) within the corporate City limits in accordance with City-prepared plans, specifications and/or special provisions designated by the City as City Improvement No. 1988-18 and by the State as State Project No. 2748-39 (T.H. 252=110); and

WHEREAS the City has requested participation by the State in the costs of the bituminous surfacing, storm sewer and noise wall construction; and

WHEREAS the State is willing to participate in the costs of the bituminous surfacing, storm sewer and noise wall construction as hereinafter set forth; and

WHEREAS Minnesota Statute section 161.20, subdivision 2 authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purposes of constructing, maintaining and improving the trunk highway system.



1KR

IT IS, THEREFORE, MUTUALLY AGREED AS FOLLOWS:

ARTICLE I - CONSTRUCTION BY THE CITY

Section A. Contract Award and Construction

The City shall receive bids and award a construction contract to the lowest responsible bidder, subject to concurrence by the State in that award, in accordance with State-approved City plans, specifications and/or special provisions designated by the City as City Improvement No. 1988-18 and by the State as State Project No. 2748-39 (T.H. 252=110). The contract construction shall be performed in accordance with State-approved City plans, specifications and/or special provisions which are on file in the office of the City's Engineer and in the office of the Commissioner of Transportation at St. Paul, Minnesota, and are made a part hereof by reference with the same force and effect as though fully set forth herein.

Section B. Documents to be Furnished to the State

The City shall, within 7 days of opening the bids for the construction contract, promptly submit to the State's District Engineer at St. Paul a certified copy of the low bid and an abstract of all bids together with the City's request for concurrence by the State in the award of the construction contract. The City shall not award the construction contract until the State advises the City in writing of its concurrence therein.

Section C. Cancellation of Agreement

Each party to this agreement reserves the right to withdraw from and cancel this agreement within 30 days after the opening of bids if either party determines any or all bids to be unsatisfactory; the withdrawal from or cancellation of the agreement shall be accomplished by either party serving a written notice thereof upon the other.

Section D. Direction, Supervision and Inspection of Construction

The contract construction shall be under the direction of the City and under the supervision of a registered professional engineer; however, the State cost participation construction covered under this agreement shall be open to inspection by the State's District Engineer or his authorized representatives. The City shall give the District Engineer five days notice of its intention to start the contract construction.

The responsibility for the control of materials for the State cost participation construction covered under this agreement shall be on the City and its contractor and shall be carried out in accordance with Specifications No. 1601 through and including No. 1609 as set forth in the State's current "Standard Specifications for Construction".



DKR

Section E. Completion of Construction

The City shall cause the contract construction to be started and completed in accordance with the time schedule in the construction contract special provisions. The completion date for the contract construction may be extended by an exchange of letters between the appropriate City official and the State's District Engineer for unavoidable delays encountered in the performance thereof.

Section F. Additional Construction, Plan Changes, Etc.

The State shall not participate in the cost of any contract construction that is in addition to the State cost participation construction covered under this agreement unless the necessary State funds have been encumbered prior to the performance of the additional contract construction and the terms and conditions in the following paragraph have been met.

All changes in the plans, specifications and/or special provisions for the State cost participation construction covered under this agreement and all addendums, change orders and/or supplemental agreements entered into by the City and its contractor for State cost participation construction covered under this agreement must be approved in writing by the State's District Engineer before payment is made by the State therefor.

Section G. Compliance with Laws, Ordinances and Regulations

The City shall, in connection with the award and administration of the construction contract and the performance of the contract construction, comply and cause its contractor to comply with all Federal, State and Local laws, including Minnesota Statute section 16B.101, and all applicable ordinances and regulations.

Section H. Right-of-Way, Easements and Permits

The City shall, without cost or expense to the State, obtain all rights-of-way, easements, construction permits and/or any other permits and sanctions that may be required in connection with the contract construction, and shall promptly furnish the State with certified copies of the documents for those rights-of-way, easements, construction permits and/or other permits and sanctions.

ARTICLE II - BASIS OF PAYMENT BY THE STATE

Section A. SCHEDULE "I" and EXHIBIT "A"

A SCHEDULE "I" and color coded EXHIBIT "A" are attached hereto and made a part hereof by reference. The SCHEDULE "I" includes all anticipated State cost participation construction items and the construction engineering cost share covered under this agreement. EXHIBIT "A" shows all anticipated State cost participation storm sewer facilities construction covered under this agreement.



QKR

Section B. State Cost Participation Construction

All of the following construction to be performed upon, along and adjacent to West River Road (old Trunk Highway No. 252) from Engineer Station 680+64.62 (66th Avenue) to Engineer Station 727+64.90 (73rd Avenue) within the corporate City limits under City Improvement No. 1988-18, designated by the State as State Project No. 2748-39 (T.H. 252=110).

100 PERCENT

Curb and gutter and noise wall construction and the construction of the center 24 feet of West River Road (old Trunk Highway No. 252) pavement. The catch basins and leads along West River Road (old Trunk Highway No. 252) as shown in "Blue" color on the attached EXHIBIT "A". All of this work is described and tabulated on Sheets No. 2 and 3 of the attached SCHEDULE "I".

72.1 PERCENT

Mainline storm sewer as shown in "Orange" color on the attached EXHIBIT "A" and as described and tabulated on Sheet No. 4 of the attached SCHEDULE "I".

Section C. Construction Engineering Costs

The State shall pay a construction engineering charge in an amount equal to 8 percent of the total cost of the State participation construction covered under this agreement.



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Section D. Addendums, Change Orders and Supplemental Agreements

The State shall share in the costs of construction contract addendums, change orders and/or supplemental agreements which are necessary to complete the State cost participation construction covered under this agreement and which have been approved in writing by the State's District Engineer.

Section E. Settlements of Claims

The State shall pay to the City the cost of any settlements of claims made with the City's contractor in connection with the State cost participation construction covered under this agreement.

All liquidated damages assessed the City's contractor in connection with the construction contract shall result in a credit shared by the State and the City in the same proportion as their total construction cost share covered under this agreement is to the total contract construction cost before any deduction for liquidated damages.

ARTICLE III - PAYMENT BY THE STATE

Section A. Estimate and Advancement of the State's Cost Share

It is estimated that the State's share of the costs of the contract construction plus the 8 percent construction engineering cost share and a $55,000.00 contingency amount is the sum of $707,155.44 as shown in the attached Preliminary SCHEDULE "I". The attached Preliminary SCHEDULE "I" was prepared using estimated unit prices.



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Upon receipt and review of the construction contract bid documents described in Article I, Section B. of this agreement, the State shall then decide whether to concur in the City's award of the construction contract and, if so, prepare a Revised SCHEDULE "I" based on construction contract unit prices. The contingency amount is provided to cover overruns of the plans estimated quantities of State cost participation construction and/or State-approved additional construction including construction engineering costs.

The State shall advance to the City the State's total estimated cost share, less contingency amount, as shown in the Revised SCHEDULE "I" after the following conditions have been met:

1. Encumbrance by the State of the State's total estimated cost share, including contingency amount, as shown in the Revised SCHEDULE "I".

2. Execution of this agreement and the State's transmittal of same to the City along with a copy of the Revised SCHEDULE "I" and a letter advising the City of the State's concurrence in the award of the construction contract.

3. Receipt by the State of a written request from the City for the advancement of funds. The request shall include



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certification by the City that the construction contract has been executed by all necessary parties.

Whenever it appears the cost of the State participation construction covered under this agreement is about to exceed the current amount of encumbered State funds, the City shall notify the State's District Engineer in writing prior to performance of the additional State cost participation construction. Notification shall include an estimate in the amount of additional funds necessary to complete the State cost participation construction including construction engineering costs and the reason(s) why the current amount encumbered will be exceeded. The State shall, upon its approval of the additional State cost participation construction, submit a request for encumbrance of the necessary additional funds to the Minnesota Department of Finance. That action will have the effect of amending this agreement so as to include the State's share of the costs of the additional construction.

Should the City cause the performance of additional contract construction which would otherwise qualify for State cost participation covered under this agreement, but for which the State has not previously encumbered funds, that additional contract construction is done at the City's own risk. The City shall notify the State's District Engineer in writing of the additional State cost participation construction. Notification shall include an estimate



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in the amount of additional funds necessary to cover the additional State cost participation construction including construction engineering costs and the reason(s) why the current amount encumbered was exceeded. If the State approves the additional State cost participation construction, the City's claim for compensation along with a request for encumbrance of the necessary additional funds shall be submitted to the Commissioner of Finance for review pursuant to Minnesota Statute section 16A.15, subdivision 3, but no guarantee is made that the claim will be approved by the Commissioner of Finance. If the Commissioner of Finance certifies the claim for compensation and the request for encumbrance of the necessary additional funds therefor, that action will have the effect of amending this agreement so as to include the State's share of the costs of the additional construction.

If the State determines that the submittal of a claim for compensation is warranted and it is deemed legally necessary to supplement this agreement, and if the claim is approved and a supplement to this agreement in connection with the claim is prepared and processed, the first $3,000.00 of the claim will not be eligible for payment.

Section B. Records Keeping and Invoicing by the City

The State shall provide the City with a Payment Processing Package containing a Modified SCHEDULE "I" form, instructions, and samples of



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documents for processing final payment of the State participation construction cost covered under this agreement.

The City shall keep records and accounts that enable it to provide the State with the following:

1. A copy of the Modified SCHEDULE "I" which includes final quantities of State cost participation construction.

2. Copies of the City contractor's invoice(s) covering all contract construction.

3. Copies of the endorsed and cancelled City warrant(s) or check(s) paying for all contract construction.

4. Copies of all construction contract change orders and/or supplemental agreements.

5. A certification form attached to a copy of the Final SCHEDULE "I", both of which shall be provided by the State. The certification form shall be signed by the City's Engineer in charge of the contract construction attesting to the following:



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a. The satisfactory performance and completion of all contract construction in accordance with State-approved City plans, specifications and/or special provisions.

b. The acceptance and approval of all materials furnished for the State cost participation construction covered under this agreement relative to compliance of those materials to the State's current "Standard Specifications for Construction".

c. Full payment by the City to its contractor for all contract construction.

6. When requested by the State, copies, certified by the City's Engineer, of material sampling reports and of material testing results for the materials furnished for the State cost participation construction covered under this agreement.

7. A formal invoice (original and signed) in the amount due the City as shown in the Final SCHEDULE "I".

As provided by Minnesota Statute section 16B.06, subdivision 4, the books, records, documents, and accounting procedures and practices of the City relevant to this agreement are subject to examination by the contracting department or agency, and either the legislative auditor or the state auditor as appropriate.



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Section C. Final Payment by the State

Upon completion of all contract construction, the State shall prepare a Final SCHEDULE "I" based on final quantities of State cost participation construction and shall submit a copy to the City. If the final cost of the State participation construction covered under this agreement exceeds the amount of funds advanced by the State, the State shall promptly pay the difference to the City without interest. If the final cost of the State participation construction covered under this agreement is less than the amount of funds advanced by the State, the City shall promptly return the balance to the State without interest. Procedures relevant to preparation of the Final SCHEDULE "I" and final payment of the State participation construction cost covered under this agreement are detailed in the Payment Processing Package, which the State shall furnish the City.

Pursuant to Minnesota Statute section 15.415, the City waives claim for any amounts less than $2.00 over the amount of State funds previously advanced to the City, and the State waives claim for the return of any amounts less than $2.00 of those funds advanced by the State.



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ARTICLE IV - GENERAL PROVISIONS

Section A. Replacement of Castings

The City shall furnish its contractor with new castings and/or parts for all inplace City-owned facilities constructed hereunder when replacements are required, without cost or expense to the State.

Section B. Maintenance by the City

Upon satisfactory completion of the West River Road (old Trunk Highway No. 252) construction and all of the facilities a part thereof to be performed within the corporate City limits under the construction contract, the City shall provide for the proper maintenance of the roadway, without cost or expense to the State. Maintenance shall include, but not be limited to, snow and debris removal, resurfacing and/or seal coating and any other maintenance activities necessary to perpetuate the roadway in a safe and usable condition.

Upon satisfactory completion of the storm sewer facilities and City-owned facilities construction to be performed within the corporate City limits under the construction contract, the City shall provide for the proper maintenance of those facilities, without cost or expense to the State. Furthermore, neither party to this agreement shall drain any additional drainage into the storm sewer facilities that was not included in the drainage for which the storm sewer facilities were designed without first obtaining permission to do so



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from the other party. The drainage areas served by the storm sewer facilities constructed under the construction contract are shown in a drainage area map, EXHIBIT "Drainage Area", which is on file in the office of the State's District Hydraulics Engineer at Golden Valley and is made a part hereof by reference with the same force and effect as though fully set forth herein.

Upon satisfactory completion of the pedestrian walkways construction to be performed within the corporate City limits under the construction contract, the City shall provide for the proper maintenance of the walkways, without cost or expense to the State. Maintenance shall include, but not be limited to, snow and debris removal and any other maintenance activities necessary to perpetuate the walkways in a safe and usable condition.

Section C. Release and Conveyance of Roadways

The State shall, upon the satisfactory completion of the project designated by the City as City Improvement No. 1988-18 and by the State as State Project No. 2748-39 (T.H. 252=110), serve upon the City a "Notice of Release" placing that portion of West River Road (old Trunk Highway No. 252) between 66th Avenue and 73rd Avenue, including all of the facilities a part thereof constructed within the corporate City limits under said project, under the jurisdiction of the City; and subsequent thereto, after all necessary and required documents have been prepared and processed, the State shall convey to



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the City all right, title and interest of the State in said roadway portions. Upon receipt of said "Notice of Release", the City shall become the road authority responsible for said roadway portion so released.

Section D. Claims

The City at its own sole cost and expense shall defend, indemnify, save and hold harmless the State and all of its agents, officers and employees of and from all claims, demands, proceedings, actions or causes of action of whatsoever nature or character arising out of or by reason of contract construction, construction engineering and/or maintenance covered under this agreement including an action or claim which alleges negligence of the State, its agents, officers and employees.

All employees of the City and all other persons employed by the City in the performance of contract construction, construction engineering and/or maintenance covered under this agreement shall not be considered employees of the State. All claims that arise under the Worker's Compensation Act of the State of Minnesota on behalf of the employees while so engaged and all claims made by any third parties as a consequence of any act or omission on the part of the employees while so engaged on contract construction, construction engineering and/or maintenance covered under this agreement shall in no way be the obligation or responsibility of the State.



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Section E. Nondiscrimination

The provisions of Minnesota Statute section 181.59 and of any applicable ordinance relating to civil rights and discrimination shall be considered part of this agreement as if fully set forth herein.

Section F. Agreement Approval

Before this agreement shall become binding and effective, it shall be approved by a City Council resolution and receive approval of State and City officers as the law may provide in addition to the Commissioner of Transportation or his authorized representative.



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IN TESTIMONY WHEREOF the parties have executed this agreement by their authorized officers.

DEPARTMENT OF TRANSPORTATION

Recommended for approval:

By Harold R. Nemec 5-7-90
Director
CM Agreement Services Section

By [signature] 5/23/90
Asst. District Engineer

By [signature]
Deputy Division Director
Technical Services Division

Approved:

By [signature]
Deputy Commissioner
of Transportation

Date 5/31/90
(Date of Agreement)

OFFICE OF ATTORNEY GENERAL

Approved as to form and execution:

By Louis K. Robards
Special Assistant Attorney General

CITY OF BROOKLYN CENTER

By Dean A. Nyquist
Mayor

Date 5/22/90

By [signature]
City Manager

Date 5/22/90

DEPARTMENT OF ADMINISTRATION

Approved:

Original signed

MAY 31 1990

By By Gerald T. Joyce
(Authorized Signature)

Date Original Signed By T. MARIER

JUN 01 1990



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PRELIMINARY SCHEDULE "I"
Agreement No. 67028

City of Brooklyn Center — Preliminary: April 19, 1990

S.P. 2748-39 (T.H. 252=110)
State Funds

Bituminous surfacing, storm sewer and noise wall construction performed under
City Contract with
located on West River Road (old T.H. 252) from 66th Ave. to 73rd Ave. in Brooklyn Center

| | STATE COST PARTICIPATION |
|---|---|
| From Sheet No. 3 | $534,771.50 |
| From Sheet No. 4 | 69,076.13 |
| Subtotal | $603,847.63 |
| Construction Engineering (8%) | 48,307.81 |
| Subtotal | $652,155.44 |
| (1) Contingency Amount | 55,000.00 |
| Encumbered Amount | $707,155.44 |

(1) For the State's use only as described in the body of the agreement





(1) 100% State

| ITEM NUMBER | S.P. 2748-39 WORK ITEM | UNIT | QUANTITY (1) | UNIT PRICE | COST (1) |
|---|---|---|---|---|---|
| 2021.501 | Mobilization | Lump Sum | .44 | 55,200.00 | 24,288.00 |
| 2031.501 | Field Office Type D | Each | .44 | 3,200.00 | 1,408.00 |
| 2104.501 | Remove B624 Conc. C & G | Lin. Ft. | 1,500.00 | 2.50 | 3,750.00 |
| 2104.505 | Remove Bituminous Pavement | Sq. Yd. | 11,735.00 | 1.00 | 11,735.00 |
| 2104.509 | Remove Temp. 3.3' CMP C.B. | Each | 12.00 | 200.00 | 2,400.00 |
| 2104.521 | Salvage and Install 12" RCP | Lin. Ft. | 240.00 | 14.00 | 3,360.00 |
| 2104.523 | Salvage and Install Castings | Each | 4.00 | 150.00 | 600.00 |
| 2104.523 | Salvage and Install Signs Type C | Each | 7.00 | 75.00 | 525.00 |
| 2105.501 | Common Excavation (P) | Cu. Yd. | 35,600.00 | 3.00 | 106,800.00 |
| 2105.522 | Select Granular Borrow (CV) | Cu. Yd. | 7,840.00 | 4.50 | 35,280.00 |
| 2105.522 | Select Granular Borrow (Mod.) (CV) | Cu. Yd. | 470.00 | 5.00 | 2,350.00 |
| 2105.535 | Salvaged Topsoil (CV) | Cu. Yd. | 770.00 | 6.00 | 4,620.00 |
| 2105.609 | Geotextile Fabric Type I | Sq. Yd. | 10,000.00 | 1.00 | 10,000.00 |
| 2130.501 | Water | M Gal. | 20.00 | 15.00 | 300.00 |
| 2211.501 | Aqg. Base Cl. 5 100% Crushed | Ton | 4,425.00 | 6.00 | 26,550.00 |
| 2331.504 | Bituminous Material for Mixture | Ton | 87.20 | 140.00 | 12,208.00 |
| 2331.514 | Base Course Mixture | Ton | 1,645.00 | 13.50 | 22,207.50 |
| 2341.504 | Bituminous Material for Mixture | Ton | 81.50 | 140.00 | 11,410.00 |
| 2341.508 | Wearing Course Mixture | Ton | 1,405.00 | 14.00 | 19,670.00 |
| 2357.502 | Bituminous Material for Tack Coat | Gallon | 745.00 | 1.10 | 819.50 |
| 0422.602 | Lam. Wood Noise Barrier Type IIA | Sq. Ft. | 6,200.00 | 15.00 | 93,000.00 |
| 0422.603 | Glue Laminated Rubrail | Lin. Ft. | 500.00 | 10.00 | 5,000.00 |
| 2451.513 | Fine Filter Aggregate (CV) | Cu. Yd. | 510.00 | 7.00 | 3,570.00 |
| 2502.541 | 4" Perforated PE Drain Pipe | Lin. Ft. | 5,240.00 | 8.00 | 41,920.00 |
| 2503.541 | 12" RCP Storm Sewer, Des 3006, Cl V | Lin. Ft. | 444.00 | 20.00 | 8,880.00 |
| 2503.541 | 15" RCP Storm Sewer, Des 3006, Cl V | Lin. Ft. | 29.00 | 22.00 | 638.00 |
| 2506.507 | Construct Catch Basin, Design Y | Lin. Ft. | 23.30 | 160.00 | 3,728.00 |
| 2506.507 | Construct Catch Basin, Design X | Lin. Ft. | 30.40 | 130.00 | 3,952.00 |
| 2506.511 | Reconstruct Manhole | Lin. Ft. | 22.20 | 150.00 | 3,330.00 |
| 2506.516 | Casting Assembly Type R-3067 | Each | 13.00 | 250.00 | 3,250.00 |
| 2506.522 | Adjust Frame and Ring Casting | Each | 5.00 | 150.00 | 750.00 |
| 0506.602 | Connect to Existing Storm Sewer | Each | 1.00 | 200.00 | 200.00 |
| 0506.602 | Connect to Existing Storm M.H. | Each | 5.00 | 200.00 | 1,000.00 |

| ITEM NUMBER | S.P. 2748-39 WORK ITEM | UNIT | QUANTITY (1) | UNIT PRICE | COST (1) |
|---|---|---|---|---|---|
| 2531.501 | Concrete Curb & Gutter, Des B618 | Lin. Ft. | 9,075.00 | 6.50 | 58,987.50 |
| 0563.601 | Traffic Control | Lump Sum | .44 | 2,500.00 | 1,100.00 |
| 2564.531 | F and I Sign Panels, Type C | Sq. Ft. | 50.90 | 25.00 | 1,272.50 |
| 0564.603 | 4" Solid Line -- Yellow Paint | Lin. Ft. | 1,800.00 | .50 | 900.00 |
| 0564.603 | 4" Broken Line -- Yellow Paint | Lin. Ft. | 780.00 | .50 | 390.00 |
| 0564.603 | 4" Solid Line -- White Paint | Lin. Ft. | 195.00 | .50 | 97.50 |
| 0564.603 | 24" Solid Line -- White Paint | Lin. Ft. | 75.00 | 3.00 | 225.00 |
| 2573.501 | Bale Checks | Each | 60.00 | 5.00 | 300.00 |
| 2573.503 | Silt Fence, Preassembled | Lin. Ft. | 500.00 | 4.00 | 2,000.00 |
| | | | | Total | $534,771.50 |
| | (1) 100% State -- $534,771.50 | | | | |





| ITEM NUMBER | S.P. 2748-39 WORK ITEM | UNIT | QUANTITY (2) | UNIT PRICE | COST (2) |
|---|---|---|---|---|---|
| 2021.501 | Mobilization | Lump Sum | .08 | 55,200.00 | 4,416.00 |
| 2031.501 | Field Office Type D | Each | .08 | 3,200.00 | 256.00 |
| 2105.522 | Select Granular Borrow (CV) | Cu. Yd. | 4,150.00 | 4.50 | 18,675.00 |
| 0451.602 | Crushed Rock Pipe Subgrade Backfill | Ton | 750.00 | 9.00 | 6,750.00 |
| 0451.602 | Replacement Backfill | Ton | 685.00 | 6.00 | 4,110.00 |
| 2503.541 | 18" RCP Storm Sewer, Des 3006, Cl III | Lin. Ft. | 990.00 | 26.00 | 25,740.00 |
| 2503.541 | 18" RCP Storm Sewer, Des 3006, Cl IV | Lin. Ft. | 276.00 | 26.00 | 7,176.00 |
| 2503.541 | 21" RCP Storm Sewer, Des 3006, Cl III | Lin. Ft. | 350.00 | 28.00 | 9,800.00 |
| 2503.541 | 21" RCP Storm Sewer, Des 3006, Cl IV | Lin. Ft. | 236.00 | 28.00 | 6,608.00 |
| 2503.541 | 24" RCP Storm Sewer, Des 3006, Cl IV | Lin. Ft. | 28.00 | 30.00 | 840.00 |
| 2506.506 | Construct Manhole Design B | Lin. Ft. | 25.70 | 150.00 | 3,855.00 |
| 2506.506 | Construct Manhole Design C | Lin. Ft. | 12.70 | 200.00 | 2,540.00 |
| 2506.507 | Construct Catch Basin, Design Y | Lin. Ft. | 16.50 | 160.00 | 2,640.00 |
| 2506.516 | Casting Assembly Type R-1733 | Each | 4.00 | 250.00 | 1,000.00 |
| 2506.516 | Casting Assembly Type R-3067 | Each | 4.00 | 250.00 | 1,000.00 |
| 0506.602 | Connect to Existing Storm M.H. | Each | 1.00 | 200.00 | 200.00 |
| 0563.601 | Traffic Control | Lump Sum | .08 | 2,500.00 | 200.00 |
| | | | | Total | $95,806.00 |
| | (2) 72.1% State - $69,076.13<br>27.9% City -- $26,729.87 | | | | |

## INPLACE STRUCTURE SCHEDULE

| STRUCT. NO. | TYPE | LOCATION: SURVEY BASELINE | LT. | RT. | EXISTING T.C. ELEV. | PROPOSED T.C. ELEV. | ADJUST (EACH) | RECONST. (L.F.) | REMOVE 3.3 L.F. TEMP. CMP OR CB (EACH) | REMOVE (L.F.) | ABANDON (EACH) | SALVAGE CSTG. (TYPE) | F & I CSTG. (TYPE) | BULKHEAD EX. PIPE | SALVAGE 12" RCP (L.F.) | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 100 | SAN. | | | | | | X | | | | | | | | | |
| 101 | STORM | | | | 23.32 | 23.40 | X | | | | | R-3067-BV | R-3067 | | 24 | |
| 102 | STORM | | | | | | | | | 5.8 | | R-3052-BV | | | 40 | |
| 103 | STORM | | | | | | | | | 6.3 | | R-3052-BV | | | 32 | |
| 104 | STORM | | | | | | | | | 5.4 | | R-3052-BV | | | | |
| 105 | STORM | | | | 34.58 | 37.00 | | 2.5 | | | | R-3052-BV | | | 24 | INSTALL SALVAG |
| 106 | STORM | | | | | | | | | 5.0 | | R-3052-BV | | | | |
| 107 | STORM | 688+02 | 28' | | | | | | X | | | R-4342 | | X | | |
| 108 | STORM | 688+89 | 26' | | | | | | X | | | R-4342 | | | | |
| 109 | STORM | 691+95 | 23' | | | | | | X | | | R-4342 | | X | | |
| 110 | STORM | 694+80 | 19' | | | | | | X | | | R-4342 | | | 48 | |
| 111 | STORM | 697+85 | 21' | | | | | | X | | | R-4342 | | X | | |
| 112 | STORM | 699+50 | | 23 | | | | | | | X | | | X | | REMOVE CASTING |
| 113 | WATER | 701+42 | 35' | | | | | | | | | M.H. | | | | |
| 114 | STORM | 702+28 | | 22' | | | | | | | X | M.H. | | | | REM. TOP SEC. |
| 115 | STORM | 703+83 | 20' | | | | | | X | | | R-4342 | | X | | |
| 116 | STORM | 708+99 | 22' | | | | | | X | | | R-4342 | | X | | |
| 117 | WATER | 709+34 | 37' | | | | | | | | X | M.H. | | | | REMOVE TOP SE |
| 118 | SAN. | 709+43 | 26' | | 52.15 | 49.54 | X | | | | | | | | | |
| 119 | STORM | 709+58 | | 35' | | | X | | | | | C.B. | R-3067 | | | |
| 120 | SAN. | 710+24 | 26' | | 53.17 | 49.37 | | 5.3 | | | | | | | | REMOVE TOP SL SECTION, SALV REPLACE 4" X |
| 121 | STORM | 710+49 | 20' | | | | | | X | | | R-4342 | | X | | |
| 122 | STORM | 712+98 | 23' | | | | | | X | | | R-4342 | | X | | |
| 123 | SAN. | 714+63 | 27' | | 52.01 | 47.83 | | 4.1 | | | | | | | | REMOVE TOP SL SECT., 1.65' MIDI REPLACE 3.15'x4 |
| 124 | STORM | 717+49 | 22' | | | | | | X | | | R-4342 | | X | | |
| 125 | SAN. | 718+43 | 28' | | 51.86 | 49.87 | | 6.4 | | | | | | | | REMOVE 4.8'x48" & 1.9' MIDDLE SI & SALVAGED 1.4 |
| 126 | STORM | 723+20 | 22' | | | | | | X | | | R-4342 | | X | | |
| 127 | SAN. | 723+12 | 28' | | 50.09 | 48.16 | | 3.9 | | | | | | | | REMOVE TOP SL SLAB, REPLACE |
| 129 | STORM | 723+99 | 22' | | | | | | X | | | R-4342 | | X | | |
| 129 | SAN. | 725+81 | 29' | | | | | | | | X | M.H. | | | | REMOVE TOP SE |
| 130 | STORM | 726+77 | 19' | | | | | | | 4.2 | | R-3052-BV | | | 72 | |

## STORM SEWER STRUCTURE SCHEDULE

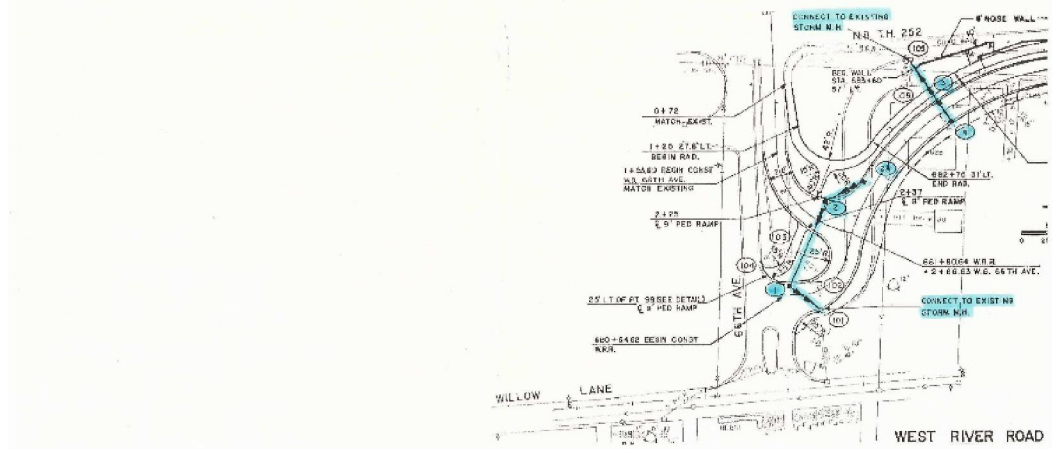
| STRUCT. NO. | LOCATION: STATION | CL. STRUCT. LT. | CL. STRUCT. RT. | | DESIGN: M.H. | DESIGN: C.B. | DESIGN: SUMP | CASTING TYPE | TOP OF CAST | OUTLET INV. ELEV. | DRAINS TO: NO. | DRAINS TO: % GRADE | DRAINS TO: INLET ELEV. | SERIES | FURNISH AND INSTALL PIPE SEWER: 12"RCP CL. 5 LIN.FT. | 15"RCP CL. 5 LIN.FT. | 18"RCP CL. 3 LIN.FT. | 18"RCP CL. 4 LIN.FT. | 21"RCP CL. 3 LIN.FT. | 21"RCP CL. 4 LIN.FT. | 24"RCP CL. 4 LIN.FT. | INSTALL SALVAGED 12" RCP LIN.FT. | REMARKS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 660+72 | 14.7' | | W. RIVER ROAD | | X | | R-3067 | 22.99 | 18.99 | 100 | 3.00 | 18.52 | | | | | | | | | 47 | |
| 2 | 21+34.07 | 23.4' | | 66TH AVENUE | | X | | R-3067 | 27.78 | 23.61 | 1 | 4.00 | 19.48 | | 30 | | | | | | | 73 | |
| 2A | 682+37.42 | 14.7' | | W. RIVER ROAD | | X | | R-3067 | 28.84 | 25.53 | 2 | 4.00 | 23.51 | | 18 | | | | | | | | RECTANGULAR CATCH BASIN |
| 3 | 683+50 | 14.7' | | W. RIVER ROAD | | Y | | R-3067 | 34.25 | 33.48 | 105 | 1.00 | 28.98 | | 53 | | | | | | | | |
| 4 | 685+50 | | 14.7' | W. RIVER ROAD | | X | | R-3067 | 34.25 | 33.77 | 3 | 1.00 | 30.48 | | 28 | | | | | | | | RECTANGULAR CATCH BASIN |
| 5 | 688+87 | 14.7' | | W. RIVER ROAD | | Y | | R-3067 | 39.48 | 35.52 | 104 | 3.20 | 31.20 | | 40 | | | | | | | | |
| 6 | 688+87 | | 14.7' | W. RIVER ROAD | | X | | R-3067 | 38.48 | 35.81 | 5 | 1.00 | 35.52 | | 28 | | | | | | | | RECTANGULAR CATCH BASIN |
| 7 | 694+80 | 14.7' | | W. RIVER ROAD | | Y | | R-3067 | 44.12 | 40.53 | 103A | 3.58 | 36.25 | | 10 | | | | | | | 48 | |
| 8 | 694+80 | | 14.7' | W. RIVER ROAD | | X | | R-3067 | 44.12 | 40.82 | 7 | 1.00 | 40.33 | | 28 | | | | | | | | RECTANGULAR CATCH BASIN |
| 9 | 708+85 | | 7' | W. RIVER ROAD | C | | | R-1743 | 49.25 | 36.56 | 116 | 0.54 | 36.41 | | | | | | | | 28 | | |
| 10 | 705+89 | | 0' | W. RIVER ROAD | B | | | R-1733 | 47.95 | 39.07 | 9 | 0.27 | 36.95 | | | | | 276 | | | | | |
| 11 | 703+08.7 | | 14.7' | W. RIVER ROAD | | Y | | R-3052 | 45.42 | 39.99 | 10 | 0.28 | 39.07 | | | 260 | | | | | | | |
| 12 | 702+98.7 | 14.7' | | W. RIVER ROAD | | X | | R-3067 | 45.42 | 42.29 | 11 | 1.03 | 42.00 | | 23 | | | | | | | | RECTANGULAR CATCH BASIN |
| 13 | 714+00 | | 0' | W. RIVER ROAD | B | | | R-1733 | 48.59 | 38.32 | 6 | 0.98 | 36.76 | | | | | | 226 | | | | |
| 14 | 714+48.6 | 14.7' | | W. RIVER ROAD | | Y | | R-3067 | 45.34 | 40.53 | 13 | 0.98 | 38.32 | | | | | | 350 | | | | |
| 15 | 714+48.6 | | 14.7' | W. RIVER ROAD | | X | | R-3067 | 45.41 | 42.91 | 14 | 0.50 | 42.74 | | | 28 | | | | | | | RECTANGULAR CATCH BASIN |
| 16 | 715+15 | | 0' | W. RIVER ROAD | B | | | R-1733 | 48.88 | 42.22 | 14 | 0.38 | 40.83 | | | | 307 | | | | | | |
| 17 | 715+15 | | 25' | W. RIVER ROAD | | X | | R-4342 | 47.80 | 44.30 | 15 | 1.03 | 44.05 | | 25 | | | | | | | | ROUND C.B. WITH SALVAGED CASTING |
| 18 | 721+56 | 14.7' | | W. RIVER ROAD | | Y | | R-3067 | 48.24 | 42.46 | 16 | 0.50 | 42.22 | | | | 343 | | | | | | |
| 19 | 721+56 | | 14.7' | W. RIVER ROAD | | X | | R-3067 | 47.57 | 44.15 | 18 | 1.00 | 43.66 | | 29 | | | | | | | | RECTANGULAR CATCH BASIN |
| 20 | 729+32 | | 25' | W. RIVER ROAD | | Y | | R-4342 | 49.00 | 45.36 | 17 | 3.50 | 44.71 | | 63 | | | | | | | 72 | 27" DIA. OPENING IN TOP SLAB, SALVAGED CASTING |
| 200 | 729+32 | | | | | | | | | 45.44 | 20 | 3.50 | 45.34 | V | 10 | | | | | | | | |
| 21 | 11+12 | | 25' | 73RD AVENUE | | X | | R-4342 | 50.20 | 46.70 | 132 | 1.00 | 46.20 | | 50 | | | | | | | | ROUND C.B. WITH SALVAGED CASTING |

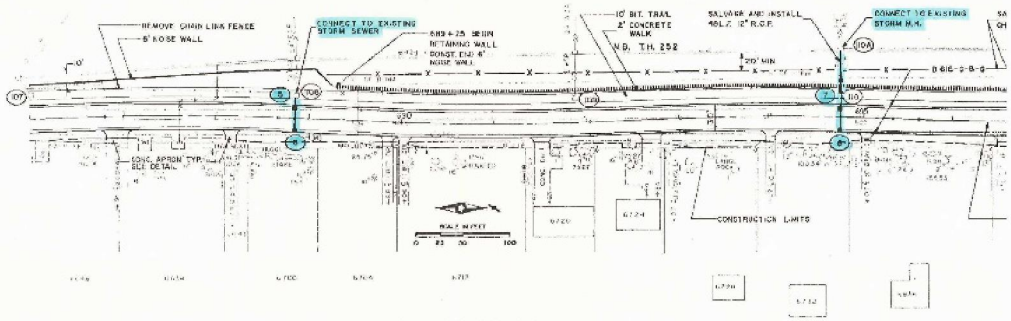
EXH
AGREE
City of
S.P. 27

100% STATE

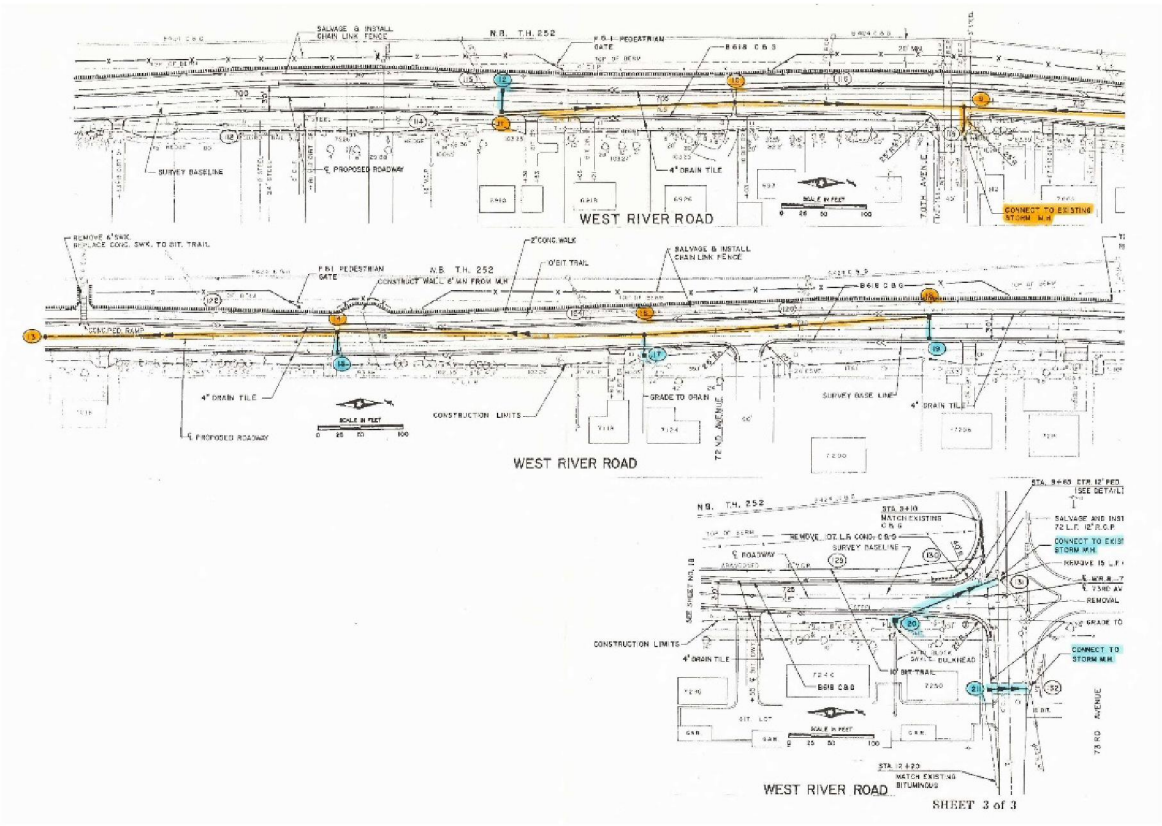
72.1% STATE – 27

SHEET 1 of 3




SHEET 2 of 3


WEST RIVER ROAD
WEST RIVER ROAD
WEST RIVER ROAD
SHEET 3 of 3

67028

**CITY OF BROOKLYN CENTER**

**RESOLUTION**

BE IT RESOLVED that the City of Brooklyn Center enter into Agreement No. 67028 with the State of Minnesota, Department of Transportation for the following purposes, to-wit:

to provide for payment by the State to the City of the State's share of the costs of bituminous surfacing, storm sewer and noise wall construction and other associated construction to be performed upon, along and adjacent to West River Road (old Trunk Highway No. 252) from 66th Avenue to 73rd Avenue within the corporate City limits in accordance with plans designated by the City as City Improvement No. 1988-18 and by the State as State Project No. 2748-39 (T.H. 252=110).

BE IT FURTHER RESOLVED that the proper City Officers are hereby authorized and directed to execute such agreement.

**CERTIFICATION**

State of Minnesota

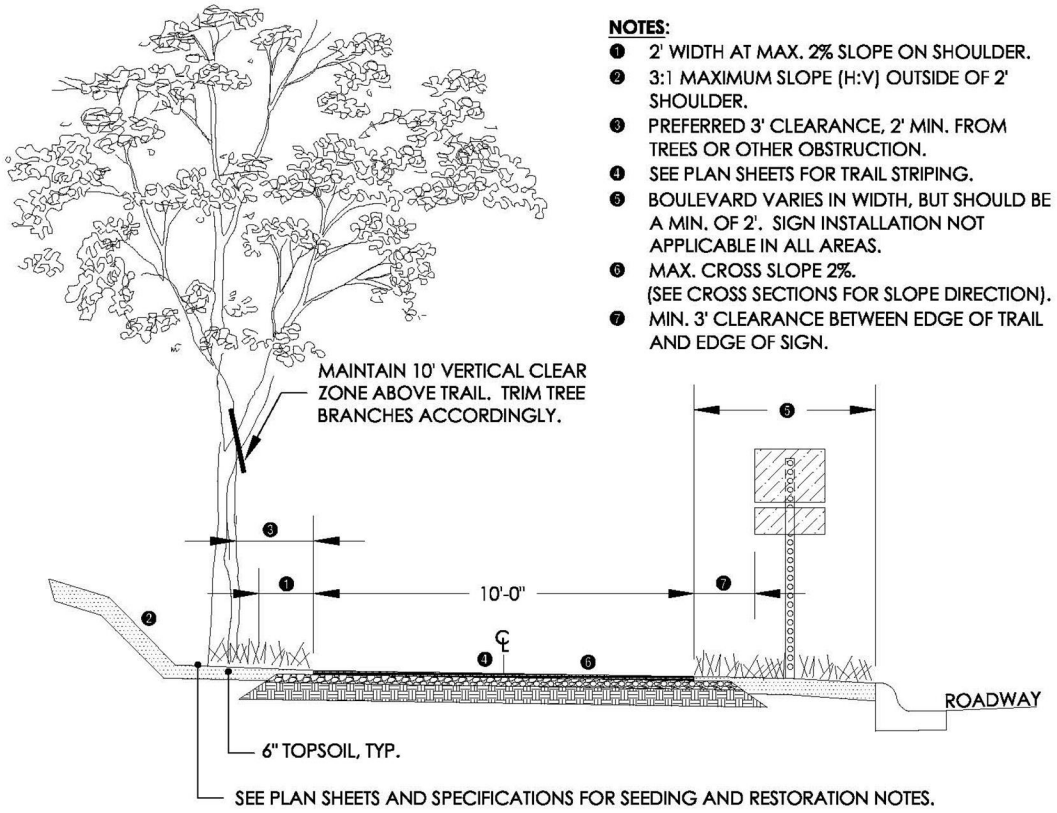
County of Hennepin

City of Brooklyn Center

I hereby certify that the foregoing Resolution is a true and correct copy of the resolution presented to and adopted by the City Council of the City of Brooklyn Center at a duly authorized meeting thereof held on the 21st day of May, 1990 1990, as shown by the minutes of said meeting in my possession.

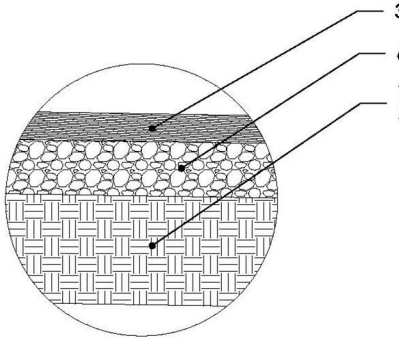
Patricia A. Page
Deputy City Clerk

# EXHIBIT E
# TYPICAL TRAIL SECTION




**NOTES:**

1. 2' WIDTH AT MAX. 2% SLOPE ON SHOULDER.
2. 3:1 MAXIMUM SLOPE (H:V) OUTSIDE OF 2' SHOULDER.
3. PREFERRED 3' CLEARANCE, 2' MIN. FROM TREES OR OTHER OBSTRUCTION.
4. SEE PLAN SHEETS FOR TRAIL STRIPING.
5. BOULEVARD VARIES IN WIDTH, BUT SHOULD BE A MIN. OF 2'. SIGN INSTALLATION NOT APPLICABLE IN ALL AREAS.
6. MAX. CROSS SLOPE 2%. (SEE CROSS SECTIONS FOR SLOPE DIRECTION).
7. MIN. 3' CLEARANCE BETWEEN EDGE OF TRAIL AND EDGE OF SIGN.




**NOTES:**

1. BITUMINOUS SHALL BE PLACED IN ONE LIFT.
2. CLASS 5 AGGREGATE BASE SHALL CONFORM TO MnDOT SPEC 3138.
3. SUBGRADE SHALL BE TEST ROLLED PRIOR TO AGGREGATE BASE INSTALLATION AND CONFORM TO MnDOT SPEC 2111.
4. WHERE BOULEVARD IS 2' TO 3' (MIN.), BOULEVARD SHALL BE CONSTRUCTED FROM IMPERVIOUS MATERIAL (I.G., BITUMINOUS, CONCRETE, PAVERS, ETC). SPECIAL STRIPING LAYOUT MAY APPLY, (SEE PLAN SHEETS).

TR-1 TYPICAL TRAIL SECTION 10' URBAN

NTS

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Authorizing Execution of Encroachment Agreement Between City of Brooklyn Center and Medtronic, Inc.

**Requested Council Action:**

- *Motion to consider approval of the resolution authorizing execution of an Encroachment Agreement between the City of Brooklyn Center and Medtronic, Inc.*

**Background:**

On July 19, 2021, Medtronic, Inc., the property owner of 6800 Shingle Creek Parkway, submitted an application to install an 8' security fence on their property. The property is subject to City drainage and utility easements that run through the property. The installation of the fence would be within portions of the City easements as shown on the site plan.

City staff reviewed the fence encroachment and decided that the fence could be installed in accordance with City Ordinances provided Medtronic execute an encroachment agreement with the City of Brooklyn Center. This agreement grants the Owner a license to construct the fence improvements into the easement area in accordance with the terms and conditions of the encroachment agreement.

The City Attorney has reviewed the agreement document and concurs with the purpose and form of the agreement.

**Budget Issues:**

There are no budget issues to consider.

**Inclusive Community Engagement:**

N/A

**Antiracist/Equity Policy Effect:**

N/A

**Strategic Priorities and Values:**

Targeted Redevelopment

**ATTACHMENTS:**

| Description | Upload Date | Type |
| --- | --- | --- |
| Resolution | 9/20/2021 | Cover Memo |
| Encroachment Agreement | 9/20/2021 | Cover Memo |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF ENCROACHMENT AGREEMENT BETWEEN CITY OF BROOKLYN CENTER AND MEDTRONIC, INC.

WHEREAS, the Medtronic, Inc. ("Owner") is the owner of the property located at 6800 Shingle Creek Parkway, Brooklyn Center, MN, legally described as Lot 1, Block 1, Medtronic Shingle Creek Addition ("Property"); and

WHEREAS, the Property is subject to drainage and utility easements held by the City; and

WHEREAS, the Owner desires to construct security fencing as shown on the site plan, Exhibits B1-B4 of the Encroachment Agreement, and of which a portion of the fencing would encroach into the City easement area; and

WHEREAS, the City and the Owner established an Encroachment Agreement, which prescribes the use and terms of the encroachment; and

WHEREAS, the City Attorney and City Engineer have reviewed and concur with the form and purpose of the encroachment agreement, copies of which are attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that the Mayor is hereby authorized to execute the Encroachment Agreement in the name of the City of Brooklyn Center.

September 27, 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.

# ENCROACHMENT LICENSE AGREEMENT

This Encroachment License Agreement ("**Agreement**") is made and entered into this _____ day of September 2021 by and between the City of Brooklyn Center, a Minnesota municipal corporation, ("**City**") and Medtronic, Inc. ("**Owner**").

## RECITALS

A. The Owner is the owner of the property located at 6700-6800 Shingle Creek Parkway, Brooklyn Center, MN, legally described in the attached Exhibit A ("**Property**").

B. The Property is subject to, or is adjacent to, public drainage, utility, and right-of-way easements held by the City as shown on the site plan attached hereto as Exhibit B2 ("**Improvement Area**").

C. The Owner desires to construct security fencing into the Improvement Area as shown on site plan attached hereto as Exhibit B1 (the "**Improvement**").

D. The City desires to grant the Owner a license to construct the Improvement into the Improvement Area in accordance with the terms and conditions of this Agreement.

## AGREEMENT

For good and valuable consideration, the receipt of which is acknowledged by the City, and based on the premises and the mutual covenants and agreements set forth herein, the parties hereby agree as follows:

1. License Granted. The City hereby grants to the Owner, subject to all of the terms and conditions of this Agreement, a non-exclusive license for the sole purpose of constructing, using, maintaining, repairing, and improving the Improvement in a portion of the Improvement Area as approved by the City as part of the Owner's site plan review ("**Encroachment Area**"). The Encroachment Area is limited to that portion of the Improvement Area needed to locate the Improvement as shown on the approved site plan and such additional area as may reasonably be needed to keep the Improvement properly maintained.

2. Limitations and Requirements. This license is subject to the following understandings, limitations, requirements, and agreements:

    a. This license is limited exclusively to the Improvement approved by the City within the identified Encroachment Area and does not authorize any other improvements to be constructed or placed on the Improvement Area;
    b. The Improvement shall be placed and maintained such that it does not interfere with the use and maintenance of the Improvement Area;

c. The Owner shall be solely responsible for all work and costs to construct, maintain, repair, and improve the Improvement as may be needed and all such work on the Improvement Area shall be limited to the Encroachment Area;
d. The City makes no representations or warranties as to the condition of the Improvement Area or the Encroachment Area, or their suitability for the installation of the Improvement;
e. The Owner agrees not to suffer or allow any liens, claims and processes to be placed against the City's rights to or interest in the Improvement Area as a result of its use of the Encroachment Area including, without limitation, any liens for labor or materials provided for the repair or maintenance of the Improvement;
f. The Owner agrees that the use of the Improvement is with the City's permission and is not open, continuous, notorious or in any other manner supportive of a claim of adverse possession, prescriptive easement, or other entitlement to the Improvement Area. The parties acknowledge that this Agreement is a license to use the Encroachment Area for the purpose described herein, it is not a lease or easement and does not confer any estate or interest in real property to the Owner;
g. The Owner assumes all risk with respect to its activities within, and use of, the Encroachment Area;
h. Nothing herein shall be construed as limiting the City's right to use the Improvement Area, provided that during the term of this Agreement the City agrees to not unreasonably interfere with the Owner's use of the Improvement; and
i. This Agreement shall not be recorded in the office of the County Recorder and does not run with the land.

3. Term and Revocation. This Agreement shall commence on the date first written above and shall continue until terminated by mutual agreement of the parties or until revoked by the City. The City may revoke this license and terminate this Agreement at any time upon providing the Owner at least 90 days' written notice of revocation. The Owner's obligation to remove the Improvement and to indemnify the City shall survive the revocation or termination of this Agreement.

4. Removal of Improvement. The Owner shall be responsible, at its own cost, for completely removing the Improvement from the Encroachment Area upon the termination or revocation of this Agreement as set forth above. In the event of such termination or revocation, the Owner shall, within a reasonable time given the time of year, remove the Improvement and restore the Improvement Area to a condition consistent with the surrounding property.

5. Indemnification. The Owner shall indemnify, hold harmless and defend the City, its officials, employees, contractors and agents, from and against any and all claims, losses, proceedings, damages, causes of action, liability, costs or expenses (including reasonable attorneys' fees), arising from or in connection with or caused by any act, omission or negligence of the Owner, its contractors, licensees, invitees, agents, servants or employees in connection with the Improvement, the construction, repair, or maintenance of the Improvement, and the Owner's use of the Encroachment Area. Nothing in this

Agreement shall be construed as either party waiving any exception from, or limitation on, its liability provided in Minnesota Statutes, chapter 466 or in other law.

6. Governing Law and Amendments. This Agreement shall be governed by the laws of the State of Minnesota and may only be modified or amended with the written consent of both parties.

7. Binding Agreement. This Agreement constitutes the entire agreement between the parties regarding this matter and is binding on the parties until terminated by mutual agreement or revoked by the City.

8. Incorporation. The recitals contained herein, and the exhibits attached hereto, are incorporated in and made part of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

**CITY OF BROOKLYN CENTER**

Approved this____day of September 2021.

**BY THE CITY COUNCIL**

_____
Mayor

Attest:_____
City Clerk

**MEDTRONIC, INC.**

By:_____

Its: Sr. Director, Global Real Estate

Date: 9-16-2021

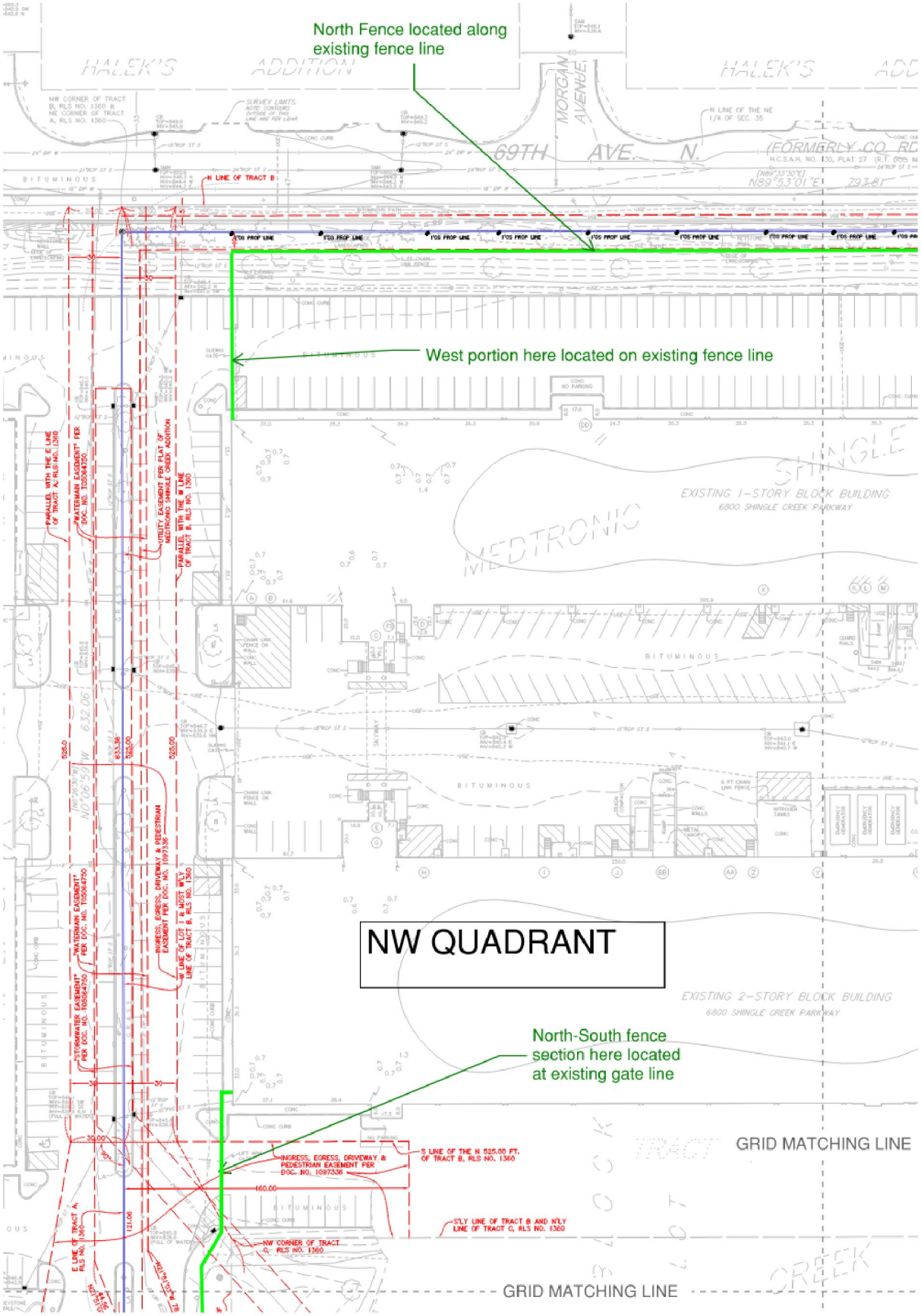
**EXHIBIT A**

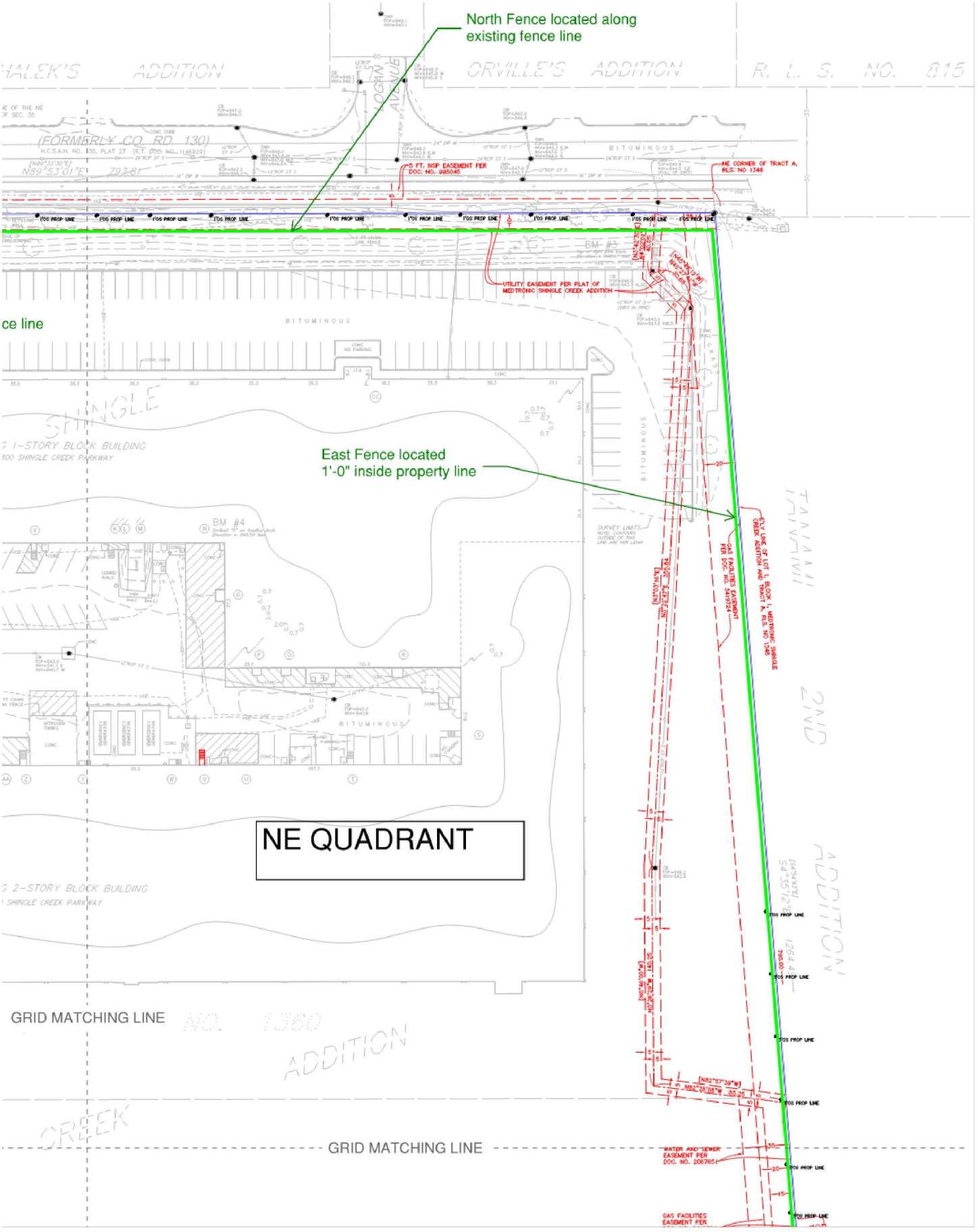
Legal Description of the Owner's Property

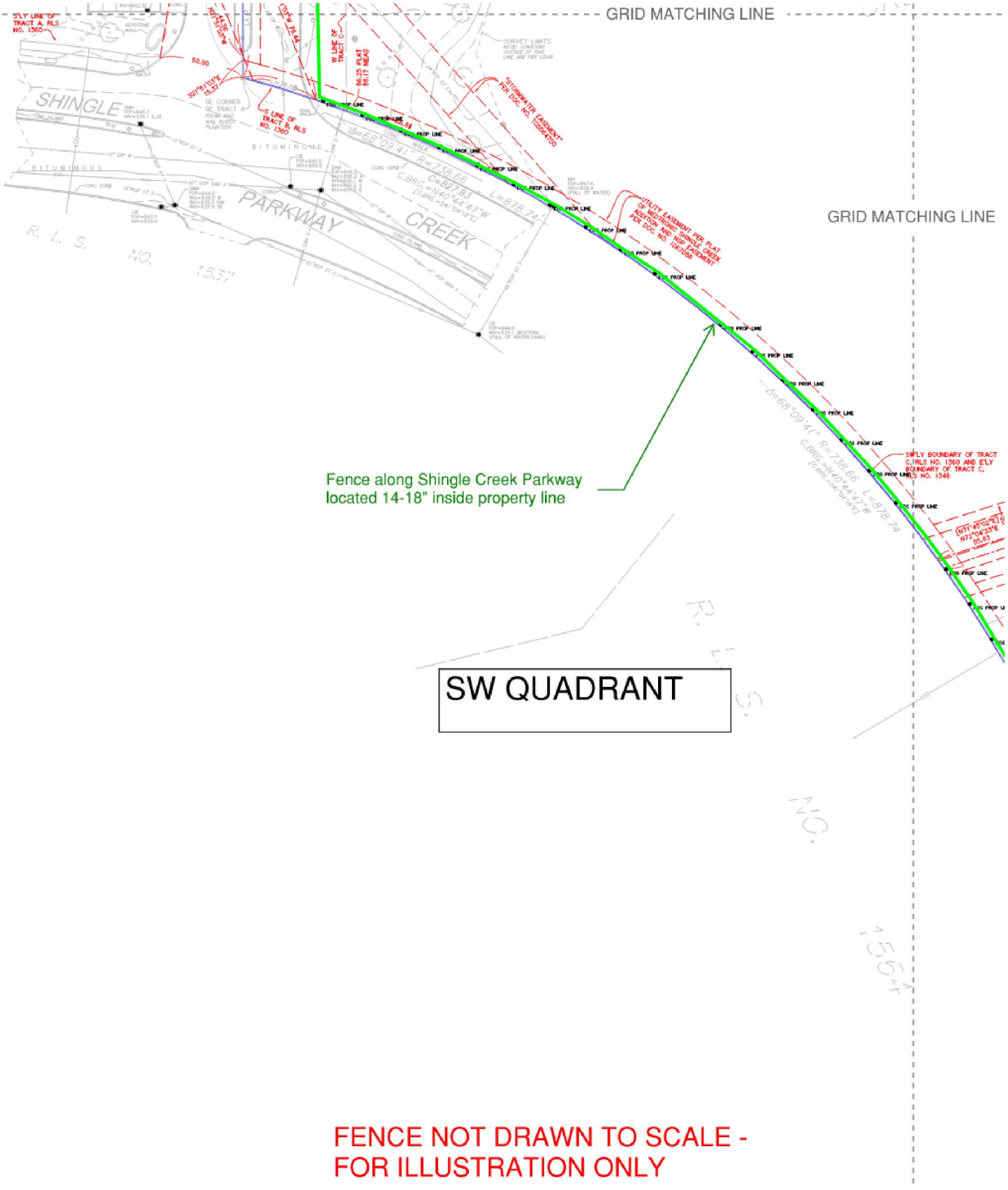
Lot 1, Block 1, Medtronic Shingle Creek Addition, Hennepin County, Minnesota.

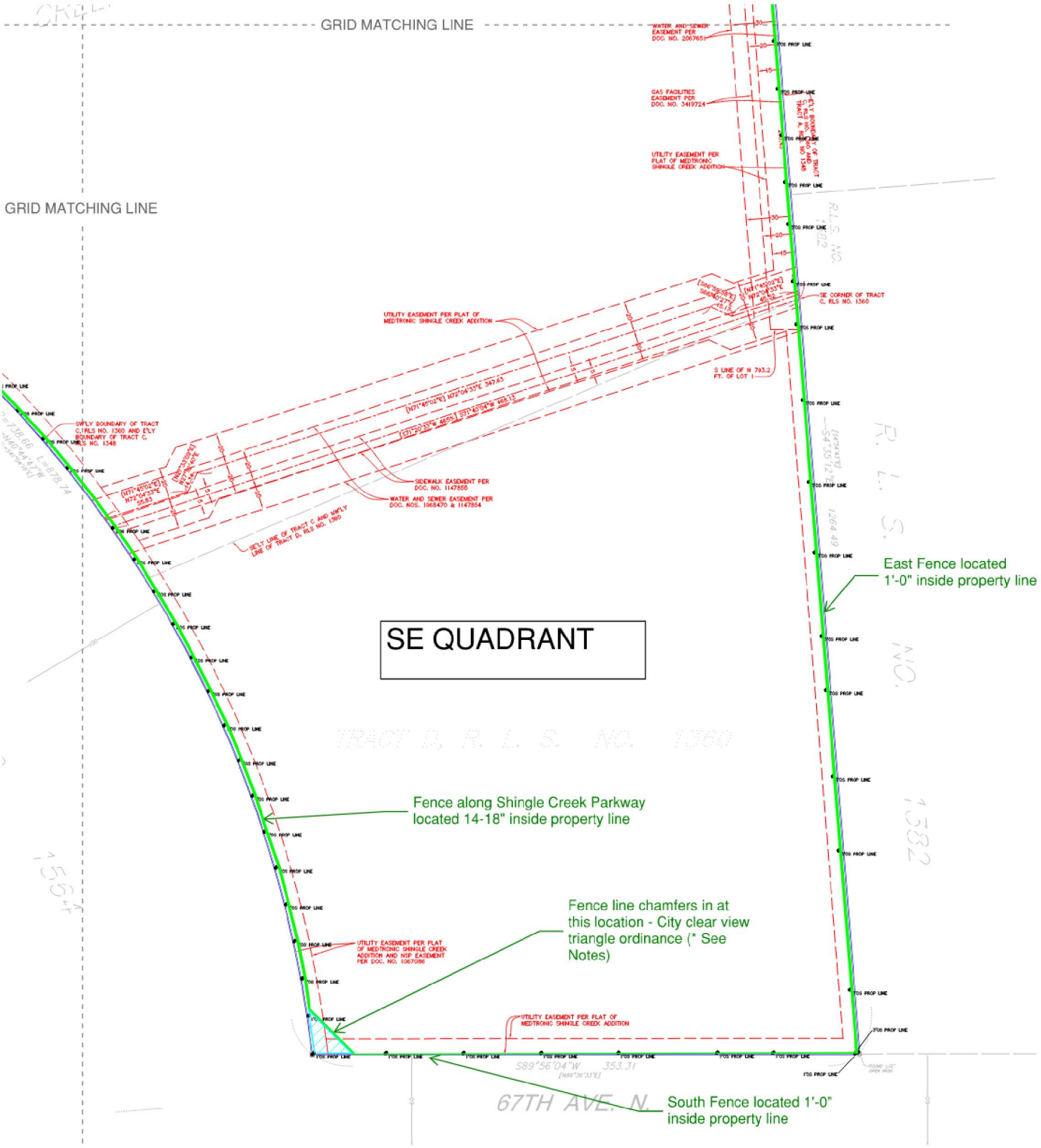
**EXHIBITS B1-B4**

Owner's Site plan with Easements




North Fence located along existing fence line
East Fence located 1'-0" inside property line
NE QUADRANT
GRID MATCHING LINE
GRID MATCHING LINE
ORVILLE'S ADDITION
R. L. S. NO. 815
(FORMERLY CO. RD. 130)
BITUMINOUS
ce line
SHINGLE
1-STORY BLOCK BUILDING
2-STORY BLOCK BUILDING
BM #4
BM #3
NE CORNER OF TRACT A, RLS. NO 1348
UTILITY EASEMENT PER PLAT OF MEDTRONIC SHINGLE CREEK ADDITION
GAS FACILITIES EASEMENT PER DOC. NO. 3419724
WATER AND SEWER EASEMENT PER DOC. NO. 2067651
GAS FACILITIES EASEMENT PER
2ND ADDITION
TANAMI
ADDITION
CREEK


GRID MATCHING LINE
GRID MATCHING LINE
SHINGLE
PARKWAY
CREEK
Fence along Shingle Creek Parkway
located 14-18" inside property line
SW QUADRANT
FENCE NOT DRAWN TO SCALE -
FOR ILLUSTRATION ONLY


GRID MATCHING LINE
GRID MATCHING LINE
SE QUADRANT
East Fence located 1'-0" inside property line
Fence along Shingle Creek Parkway located 14-18" inside property line
Fence line chamfers in at this location - City clear view triangle ordinance (* See Notes)
South Fence located 1'-0" inside property line
67TH AVE. N.
S89°56'04"W 353.31
SE CORNER OF TRACT C, RLS NO. 1360
UTILITY EASEMENT PER PLAT OF MEDTRONIC SHINGLE CREEK ADDITION
SIDEWALK EASEMENT PER DOC. NO. 1147886
WATER AND SEWER EASEMENT PER DOC. NOS. 1068470 & 1147864
GAS FACILITIES EASEMENT PER DOC. NO. 3419724
WATER AND SEWER EASEMENT PER DOC. NO. 2067651
S LINE OF N 793.2 FT. OF LOT 1
SWLY BOUNDARY OF TRACT C, RLS NO. 1360 AND E'LY BOUNDARY OF TRACT C, RLS NO. 1348
SELY LINE OF TRACT C AND NWLY LINE OF TRACT D, RLS NO. 1360
TRACT D, R.L.S. NO. 1360

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Accepting Feasibility Report and Calling for an Improvement Public Hearing for Improvement Project Nos. 2022-01, 02, 03 and 04, Woodbine Area Street and Utility Improvements

**Requested Council Action:**

*- Motion to approve a resolution accepting feasibility report and calling for an improvement public hearing for Improvement Project Nos. 2022-01, 02, 03 and 04, Woodbine Area Street and Utility Improvements.*

**Background:**

This project was established by the City Council on July 12, 2021, by Resolution 2021-85, for the area commonly referred to as the Woodbine Area Improvements. This action was taken in accordance with the Capital Improvement Program (CIP), which identifies Woodbine Area for improvements during the 2022 construction season.

The attached feasibility report provides a summary of the project evaluation process and preliminary street and utility improvements. The report also includes the results of a resident questionnaire that was mailed to all property owners within the project area. A public informational meeting was conducted via WebEx on September 16, 2021, to provide project information to property owners and tenants within the project area and gain additional input from the public. The informational meeting was positive in nature with the majority of questions and concerns relating to utility replacements, special assessments and project staging. A formal presentation of the feasibility for the project is planned at the public hearing.

The attached resolution declares certain project costs to be assessed for the Woodbine Area Street and Utility Improvements and calls for an improvement public hearing on October 25, 2021. If approved by the City Council, legal notice would be published, and all property owners who could potentially be assessed for improvements would receive a Notice of Improvement Public Hearing via mail. Staff recommends that the City Council consider establishing the 2022 special assessment rates in November 2021, and holding the special assessment public hearing in December 2021.

**Budget Issues:**

The total project cost for the Woodbine Area Street and Utility Improvements is estimated to be $7,000,000. Funding sources for the project are proposed from a variety of sources as described in the feasibility report. The Draft Special Assessment Levy Roll for Improvement Project No. 2022-01 are included in Appendix B of the feasibility report.

**Inclusive Community Engagement:**

N/A

**Antiracist/Equity Policy Effect:**

N/A

**Strategic Priorities and Values:**

Key Transportation Investments

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 9/20/2021 | Cover Memo |
| Feasibility Report | 9/20/2021 | Cover Memo |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION ACCEPTING FEASIBILITY REPORT AND CALLING FOR AN IMPROVEMENT PUBLIC HEARING FOR IMPROVEMENT PROJECT NOS. 2022-01, 02, 03 AND 04, WOODBINE AREA STREET AND UTILITY IMPROVEMENTS

WHEREAS, the Brooklyn Center City Council, by Resolution No. 2021-85, directed the preparation of a feasibility report regarding proposed improvements to the streets, storm drainage system and public utilities in the Woodbine Area neighborhood; and

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

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

WHEREAS, the total project cost for the Woodbine Area Street, Storm Drainage and Utility Improvements is estimated to be $7,000,000; the total cost of the street improvement portion of said project is estimated to be $3,410,000 and the project funding sources are currently estimated to be:

| | |
|---|---|
| Special Assessments | $ 959,358.00 |
| Sanitary Sewer Utility Fund | $ 990,000.00 |
| Water Utility Fund | $ 1,700,000.00 |
| Storm Drainage Utility Fund | $ 850,000.00 |
| Street Light Utility Fund | $ 20,000.00 |
| Street Reconstruction Fund | $ 2,280,642.00 |
| Municipal Sate Aid Fund | $ 200,000.00 |
| Total | $ 7,000,000.00 |

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

1. The Engineer's Feasibility Report for the Woodbine Area Street and Utility Improvements is received and accepted.

2. Notice is hereby given that an on-line improvement public hearing will be held on the 25th day of October, 2021, at 7:00 p.m. or as soon thereafter as part of the regular City Council meeting as the matter may be heard to pass upon said improvement project and at such time and place all persons owning property affected by said improvements will be given the opportunity to be heard with reference to said improvements. The electronic meeting can be

RESOLUTION NO. _____

accessed by _____
or by dialing _____ Code: _____

3. The City Clerk is directed to cause a notice of the improvement public hearing to be published in the official newspaper at least two weeks prior to the public hearing, and shall state in the notice the total cost of the improvement.

September 27, 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.

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

# FEASIBILITY REPORT

FOR

# *WOODBINE AREA*
# *STREET AND UTILITY IMPROVEMENTS*

IMPROVEMENT PROJECT NOS. 2022-01, 02, 03 and 04

***CITY OF BROOKLYN CENTER, MINNESOTA***

September 20, 2021

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

*Jay R. Hill, P.E.*
*Reg. No. 24552*
*September 20, 2021*

# I. BACKGROUND

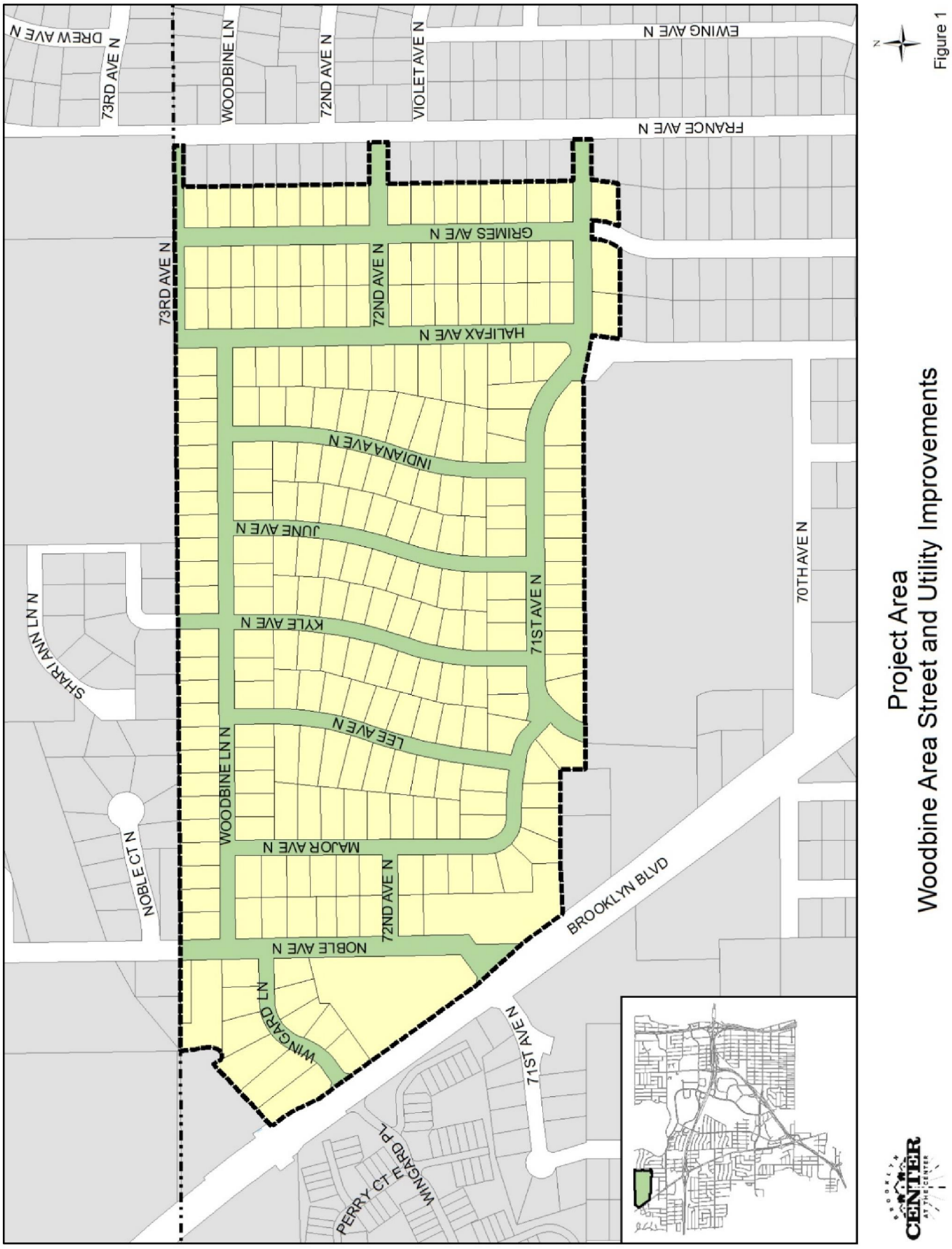
In 2022, the City of Brooklyn Center will be entering the 29th year of its long-range infrastructure rehabilitation program often referred to as the Neighborhood Street and Utility Improvement Program. This program has consisted of a systematic rehabilitation and/or replacement of the City's aging streets, water main, sanitary sewer, storm sewers, sidewalks, trails and street lights.

The City's Capital Improvement Program identifies the Woodbine Area Neighborhood for reconstruction in 2022. The proposed project includes roadway, utility and sidewalk improvements within the project limits shown on Figure 1. The Woodbine project area extends from Brooklyn Boulevard to France Avenue, and from 71st Avenue to the north City limits.

This report was prepared in response to City Council Resolution No. 2021-85 dated July 12, 2021, directing staff to prepare a feasibility report and collect public input for the proposed project. Staff conducted a public informational meeting with residents and property owners located within the project area on September 16, 2021. A resident questionnaire and letter were also distributed as part of the project evaluation process. A summary of resident comments is provided in Appendix A.

The 2021 project area consists of approximately 15,525 feet of streets and utilities. The neighborhood consists of approximately 243 residential properties that are zoned "R1" and 3 church properties zoned "R1".

Figure 1: Project Area



# II. STREET IMPROVEMENTS

## A. EXISTING CONDITIONS

A majority of the Woodbine Area was originally constructed between 1956 and 1959 with the Bobendriers and Northbrook Manor Additions. The streets within the project area were most recently improved in 1995 resulting in the existing street pavement being in service for approximately 26 years. The existing streets are generally 30 feet wide with curb and gutter, which is typical for most low volume residential streets in Brooklyn Center. Noble Avenue is a Municipal State Aid (MSA) route and ranges in width from 44 feet to 48 feet with concrete curb and gutter.

An existing pavement evaluation was conducted resulting with the road surface showing signs of deterioration such as some lateral cracking throughout the project area and moderate potholes have occurred in some locations. The existing low volume pavement section within the project area generally consists of 3.5 inches of bituminous pavement and 6 inches of aggregate base per the typical section in 1995. The existing pavement section on Noble Avenue consists of 5 inches of bituminous pavement and 6 inches of aggregate base. Additionally, limited sections of deteriorated concrete curb and gutter were identified within the project area.

There are existing concrete sidewalks within the project area located on the east and west sides of Noble Avenue, the north side of Woodbine Lane, the west side of Halifax Avenue, and the south side of 72nd Avenue. Also adjacent to the project area are concrete sidewalks on both sides of Brooklyn Boulevard and on the west side of France Avenue. Bituminous trails exist on the northeast side of Brooklyn Boulevard adjacent to the project area. See Figure 2 for existing sidewalk and trail locations.

A geotechnical investigation was performed within the project area to obtain and analyze soil samples below the street pavement. The geotechnical evaluation report contains information regarding the subsurface soil and groundwater conditions and includes appropriate design and construction recommendations. Soil borings are still being processed for the project, but preliminary results showed various layers of sand and silty-sand material.

Traffic within the project area is generally limited to local traffic access to residential properties within the neighborhood with the exception of Noble Avenue and a Metro Transit bus route. Noble Avenue experience higher levels of traffic destined to other areas. Noble Avenue is a MSA street with traffic volumes of approximately 7,400 vehicles per day. The Metro Transit bus route flows within the project are on Woodbine Lane, Halifax Avenue, and 71st Avenue. The remaining roadways generally do not provide connection to other neighborhoods and, therefore, do not experience significant cut-through or collector-type traffic. Traffic volumes on streets within the project area are generally low volume and typical for local roadways in Brooklyn Center, expected to be less than 500 in most instances.

## B. PROPOSED STREET IMPROVEMENTS

Based on the age and condition of the existing bituminous asphalt pavement surfaces and the proposed replacement of underlying utilities in certain locations, complete replacement of the street surface is warranted. Proposed street improvements include partial reconstruction with full depth pavement replacement for the existing streets. The existing concrete curb and gutter throughout the project area has not exceed its life expectancy and can be suitably rehabilitated with spot repairs. Approximately 35 percent of the concrete curb and gutter and concrete driveway aprons are estimated to be replaced due to heaving/settling issues and as warranted or impacted by other construction (e.g. public utility repairs).

The existing soil material will provide a stable foundation to support the proposed street and utility

improvements. The roadway subgrade consists of good soils and is planned to be reclaimed (recycled) in place to be reused as the new aggregate base for the proposed street section. Removal of poor soils in isolated areas throughout the project for utility and or roadway construction will be performed as recommended in the geotechnical report and as determined in the field during construction.

In accordance with the Complete Streets Policy adopted by the City in 2013, all streets and trail projects, including design, planning, reconstruction, rehabilitation, maintenance or operations by the City of Brooklyn Center shall be designed and executed in a responsible, equitable and financially reasonable way to accommodate and encourage travel by bicyclists, pedestrians, public transportation, emergency and commercial vehicles in a balanced manner. Implementation of the City's Complete Streets Policy ensures that the needs and safety of pedestrians, bicyclists, motorists and transit riders of all ages and abilities are considered in the design and operation of roads.

Additionally, the Safe Routes to School Planning (SRTS) Assistance Memorandum prepared by MnDOT in June 2013 and the Pedestrian & Bicycle Plan (P&BP) adopted in March 2014 are used to plan additional sidewalk and trail routes. The SRTS and the P&BP recommended adding a sidewalk on the west side of Halifax Avenue between Woodbine Lane and 73rd Avenue, on the north side of 73rd Avenue between Halifax Avenue and France Avenue and on 71st Avenue between Halifax Avenue and France Avenue. In response to the residential survey we received three (3) responses supporting additional sidewalks in the neighborhood with two (2) of the responses noting the gap on the east side of Noble Avenue between Woodbine Lane and Noble Court.

The addition of the sidewalks on the north side of 73rd Avenue and the east side of Noble Avenue would require a Joint Powers Agreement (JPA) with the City of Brooklyn Park. These segments of sidewalk will be coordinated and evaluated during the final design stages of the project with the City of Brooklyn Park and the adjacent property owners

The following strategies and improvements are recommended:

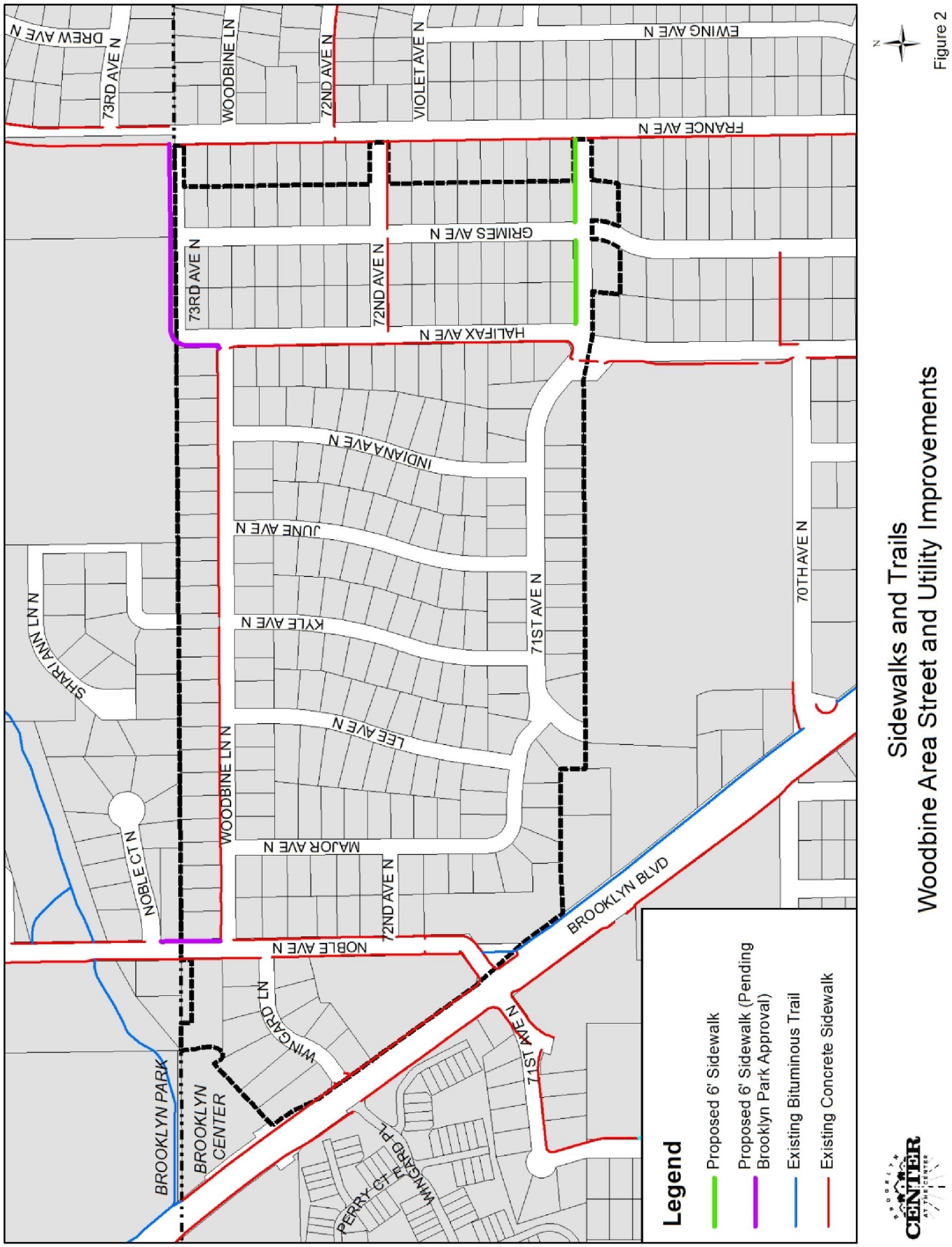
- Ensure that the needs and safety of pedestrians, bicyclists, motorists and transit riders of all ages and abilities are considered in the design and operation of roads.
- A new 6-foot-wide sidewalk located along the west side of Halifax Avenue from Woodbine Lane to 73rd Avenue is being considered per the Pedestrian & Bicycle Plan, conditioned on agreement with the City of Brooklyn Park.
- A new 6-foot-wide sidewalk located along the north side of 73rd Avenue from Halifax Avenue to France Avenue is being considered per the Pedestrian & Bicycle Plan, conditioned on agreement with the City of Brooklyn Park.
- A new 6-foot-wide sidewalk located along the east side of Noble Avenue from Woodbine Lane to Noble Court is being considered per resident comments, conditioned on agreement with the City of Brooklyn Park.
- A new 6-foot-wide sidewalk located along the north side of 71st Avenue from Halifax Avenue to France Avenue is proposed per the per the Pedestrian & Bicycle Plan and the SRTS Plan.
- The existing concrete sidewalks within the project area located on the east and west sides of Noble Avenue, the north side of Woodbine Lane, the west side of Halifax Avenue, and the south side of 72nd Avenue will be repaired as needed or as impacted by utility replacements.
- Pedestrian curb ramps will be reconstructed throughout the project at each crosswalk location with truncated dome detectable warning systems in compliance with the Americans with Disabilities Act (ADA).

Other improvements include the repair of concrete driveway aprons, the replacement of trees, landscaping

elements and irrigation systems that are impacted by the construction. Disturbed boulevard areas will be restored with topsoil and sod.

It should also be noted that in-depth property surveys are not performed and when constructing the new driveway aprons, the determined location generally matches existing driveway locations and widths. It is not the intent under this project to verify and fix driveway-property line issues, which sometimes exist. Rather, the construction under this project generally occurs within City right-of-way.

Figure 2: Sidewalk and Trail Improvements



# III. STREET LIGHTING SYSTEM

## A. EXISTING CONDITIONS

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

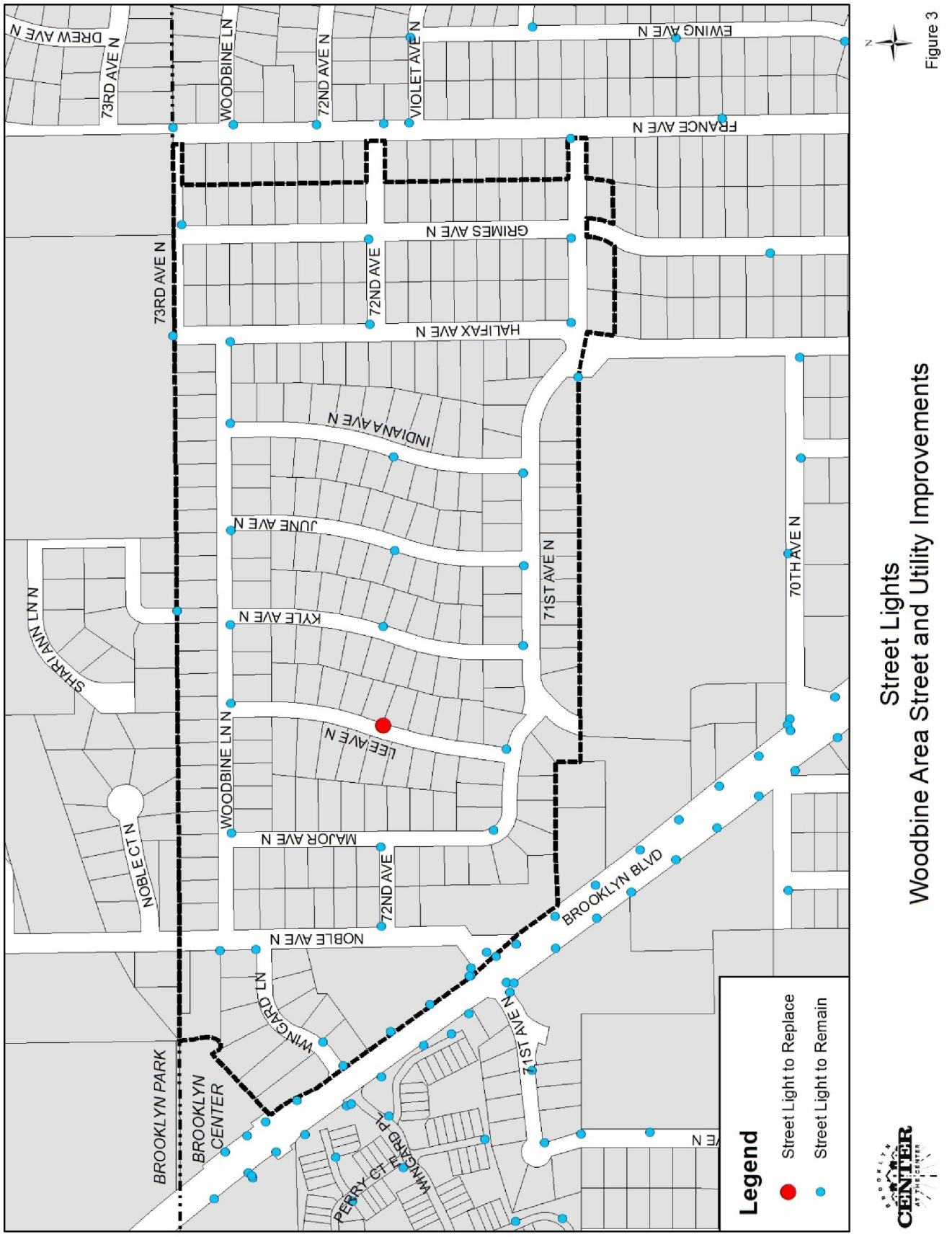
The City's Street Light Policy states that street lights may be provided at street intersections and at mid-block locations where the distance between intersections exceeds 700 feet. Street lights are currently located at all intersections and at most of the longer blocks that exceed 700 feet.

## B. PROPOSED STREET LIGHTING IMPROVEMENTS

The recommended street light improvements include replacement of the one (1) existing free-standing street lights with fiberglass poles, cut-off type LED light fixtures and underground power services. Other street lights that are mounted on multiuse transmission/distribution poles within the neighborhood are not proposed to be modified with this project (see Figure 3); however, Xcel Energy has indicated that all Xcel Energy-owned cobra head-style streetlights on multiuse poles in the project area currently have LED fixtures.

In accordance with City policy, mid-block street lights may be installed where the block exceeds 700 feet in length upon receipt of a petition signed by a majority of the residents on the block, including signatures of the residents adjacent to the specific location where such mid-block light is requested. Staff received a few inquiries about street lights through the public outreach efforts of the project but staff has not received any formal requests/petitions for additional street lights. Adding new street lights will be coordinated and evaluated during the final design stages of the project with the property owners that would be directly affected by adding new street lights. Should the appropriate petitions be received, additional lighting will be included in the project lighting improvements.

Figure 3: Street Light Exhibit



# IV. STORM DRAINAGE AND TREATMENT SYSTEM

## A. EXISTING CONDITIONS

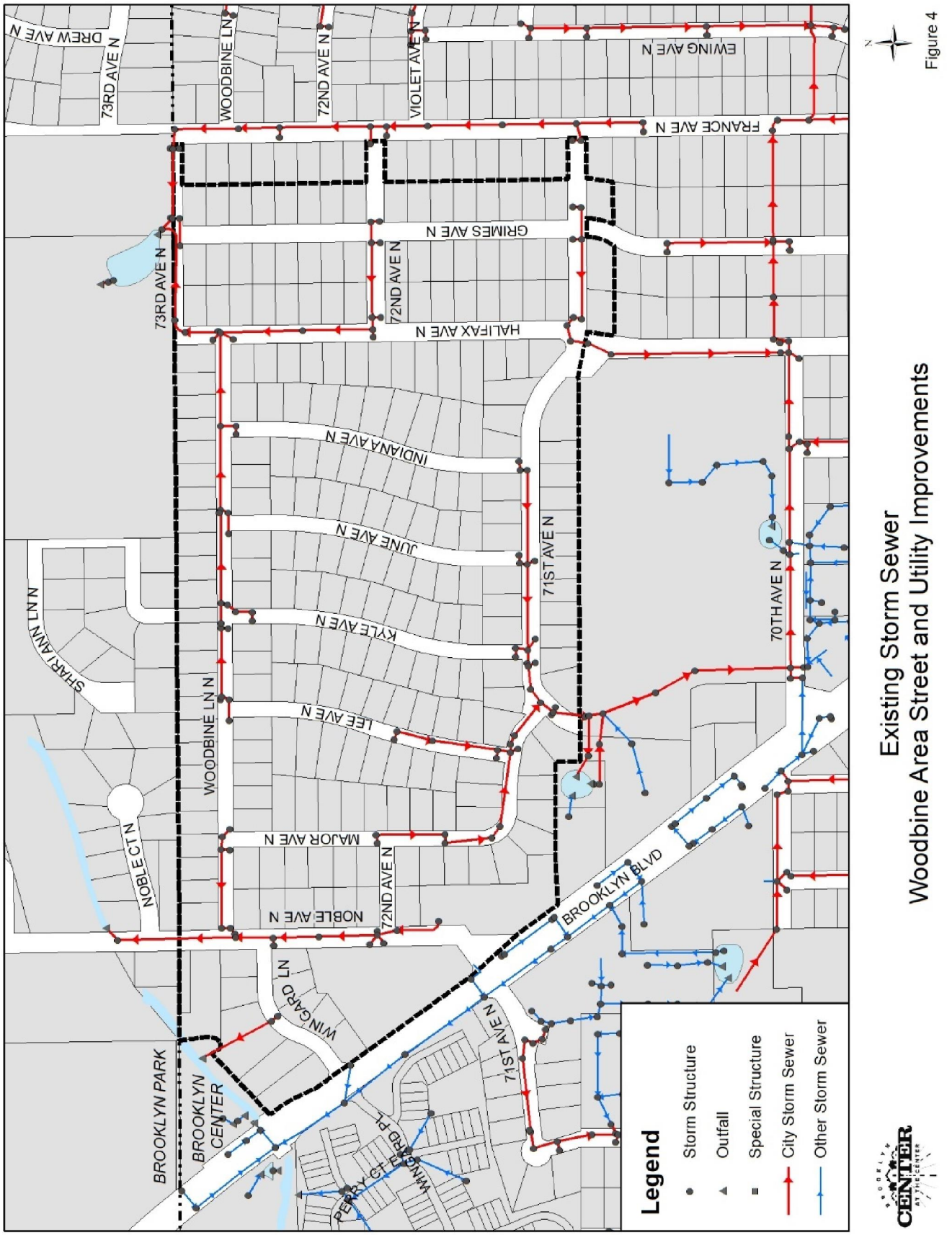
The project area is located within the Shingle Creek Watershed Management Commission area and ultimately flows to Shingle Creek. The existing storm drainage system in the project area consists of a network of storm sewer pipes installed in 1958, 1970, 1984, and 1995 and range in size from 12-inch to 36-inch diameter reinforced concrete storm sewer pipes (see Figure 4). A televising of the storm sewer in this area was conducted in 2021 and it was found to be in good condition.

## B. PROPOSED DRAINAGE IMPROVEMENTS

Storm sewer improvements will be made to the existing system that includes replacing/repairing catch basins and laterals where necessary. There are no indicators or comments regarding significant ponding or flooding issues within the neighborhood and expansion of the existing storm sewer system is not being planned.

The majority of the stormwater is already conveyed to downstream stormwater quality treatment facilities prior to being discharged to Palmer Lake. No additional stormwater quality facilities are being planned for the project.

Figure 4: Storm Sewer



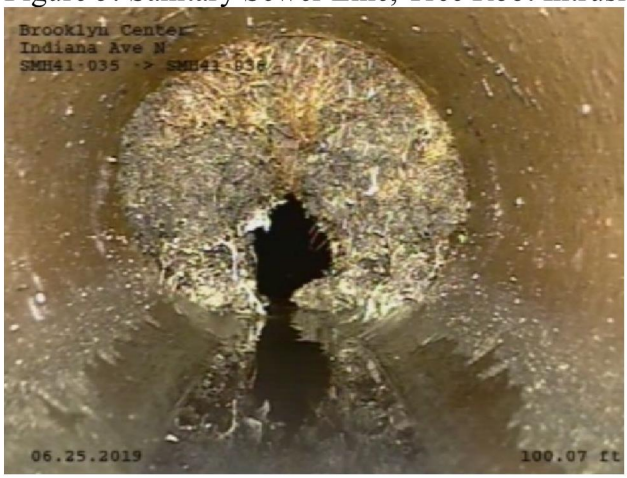
# V. SANITARY SEWER SYSTEM

## A. EXISTING CONDITIONS

The existing sanitary sewer collection system within the project area consists of mainly eight-inch and ten-inch diameter vitrified clay pipe (VCP) sewer mains and some eight-inch and ten-inch diameter polyvinyl chloride (PVC). The sanitary sewer system was installed between 1958 and 1959 and in 1995. Due to the age and materials used in the original construction of the sanitary sewer, much of the sanitary sewer mains within the project area are subjected to frequent issues with root intrusion and inflow and infiltration. Public Works crews must perform root sawing and jetting on an annual basis to maintain the system conveyance capacity and avoid sewer back-ups in many locations (see Figure 6).

During the project planning phase, all public sanitary sewer pipes were inspected with remote televising equipment. These inspections confirmed that portions of the sanitary sewer have moderate to severe problems with root intrusion and inflow and infiltration, and minor problems due to sags and sections of cracked and broken pipe along pipe joints. Surveys received from residents also indicate some occurrences of sewer service line blockage that are often attributed to root penetration of the service pipe joints and connection points. Figure 5 illustrates a typical section of sewer pipe with moderate root intrusion problems. The project contains many segments of sanitary sewer that are in similar condition.

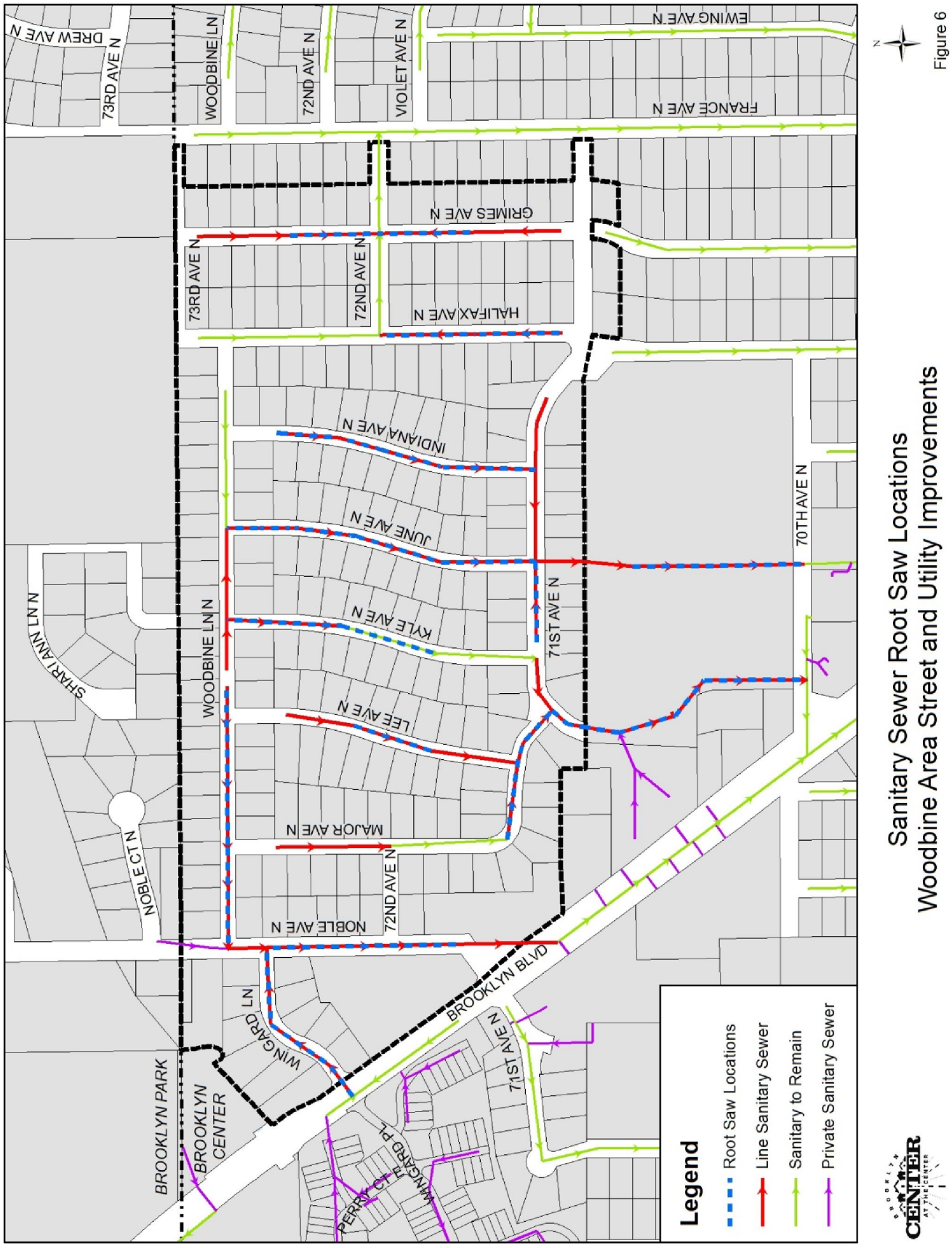
Figure 5: Sanitary Sewer Line, Tree Root Intrusion




## B. PROPOSED SANITARY SEWER IMPROVEMENTS

Sanitary sewer improvements will be made to the existing system include minor repairs to sewer main as warranted, lining the existing VCP pipe and replacing sanitary manhole castings and lids. The replacement of the castings with external seals will help minimize inflow and infiltration of rainwater into the sanitary sewer system. In accordance with past City construction practice, individual sanitary service lines between the sewer main and the property line will be left in place since the services are privately owned by the property owners.

Figure 6: Sanitary Sewer Root Saw Locations



# VI. WATER SYSTEM

## A. EXISTING CONDITIONS

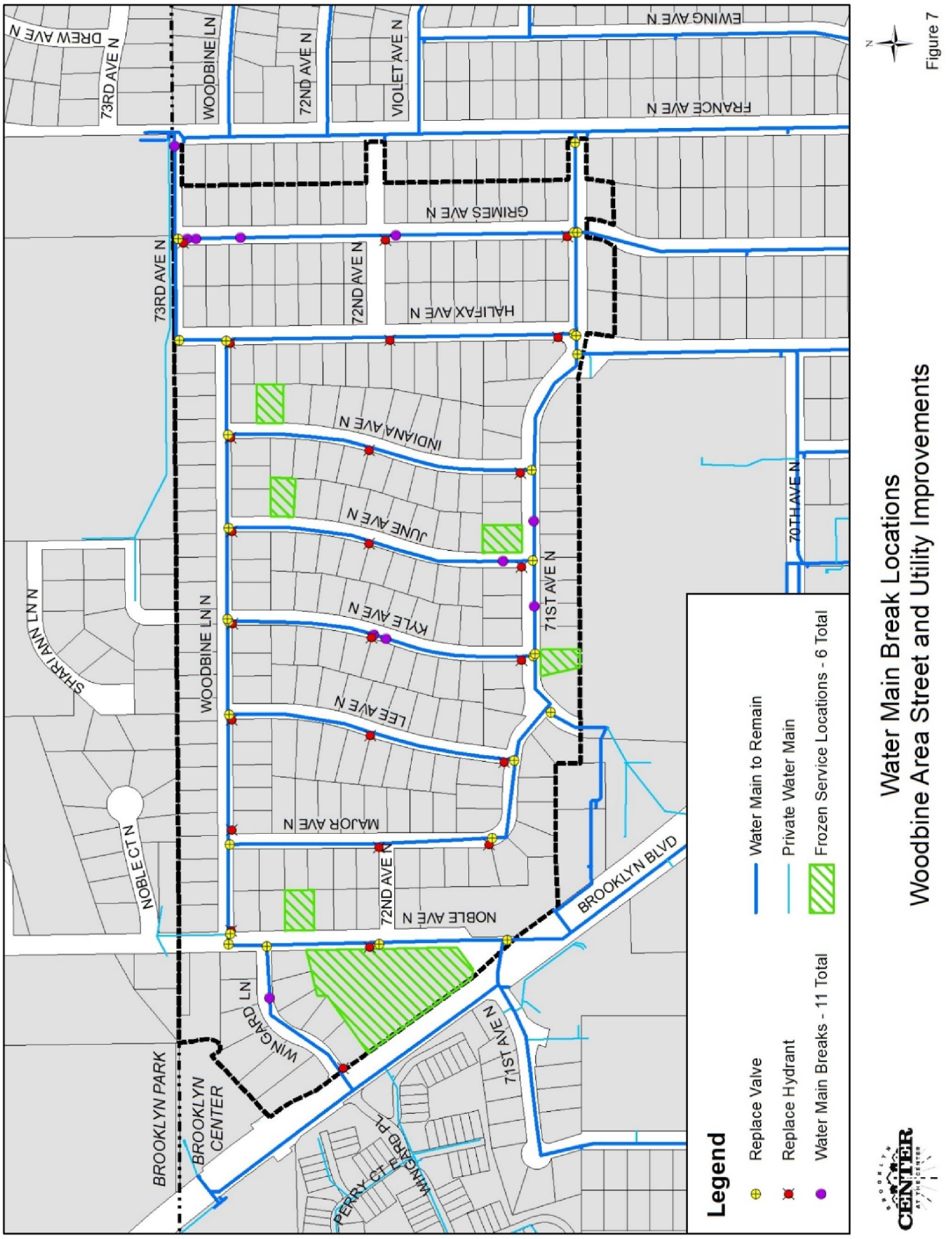
A majority of the water main within the project area consists of 6-inch and 8-inch diameter cast iron pipe (CIP) installed between 1957 and 1959. The water main pipe velocities in the Woodbine Area are all relatively low due to low domestic demands in this residential area as confirmed by water distribution modeling. Minor water quality issues have been reported by residents. A majority of the existing water main in the project area is assumed to not have a cement based internal liner. There is a history of 11 water main break within the project area (see Figure 7). Six properties were identified to have had frozen service issues. The water main is in fair to good condition and has not approached the end of its life cycle.

## B. PROPOSED WATER MAIN IMPROVEMENTS

Recommended water main improvements include replacement of valves and hydrants (the moving parts) of the water main system as these parts tend to wear and fail prior to the remainder of the water main system.

The City also performed a random sampling of the condition of the curb stops on the private water service lines within the project area. This sampling indicated that approximately 85% of the curb stops are currently inoperable for a variety of reasons. Due to this high level of inoperable curb stops and the negative impact that replacing the curb stops on an individual basis would cause on the neighborhood from numerous water shutdowns, it is recommended that the City replace all of the curb stops within the project area as part of the project. As part of this replacement, the services with a freeze history would be insulated.

Figure 7: Water Main Break Locations



## VIII. RIGHT-OF-WAY AND EASEMENTS

Generally, all public infrastructure owned, maintained and operated by the City throughout the project area is located within City easements and/or right-of-way. The City will begin working with Brooklyn Park on agreements for the joint sidewalk improvements under consideration.

## IX. ESTIMATED COSTS AND FUNDING CONSIDERATIONS

The total estimated cost of the proposed project is $7,000,000.00. Table 1 provides a summary of the estimated project costs and recommended funding amounts from the various sources as indicated. Funding for the project is further described below.

### A. FUNDING FOR STREET IMPROVEMENTS

The estimated project cost of roadway improvements for all streets in this project area is $3,410,000.00. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. Special assessments for street improvements are proposed in accordance with the 2022 rates which are expected to be considered for adoption by the City Council on November 8, 2021. The standard 2022 residential street assessment rate is estimated to be $3,777 per R1 zoned residential property. This rate would be assessed to all benefitting single family residential properties within the project area (see Figure 8). For R1 properties which may be legally subdivide into two or more lots, the assessment to be applied shall equal the maximum number of lots allowable times the unit R1 assessment. The properties located at 4111 71st Avenue (church property with a house), 7200 Brooklyn Boulevard (church parking lot) and 7200 Brooklyn Boulevard (church) are legally subdividable and would be assessed accordingly.

A total estimated special assessment amount of $959,358.00 would be levied for street improvements. The remaining street construction costs would be funded from the Street Reconstruction Fund and Municipal State Aid (MSA) Fund. A summary of the proposed special assessments for street improvements is provided in Appendix B.

### B. FUNDING FOR STORM DRAINAGE IMPROVEMENTS

The total estimated cost for storm drainage improvements within the project area is $880,000.00. This preliminary estimate includes the cost for project administration, legal, engineering and construction contingency. The City has not historically assessed storm sewer improvement costs as part of a partial reconstruction project. The storm sewer improvement costs would be funded from the Storm Drainage Fund and the Municipal State Aid (MSA) Fund.

### C. FUNDING FOR UTILITY IMPROVEMENTS

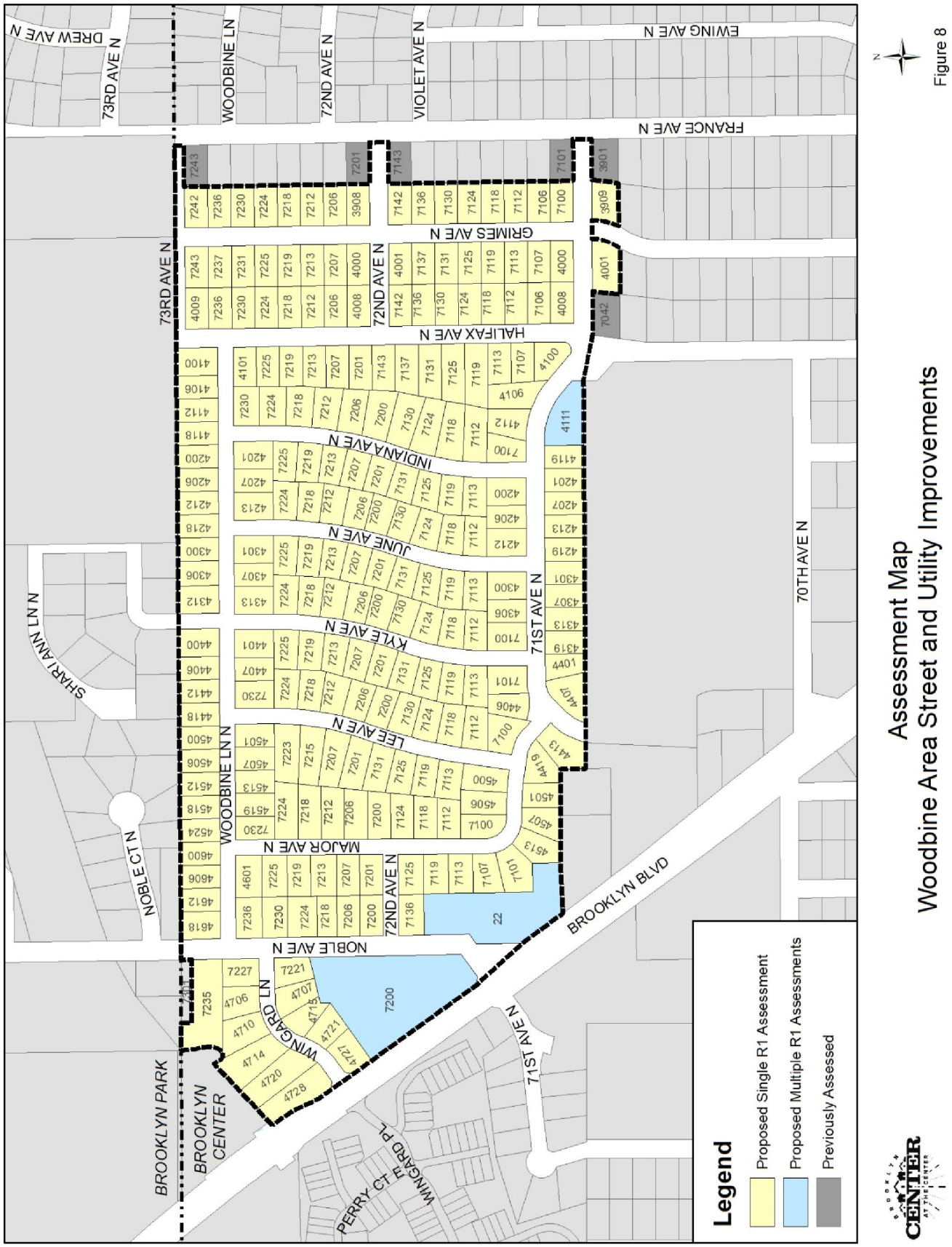
The estimated cost of sanitary sewer improvements is $990,000.00; the estimated cost for water main improvements is $1,700,000.00; and the estimated cost for street light replacement is $20,000.00. As previously noted, these total cost estimates include the costs for project administration, engineering, legal and construction contingency. All costs for water, sanitary sewer and street light improvements will be funded by their respective utility funds in accordance with established policy for such improvements.

## Table 1. Cost and Funding

### Improvement Project Nos. 2022-01, 02, 03 04
### 2022 Woodbine Area Street and Utility Improvements
Feasibility Report, September 20, 2021

| | Streets | Storm Drainage | Sanitary Sewer | Water Main | Street Lights | Estimated Total |
|---|---|---|---|---|---|---|
| **Estimated Expenditures** | | | | | | |
| Estimated Construction Cost Street & Utility | $2,818,000.00 | $727,000.00 | $818,000.00 | $1,404,500.00 | $16,400.00 | $5,783,900.00 |
| Contingencies (10%) | $282,000.00 | $73,000.00 | $82,000.00 | $140,500.00 | $1,600.00 | $579,100.00 |
| Administration, Engineering, Legal (10%) | $310,000.00 | $80,000.00 | $90,000.00 | $155,000.00 | $2,000.00 | $637,000.00 |
| | | | | | | |
| | | | | | | |
| **Total Estimated Project Costs (Feasibility)** | $3,410,000.00 | $880,000.00 | $990,000.00 | $1,700,000.00 | $20,000.00 | $7,000,000.00 |
| **Estimated Revenue** | | | | | | |
| Street Special Assessments | $959,358.00 | | | | | $959,358.00 |
| Storm Drainage Special Assessments | | | | | | $0.00 |
| Sanitary Sewer Utility Fund | | | $990,000.00 | | | $990,000.00 |
| Water Utility Fund | | | | $1,700,000.00 | | $1,700,000.00 |
| Storm Drainage Utility Fund | | $850,000.00 | | | | $850,000.00 |
| Street Light Utility Fund | | | | | $20,000.00 | $20,000.00 |
| Street Reconstruction Fund | $2,280,642.00 | | | | | $2,280,642.00 |
| MSA Fund | $170,000.00 | $30,000.00 | | | | $200,000.00 |
| Centerpoint Energy | $0.00 | | | | | $0.00 |
| Miscellaneous Revenue (plan sales) | $0.00 | | | | | $0.00 |
| **Total Estimated Revenue (Feasibility)** | $3,410,000.00 | $880,000.00 | $990,000.00 | $1,700,000.00 | $20,000.00 | $7,000,000.00 |

Figure 8: Assessment Map



# X. RECOMMENDED PROJECT SCHEDULE

Table 2 is the preliminary schedule for the project.

Table 2. Grandview South Area Reconstruction Project – Schedule

| Action | Target Date |
|---|---|
| City Council Receives Feasibility Report and Calls for an Improvement Public Hearing | September 27, 2021 |
| City Council Holds Improvement Public Hearing, Authorizes the Project and Orders Preparation of Plans and Specifications | October 25, 2021 |
| City Council Establishes 2022 Assessment Rates, Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Special Assessments | November 8, 2021 |
| City Council Holds Assessment Public Hearing and Certify Assessment Roll | December 13, 2021 |
| City Council Approves Plans and Specs, and Authorizes Advertisement for Bids | January 2022 |
| City Receives and Opens Project Bids | February 2022 |
| City Council Considers Award of Contract | February/March 2022 |
| Start Project Construction | Spring/Summer 2022 |
| Construction Substantially Complete | October 2022 |

# XI. CONCLUSIONS AND RECOMMENDATIONS

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

# Appendix A

Resident Questionnaire
Resident Comments

# QUESTIONNAIRE
# 2022 Woodbine Area Improvements

This questionnaire will help the City of Brooklyn Center Engineering staff to better understand the infrastructure needs and issues in your neighborhood. This survey can be returned in person or by mail to: City of Brooklyn Center/Engineering Division, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430; by fax at 763-569-3440; or by email at: publicworks@ci.brooklyn-center.mn.us. Please return this survey by **August 27, 2021**. You may also contact us at 763-569-3340 to discuss these issues.

Please be advised we will contact you in the near future via mail regarding a meeting which will be held this fall. At the meeting we will gather additional information and solicit your input. Thank you for your cooperation in providing this important survey!

1. Contact Information:

   Name: _____

   Address: _____

   Email Address: _____

   Phone Number: _____

2. Sanitary Sewer: Have you experienced any problems with sanitary sewer service, such as line plugging or having the service cleaned out to the street? If yes, how often?

   _____

   _____

   _____

3. Storm Drainage System: Do you have a problem with drainage or flooding in the street, your yard or basement?

   _____

   _____

   _____

4. Do you have a lawn irrigation (or sprinkler) system located within your property?
   Please circle one: Yes No

5. Water System: Do you experience problems relating to the water distribution system such as water pressure, taste, odor or color?

   _____

   _____

   _____

6. Do you have a sump pump in your basement?
   Please circle one:
   A. Yes, my sump pump runs frequently (at least once every day)
   B. Yes, my sump pump runs less frequently
   C. No, I do not have a sump pump or do not use my sump pump
   D. Unknown

**(OVER)**

7. Do you have draintile on you property?

   Please circle one:
   A. Yes, it drains to the yard
   B. Yes, it connects to the storm sewer system
   C. No, I do not have draintile on my property.
   D. Unknown

8. The City's policy pertaining to sidewalk improvements is that sidewalks are not typically installed on local "residential" streets unless the City Council orders the construction of sidewalks when such construction is warranted. Do you feel your neighborhood needs additional sidewalks?

   Please circle one: Yes No

   If yes, where?

   _____

   _____

9. The City's policy pertaining to spacing of existing street lights is to provide for lighting at intersections and at mid-block locations where spacing exceeds 700-feet. Do you feel your neighborhood needs additional street lighting?

   Please circle one: Yes No

   If yes, where?

   _____

   _____

10. Does anyone in your household have any respiratory illness or concerns including, but not limited to asthma or chronic obstructive pulmonary disease (COPD) that could be affected by dust and air quality issues? If yes, please explain below.

    _____

    _____

    _____

11. What other concerns, comments and/or issues do you have pertaining to the streets, sidewalks, utilities, etc., in your neighborhood?

    _____

    _____

    _____

Should you have questions or need more information, please contact the Engineering Division at 763-569-3340.

Please return by **August 27, 2021** to:
Engineering Division
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
FAX 763-569-3440
Email: publicworks@ci.brooklyn-center.mn.us

# Woodbine Area Street and Utility Improvements 2022
# Survey Summary Results

| Sanitary (2) | Storm (3) | Sprinkler System (4) | Water (5) | Sump Pump (6) | Draintile (7) | Sidewalk (8) | If yes, where? (8a) | Streetlights (10) | If yes, where? (10a) | Respiratory illness, health concerns, etc. (11) | Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (12) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| ***71st Avenue N*** | | | | | | | | | | | |
| No, not after we lost our big trees when the tornado went through. | No | No | Odor when they flush I guess. It's brown. | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | None |
| Had continual problems. Out land line had collapsed where it tied into the main. Had it replaced and haven't had any problems in the last 4 years. | No | No | Odor - seems to be getting better. Taste - stopped drinking unfiltered water from tap. | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | |
| Had it replaced a few years ago. | No | No | Odor yes, sometimes smells like chlorine or bleach, sometimes sulfur? | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | |
| No | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | NA |
| No | End of driveway and street floods in the winter and then freezes because the road was not installed properly, making it dangerous for walking, etc. | No | Smells and tastes like chlorine | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | flooding in the street and end of the driveway |
| ***72nd Avenue N*** | | | | | | | | | | | |
| When we moved in a year ago we had to get it cleaned and we haven't had a problem since then. | No problems | No | No | Unknown | Unknown | No | | Yes | My neighborhood needs more lights because at night I don't feel safe for my kids, pets, neighbors. | NA | NA |
| ***Brooklyn Blvd*** | | | | | | | | | | | |
| Yes, we have two different lines going to the main. The one line backs up almost yearly and the other one every 2 to 3 years. | No problems with water coming in the building, but during heavy down pours our back parking lot between Brooklyn Blvd and Noble has been 6" or higher. | Yes | We have had small black debris from time to time. | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | Since this is the Methodist Church, we have members who attend that will have these conditions. | If work is done on the Brooklyn Blvd side of our property, we would like the entrance to be narrower. It would help reduce cars cutting through the parking lot. |
| ***Grimes Avenue N*** | | | | | | | | | | | |
| No clogs. We have the line cleaned yearly due to tree in front yard. | No | Yes | No but we don't drink water straight out of the tap. It is filtered. | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | Absolutely not! | No | | No | |
| No | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | None - don't have sidewalks |
| Roto Rutter - about 1.5 years ago. | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | I have none. |
| No | No | Yes | No - we do have a kinetico softener and drinking water system | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | Don't change the elevation of the street - our driveway has been sloped from garage to street for good drainage. |
| No problems | No problems | No | No problems | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No problems | None |
| Yes, I have to get it cleaned from tree roots. I had pipe replaced from curb. | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No answer | | No | |

| Sanitary (2) | Storm (3) | Sprinkler System (4) | Water (5) | Sump Pump (6) | Draintile (7) | Sidewalk (8) | If yes, where? (8a) | Streetlights (10) | If yes, where? (10a) | Respiratory illness, health concerns, etc. (11) | Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (12) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| *Halifax Avenue N* | | | | | | | | | | | |
| No | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | |
| No | No | No | Yes - odor | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | None |
| No | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | They have done a good job keeping our streets clean. |
| No | No | Yes | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | None |
| No | Water build up at the end of the driveway especially in winter | Yes | No | No, I do not have a sump pump or do not use my sump pump. | Unknown | No | | No | | No | The block I live on loses power frequently during storms where the blocks around us do not. Utilities we are on a different grid - this gets very frustrating. |
| No, not since street were done in the 80's. | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No answer | It seems that it wasn't that long ago that everything was torn up. |
| *Indiana Avenue N* | | | | | | | | | | | |
| No - our neighbors have had frequent problems, but we have not had a problem. | No | No | Not usually, but we did have a couple of days this summer when the water came out kind of orange-brown. | No, I do not have a sump pump or do not use my sump pump. | Unknown | No | | No | | No | None |
| No | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | None |
| No | No | No | No | Unknown | Unknown | No | | Yes | We need street lighting on the street I live on. | No | |
| *June Avenue N* | | | | | | | | | | | |
| No | No | Yes | Yes. Water still has strong odor of chlorine out of the tap. We are aware this will likely always be the case, but are letting you know since you asked. | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | |
| No | Yes - flooding at driveway apron to gutter/curb. | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | |
| Rarely - less than every 3 years. | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | Yes | on 71st Ave N | No | | No | None |
| *Kyle Avenue N* | | | | | | | | | | | |
| No | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | |
| Yes, service cleaned out to the street about 7 years ago and about a year ago. | No | No | Not that I know of | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | Yes, asthma | In backyard I have an evergreen tree that is grown into the cable and telephone lines that are putting stress on them. I have two driveways. I'm thinking about getting rid of one. What would I do about ten feet of curve cost? |
| about every 3 years - it blocks I've been told where the 6" pipe connects to 4" pipe to the house - connection was never properly encapsulated back when the streets were redone around 1996 or so. | Water comes in basement in NE corner. | Yes | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | |

| Sanitary (2) | Storm (3) | Sprinkler System (4) | Water (5) | Sump Pump (6) | Draintile (7) | Sidewalk (8) | If yes, where? (8a) | Streetlights (10) | If yes, where? (10a) | Respiratory illness, health concerns, etc. (11) | Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (12) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| ***Lee Avenue N*** | | | | | | | | | | | |
| Not yet | Yes, in basement at times. | Yes - sprinkler system | All of the above | No, I do not have a sump pump or do not use my sump pump. | Unknown | No | | No | | Allergies | Streets are in bad shape, some crumbling at times. |
| Yes, years ago | No | No | No it's good | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | None |
| No | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | Going south on Noble, the curve by the Church at Brooklyn Blvd is too sharp. Woodbine Lane from Noble to France is NOT wide ENOUGH! |
| ***Major Avenue N*** | | | | | | | | | | | |
| Once | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | Just brighter bulbs | Yes, my husband has asthma | None |
| Yes we did have that problem many years ago but we do a preventative sewer cleaning every two years and that prevents a problem. | No | Yes | No | No, I do not have a sump pump or do not use my sump pump. | Unknown | No | | No | | No | No |
| None | None | No | NA | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | Just keeping up with resurfacing the roads. My neighborhood is fine - don't need any of this! |
| ***Noble Avenue N*** | | | | | | | | | | | |
| No | No | No | No | Unknown | Unknown | No | | No | | No | |
| Four times in the last year - to the main 2 times. 2 others were frozen pipes under the road. Had our main scoped was advised to replace or complete including 30+ feet in the road. | NA | No | Yes - lots of sediment. Must clear faucet aerators monthly. | No, I do not have a sump pump or do not use my sump pump. | Unknown | Yes | East side of noble - 2 lots do not have sidewalks, north and south of them do. | No | Light at the end of my driveway shines into my windows - could be adjusted towards the street better. | NA | Noble should have a painted shoulder. Middle and high school kids crossing at Woodbine nearly get hit daily by people going around vehicles turning or stopping for pedestrians. |
| ***Wingard Lane*** | | | | | | | | | | | |
| | | | | | | | | | | | |

| Sanitary (2) | Storm (3) | Sprinkler System (4) | Water (5) | Sump Pump (6) | Draintile (7) | Sidewalk (8) | If yes, where? (8a) | Streetlights (10) | If yes, where? (10a) | Respiratory illness, health concerns, etc. (11) | Comments/Concerns/Issues re: streets, sidewalks, utilities, etc. (12) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| *Woodbine Lane N* | | | | | | | | | | | |
| No | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | None |
| No | No | No | Yes - taste and odor | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | New lights are not as bright as the old ones. | No | 4-way stop at Woodbine and Kyle. Eliminate Woodbine stop signs. |
| No | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | None |
| No | No | Yes | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | None - we would like quote for driveway replacement. |
| Sewer line gets plugged every year. We have it cleaned out every fall. Roots snag debris and block it. | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | | No | |
| We had hero check our line. They have a video where blvd tree roots came thru where the City replaced pipe years ago connect to our line - not good seal. Hero showed City employee when he was here after that. | No | No | No | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | No | | No | The lighting is not bright enough. Go back to use the old bulbs. Maybe cars would not be hitting people. | No | No |
| On two occasions, the water/sewer backed up into the shower downstairs and flooded the basement (in 20 years). | No | No | sometimes the water smells like bleach/chlorine. I have seen black flecks floating in a glass of water. | No, I do not have a sump pump or do not use my sump pump. | Unknown | No | | No | | Not in my home. My brother-in-law who lives on Major has COPD. | The streets look bad with all the patches but they are still workable/useable. |
| No | No | No | No | No, I do not have a sump pump or do not use my sump pump. | Unknown | No | | N | | No | |
| Yes, 2 times in 8 years. | Yes, flooding in basement. | No | Yes, water is cloudy and tastes/smells like chlorine. | No, I do not have a sump pump or do not use my sump pump. | Yes, it drains to the yard. | Yes | On Major Ave and on the E. side of Noble between Woodbine and Shingle Creek. | No | | No | None |
| No, we have not had any problems since we had a rooter service come out around 2015. | Yes, there are routinely problems with the drainage system where Lee Ave intersects with Woodbine Lane. This is a problem twice a year... 1) in the late summer or early fall when the leaves have fallen and then there is a large storm. The leaves clog the drainage and the water backs up onto the street until someone comes along and clears the drain (often me). 2) in the winter, when the water goes through freeze cycles and the drain freezes over. This happens 2-3 times per winter on average. | No | No. The hardness is pretty high though. | No, I do not have a sump pump or do not use my sump pump. | No, I do not have draintile on my property. | We have a sidewalk that runs down Woodbine for school walkers. It's fine. | | They are good. | | No | Is the City going to remove boulevard Elm trees infested with Emerald Ash borers? If so, will they be replaced? If not, what mitigation will be made to combat the known infestation in our area? Thank you for the Zoom invite to the planning meeting. |

# Appendix B

DRAFT Proposed Pending Assessment Roll

**CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL**
**September 20, 2021**
**2022 WOODBINE AREA IMPROVEMENTS**
**IMPROVEMENT PROJECT NO. 2022-01**

DRAFT

| PROPERTY ID | HOUSE | STREET NAME | LEVY# | STREET | NOTES |
|---|---|---|---|---|---|
| 2711921340081 | 3909 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921310040 | 4000 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921340023 | 4001 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921310041 | 4008 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921310078 | 4100 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921310099 | 4106 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921310121 | 4111 | 71st AVE N | | $ 7,554.00 | Subdividable R1 = 2 equivalent parcels |
| 2711921310098 | 4112 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921310122 | 4119 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921310112 | 4200 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921310123 | 4201 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921310113 | 4206 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921310124 | 4207 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320102 | 4212 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921310125 | 4213 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320118 | 4219 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320116 | 4300 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320119 | 4301 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320117 | 4306 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320120 | 4307 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320121 | 4313 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320122 | 4319 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320123 | 4401 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320016 | 4406 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320124 | 4407 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320062 | 4413 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320061 | 4419 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320031 | 4500 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320060 | 4501 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320032 | 4506 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320059 | 4507 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921320058 | 4513 | 71st AVE N | | $ 3,777.00 | R1 |
| 2711921310009 | 3908 | 72nd AVE N | | $ 3,777.00 | R1 |
| 2711921310024 | 4000 | 72nd AVE N | | $ 3,777.00 | R1 |
| 2711921310033 | 4001 | 72nd AVE N | | $ 3,777.00 | R1 |
| 2711921310025 | 4008 | 72nd AVE N | | $ 3,777.00 | R1 |
| 2711921310032 | 4009 | 73rd AVE N | | $ 3,777.00 | R1 |
| 2811921410221 | 7200 | BROOKLYN BLVD | | $ 22,662.00 | Subdividable R1 = 6 equivalent parcels |
| 2711921320004 | | Address Unassigned | | $ 11,331.00 | Subdividable R1 = 3 equivalent parcels |
| 2711921310057 | 7100 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310058 | 7106 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310039 | 7107 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310059 | 7112 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310038 | 7113 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310060 | 7118 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310037 | 7119 | GRIMES AVE N | | $ 3,777.00 | R1 |

**CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL**
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DRAFT

| PROPERTY ID | HOUSE | STREET NAME | LEVY# | STREET | NOTES |
|---|---|---|---|---|---|
| 2711921310061 | 7124 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310036 | 7125 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310062 | 7130 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310035 | 7131 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310063 | 7136 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310034 | 7137 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310064 | 7142 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310010 | 7206 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310023 | 7207 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310011 | 7212 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310022 | 7213 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310012 | 7218 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310021 | 7219 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310013 | 7224 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310020 | 7225 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310014 | 7230 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310019 | 7231 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310015 | 7236 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310018 | 7237 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310016 | 7242 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310017 | 7243 | GRIMES AVE N | | $ 3,777.00 | R1 |
| 2711921310042 | 7106 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310077 | 7107 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310043 | 7112 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310076 | 7113 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310044 | 7118 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310075 | 7119 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310045 | 7124 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310074 | 7125 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310046 | 7130 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310073 | 7131 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310047 | 7136 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310072 | 7137 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310048 | 7142 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310071 | 7143 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310070 | 7201 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310026 | 7206 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310069 | 7207 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310027 | 7212 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310068 | 7213 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310028 | 7218 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310067 | 7219 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310029 | 7224 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310066 | 7225 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310030 | 7230 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310031 | 7236 | HALIFAX AVE N | | $ 3,777.00 | R1 |
| 2711921310097 | 7100 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310096 | 7112 | INDIANA AVE N | | $ 3,777.00 | R1 |

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DRAFT

| PROPERTY ID | HOUSE | STREET NAME | LEVY# | STREET | NOTES |
|---|---|---|---|---|---|
| 2711921310111 | 7113 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310095 | 7118 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310110 | 7119 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310094 | 7124 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310109 | 7125 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310093 | 7130 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310108 | 7131 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310092 | 7200 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310107 | 7201 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310091 | 7206 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310106 | 7207 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310090 | 7212 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310105 | 7213 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310089 | 7218 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310104 | 7219 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310088 | 7224 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310103 | 7225 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921310087 | 7230 | INDIANA AVE N | | $ 3,777.00 | R1 |
| 2711921320103 | 7112 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921320115 | 7113 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921320104 | 7118 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921320114 | 7119 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921310114 | 7124 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921320113 | 7125 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921310115 | 7130 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921320112 | 7131 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921310116 | 7200 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921320111 | 7201 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921310117 | 7206 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921320110 | 7207 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921310118 | 7212 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921320109 | 7213 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921310119 | 7218 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921320108 | 7219 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921310120 | 7224 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921320107 | 7225 | JUNE AVE N | | $ 3,777.00 | R1 |
| 2711921320097 | 7100 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320017 | 7101 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320096 | 7112 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320086 | 7113 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320095 | 7118 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320085 | 7119 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320094 | 7124 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320084 | 7125 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320093 | 7130 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320083 | 7131 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320092 | 7200 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320082 | 7201 | KYLE AVE N | | $ 3,777.00 | R1 |

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|---|---|---|---|---|---|
| 2711921320091 | 7206 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320081 | 7207 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320090 | 7212 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320080 | 7213 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320089 | 7218 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320079 | 7219 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320088 | 7224 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320078 | 7225 | KYLE AVE N | | $ 3,777.00 | R1 |
| 2711921320015 | 7100 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320014 | 7112 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320030 | 7113 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320013 | 7118 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320029 | 7119 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320012 | 7124 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320028 | 7125 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320011 | 7130 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320027 | 7131 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320010 | 7200 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320026 | 7201 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320009 | 7206 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320025 | 7207 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320008 | 7212 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320024 | 7215 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320007 | 7218 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320023 | 7223 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320006 | 7224 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320005 | 7230 | LEE AVE N | | $ 3,777.00 | R1 |
| 2711921320033 | 7100 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320057 | 7101 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320056 | 7107 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320034 | 7112 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320055 | 7113 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320035 | 7118 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320054 | 7119 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320036 | 7124 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320053 | 7125 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320037 | 7200 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320047 | 7201 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320038 | 7206 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320046 | 7207 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320039 | 7212 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320045 | 7213 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320040 | 7218 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320044 | 7219 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320041 | 7224 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320043 | 7225 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320018 | 7230 | MAJOR AVE N | | $ 3,777.00 | R1 |
| 2711921320002 | 7136 | NOBLE AVE N | | $ 3,777.00 | R1 |

**CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL**
**September 20, 2021**
**2022 WOODBINE AREA IMPROVEMENTS**
**IMPROVEMENT PROJECT NO. 2022-01**

DRAFT

| PROPERTY ID | HOUSE | STREET NAME | LEVY# | STREET | NOTES |
|---|---|---|---|---|---|
| 2711921320048 | 7200 | NOBLE AVE N | | $ 3,777.00 | R1 |
| 2711921320049 | 7206 | NOBLE AVE N | | $ 3,777.00 | R1 |
| 2711921320051 | 7218 | NOBLE AVE N | | $ 3,777.00 | R1 |
| 2811921410145 | 7221 | NOBLE AVE N | | $ 3,777.00 | R1 |
| 2711921320050 | 7224 | NOBLE AVE N | | $ 3,777.00 | R1 |
| 2811921410139 | 7227 | NOBLE AVE N | | $ 3,777.00 | R1 |
| 2711921320001 | 7230 | NOBLE AVE N | | $ 3,777.00 | R1 |
| 2811921410005 | 7235 | NOBLE AVE N | | $ 3,777.00 | R1 |
| 2711921320052 | 7236 | NOBLE AVE N | | $ 3,777.00 | R1 |
| 2811921410140 | 4706 | WINGARD LN | | $ 3,777.00 | R1 |
| 2811921410146 | 4707 | WINGARD LN | | $ 3,777.00 | R1 |
| 2811921410141 | 4710 | WINGARD LN | | $ 3,777.00 | R1 |
| 2811921410207 | 4714 | WINGARD LN | | $ 3,777.00 | R1 |
| 2811921410147 | 4715 | WINGARD LN | | $ 3,777.00 | R1 |
| 2811921410206 | 4720 | WINGARD LN | | $ 3,777.00 | R1 |
| 2811921410148 | 4721 | WINGARD LN | | $ 3,777.00 | R1 |
| 2811921410149 | 4727 | WINGARD LN | | $ 3,777.00 | R1 |
| 2811921410205 | 4728 | WINGARD LN | | $ 3,777.00 | R1 |
| 2711921310079 | 4100 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921310065 | 4101 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921310080 | 4106 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921310081 | 4112 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921310082 | 4118 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921310083 | 4200 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921310102 | 4201 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921310084 | 4206 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921310101 | 4207 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921310085 | 4212 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921310100 | 4213 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921310086 | 4218 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320099 | 4300 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320105 | 4301 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320100 | 4306 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320106 | 4307 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320101 | 4312 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320087 | 4313 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320063 | 4400 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320076 | 4401 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320064 | 4406 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320077 | 4407 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320065 | 4412 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320066 | 4418 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320067 | 4500 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320022 | 4501 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320068 | 4506 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320021 | 4507 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320069 | 4512 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320020 | 4513 | WOODBINE LN | | $ 3,777.00 | R1 |

**CITY OF BROOKLYN CENTER PROPOSED PENDING ASSESSMENT ROLL**
**September 20, 2021**
**2022 WOODBINE AREA IMPROVEMENTS**
**IMPROVEMENT PROJECT NO. 2022-01**

DRAFT

| PROPERTY ID | HOUSE | STREET NAME | LEVY# | STREET | NOTES |
|---|---|---|---|---|---|
| 2711921320070 | 4518 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320019 | 4519 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320071 | 4524 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320072 | 4600 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320042 | 4601 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320073 | 4606 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320074 | 4612 | WOODBINE LN | | $ 3,777.00 | R1 |
| 2711921320075 | 4618 | WOODBINE LN | | $ 3,777.00 | R1 |
| | **Total Assessments** | | | $ 959,358.00 | |

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Acting Public Works Director
BY: Andrew Hogg, P.E., Assistant City Engineer

SUBJECT: Resolution Approving and Authorizing Execution of Cooperative and Subgrant Agreement for Connections II Shingle Creek Restoration Project Between Shingle Creek Watershed Management Commission, City of Brooklyn Center and the City of Brooklyn Park

**Requested Council Action:**

*- Motion to approve the attached resolution approving and authorizing execution of the Cooperative and Subgrant Agreement for Connections II Shingle Creek Restoration Project, Between Shingle Creek Watershed Management Commission, City of Brooklyn Center and the City of Brooklyn Park.*

**Background:**

On April 11, 2013, the Shingle Creek Watershed Management Commission ("Commission") and the West Mississippi Watershed Management Commission jointly adopted the Shingle Creek and West Mississippi Third Generation Watershed Management Plan. The Commission's capital improvement program list several water quality project capital improvements including Connections I Shingle Creek Restoration Project and Connections II Shingle Creek Restoration Project.

Connections I Shingle Creek Restoration Project between Noble Avenue and Brooklyn Boulevard was designed and constructed in 2016 with Brooklyn Park acting as the project lead.

Connections II Shingle Creek Restoration Project consists approximately 1,750 linear feet of Shingle Creek between Regent Avenue and Brooklyn Boulevard will be improved by thinning trees, establishing native vegetation in the buffer and on the banks, repairing erosion, enhancing habitat, and introducing low-flow sinuosity and reaeration opportunities with rock vanes and root wads. The purpose of the Connections II Shingle Creek Restoration Project is to improve water quality and biotic integrity in Shingle Creek in the cities of Brooklyn Park and Brooklyn Center. Shingle Creek is an Impaired Water for low dissolved oxygen, excess E. coli, and an impaired macroinvertebrate community

The Commission anticipated that the project would be partially or fully funded by a Hennepin County tax levy. The Commission recently entered into a grant agreement related to the Project with the Minnesota Board of Water and Soil Resources ("BWSR"), effective as of April 8, 2021. The BWSR Grant Agreement provides that BWSR will grant the Commission a sum not to exceed Three Hundred Twenty-eight Thousand and No/100 Dollars ($328,000.00), which funds are to be used for the Project to perform the duties and tasks specified in the BWSR Grant Agreement. The difference of the project costs up to $410,000 will be borne by the Shingle Creek Watershed Commission.

The Connections II Shingle Creek Restoration Project is identified in the City's 2021 Capital Improvement

Program. The City of Brooklyn Center will act as the project lead for the Connections II Shingle Creek Restoration Project and will be reimbursed by the Commission for eligible cost. Costs eligible for reimbursement under this Agreement include the costs associated with the construction contract, technical services contract, and allowable engineering and administrative costs

The City Attorney and City Engineer have reviewed the agreement and recommend approval.

**Budget Issues:**

The Connections II Shingle Creek Restoration Project is identified in the City's Capital Improvement Program and the total project cost is estimated to be $406,000.

Grant funding through BWSR has been awarded to the Commission for this project in the amount of $328,0000 and the remaining project costs are to be funded from Commission funding as part of the required cost share agreement. The total reimbursement paid by the Commission from BWSR grant and levy funds to Brooklyn Center for the Project will not exceed the Eligible Costs, which are estimated to total $410,000. All costs of the Project incurred by Brooklyn Center in excess of such reimbursement, including all costs incurred in excess of estimated project costs due to unforeseen conditions or any other cause, shall be borne by Brooklyn Center or secured by Brooklyn Center from other sources. The City's CIP included $101,000 in City funding under the Storm Drainage Utility Fund as project contingency.

**Inclusive Community Engagement:**

N/A

**Antiracist/Equity Policy Effect:**

N/A

**Strategic Priorities and Values:**

Enhanced Community Image

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 9/20/2021 | Cover Memo |
| Agreement | 9/20/2021 | Cover Memo |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF COOPERATIVE AND SUBGRANT AGREEMENT FOR CONNECTIONS II SHINGLE CREEK RESTORATION PROJECT BETWEEN SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION, CITY OF BROOKLYN CENTER AND THE CITY OF BROOKLYN PARK

WHEREAS, On April 11, 2013, the Shingle Creek Watershed Management Commission ("Commission") and the West Mississippi Watershed Management Commission jointly adopted the Shingle Creek and West Mississippi Third Generation Watershed Management Plan ("Plan"), a watershed management plan within the meaning of Minn. Stat. § 103B.231.; and

WHEREAS, the Plan includes a capital improvement program ("CIP") that lists several water quality project capital improvements; and

WHEREAS, the water quality projects identified in the CIP include the Shingle Creek Connections II Stream Restoration Project ("Project"), which is more fully described in the attached Attachment One; and

WHEREAS, the Plan specifies that projects in the CIP will be partially or fully funded by a Hennepin County ("County") tax levy under Minn. Stat. § 103B.251; and

WHEREAS, the Commission entered into a grant agreement related to the Project with the Minnesota Board of Water and Soil Resources ("BWSR") effective as of April 8, 2021, a copy of which is attached hereto as Attachment Two ("BWSR Grant Agreement"); and

WHEREAS, the BWSR Grant Agreement provides that BWSR will grant the Commission a sum not to exceed Three Hundred Twenty-eight Thousand and No/100 Dollars ($328,000.00), which funds are to be used for the Project to perform the duties and tasks specified in the BWSR Grant Agreement; and

WHEREAS, on September 10, 2020, the Commission adopted a resolution ordering the Project, directing that it be constructed by Brooklyn Center, and that the Commission's share of the Project costs be certified to the County for payment in accordance with Minn. Stat. § 103B.251.; and

WHEREAS, it is expected that the County will levy taxes throughout the watershed for the Project, for collection and settlement in 2021; and

WHEREAS, the Commission and the Cities have agreed Brooklyn Center will take the lead to construct Project. Both Cities are sub-grantees of the BWSR Grant Agreement, but Brooklyn Center will be primarily responsible for assuming, as a sub-grantee, certain duties and responsibilities of the Commission under the BWSR Grant Agreement and each of the Cities will be responsible for maintaining the portion of the Project located within their respective jurisdictional boundaries; and

RESOLUTION NO. _____

WHEREAS, the parties desire to enter into a Cooperative and Subgrant Agreement to set out their respective duties and obligations regarding the Project.

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

1. The City enter into the Cooperative and Subgrant Agreement for Connections II Shingle Creek Restoration Project with the Shingle Creek Watershed Commission and Brooklyn Park for the following purposes:

   To outline project responsibilities and provide for reimbursement by the Shingle Creek Watershed Management Commission to the City of Brooklyn Center for their shares of the costs of the Connections II Shingle Creek Restoration Project

2. The provisions of the Cooperative and Subgrant Agreement are hereby accepted and approved, and the Mayor and City Manager are hereby authorized and directed to execute the Agreement and any amendments.

September 27, 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.

**COOPERATIVE AND SUBGRANT AGREEMENT**
**FOR**
**CONNECTIONS II SHINGLE CREEK RESTORATION PROJECT**

This Cooperative and Subgrant Agreement ("**Agreement**") is made as of this ___ day of _____ 2021 by and among the Shingle Creek Watershed Management Commission, a joint powers watershed management organization, ("**Commission**"), the City of Brooklyn Center, a Minnesota municipal corporation ("**Brooklyn Center**"), and the City of Brooklyn Park, a Minnesota municipal corporation, ("**Brooklyn Park**"). Brooklyn Center and Brooklyn Park may hereinafter be referred to collectively as the "Cities." The Commission and the Cities may hereinafter be referred to individually as a "party" and collectively as the "parties."

## RECITALS

A. On April 11, 2013, the Commission and the West Mississippi Watershed Management Commission jointly adopted the Shingle Creek and West Mississippi Third Generation Watershed Management Plan ("**Plan**"), a watershed management plan within the meaning of Minn. Stat. § 103B.231.

B. The Plan includes a capital improvement program ("**CIP**") that lists several water quality project capital improvements.

C. The water quality projects identified in the CIP include the Shingle Creek Connections II Stream Restoration Project ("**Project**"), which is more fully described in the attached Attachment One.

D. The Plan specifies that projects in the CIP will be partially or fully funded by a Hennepin County ("**County**") tax levy under Minn. Stat. § 103B.251.

E. The Commission entered into a grant agreement related to the Project with the Minnesota Board of Water and Soil Resources ("**BWSR**") effective as of April 8, 2021, a copy of which is attached hereto as Attachment Two ("**BWSR Grant Agreement**").

F. The BWSR Grant Agreement provides that BWSR will grant the Commission a sum not to exceed Three Hundred Twenty-eight Thousand and No/100 Dollars ($328,000.00), which funds are to be used for the Project to perform the duties and tasks specified in the BWSR Grant Agreement.

G. On September 10, 2020, the Commission adopted a resolution ordering the Project, directing that it be constructed by Brooklyn Center, and that the Commission's share of the Project costs be certified to the County for payment in accordance with Minn. Stat. § 103B.251.

H. It is expected that the County will levy taxes throughout the watershed for the Project, for collection and settlement in 2021.

I. The Commission and the Cities have agreed Brooklyn Center will take the lead to construct Project. Both Cities are subgrantees of the BWSR Grant Agreement, but Brooklyn Center will be primarily responsible for assuming, as a subgrantee, certain duties and responsibilities of the Commission under the BWSR Grant Agreement and each of the Cities will be responsible for maintaining the portion of the Project located within their respective jurisdictional boundaries.

J. The parties desire to enter into this Agreement to set out their respective duties and obligations regarding the Project.

**AGREEMENT**

In consideration of the mutual covenants and agreements hereinafter set forth, and intending to be legally bound, the parties hereby agree as follows:

1. Project. The Project will consist of the work required to construct the improvements in the Cities as more fully described in Attachment One. The Project will be constructed on land owned by the Cities or within easement areas held by the Cities.

2. Design and Plans. Brooklyn Center will design the Project and prepare plans and specifications for construction of the Project. Plans and specifications are subject to approval by the Commission's consulting engineer and the Cities' engineers. The 90% plans and specifications, and any changes to such plans and specifications, shall be submitted to the Commission for approval. Minor change orders that do not materially change either the effectiveness of the Project to meet its intended purposes or the environmental impacts of the Project may be approved by the Cities without requiring approvals by the Commission.

3. Contract Administration. Brooklyn Center will advertise for bids and award contracts in accordance with the requirements of law. Brooklyn Center will award the contract and supervise and administer the construction of the Project in both Cities to ensure that it is completed in accordance with plans and specifications. The contract may only be let to a responsible contractor in accordance with Minn. Stat. § 16C.285 and the Brooklyn Center will require the contractor to provide all payment and performance bonds required by law. Brooklyn Center will require the contractor to name the Commission and the Cities as additional insured on all liability policies required by Brooklyn Center of the contractor and the Commission and Brooklyn Park shall be given the same notification of cancellation or non-renewal as is given to Brooklyn Center. Brooklyn Center will require that the contractor defend, indemnify, protect and hold harmless the Commission and the Cities, their agents, officers, and employees, from all claims or actions arising from performance of the work of the Project conducted by the contractor. Brooklyn Center will supervise the work of the contractor. However, the Commission and Brooklyn Park may observe and review the work of the Project until it is completed.

4. Contract Payments. Brooklyn Center will pay the contractor and all other expenses related to the construction of the Project and keep and maintain complete records of such costs incurred.

5. Eligible Costs. Costs eligible for reimbursement under this Agreement include the costs associated with the construction contract, technical services contract, and allowable engineering and administrative costs (collectively "**Eligible Costs**"). The Commission will make the final decision on whether a particular cost is eligible for reimbursement under this Agreement.

6. Commission Reimbursement. The Commission will use its best efforts to secure funds levied through the County in accordance with Minn. Stat. § 103B.251 for collection in 2021. Reimbursement to Brooklyn Center will be made on completion of the project and submittal of as-builts. The reimbursement payment will be made as soon as funds are available provided a request for payment has been received from Brooklyn Center providing such detailed information as may be requested by the Commission to substantiate costs and expenses. Because Brooklyn Center is responsible for constructing the Project and paying the contractor, all reimbursement payments from the Commission will be paid to Brooklyn Center.

7. Limits on Reimbursement. The total reimbursement paid by the Commission from BWSR grant and levy funds to Brooklyn Center for the Project will not exceed the Eligible Costs, which are estimated to total $410,000. In no case shall the Commission be responsible for making reimbursement payments that exceed the total received by the Commission from the BWSR Grant Agreement and the County levy for this Project. Reimbursement will not exceed the costs and expenses incurred by Brooklyn Center for the Project, less any amounts Brooklyn Center receives for the Project as grants from other sources. All costs of the Project incurred by Brooklyn Center in excess of such reimbursement, including all costs incurred in excess of estimated project costs due to unforeseen conditions or any other cause, shall be borne by Brooklyn Center or secured by Brooklyn Center from other sources.

8. BWSR Grant Agreement. The Commission agrees to forward to Brooklyn Center the funds the Commission receives from the BWSR Grant Agreement for the Project based upon approved reimbursement requests received from Brooklyn Center and conditioned on City's continuing compliance with its obligations under this Agreement.

9. City Obligations as Subgrantee. Brooklyn Center will perform and satisfy certain obligations of the Commission under the BWSR Grant Agreement. Brooklyn Park agrees to perform duties as a subgrantee for the portion of the Project being constructed within its boundaries to the extent necessary to satisfy the requirements of the BWSR Grant Agreement, though as the Project lead Brooklyn Center agrees to be primarily responsible for satisfying the subgrantee obligations. Specifically, but without limiting the foregoing, Brooklyn Center will perform all the following with respect to the Project and in satisfaction of the obligations of the BWSR Grant Agreement:

(a) Brooklyn Center will perform, or participate in, all elements of the Project as described or otherwise identified in the BWSR Grant Agreement, as it may be amended, and will properly document expenses, including time and materials, in the manner expressed in the BWSR Grant Agreement and will provide information to the Commission to aid in accurate grant reporting as required in the BWSR Grant Agreements. Any amendments made to the BWSR Grant Agreement, including its exhibits, are incorporated in and made part of this Agreement by reference.

(b) Brooklyn Center will comply with all requirements and conditions of the BWSR Grant Agreement applicable to the Project that, by their nature, must be performed by City rather than Commission and that are conditions of award of funds under the BWSR Grant Agreement.

(c) The times of performance and expiration of City's obligations under this Agreement shall be as provided in the BWSR Grant Agreement.

(d) Brooklyn Center will provide invoices for reimbursement in accordance with the requirements of the BWSR Grant Agreement.

(e) Brooklyn Center will take all other actions as are needed to ensure compliance with the BWSR Grant Agreement and provide such information and assistance to the Commission as may be needed to ensure the Commission can comply with the requirements of the BWSR Grant Agreement that, by their nature, must be performed by the Commission rather than Brooklyn Center.

10. Environmental Review. Brooklyn Center will perform all necessary investigations of site contamination and secure all necessary local, state, or federal permits required for the construction of the Project and will not proceed with the Project until any required environmental review and remediation of site contamination is completed or a plan for remediation is approved by appropriate regulatory agencies.

11. Ongoing Maintenance. Each of the Cities will have ownership of the associated improvements located within their respective jurisdiction and each agrees to, at their own cost, maintain their respective portions of the improvements in good operating condition in perpetuity or until such time as they are replaced with like improvements. The Cities agree to coordinate their maintenance activities to the extent reasonably possible to help ensure uniform maintenance and functionality of the improvements.

12. Indemnification. Brooklyn Center will defend, indemnify, protect and hold harmless the Commission, Brooklyn Park, and the State of Minnesota, together with their agents, officers, and employees, from any claims arising out of the design and construction of the Project, including environmental claims. Each of the Cities agree to defend, indemnify, protect, and

hold harmless the other parties from any claims arising out of its maintenance of the portion of the Project located within its jurisdiction boundaries. Nothing herein shall be deemed a waiver of the limitations of liability in Minnesota Statutes, chapter 466. To the extent this Project is considered a joint venture or joint enterprise of the parities, the total liability of the parties shall not exceed the statutory limits of a single party as provided in Minn. Stat. § 471.59, subd. 1a. None of the parties are agreeing to accept the liability of any other party.

13. Audit. All books, records, documents, and accounting procedures of the Cities related to the Project are subject to examination by the Commission and either the State Auditor or the Legislative Auditor for at least six years after completion of the Project.

14. Data Practices. The Cities shall retain and make available data related to the Project in accordance with the Minnesota Government Data Practices Act.

15. Legal Compliance. The Cities are responsible for complying with all applicable federal, state, and local laws, rules, regulations, and ordinances. Brooklyn Center is responsible for securing all required permits for the construction of the Project.

16. Term. This Agreement shall be in effect as of the date first written above and shall continue until the Project is fully constructed and all obligations under the BWSR Grant Agreement have been completed. The indemnification, data practices, audit, and ongoing maintenance obligations set out herein shall survive the termination of this Agreement.

17. Entire Agreement. The above recitals and the attachments attached hereto are incorporated in and made part of this Agreement. This Agreement contains the entire understanding between the parties regarding this matter and no amendments or other modifications of its terms are valid unless reduced to writing and signed by both parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on behalf of the parties as of the day and date first above written.

[Signature page follows]

**SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION**

By:_____
Its Chair

And by:_____
Its Secretary

**CITY OF BROOKLYN CENTER**

By:_____
Its Mayor

And by:_____
Its City Manager

**CITY OF BROOKLYN PARK**

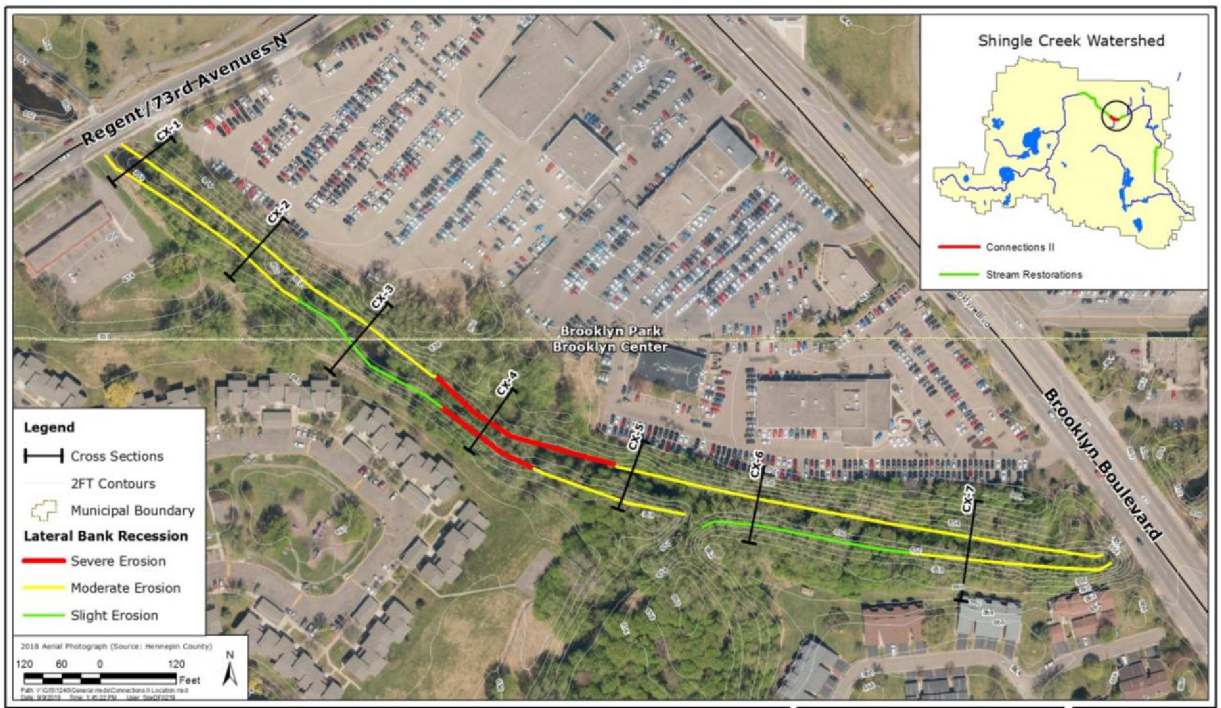
By: _____
Its Mayor

And by: _____
Its City Manager

**ATTACHMENT ONE**
**Connections II Stream Restoration Project**

**Overall Project Narrative:**

Approximately 1,750 linear feet of Shingle Creek between Regent/Noble Avenues N and Brooklyn Boulevard will be improved by thinning trees, establishing native vegetation in the buffer and on the banks, repairing erosion, enhancing habitat, and introducing low-flow sinuosity and reaeration opportunities with rock vanes and root wads. The purpose of the Shingle Creek Connections II stream restoration project is to improve water quality and biotic integrity in Shingle Creek in the cities of Brooklyn Park and Brooklyn Center. Shingle Creek is an Impaired Water for low dissolved oxygen, excess E. coli, and an impaired macroinvertebrate community. Reaches upstream and downstream have been restored; this is a "missing link" segment that will complete a continuous 2.5-mile corridor of urban stream restoration. The outcome will be enhanced habitat for aquatic and upland wildlife, improved water quality, and improved stream aeration.



**ATTACHMENT TWO**
**BWSR Grant Agreement**

(attached hereto)

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Mike Marsh, Interim Public Works Director
BY: Andrew Hogg, P.E., Assistant City Engineer

SUBJECT: Resolution Vacating Certain Easements Within Lot 1, Block 1 Evangelical Church of the Master 2nd Addition, Hennepin County, Minnesota

**Requested Council Action:**

*- Motion to re-open the Public Hearing, take public input, close the Public Hearing and consider approval of a resolution vacating certain easements that are associated with the 69th Avenue North Addition.*

**Background:**

Tonight's public hearing is continued from August 23, 2021. The public hearing is to consider vacating certain easements as referenced above that are associated with the Lot 1, Block 1 Evangelical Church of the Master 2nd Addition, Hennepin County, Minnesota. The Planning Commission has reviewed the final plat for 69th Avenue North Addition. In connection with the final plat and easement dedication proceedings, the developer is requesting release and termination of easements that are either no longer needed or are being replaced by new easements or conflict with the proposed platting. The easements proposed to be released and terminated are indicated in the attached exhibit.

As part of the Public Hearing and notification process, affected entities with interests in said existing easements have been notified in accordance with City Ordinance and State Statute. It is staff's opinion that the portions of the easements proposed to be vacated are no longer needed and should not negatively affect rights to public easements. We are unaware of any entity objecting to the proposed vacation.

The attached exhibits outline the release and termination of easements and show the locations of said existing easements. The City Attorney has reviewed the release and termination documents and concurs to the purpose and form of the documents.

Staff recommends that a presentation be provided to the City Council prior to holding the Public Hearing. Following the presentation, a Public Hearing to consider vacating the easements as referenced above should be conducted to receive public comments. A resolution vacating certain easements within Lot 1, Block 1 Evangelical Church of the Master 2nd Addition, Hennepin County, Minnesota will be provided for City Council consideration upon closing of the Public Hearing. It should be noted that this resolution will only take effect upon the release and filing of the final plat of 69th Avenue North Addition, execution and filing of associated and separate rededicated easements, and upon execution and filing the subdivision agreement for said associated development.

**Budget Issues:**

There are no budget issues to consider.

**Inclusive Community Engagement:**

N/A

**Antiracist/Equity Policy Effect:**

N/A

**Strategic Priorities and Values:**

Targeted Redevelopment

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 8/16/2021 | Cover Memo |
| Exhibit B | 8/16/2021 | Cover Memo |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION VACATING CERTAIN EASEMENTS WITHIN LOT 1, BLOCK 1, EVANGELICAL LUTHERAN CHURCH OF THE MASTER 2ND ADDITION, HENNEPIN COUNTY, MINNESOTA

WHEREAS, the Planning Commission has recommended approval for the plat for 69th AVENUE NORTH ADDITION based on certain conditions as set forth in the City Council Resolution No. No. 2021-84 and Planning Commission Resolution No. 2021-02; and

WHEREAS, certain existing easements on existing properties are either no longer needed, or are being replaced by new easements pertaining to the properties contained within the proposed plat for 69th AVENUE NORTH ADDITION; and

WHEREAS, the easements proposed to be vacated are identified as follows and are hereafter referred to as "the Easements":

That part of Lot 1, Block 1, EVANGELICAL LUTHERAN CHURCH OF THE MASTER 2ND ADDITION, Hennepin County, Minnesota, described as follows: Commencing at the southeast corner of said Lot 1; thence northerly along the easterly line of said Lot 1, a distance of 142.99 feet, more or less, to a corner of said Lot 1; thence westerly along the northerly line of said Lot 1, a distance of 140.00 feet, more or less, to a corner of said Lot 1 and also the point of beginning of the parcel to be described; thence continuing along the last described line to a point that is distance 5.00 feet westerly of the easterly line of said Lot 1; thence northerly parallel to the easterly line of said Lot 1, a distance of 105.20 feet, more or less, to the intersection with a line drawn parallel with and 10.00 feet southerly of the northerly line of said Lot 1; thence easterly parallel with the northerly line of said Lot 1, a distance of 5.00 feet to said easterly line of said Lot 1; thence southerly, along said easterly line of said Lot 1, to the point of beginning.; and

WHEREAS, after due notice and public hearing, the City Council has determined that the Easements will be no longer needed, once the plat of 69th AVENUE NORTH ADDITION is recorded, and it is in the public interest to vacate the Easements;

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

1. The City Council hereby approves the vacation of the Easements described above and depicted in the attached Exhibit.

RESOLUTION NO. _____

2. The City Clerk is directed to prepare a Notice of Completion of Vacation Proceedings and to record it with the Hennepin County Recorder or Hennepin County Registrar of Titles, as appropriate; provided, that this resolution will only take effect upon the release and filing of the final plat of 69th AVEUNE NORTH ADDITION, execution and filing of associated and separate rededicated easements, and upon execution and filing the subdivision agreement for said associated development.

August 23, 2021 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

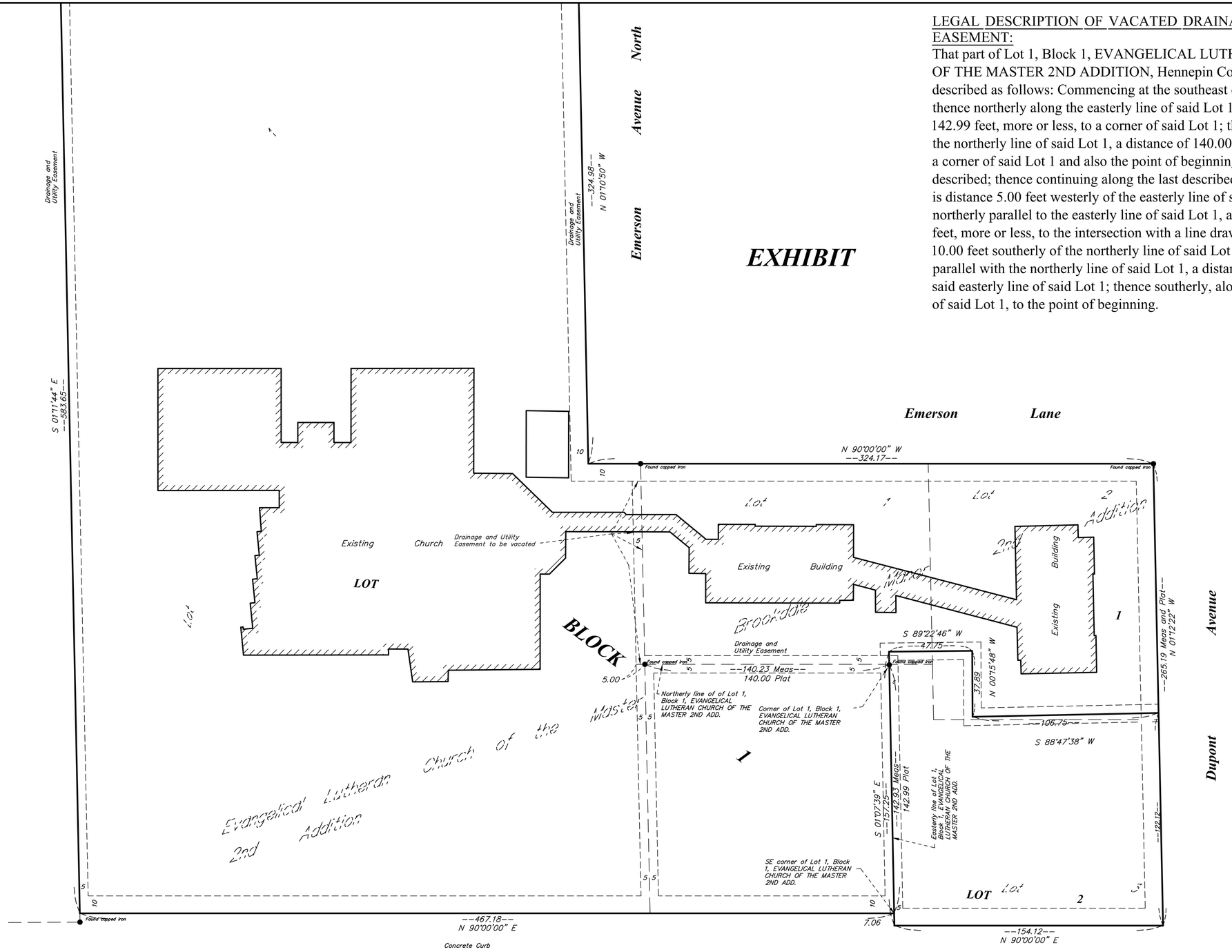
and upon vote being taken thereon, the following voted in favor thereof:

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

# EXHIBIT

LEGAL DESCRIPTION OF VACATED DRAINAGE AND UTILITY EASEMENT:

That part of Lot 1, Block 1, EVANGELICAL LUTHERAN CHURCH OF THE MASTER 2ND ADDITION, Hennepin County, Minnesota, described as follows: Commencing at the southeast corner of said Lot 1; thence northerly along the easterly line of said Lot 1, a distance of 142.99 feet, more or less, to a corner of said Lot 1; thence westerly along the northerly line of said Lot 1, a distance of 140.00 feet, more or less, to a corner of said Lot 1 and also the point of beginning of the parcel to be described; thence continuing along the last described line to a point that is distance 5.00 feet westerly of the easterly line of said Lot 1; thence northerly parallel to the easterly line of said Lot 1, a distance of 105.20 feet, more or less, to the intersection with a line drawn parallel with and 10.00 feet southerly of the northerly line of said Lot 1; thence easterly parallel with the northerly line of said Lot 1, a distance of 5.00 feet to said easterly line of said Lot 1; thence southerly, along said easterly line of said Lot 1, to the point of beginning.




| DATE | REVISION DESCRIPTION |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

DRAWING ORIENTATION & SCALE

SCALE - 1" = 20'

0 20 40

CLIENT NAME / JOB ADDRESS

*LUTHERAN CHURCH OF THE MASTER*

*1107 EMERSON LANE*
*BROOKLYN CENTER, MN*


**Advance**
*Surveying & Engineering, Co.*

17917 Highway 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com


I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Thomas M. Bloom
# 42379
LICENSE NO.
AUGUST 3, 2021
DATE

SHEET TITLE
*EASEMENT VACATION EXHIBIT*

DRAWING NUMBER
*211262 TB EASEMENT VACATION*

SHEET SIZE *22 X 34*

SHEET NO.
S1

SHEET 1 OF 1

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Andy Splinter, Interim Finance Director

SUBJECT: Resolution Certifying Special Assessments for Delinquent 2021 Public Utility Service Accounts to the Hennepin County Property Tax Rolls

**Requested Council Action:**

*- Motion to:*

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

*- Motion to approve a resolution certifying special assessments for delinquent public utility service accounts to the Hennepin County property tax rolls.*

**Background:**

The City of Brooklyn Center annually certifies delinquent utility bills to Hennepin County. The certified bills become assessments on the property owner's following year's property tax bill.

This process starts with a letter to the customer notifying them that their account is past due and that the amount will be certified against their property taxes. This first letter details the process and the legal authority for certification. Accounts that continue to remain unpaid receive a second letter indicating that their account will be certified for collection with property taxes following a public hearing. The date, time and location for the public hearing are included in this notice. Customers that do not pay after the second letter are included in the final assessment roll.

The City has approximately 8,900 total utility accounts. Comparative number of accounts and dollars certified are as follows:

| # of Accounts | Dollar | Assessed | Value |
|---|---|---|---|
| 2017 | 624 | $459,319.92 | |
| 2018 | 677 | $496,644.11 | |
| 2019 | 661 | $487,227.89 | |
| 2020 | 489 | $377,574.76 | |
| 2021 | 663 | $513,875.17 | |

**Budget Issues:**

These delinquent utility billings recorded as receivables and recognized as revenues in the current budget year. However, the actual collections of these accounts will likely occur in future years.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Safe, Secure, Stable Community

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 9/21/2021 | Resolution Letter |
| Certification Balances | 9/21/2021 | Exhibit |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION CERTIFYING SPECIAL ASSESSMENTS FOR DELINQUENT PUBLIC UTILITY SERVICE ACCOUNTS TO THE HENNEPIN COUNTY PROPERTY TAX ROLLS

WHEREAS, the records of the Utility Billing Division list certain accounts as delinquent as of June 30, 2021; and

WHEREAS, the owners of the properties served by each delinquent account have been notified of the delinquency according to legal requirements; and

WHEREAS, Minnesota Statutes 444.075 and City Ordinances, Sections 4-105 and 4-201 authorize certification of such delinquent accounts to the County property tax rolls for collection; and

WHEREAS, a special assessment roll, a copy of which is attached hereto and made part hereof by reference, has been prepared by the City Clerk, tabulating those properties where a delinquent public utility account is to be assessed with the amount, including interest and service charges, to be assessed; and

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for delinquent utility service accounts.

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

1. The special assessment roll of delinquent public utility accounts is hereby adopted and certified as Assessment Roll No. 21022.

2. The special assessments as adopted and confirmed shall be payable with ad valorem taxes levied in 2021, in one installment with interest thereon at five (3.0) percent per annum, and shall bear interest on the entire assessment from October 1, 2021 through December 31, 2021.

3. The owner of any property so assessed may at any time prior to the certification of the assessments to the Hennepin County Auditor pay the entire assessment to the City, without interest, if the entire assessment is paid on or before November 24th 2021.

4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the Hennepin County Auditor to be extended on the property tax lists of the County,

RESOLUTION NO. _____

and such assessments shall be collected and paid over in the same manner as other municipal taxes.

September 27, 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.

Certification Balance does not equal 0.00

| Customer # | Account # | Name | Service Address |
|---|---|---|---|
| 00045542 | 0027390008 | PANG VUE | 4206 62ND AVE N |
| 00032922 | 0030440006 | VICTOR OGUNBANWO | 3701 66TH AVE N |
| 00024626 | 0093040006 | JEFF SMITH | 600 62ND AVE N |
| 00046897 | 0090670003 | NICK J DOUCETTE | 5919 COLFAX AVE N |
| 00045047 | 0045120002 | FELICHA SHANNON | 3913 BURQUEST LA |
| 00036446 | 0090580004 | JOSEPH PALM | 6025 COLFAX AVE N |
| 00041972 | 0079210008 | STEPHEN DOSSETT | 5620 FREMONT AVE N |
| 00044835 | 0001440008 | KEVIN MOTARJEMI | 6354 WILLOW LA N |
| 00034808 | 0009410000 | TANYA FLEMING | 6807 ABBOTT AVE N |
| 00039899 | 0009330000 | TRAPIC STEVEN WITTEVEEN | 6809 ZENITH AVE N |
| 00048132 | 0050000004 | BRADEN TRIPPEL | 6900 DALLAS RD |
| 00018478 | 0013790009 | SHIRLEY GAGNON | 4407 71ST AVE N |
| 00044074 | 0065350008 | ALEX VELASQUEZ | 3801 53RD AVE N |
| 00047517 | 0021570002 | MOSES GIBSON | 7001 EMERSON AVE N |
| 00040405 | 0014870008 | ZAVAH PAUL YANG | 7213 MAJOR AVE N |
| 00035007 | 0037210001 | KODJO O OYEGADE | 6236 CHOWEN AVE N |
| 00040859 | 0045450003 | KA ZOUA HANG | 3825 ECKBERG DR |
| 00046104 | 0091290009 | TUUYEN TRAN | 6215 BRYANT AVE N |
| 00046258 | 0035930006 | HAYDER ALBATUSHI | 6200 BROOKLYN BLVD |
| 00022508 | 0081130004 | SHIRLEY HOSKINS | 5560 CAMDEN AVE N |
| 00041512 | 0005880008 | BINALAYEFA NAGBERI-OKOLAKPA | 7024 REGENT AVE N |
| 00039991 | 0010260003 | NOLAND R MCALESTER | 7225 OLIVER AVE N |
| 00019682 | 0000230004 | MARCIA LOVEJOY | 6331 BRYANT AVE N |
| 00034023 | 0043220002 | LUCILLE WESSEN | 6013 HALIFAX AVE N |
| 00047689 | 0088330008 | APRIL MARIE POPE | 5807 GIRARD AVE N |
| 00044381 | 0020810003 | SANDTRICE LOVALOY | 7118 GIRARD AVE N |
| 00047839 | 0074520005 | CRAIG KROPELNICKI | 5501 HUMBOLDT AVE N |
| 00044283 | 0010280308 | PHILISHA LOCKHART | 2116 73RD AVE N |
| 00047641 | 0074710002 | JOSHUA M OLSON | 5600 IRVING AVE N |
| 00037931 | 0006402406 | MARYANN HILL | 7257 UNITY AVE N |
| 00023116 | 0034410000 | SHARON MEIER | 2701 64TH AVE N |
| 00025504 | 0013780000 | JAMES JON MIDTAUNE | 4401 71ST AVE N |
| 00022719 | 0084140000 | MARY CARLSTROM | 5324 EMERSON AVE N |
| 00048203 | 0064510008 | ZACHARY BARR | 5013 DREW AVE N |
| 00025466 | 0000080000 | MARY WARNER | 5109 69TH AVE N |
| 00020598 | 0026630008 | ROLAND CHRISTENSEN | 6101 JUNE AVE N |
| 00028287 | 0094300003 | DWANA FULLER | 5705 CAMDEN AVE N |
| 00047646 | 0006402604 | BREANNA FAIRBANKS | 7261 UNITY AVE N |
| 00016750 | 0058230009 | TROY KOUBSKY | 6626 BRYANT AVE N |
| 00046782 | 0016331603 | JERRETT LAMPLEY FOSTER | 6609 XERXES PL N |
| 00043542 | 0059620000 | KYLE MOEN | 6737 DUPONT AVE N |

| | | | |
|---|---|---|---|
| 00100123 | 0000903006 | JOSHUA FORD | 615 66TH AVE N 3 |
| 00048080 | 0001560000 | RESIDENT | 6800 QUAIL AVE N |
| 00046482 | 0029320003 | CRISTINA DIAZ | 4206 WINCHESTER LA |
| 00047096 | 0044120003 | FATU MASALLIE | 3621 ADMIRAL LA |
| 00038882 | 0060860001 | DANIEL DUFOUR | 4100 LAKESIDE AVE |
| 00043478 | 0006401903 | MASSAMA KONNEH | 7245 UNITY AVE N |
| 00018154 | 0010470001 | ANNA THOMAS | 7012 EWING AVE N |
| 00047401 | 0017720008 | CLAUDIA DIGGS | 6124 SCOTT AVE N |
| 00040796 | 0006382004 | JAMEY BAKKEN | 6901 UNITY AVE N |
| 00046025 | 0006401101 | MORGATHA CEPHAS | 7229 UNITY AVE N |
| 00020488 | 0025540000 | KEITH PILARSKI | 6312 LEE AVE N |
| 00034888 | 0006388902 | ROSIE TIMS | 7077 UNITY AVE N |
| 00040320 | 0069410006 | RHONDA MOSTROM | 4929 BROOKLYN BLVD |
| 00020145 | 0020560003 | LORETTA BAY | 6401 PERRY AVE N |
| 00041761 | 0060191108 | SHARON MCGARY | 6800 FREMONT PL N |
| 00045924 | 0047240006 | STACEY BANKS | 5649 NORTHPORT DR |
| 00028493 | 0029070004 | WILLIAM SCHMIDT | 4613 WINCHESTER LA |
| 00046923 | 0006395006 | ADRIAN DOLENTZ | 5435 72ND CIR |
| 00040392 | 0030000008 | GAO QIANG LIU | 4013 65TH AVE N |
| 00046657 | 0016311605 | FRANCES WILLIAMS | 2915 67TH LN N |
| 00026194 | 0060971103 | LAURIE RANDALL | 6801 ALDRICH AVE N |
| 00045226 | 0004920003 | EVYLIN W ADESINA | 7042 QUAIL AVE N |
| 00044644 | 0064720003 | SHARONDA HUDSON | 5206 EWING AVE N |
| 00045679 | 0083860004 | JASON CARLSON | 5408 DUPONT AVE N |
| 00045606 | 0089220000 | DAVID E MCGEE | 5725 EMERSON AVE N |
| 00045845 | 0011960000 | YOUNG NYANGWESO | 3406 WOODBINE LA |
| 00038665 | 0072300004 | DANA SCHROEDER | 5312 OLIVER AVE N |
| 00044620 | 0014380005 | MAYSAY YANG | 1705 73RD AVE N |
| 00036424 | 0022560002 | MITCHELL HANSON | 7301 ALDRICH AVE N |
| 00041316 | 0066030005 | PHONG TRAN | 3818 51ST AVE N |
| 00021568 | 0069850003 | TWIN LAKE ALANO | 4938 BROOKLYN BLVD |
| 00035202 | 0028060006 | JOHN PAYNTER | 6300 JUNE AVE N |
| 00029100 | 0006378606 | VICTORIA BAILEY | 7268 UNITY AVE N |
| 00046067 | 0023370005 | NICOLE THAYER | 720 69TH AVE N |
| 00044986 | 0018270003 | MING YANG | 6119 PERRY AVE N |
| 00038603 | 0039820005 | CRAIG ROISUM | 6000 ZENITH AVE N |
| 00047923 | 0016270207 | JENNIFER CHAREUNRATH | 6813 YORK PL |
| 00042143 | 0022010007 | KHADER WAZWAZ | 6318 UNITY AVE N |
| 00100166 | 0044310000 | BOA NGUYEN | 5730 NORTHPORT DR |
| 00031498 | 0076900007 | SHARON PRIGGE | 2009 BROOKVIEW DR |
| 00028884 | 0091040008 | PATRICK CARROLL | 6018 COLFAX AVE N |
| 00047551 | 0018210009 | DAVE KOENIG | 6112 QUAIL AVE N |
| 00047869 | 0088460003 | CHRIS VANG | 5730 FREMONT AVE N |
| 00041928 | 0011870008 | JAMES ANDERSON | 6912 MORGAN AVE N |
| 00046483 | 0069270004 | PRECIOUS BUFFORD | 3201 49TH AVE N |
| 00045397 | 0067150000 | JOHNNY GILBERT | 3847 OAK ST |
| 00031396 | 0007100009 | LEROY HOUSTON | 6714 GRIMES AVE N |

| | | | |
|---|---|---|---|
| 00037927 | 0027600000 | LUAH DAHN | 4001 JOYCE LA |
| 00039182 | 0080460006 | DAVID LAFAVOR | 907 57TH AVE N |
| 00047100 | 0046570007 | JUNIPER LAND TRUST LLC | 5301 FRANCE AVE N |
| 00047818 | 0022250009 | CHELSEA IVERSON | 6318 PERRY AVE N |
| 00045088 | 0033950006 | GORDON STAFF | 2918 63RD AVE N |
| 00039802 | 0006371502 | DIOH PEAH | 5431 PONDS DR |
| 00043245 | 0011610008 | ANDREW JOHNSON | 7224 MORGAN AVE N |
| 00045676 | 0090600000 | ALEXIS ESQUIVEL | 6013 COLFAX AVE N |
| 00042800 | 0071520008 | ABDURAHMAN WABE | 5405 QUEEN AVE N |
| 00042576 | 0026610000 | AMBER ERVING | 6113 JUNE AVE N |
| 00042672 | 0010430005 | MICHAEL MCKINLEY | 6936 EWING AVE N |
| 00041691 | 0076320008 | PAUL ZHENG | 5541 MORGAN AVE N |
| 00027891 | 0099580005 | LEROY DENIO | 6336 EMERSON AVE N |
| 00019664 | 0000040007 | WAYNE SMITHAM | 6342 COLFAX AVE N |
| 00041375 | 0018180004 | JACQUELINE BRAESCH | 6200 QUAIL AVE N |
| 00017174 | 0001530003 | JOEY C NIENABER | 6818 QUAIL AVE N |
| 00045318 | 0061230004 | ANIKONE PHIMMALOUNE | 6725 CAMDEN AVE N |
| 00036714 | 0012820005 | CHONG MOUA THAO | 7231 GRIMES AVE N |
| 00046399 | 0022530004 | TERRA-NEET SNELLING | 4806 63RD AVE N |
| 00029737 | 0091410003 | GLENN KURKE | 6021 BRYANT AVE N |
| 00044975 | 0079290000 | DEREK JON WOLF | 5508 FREMONT AVE N |
| 00047866 | 0006320004 | FLIP FUNDING LLC | 6931 TOLEDO AVE N |
| 00044919 | 0019950009 | JUAN HERRERA MONTES | 5206 WINCHESTER LA |
| 00042705 | 0065020007 | ROBERT SCHOFFSTALL | 5031 EWING AVE N |
| 00100065 | 0060181901 | VALERIE BLOUNT MCKISSACK | 1316 68TH LN N |
| 00026133 | 0001710001 | TERRY EGAN | 6739 PERRY AVE N |
| 00044046 | 0006376709 | FATAMATA DOLLEY | 5418 PONDS DR |
| 00045770 | 0006392300 | ELIZA MORRIS | 5332 71ST CIR |
| 00015699 | 0010640006 | DOUGLAS BRUESHABER | 6925 NEWTON AVE N |
| 00017122 | 0000980001 | LEROY EDEBURN | 6724 SCOTT AVE N |
| 00042137 | 0023430006 | GARRGEE SUKHRAM | 4512 63RD AVE N |
| 00036403 | 0012740005 | ESTEBAN MIRANDA | 7212 GRIMES AVE N |
| 00040109 | 0018820005 | KARI CAMPBELL | 6505 UNITY AVE N |
| 00042459 | 0083150000 | ALDORA DUFFAUT | 5453 BRYANT AVE N |
| 00028449 | 0019280001 | DARWIN L CRIMMINS | 4913 HOWE LA |
| 00016842 | 0059780002 | HEATHER SMITH | 6806 EMERSON AVE N |
| 00045592 | 0013470008 | CHAR GARDNER | 4101 WOODBINE LA |
| 00043148 | 0083100005 | RASCO INVESTMENTS LLC | 5432 BRYANT AVE N |
| 00027789 | 0015340001 | LARRY SAAS | 7230 LEE AVE N |
| 00046716 | 0073500008 | PANG HER | 5350 KNOX AVE N |
| 00038218 | 0021300202 | MARK WARNERT | 7300 FREMONT AVE N |
| 00041281 | 0006377004 | AELICIA WILLIAMS-MCNEIL | 5426 PONDS DR |
| 00047810 | 0035510006 | EMPIRE CARE SYSTEMS, INC. | 3121 LAWRENCE RD |
| 00018983 | 0087900009 | EMIL GUZIK | 6106 GIRARD AVE N |
| 00026684 | 0021150003 | EDWINA MCGILL | 7037 FREMONT AVE N |
| 00042919 | 0006390205 | NIA JONES | 5433 71ST CIR |
| 00035004 | 0015410002 | VERNOISE BOOKER | 7201 KYLE AVE N |

| | | | |
|---|---|---|---|
| 00020217 | 0021260009 | GARY D VARNESS | 6327 REGENT AVE N |
| 00017934 | 0007760000 | LORRAINE SENESCALL | 6818 EWING AVE N |
| 00028831 | 0050350607 | GREG C RICHTER | 328 73RD AVE N |
| 00047891 | 0021240001 | TRELISHA NEELY | 6401 REGENT AVE N |
| 00020296 | 0022080000 | GARY R ANDERSON | 5213 ELEANOR LA |
| 00041510 | 0004670004 | MARY NACHTWEY | 6931 PERRY AVE N |
| 00045601 | 0086330000 | PENROD, LLC | 5712 LOGAN AVE N |
| 00047873 | 0084910006 | LATRESE BYRD | 5312 GIRARD AVE N |
| 00042637 | 0006397002 | SHUXING SUN | 5328 72ND CIR |
| 00033341 | 0032920000 | WILLIAM HILL | 3207 65TH AVE N |
| 00038503 | 0072510008 | JACKIE ORMIDES BURNS | 5318 NEWTON AVE N |
| 00046266 | 0089460002 | BRIDGET R MANZ | 5946 EMERSON AVE N |
| 00036186 | 0001380003 | DENNA RUCKER | 6719 QUAIL AVE N |
| 00044491 | 0006371809 | FATOUMATA KAMISSOKO | 5423 PONDS DR |
| 00023167 | 0034900000 | HENRY R SCHWARTZ | 2906 65TH AVE N |
| 00047867 | 0001380006 | ADAM SCHMITT | 6432 WILLOW LA N |
| 00046029 | 0058040002 | MICHAEL PRATT | 6816 BRYANT AVE N |
| 00043920 | 0006382608 | CHRISTINE BEALIEU | 7020 UNITY AVE N |
| 00039244 | 0049220600 | MICHAEL TORKELSON | 5835 LAKE CURVE LA |
| 00044232 | 0080400002 | MEHNEA BURGESS | 5603 BRYANT AVE N |
| 00045729 | 0037470001 | PRESTLY GALIAH | 2712 NASH RD |
| 00029103 | 0011340002 | STEPHANIE HIGH | 7001 MORGAN AVE N |
| 00042910 | 0077310008 | MARY PETZEL | 2306 BROOKVIEW DR |
| 00047512 | 0021090000 | ANNETTE NAYOU | 6326 REGENT AVE N |
| 00044304 | 0056970101 | TIMOTHY JOHNSON | 6713 CAMDEN AVE N |
| 00031300 | 0010280407 | PATRICIA STEPHENSON | 2124 73RD AVE N |
| 00032381 | 0029840000 | EDWARD ATKINSON | 4400 66TH AVE N |
| 00044804 | 0079470008 | JAMES V HAMANN | 5637 EMERSON AVE N |
| 00042321 | 0006373706 | EGGNA NORGBEAN | 5319 PONDS DR |
| 00045578 | 0092910001 | CHRISTOPHER J WALKER | 6006 ALDRICH AVE N |
| 00031090 | 0016320507 | DANMARK PROPERTIES LLC | 2820 67TH LN N |
| 00047483 | 0006377509 | ORLANDO HARVEY | 5436 PONDS DR |
| 00021981 | 0074750008 | NHIA SHOVA YANG | 5524 IRVING AVE N |
| 00017052 | 0000200004 | DIANNA ANDERSON | 6819 TOLEDO AVE N |
| 00045461 | 0068340006 | SERGIO CORTES | 5012 LILAC DR N |
| 00045555 | 0091140006 | WILLIE LEE | 6138 COLFAX AVE N |
| 00046358 | 0093900001 | CAROYLN STUMP | 6101 LYNDALE AVE N |
| 00040186 | 0060770002 | BRIAN MELTZER | 4746 LAKEVIEW AVE |
| 00043562 | 0021440007 | SHAWN SHOPEK | 6401 SCOTT AVE N |
| 00044805 | 0083720000 | JESSICA PEARSON | 5301 COLFAX AVE N |
| 00047436 | 0091560005 | ALEXIS LEPPO | 5835 BRYANT AVE N |
| 00047738 | 0084330007 | RESIDENT | 5447 EMERSON AVE N |
| 00035477 | 0056710200 | JAMIE EDWARDS | 6620 CAMDEN DR |
| 00023997 | 0044260007 | ROBERT FERN | 5727 BROOKLYN BLVD |
| 00041664 | 0060820003 | ADOLPHUS HELB | 6616 IRVING PL N |
| 00038138 | 0037160008 | MYRNA HJELLMING | 6206 CHOWEN AVE N |
| 00046045 | 0014170003 | CLAUDIO ORTIZ | 6930 INDIANA AVE N |

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|---|---|---|---|
| 00038472 | 0088410008 | GREGORY COLEMAN | 1400 57TH AVE N |
| 00042270 | 0025760004 | HOWARD LEAKE | 6343 KYLE AVE N |
| 00043276 | 0087560001 | KRYSTAL WIEBUSCH | 5754 HUMBOLDT AVE N |
| 00034554 | 0027150006 | EVAN ANDERSON | 3906 JANET LA |
| 00038268 | 0039460109 | DONALD R ERICKSON | 6018 YORK AVE N |
| 00016188 | 0021230102 | RICHARD R ADAMS | 7205 FREMONT AVE N |
| 00017915 | 0007570003 | FRANK TOUGAS | 6743 EWING AVE N |
| 00037240 | 0022390103 | DEANNA WILSON | 7305 DUPONT AVE N |
| 00045909 | 0008140004 | VT HOLDINGS LLC | 6837 BEARD AVE N |
| 00044177 | 0017990007 | RONDA AL-HAKIM | 6107 QUAIL AVE N |
| 00036960 | 0015260001 | DELARNAS MCGHEE | 7118 LEE AVE N |
| 00035955 | 0013480007 | AMY BERTRAM | 7225 HALIFAX AVE N |
| 00024538 | 0037370003 | GEORGE BROWN | 2907 63RD AVE N |
| 00024254 | 0046840004 | SCOTT C HUGHES | 5348 NORTHPORT DR |
| 00039672 | 0037090007 | LINDA ROBERTS | 3319 63RD AVE N |
| 00024677 | 0045860003 | DAVID SITLER | 5513 FRANCE AVE N |
| 00042985 | 0043590008 | CHARLES DAVIS | 5818 JUNE AVE N |
| 00020410 | 0023220001 | JOSEPH SCHORN | 6401 LEE AVE N |
| 00043381 | 0090380009 | JESSICA MCLAIN | 6218 DUPONT AVE N |
| 00023593 | 0039960009 | PAMELA ARNESON | 5901 ZENITH AVE N |
| 00044744 | 0083280005 | DARIEN INMAN | 5321 BRYANT AVE N |
| 00045947 | 0075770005 | AMY BAILEY | 5533 LOGAN AVE N |
| 00047515 | 0076850004 | ERICK REKDAHL | 2024 ERICON DR |
| 00045532 | 0015730003 | CARRIE MOTARJEMI | 7112 JUNE AVE N |
| 00047901 | 0018350003 | JOSE L SALGADO OCAMPO | 6237 PERRY AVE N |
| 00035193 | 0012210303 | THAN LU | 1908 73RD AVE N |
| 00019523 | 0093870006 | KAREN HOLTER | 6127 LYNDALE AVE N |
| 00044003 | 0006375107 | SHAWN'DREYA AMERSON | 5310 PONDS DR |
| 00041894 | 0036990009 | DENY ARAGON | 3107 63RD AVE N |
| 00043924 | 0038540000 | DARREN KENNEDY | 5906 UPTON AVE N |
| 00020705 | 0027700008 | CANDACE R POLAND | 6212 JUNE AVE N |
| 00040953 | 0099750004 | LUCAS CARPENTER | 6337 DUPONT AVE N |
| 00047121 | 0020670000 | HAYDER ALBATUSHI | 4918 63RD AVE N |
| 00040382 | 0044460003 | JEROME MOOT | 3600 ADMIRAL LA |
| 00043427 | 0010220304 | THIEN-THANH HOANG | 2200 73RD AVE N |
| 00035854 | 0076030003 | NITA MORLOCK | 5618 HILLSVIEW RD |
| 00044768 | 0020470005 | HUDA HASSEN | 4913 WINCHESTER LA |
| 00021683 | 0071720004 | SONNY VANG | 5418 PENN AVE N |
| 00044365 | 0073170000 | WOLLOR JAPPAH | 5338 LOGAN AVE N |
| 00043619 | 0011280000 | ALISHA FRANCZAK | 6913 MORGAN AVE N |
| 00024487 | 0049280307 | SUSAN M JOHNSON | 5805 SHORES DR |
| 00044485 | 0089860003 | WALTER HUMPHREY | 5825 DUPONT AVE N |
| 00045688 | 0028250003 | TAYLOR WOODS | 6425 INDIANA AVE N |
| 00038031 | 0010390001 | KARI DRISTE | 7007 EWING AVE N |
| 00032042 | 0023340008 | ROY WARMBOLD JR | 7236 DUPONT AVE N |
| 00020784 | 0028500001 | KENNETH OLSON | 6430 MARLIN DR |
| 00042341 | 0029300005 | SCOTT DEHNE | 6530 INDIANA AVE N |

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|---|---|---|---|
| 00032865 | 0025480009 | CHRISTINE BROWN | 6224 LEE AVE N |
| 00031809 | 0022790005 | DORIS JEFFERSON | 7243 BRYANT AVE N |
| 00040375 | 0004170401 | ABDULAHI MOHAMED | 4807 WINGARD PL |
| 00045434 | 0004310403 | KENNETH MCCAIN | 7208 PERRY CT E |
| 00042978 | 0032210006 | BETTY KUPHAL | 3113 66TH AVE N |
| 00046530 | 0023470003 | ELIZABETH CLARKE | 857 70TH AVE N |
| 00047177 | 0008540008 | BENDERSON DEVELOPMENT COMPANY | 5930 EARLE BROWN DR |
| 00047228 | 0019160005 | AUGUSTINE SACKOR | 4900 HOWE LA |
| 00031715 | 0023750007 | JASON BLANSKI | 6241 MAJOR AVE N |
| 00038799 | 0006375800 | PATRICIA SELMA | 5400 PONDS DR |
| 00047920 | 0022980002 | BALLAH Z DWAPU | 806 72ND AVE N |
| 00042568 | 0072500009 | STEVEN YANG | 5324 NEWTON AVE N |
| 00045874 | 0006373805 | CECELIA YAFONDO | 5315 PONDS DR |
| 00042005 | 0020860007 | BEAU E OLSON | 6340 QUAIL AVE N |
| 00044929 | 0031030004 | JEREMY GILLESPIE | 3409 66TH AVE N |
| 00023110 | 0034340009 | DALE CERNOHLAVEK | 2700 OHENRY RD |
| 00045820 | 0041520007 | VICTOR GONZALEZ | 6007 PEARSON DR |
| 00042329 | 0030690006 | ADEDAYO DAWODU | 3601 66TH AVE N |
| 00023996 | 0049250300 | JOANN GILBAUGH | 5833 SHORES DR |
| 00016892 | 0060172306 | KEVIN P GUSTAFSON | 6839 FREMONT PL N |
| 00035899 | 0034350008 | DENNIS SMALL | 6319 BROOKLYN DR |
| 00038367 | 0004090005 | SEAN SULLIVAN | 6933 MAJOR AVE N |
| 00038128 | 0006377202 | NICOLE BEARD | 5430 PONDS DR |
| 00040731 | 0013300004 | LATRICE DAVIS | 7025 HUMBOLDT AVE N |
| 00044537 | 0018280002 | LATISHA WALKER | 6125 PERRY AVE N |
| 00030041 | 0093640003 | MICHELLE NELSON | 5926 CAMDEN AVE N |
| 00040856 | 0035500007 | PERRY MARTIN | 3117 LAWRENCE RD |
| 00027697 | 0000350007 | DESIREE WILKERSON | 5318 68TH AVE N |
| 00031418 | 0011000005 | DAVID WYLIE | 6943 PALMER LAKE DR W |
| 00032825 | 0017690003 | ALVINA LOPEZ | 6142 SCOTT AVE N |
| 00041954 | 0008950006 | LAMON GARCIA | 3301 68TH AVE N |
| 00034754 | 0011550009 | ANDREW NEW | 7207 PALMER LAKE DR W |
| 00044667 | 0021930008 | CASSANDRA CARLSON | 7048 EMERSON AVE N |
| 00045191 | 0016310102 | ROBERT WALKER | 2904 67TH LN N |
| 00023506 | 0039080006 | JANE PARKER | 5919 WASHBURN AVE N |
| 00045247 | 0046750005 | DENZEL ANDERSON | 5319 NORTHPORT DR |
| 00035761 | 0089170007 | CHEETARAH | 5807 EMERSON AVE N |
| 00035478 | 0017660006 | WILLIAM LORENTZ | 6212 SCOTT AVE N |
| 00035034 | 0089040002 | MARTIN MCDONAL | 5951 EMERSON AVE N |
| 00035623 | 0034690007 | MOHAMED D HASSAN | 6407 BROOKLYN DR |
| 00038025 | 0014390004 | KRISTOPHER WILLIAMS | 1711 73RD AVE N |
| 00030575 | 0070840001 | DONN BURSETH | 5324 LILAC DR N |
| 00035686 | 0019050008 | CHARLES E TURNER | 5124 HOWE LA |
| 00029738 | 0005700008 | MICHAEL BRADFORD | 7001 QUAIL AVE N |
| 00046178 | 0060790305 | FLORENCE NCHOTLE | 1601 68TH LN N |
| 00042358 | 0022200005 | JACOB BRYANT | 7007 DUPONT AVE N |
| 00044420 | 0012690009 | LUE MOUA | 1601 IRVING LA N |

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|---|---|---|---|
| 00042063 | 0056720209 | LEROY MASSAQUOI | 6601 CAMDEN DR |
| 00044849 | 0006401309 | ERICA GOWEH | 7233 UNITY AVE N |
| 00040798 | 0009040005 | MENIKA HORTON | 3007 68TH AVE N |
| 00038196 | 0021250000 | TROY BAKER | 6333 REGENT AVE N |
| 00043475 | 0059170006 | JOSE RAMIREZ | 6839 COLFAX AVE N |
| 00039895 | 0089830006 | ANGEL GABRIEL AGUILAR GUERRERO | 5901 DUPONT AVE N |
| 00019439 | 0092800004 | PAUL SCULLY | 5848 ALDRICH AVE N |
| 00026618 | 0036870003 | DARLENE PASLEY | 3013 NASH RD |
| 00019091 | 0089030003 | KEITH CARRICO | 6001 EMERSON AVE N |
| 00027992 | 0086630003 | JEFFREY LEWIS | 5732 KNOX AVE N |
| 00043284 | 0013210104 | RICKIE HAYES | 1511 71ST AVE N |
| 00040582 | 0033640003 | SARA SCHOLL | 3307 POE RD |
| 00045877 | 0000060005 | CALEB OREILLY | 6406 COLFAX AVE N |
| 00041864 | 0088590007 | QUEENA SLOAN | 5914 FREMONT AVE N |
| 00028445 | 0041880005 | SONYA POYSER | 5904 HALIFAX PL |
| 00044955 | 0014400001 | RHONDA TROTTER | 7236 KNOX AVE N |
| 00034214 | 0090060007 | KIMBERLY LACHAPELLE | 5808 DUPONT AVE N |
| 00043977 | 0080360008 | MARIE EZIKE | 5523 BRYANT AVE N |
| 00036800 | 0023190006 | CHONG VUE | 6419 LEE AVE N |
| 00042090 | 0049210502 | KEVIN SCHRAMMEN | 5845 LAKE CURVE LA |
| 00035351 | 0001070000 | KRISTEN SCHMITTOU | 6725 REGENT AVE N |
| 00043039 | 0099140008 | GENET GSHAW | 6418 GIRARD AVE N |
| 00042761 | 0012460000 | APRIL HECKARD | 6907 FRANCE AVE N |
| 00043261 | 0006375503 | LAUREN HURLEY-MILLER | 5318 PONDS DR |
| 00042487 | 0051600000 | SAMUEL OPARE-ADDO | 6931 WILLOW LA N |
| 00044830 | 0060790404 | THELMA JUAH | 1601 67TH LN N |
| 00036472 | 0072990002 | PATRICIA SULLIVAN | 5407 LOGAN AVE N |
| 00027358 | 0031180007 | JANIS SALO | 6543 BEARD AVE N |
| 00041116 | 0088420007 | JAMES FUHRMANN | 1208 57TH AVE N |
| 00043869 | 0086810001 | SANDRA FORBERG | 5727 JAMES AVE N |
| 00029261 | 0030720100 | JIM NEUBERGER | 6612 DREW AVE N |
| 00040290 | 0043470003 | COREY HESS | 6000 JUNE AVE N |
| 00035092 | 0060181604 | LISA VITA | 1328 68TH LN N |
| 00045112 | 0099440002 | JOANNA CARPIO | 6443 EMERSON AVE N |
| 00046696 | 0022270007 | COLIN MERRILL | 6330 PERRY AVE N |
| 00046350 | 0092790007 | LESA MANSON | 5834 ALDRICH AVE N |
| 00045568 | 0026230007 | ANDREW OJEDA | 4309 64TH AVE N |
| 00040933 | 0022130003 | MARIA CRUZ MARTINEZ | 5206 63RD AVE N |
| 00046004 | 0046650007 | CANDICE KRISTIAN DIOR MOBLEY MEANCHOP | 3600 53RD AVE N |
| 00037657 | 0011120008 | LAMAR WALKER | 7030 NEWTON AVE N |
| 00028883 | 0092330002 | MONICA SHOCKENCY | 6107 ALDRICH AVE N |
| 00039804 | 0037660007 | ALLISON SNYDER | 2806 MUMFORD RD |
| 00047337 | 0006372906 | BRANDI SPRAGGINS | 5401 PONDS DR |
| 00042536 | 0004000004 | ROBERT DIXON JR | 6918 MAJOR AVE N |
| 00041635 | 0099860001 | PATRICIA LENERS | 6430 DUPONT AVE N |
| 00100210 | 0080500009 | JOHN BUNCH | 5630 BRYANT AVE N |
| 00040472 | 0075810009 | MAITHA SHAMMARI | 5601 LOGAN AVE N |

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|---|---|---|---|
| 00032682 | 0098900006 | TODD DOONAN | 6430 HUMBOLDT AVE N |
| 00020075 | 0019870009 | JED RANCOUR | 6524 UNITY AVE N |
| 00045685 | 0087700003 | CRISTA MURPHY | 6032 HUMBOLDT AVE N |
| 00043736 | 0045340006 | WILLIAM CLABOTS | 3906 ECKBERG DR |
| 00022826 | 0085200001 | ALISON WALK | 5333 GIRARD AVE N |
| 00040355 | 0020620006 | JEROME OLVERA | 7225 GIRARD AVE N |
| 00039917 | 0099390009 | MICHELLE WHITLOCK | 6418 FREMONT AVE N |
| 00032303 | 0045330007 | CHER LEE | 3912 ECKBERG DR |
| 00047059 | 0012220008 | RICHARD MILLER | 7207 FRANCE AVE N |
| 00039028 | 0022450204 | KAMA BENNAH | 1030 73RD AVE N |
| 00043721 | 0017380001 | HERMAN CAPITAL PARTNERS II LLC | 5207 BOULDER LA |
| 00042334 | 0022190008 | TUOQUELLIE G NIAGAWOE JR | 7001 DUPONT AVE N |
| 00048210 | 0067400009 | LLUWAFIKAYO LLAGBAJU | 3901 52ND AVE N |
| 00044613 | 0004210306 | BRIAN MASTIN | 7110 QUAIL CIR E |
| 00045087 | 0001420007 | JOSEPH PASCHKA | 6801 QUAIL AVE N |
| 00018164 | 0010560009 | TIMOTHY J GRAHAM | 7037 DREW AVE N |
| 00033236 | 0042320001 | PHYLLIS VONDALL | 5808 PEARSON DR |
| 00042647 | 0099710008 | DANA DAVIS | 6413 DUPONT AVE N |
| 00047543 | 0006373607 | MARIAH EATON | 5321 PONDS DR |
| 00042656 | 0072490003 | PAUL GROSAM | 5330 NEWTON AVE N |
| 00040638 | 0045090007 | ALEXIS TRENDA | 3825 BURQUEST LA |
| 00039898 | 0073750009 | LAMIN JARJU | 5431 JAMES AVE N |
| 00041485 | 0029700006 | LINDSEY COLEMAN | 4207 66TH AVE N |
| 00018216 | 0011080007 | ERICK EDSTROM | 3616 VIOLET AVE |
| 00024840 | 0007750001 | GEORGE MARSHALL | 6812 EWING AVE N |
| 00043717 | 0023330008 | ER-LEE BOLDEN | 4700 63RD AVE N |
| 00045922 | 0006387805 | DEANE BROWN | 7133 UNITY AVE N |
| 00042986 | 0058470001 | MARCO RODRIGUEZ | 6645 BRYANT AVE N |
| 00033451 | 0025680004 | OMAR SANNEH | 4401 65TH AVE N |
| 00044353 | 0085380001 | JULIA BALLARD | 5440 HUMBOLDT AVE N |
| 00041813 | 0067200003 | TODD HAVISTO | 3815 OAK ST |
| 00020276 | 0021880004 | BEVERLY KILLEBREW | 5318 ELEANOR LA |
| 00019014 | 0088220001 | EDYTHE G POTTER | 5712 GIRARD AVE N |
| 00029054 | 0023010007 | KEVIN J O'HARA | 7212 ALDRICH CT |
| 00045205 | 0010900004 | ASHARTU STUBBLEFIELD | 7225 NEWTON AVE N |
| 00016612 | 0055100007 | TERRANCE MAGALIS | 6724 WILLOW LA N |
| 00045830 | 0013150006 | STEPHEN SHOCKENCY | 7000 HALIFAX AVE N |
| 00046043 | 0079940000 | 5544 DUPONT LAND TRUST | 5544 DUPONT AVE N |
| 00044731 | 0000690006 | RUFO ARDID-MARTINEZ | 6730 TOLEDO AVE N |
| 00045125 | 0026190003 | RICHARD CHRISTOPHERSON | 6318 KYLE AVE N |
| 00025140 | 0016240507 | JOEY L LASH | 6831 YORK PL |
| 00045587 | 0029600008 | EDWARD HELD | 4413 66TH AVE N |
| 00044824 | 0067130002 | MARY CURTIS | 3853 OAK ST |
| 00040700 | 0089560009 | RACHEL STINSON | 6100 EMERSON AVE N |
| 00046419 | 0036370004 | FAYSAL OMAR | 3206 MUMFORD RD |
| 00041025 | 0032500000 | TIMUTI NEEPAY | 3019 QUARLES RD |
| 00034953 | 0009490002 | EUGENE SUGGS | 6806 BEARD AVE N |

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|---|---|---|---|
| 00018225 | 0011170006 | DAVE KRAUSE | 3724 VIOLET AVE |
| 00037743 | 0014090000 | SEIGONGHYR KORTI | 7121 KNOX AVE N |
| 00044366 | 0072580001 | COLETTE CHARLTON | 5341 MORGAN AVE N |
| 00038314 | 0032510009 | JEFFREY JOHNSON | 3025 QUARLES RD |
| 00047051 | 0019370000 | JOHNNY COLEMAN | 5125 HOWE LA |
| 00047244 | 0006377905 | DARRICK COATS | 5444 PONDS DR |
| 00044187 | 0093360008 | IMMANEUL NAH | 6007 CAMDEN AVE N |
| 00044397 | 0039430003 | MATILDA DOUGLAS | 6013 XERXES AVE N |
| 00038150 | 0092940008 | NEIL JACOBSON | 6024 ALDRICH AVE N |
| 00039538 | 0022710003 | LEE A WALKER | 912 WOODBINE LA |
| 00042472 | 0020580002 | JASON SPRANDEL | 7207 GIRARD AVE N |
| 00046883 | 0041070003 | SALAM INC | 6019 BROOKLYN BLVD |
| 00042698 | 0064340000 | DIANE MACKI | 5221 DREW AVE N |
| 00043741 | 0006393100 | FELICIA DAVIS | 5420 71ST CIR |
| 00034564 | 0020240003 | ELIZABETH DREITZLER | 7000 HUMBOLDT AVE N |
| 00041335 | 0006381105 | WELLS BOVARD | 6937 UNITY AVE N |
| 00047171 | 0022770006 | EDGAR BARZALLO SOLIZ | 6343 NOBLE AVE N |
| 00039803 | 0084990008 | JENNIFER OSTERBAUER | 5404 GIRARD AVE N |
| 00046001 | 0023280006 | JOSEPH DAVIES | 7200 DUPONT AVE N |
| 00042633 | 0013600007 | JAMES KEATON | 1618 AMY LA |
| 00047256 | 0012360009 | EVA ENCINAS | 7100 LOGAN AVE N |
| 00032104 | 0084440004 | AMY BORGSTROM | 5339 EMERSON AVE N |
| 00042824 | 0019130008 | LY MOUACHIN YANG | 4918 HOWE LA |
| 00026486 | 0021210005 | BRENDA ROBERTS | 1301 72ND AVE N |
| 00040294 | 0084890000 | MAYANLAY KROMAH | 5303 FREMONT AVE N |
| 00046380 | 0013410004 | OLANREWAJU OLADEJO | 7224 HALIFAX AVE N |
| 00045261 | 0022220002 | MEKEAL WELCH-COLLINS | 6300 PERRY AVE N |
| 00047057 | 0064560003 | NATHAN GANGL | 5012 EWING AVE N |
| 00040486 | 0040770009 | NICHOLAS JONAS | 5821 DREW AVE N |
| 00032259 | 0060170409 | MARIE HAMMONDS | 1315 67TH LN N |
| 00044372 | 0065420009 | AMY E SCHNEIDER | 3800 52ND AVE N |
| 00045354 | 0087240000 | ADRIANA E CERON-SANCHEZ | 5806 IRVING AVE N |
| 00100095 | 0026310007 | SERENA XEE YANG | 6442 KYLE AVE N |
| 00040349 | 0021370006 | CHRISTOPHER TURAN | 5206 PAUL DR |
| 00043814 | 0091270001 | FRANCIS CROWLEY | 6225 BRYANT AVE N |
| 00039469 | 0010960001 | KATIE LETOURNEAU | 7019 PALMER LAKE DR W |
| 00030849 | 0092650003 | NATASHA L GUNDERSEN | 713 58TH AVE N |
| 00044888 | 0033030007 | ANDREA MOY | 3224 64TH AVE N |
| 00044359 | 0042850007 | ISABEL ORBE | 5801 HALIFAX AVE N |
| 00034226 | 0009420009 | JULIO GONZALEZ | 6813 ABBOTT AVE N |
| 00031438 | 0021140201 | MICHAEL LAFAVE | 6424 REGENT AVE N |
| 00038996 | 0089950002 | THURMAN V FOSTER | 5715 DUPONT AVE N |
| 00034053 | 0024260006 | ROMEO GONO | 6207 LEE AVE N |
| 00020772 | 0028360000 | DIANN TUCKER | 6307 INDIANA AVE N |
| 00022294 | 0079080005 | LISA YANKTON | 5615 FREMONT AVE N |
| 00031725 | 0021550003 | KARIE PAGE-HOLDEN | 5219 65TH AVE N |
| 00034055 | 0027230006 | TAMMY LENOIR | 3901 62ND AVE N |

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|---|---|---|---|
| 00045747 | 0037060000 | VICTORIA HENDERSON | 3301 63RD AVE N |
| 00039482 | 0024000006 | MICHAEL LUTZ | 6218 MAJOR AVE N |
| 00042616 | 0014450006 | TOUTELEE MOUA | 1612 WOODBINE LA |
| 00045021 | 0079860000 | ENJOLI VEIT | 5642 DUPONT AVE N |
| 00022655 | 0083460003 | STEVEN SWANSON | 5412 COLFAX AVE N |
| 00043179 | 0093730002 | LANA SWENSON | 6024 CAMDEN AVE N |
| 00047552 | 0035550002 | EMPIRE CARE SYSTEMS, LLC | 3301 LAWRENCE RD |
| 00042619 | 0081930007 | NATHAN NEWBERG | 5337 LYNDALE AVE N |
| 00044532 | 0039530000 | DAWN SAUL | 5936 YORK AVE N |
| 00032096 | 0091100000 | JOHN CUMMINGS | 6106 COLFAX AVE N |
| 00033157 | 0033650002 | ALBERT D COOKE | 3313 POE RD |
| 00035322 | 0068310009 | NICHOLAS RAMNARACE | 3416 50TH AVE N |
| 00027240 | 0073320001 | BARBARA J RETIC | 5343 KNOX AVE N |
| 00044549 | 0084490009 | PADER XIONG | 5307 EMERSON AVE N |
| 00016034 | 0014190107 | TODD BULLOCK | 7243 KNOX AVE N |
| 00021076 | 0041130005 | DOUA VANG | 6048 EWING AVE N |
| 00031307 | 0000700003 | KIMBERLY SYKES | 6736 TOLEDO AVE N |
| 00047679 | 0025420005 | RESIDENT | 6136 LEE AVE N |
| 00039508 | 0007440009 | SANDRA ADAME CAMACHO ET AL | 6806 FRANCE AVE N |
| 00032986 | 0039020002 | LERNELL D JAMES | 5836 WASHBURN AVE N |
| 00039709 | 0019810005 | BRIAN MADDEN | 5213 66TH AVE N |
| 00041604 | 0094050004 | AI YANG | 5935 LYNDALE AVE N |
| 00040048 | 0026150007 | AZINGO LLC | 4309 63RD AVE N |
| 00046973 | 0008720003 | JAMES THOR | 3013 THURBER RD |
| 00043990 | 0077930003 | DANTRAEL RANDOLPH | 5538 GIRARD AVE N |
| 00043482 | 0060792004 | DAOUDA TRORE | 1612 68TH LN N |
| 00027524 | 0043050003 | SUZANNE BUSS | 6001 HALIFAX PL |
| 00043376 | 0014980005 | JAMES CAMPBELL | 4413 71ST AVE N |
| 00042042 | 0013370000 | STANLEY JONES | 4008 72ND AVE N |
| 00044490 | 0027040009 | EMILY C MORRIS | 4212 JANET LA |
| 00018135 | 0010280004 | CYNTHIA HOSKINS | 7119 EWING AVE N |
| 00036894 | 0021620005 | AGHARESE AGHAYEDO | 7031 EMERSON AVE N |
| 00015743 | 0011070005 | MARK EDSON | 7118 NEWTON AVE N |
| 00044295 | 0088850005 | EDWIN TORRES | 1100 62ND AVE N |
| 00043805 | 0086920008 | DANIELLE SAMUEL | 5742 JAMES AVE N |
| 00044918 | 0056710309 | HUSSAIN KHAN | 6618 CAMDEN DR |
| 00041428 | 0093600007 | LANETTE LAWVER | 625 59TH AVE N |
| 00044990 | 0042090000 | GBOLEY NYANWLEH | 3801 61ST AVE N |
| 00041060 | 0075610003 | CHRISTOPHER HAMMOND | 5626 LOGAN AVE N |
| 00044884 | 0022640001 | CHRISTIE JOHNSON | 6418 ORCHARD AVE N |
| 00045303 | 0001900008 | CCF2, LLC | 6736 PERRY AVE N |
| 00039172 | 0072340000 | LARRY COX | 5307 NEWTON AVE N |
| 00039435 | 0090760002 | TROY DAVIS | 5817 COLFAX AVE N |
| 00030712 | 0044500006 | SHAWN M BROWN | 5737 DREW AVE N |
| 00041752 | 0016090001 | DOMINIQUE DAVIS | 4212 WOODBINE LA |
| 00042382 | 0035640001 | PAMELA IDE | 3312 LAWRENCE RD |
| 00045968 | 0060180309 | DATTREAS STEWART | 1313 68TH LN N |

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|---|---|---|---|
| 00036866 | 0013010009 | SANGBAN W NGAIMA | 1801 70TH AVE N |
| 00040389 | 0020150004 | SAYGBAN KORMAH | 7106 HUMBOLDT AVE N |
| 00041472 | 0072700005 | SHERRICE MAYBELL-FRAZIER | 5430 MORGAN AVE N |
| 00041463 | 0027660004 | MARIA RODRIGUEZ-GONZALEZ | 4113 JOYCE LA |
| 00039567 | 0083160009 | AARON LAWSON | 5447 BRYANT AVE N |
| 00037747 | 0064140004 | LORRAINE SETHER | 5100 DREW AVE N |
| 00045870 | 0089790002 | WILLIAM BACKEN | 5935 DUPONT AVE N |
| 00042869 | 0020610006 | BILLY STALEY | 6319 PERRY AVE N |
| 00016231 | 0021650002 | DAVID FIEDLER | 7049 EMERSON AVE N |
| 00034291 | 0010180006 | RACHEL GILBERT | 7042 FRANCE AVE N |
| 00046379 | 0075020005 | JACQUELINE LANE | 5602 JAMES AVE N |
| 00041670 | 0027450000 | NICHOLAS SCHAFER | 4012 62ND AVE N |
| 00043287 | 0032190000 | EILEEN CURTIS | 3101 66TH AVE N |
| 00033993 | 0074080000 | CHRISTINE HENSLEY | 5413 IRVING AVE N |
| 00040055 | 0064630004 | THERESA GASMAN | 5116 EWING AVE N |
| 00039153 | 0085300009 | MICHAEL JOHNSTON | 5326 HUMBOLDT AVE N |
| 00019378 | 0092090002 | BILL KOLBE | 6114 BRYANT AVE N |
| 00047105 | 0075190006 | MONICA SHERMAN | 5619 JAMES AVE N |
| 00044944 | 0006371304 | KARGAWOE VAYE | 5435 PONDS DR |
| 00028968 | 0019440001 | CHOU YANG | 5231 HOWE LA |
| 00026391 | 0064950006 | WILLIAM KRIER | 5125 EWING AVE N |
| 00044746 | 0013770001 | TRISTAN VANG | 4319 71ST AVE N |
| 00044953 | 0029470006 | PETER VUE | 4600 WINCHESTER LA |
| 00034166 | 0011780009 | JOYCE A JALLAH | 7018 MORGAN AVE N |
| 00045298 | 0074440006 | LYLE L LATZIG | 5413 HUMBOLDT AVE N |
| 00017103 | 0000790004 | KAREN EDEBURN | 6801 SCOTT AVE N |
| 00044622 | 0020410001 | NICOLE JOHNSON | 4912 65TH AVE N |
| 00045432 | 0069740006 | JASON LINDSEY | 3321 50TH AVE N |
| 00044139 | 0001830007 | IA XIONG | 6830 PERRY AVE N |
| 00045728 | 0029350000 | JAMES JACKSON JR | 4224 WINCHESTER LA |
| 00022011 | 0075060001 | JEANNIE GILDEMEISTER | 5520 JAMES AVE N |
| 00041589 | 0021800002 | SUE XIONG | 6331 SCOTT AVE N |
| 00044553 | 0086490002 | PASCUAL AYALA VITAL | 5807 KNOX AVE N |
| 00039132 | 0089490009 | JUSTIN DARGIS | 6006 EMERSON AVE N |
| 00044363 | 0084340006 | VISHAL CHAINSUKH | 5435 EMERSON AVE N |
| 00043870 | 0011610001 | CHONG MOUA CHANG | 3518 72ND AVE N |
| 00044917 | 0075730009 | TEMERA BROWN | 5501 LOGAN AVE N |
| 00026568 | 0083310000 | SHERITTA SCROGGINS | 5305 BRYANT AVE N |
| 00037121 | 0018060008 | OLUBUNMI OLABIYI | 6219 QUAIL AVE N |
| 00046623 | 0075100005 | NICHOLAS WITZKE | 5509 JAMES AVE N |
| 00046828 | 0069050000 | HOMES BY WITT DBA C4D CREW | 4937 BEARD AVE N |
| 00029407 | 0045140000 | DAVE BRUNS | 5600 HALIFAX AVE N |
| 00047511 | 0006399206 | GLENN L MITCHELL SR | 7157 UNITY AVE N |
| 00031447 | 0080870006 | JULIE SUCKOW | 827 57TH AVE N |
| 00039486 | 0089350104 | TYRONE LEE | 5900 EMERSON AVE N |
| 00034375 | 0017050000 | JASON OIE | 6213 UNITY AVE N |
| 00045570 | 0038840004 | CALVIN MOSBY | 5931 VINCENT AVE N |

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|---|---|---|---|
| 00043578 | 0028780009 | ANDREA JOHNSON | 4306 65TH AVE N |
| 00028902 | 0013390005 | ERIC BAUMGART | 1612 71ST AVE N |
| 00047469 | 0077790001 | JULIAN GUO | 5637 GIRARD AVE N |
| 00045955 | 0075160009 | JOSHUA MEINNERT | 5557 JAMES AVE N |
| 00046205 | 0085340005 | JUSU LEO KWEYETEH | 5400 HUMBOLDT AVE N |
| 00040812 | 0081080001 | MARIO BARRETO | 5624 CAMDEN AVE N |
| 00038835 | 0071200007 | BEN DOSSMAN | 5307 PENN AVE N |
| 00045138 | 0076830006 | SANDRA DURAN | 2106 ERICON DR |
| 00042017 | 0077460001 | ANTHONY KEOGH | 2418 ERICON DR |
| 00046376 | 0071050006 | ROSHANDA WALTON | 3000 53RD AVE N |
| 00043017 | 0033120006 | AIMEE COMBS | 3100 64TH AVE N |
| 00026452 | 0060270003 | ROBERT MARVIN | 4711 TWIN LAKE AVE |
| 00047635 | 0082860104 | PHILIP BERGLIN | 601 BELLVUE LA |
| 00039763 | 0079170004 | CEL MONTON LLC | 5640 FREMONT AVE N |
| 00045975 | 0051130008 | DEBRA MYLES | 7125 WILLOW LA N |
| 00037379 | 0073060003 | SCOTT HOLTHUS | 1821 55TH AVE N |
| 00043046 | 0059690003 | SCHYNAE MANWA | 6831 DUPONT AVE N |
| 00036861 | 0039130009 | EVERRENE BONNICK | 5949 WASHBURN AVE N |
| 00043229 | 0084970000 | WILLIAM RAINES | 5344 GIRARD AVE N |
| 00044952 | 0075080009 | NATALIE BRANCH | 5500 JAMES AVE N |
| 00045266 | 0081650001 | DEBRA C TICEY | 5607 LYNDALE AVE N |
| 00042289 | 0084950002 | JULIO COLORADO | 5336 GIRARD AVE N |
| 00025878 | 0073680008 | SCOTT VINCENT | 5345 JAMES AVE N |
| 00033450 | 0013230003 | OMAR ADAMS | 7018 IRVING AVE N |
| 00024977 | 0060090003 | JOHN SOLOMON | 6819 EMERSON AVE N |
| 00045914 | 0090820004 | TOUA VANG | 921 58TH AVE N |
| 00046893 | 0092340001 | JOSHUA WHETSTINE | 810 61ST AVE N |
| 00037555 | 0059160007 | AFOLAKE BADEWA | 6835 COLFAX AVE N |
| 00022165 | 0076750006 | KEVIN SMITH | 2306 ERICON DR |
| 00046090 | 0064820001 | RICHARD SCOTT | 5243 EWING AVE N |
| 00046760 | 0099160006 | ANGELYN KWABO | 6430 GIRARD AVE N |
| 00046429 | 0064440008 | DARNELL HARRIS | 5111 DREW AVE N |
| 00041646 | 0084250007 | MICHAEL MUNSON | 5424 EMERSON AVE N |
| 00042039 | 0076560009 | SCOTT TERHAAR | 2331 ERICON DR |
| 00045433 | 0068940003 | JOSE RECINOS-ROGUE | 5018 ABBOTT AVE N |
| 00026301 | 0006100000 | PHILL SMOGER | 6906 SCOTT AVE N |
| 00040968 | 0060190704 | SHARON MCGARY | 6820 FREMONT PL N |
| 00021817 | 0073090000 | JAMES M COLLINS | 5424 LOGAN AVE N |
| 00038550 | 0087960003 | ROMAN KAASA | 6101 FREMONT AVE N |
| 00032799 | 0001360005 | DARIUS GILES | 6707 QUAIL AVE N |
| 00020339 | 0022500007 | WILLIAM A HILL | 6313 ORCHARD AVE N |
| 00046751 | 0071270000 | ABDIFATAH MOHAMED ABDULLAHI | 5347 PENN AVE N |
| 00047414 | 0099996039 | AMPM CORNER MARKET INC | 6501 HUMBOLDT AVE N |
| 00044813 | 0060830004 | STEPHANIE NEUFVILLE | 4104 LAKESIDE AVE |
| 00047133 | 0077150008 | WILLIE OVERSTREET | 2223 BROOKVIEW DR |
| 00043279 | 0060410104 | ADAM NOVAK | 4825 TWIN LAKE AVE |
| 00045919 | 0036040003 | LOUNG SINGRONGSA | 3206 62ND AVE N |

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| 00046346 | 0077050000 | DEMAYLE LARKINS | 5525 JUDY LA |
| 00036035 | 0025490008 | JASON STANFORD | 6230 LEE AVE N |
| 00038072 | 0064280008 | BRAD SCHUMACHER | 5240 DREW AVE N |
| 00042089 | 0006370504 | YASMIN ABDUSHUKUR | 7248 UNITY AVE N |
| 00046089 | 0004350508 | CHRISTINE OGONGO | 4906 WINGARD PL |
| 00047470 | 0077790100 | JULIAN GUO | 5639 GIRARD AVE N |
| 00043922 | 0074530004 | JOSE DOMINGO FRAGOSO AGUILAR | 5527 HUMBOLDT AVE N |
| 00036387 | 0041720003 | DAVID N VAN HORN | 3806 58TH AVE N |
| 00030049 | 0032220005 | TINA KNUTH | 3119 66TH AVE N |
| 00046780 | 0084130001 | CATHERINE WILLIAMS | 5308 EMERSON AVE N |
| 00047491 | 0069280003 | CCF3 LLC | 3141 49TH AVE N |
| 00021244 | 0064180000 | LAURA WARNER | 5132 DREW AVE N |
| 00046491 | 0086440007 | SPIRIT & TRUTH WORSHIP CHAPEL | 5840 LILAC DR N |
| 00042432 | 0006392508 | COLLEEN PATRICK | 5344 71ST CIR |
| 00037276 | 0037630000 | BETTY L REEVES | 2801 NASH RD |
| 00045014 | 0060860100 | OLUWAKEMI ALALE | 4040 LAKESIDE AVE |
| 00046576 | 0048160005 | MUSTAPHA FOFANAH | 4007 58TH AVE N |
| 00033729 | 0021650001 | JOHN WETTERHAHN | 5007 65TH AVE N |
| 00044190 | 0080700005 | GER CHANG | 5531 CAMDEN AVE N |
| 00027715 | 0080340000 | JEFFREY S MITCHELL | 5513 BRYANT AVE N |
| 00030682 | 0065430008 | JOSEPH A NOURIE | 3806 52ND AVE N |
| 00039903 | 0022900000 | TIARRA TOLIVER | 731 WOODBINE LA |
| 00031342 | 0075170008 | BERNADETTE ANDERSON | 5603 JAMES AVE N |
| 00040569 | 0088200003 | EDWARD AUSTIN | 5700 GIRARD AVE N |
| 00022332 | 0079540008 | LECESTER GLOVER | 5642 EMERSON AVE N |
| 00046296 | 0029850009 | MARISSA BARTHALOW | 4406 66TH AVE N |
| 00046829 | 0083890001 | RON ANDERSON | 5444 DUPONT AVE N |
| 00040737 | 0091780009 | RENAE SAUTER | 5728 BRYANT AVE N |
| 00045954 | 0000900002 | JACINTA LLC | 615 66TH AVE N |
| 00042013 | 0005790009 | DENA SPRAGGINS | 6906 REGENT AVE N |
| 00035492 | 0086380005 | FARNAZ TOUSSI | 5800 LOGAN AVE N |
| 00035492 | 0086410000 | FARNAZ TOUSSI | 5830 LOGAN AVE N |
| 00046940 | 0060700007 | MINNHOTELS LLC | 2200 FREEWAY BLVD |

| Town/City | Account Status | Collection Status | Certification Balance |
|---|---|---|---|
| BROOKLYN CENTER | Active | First Notice | $201.15 |
| BROOKLYN CENTER | Active | First Notice | $202.43 |
| BROOKLYN CENTER | Active | First Notice | $203.49 |
| BROOKLYN CENTER | Active | First Notice | $225.42 |
| BROOKLYN CENTER | Active | First Notice | $233.21 |
| BROOKLYN CENTER | Active | First Notice | $245.80 |
| BROOKLYN CENTER | Active | First Notice | $256.66 |
| BROOKLYN CENTER | Active | First Notice | $256.66 |
| BROOKLYN CENTER | Active | First Notice | $259.57 |
| BROOKLYN CENTER | Active | First Notice | $259.57 |
| BROOKLYN CENTER | Active | No Collection Activity | $260.67 |
| BROOKLYN CENTER | Active | Reconnected | $262.48 |
| BROOKLYN CENTER | Active | First Notice | $265.34 |
| BROOKLYN CENTER | Active | No Collection Activity | $265.39 |
| BROOKLYN CENTER | Active | First Notice | $265.39 |
| BROOKLYN CENTER | Active | First Notice | $268.14 |
| BROOKLYN CENTER | Active | First Notice | $271.21 |
| BROOKLYN CENTER | Active | First Notice | $271.21 |
| BROOKLYN CENTER | Active | First Notice | $274.12 |
| BROOKLYN CENTER | Active | No Collection Activity | $274.32 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $281.52 |
| BROOKLYN CENTER | Active | First Notice | $284.40 |
| BROOKLYN CENTER | Active | First Notice | $285.96 |
| BROOKLYN CENTER | Active | No Collection Activity | $289.82 |
| BROOKLYN CENTER | Active | No Collection Activity | $290.09 |
| BROOKLYN CENTER | Active | First Notice | $296.29 |
| BROOKLYN CENTER | Active | No Collection Activity | $297.33 |
| BROOKLYN CENTER | Active | First Notice | $298.23 |
| BROOKLYN CENTER | Active | No Collection Activity | $298.26 |
| BROOKLYN CENTER | Active | First Notice | $303.45 |
| BROOKLYN CENTER | Active | First Notice | $309.77 |
| BROOKLYN CENTER | Active | First Notice | $313.67 |
| BROOKLYN CENTER | Active | First Notice | $315.06 |
| BROOKLYN CENTER | Active | No Collection Activity | $317.34 |
| BROOKLYN CENTER | Active | First Notice | $325.01 |
| BROOKLYN CENTER | Active | No Collection Activity | $329.61 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $332.00 |
| BROOKLYN CENTER | Active | No Collection Activity | $333.55 |
| BROOKLYN CENTER | Active | First Notice | $333.92 |
| BROOKLYN CENTER | Active | No Collection Activity | $337.28 |
| BROOKLYN CENTER | Active | First Notice | $343.80 |

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|---|---|---|---|
| BROOKLYN CENTER | Active | First Notice | $346.16 |
| BROOKLYN CENTER | Active | No Collection Activity | $355.10 |
| BROOKLYN CENTER | Active | First Notice | $358.56 |
| BROOKLYN CENTER | Active | No Collection Activity | $360.51 |
| BROOKLYN CENTER | Active | First Notice | $361.47 |
| BROOKLYN CENTER | Active | First Notice | $365.42 |
| BROOKLYN CENTER | Active | First Notice | $366.52 |
| BROOKLYN CENTER | Active | No Collection Activity | $367.61 |
| BROOKLYN CENTER | Active | First Notice | $367.86 |
| BROOKLYN CENTER | Active | First Notice | $370.82 |
| BROOKLYN CENTER | Active | First Notice | $371.12 |
| BROOKLYN CENTER | Active | First Notice | $372.94 |
| BROOKLYN CENTER | Active | First Notice | $376.20 |
| BROOKLYN CENTER | Active | First Notice | $377.07 |
| BROOKLYN CENTER | Active | First Notice | $377.25 |
| BROOKLYN CENTER | Active | First Notice | $379.70 |
| BROOKLYN CENTER | Active | First Notice | $381.84 |
| BROOKLYN CENTER | Active | No Collection Activity | $385.98 |
| BROOKLYN CENTER | Active | First Notice | $387.39 |
| BROOKLYN CENTER | Active | First Notice | $391.35 |
| BROOKLYN CENTER | Active | First Notice | $391.45 |
| BROOKLYN CENTER | Active | First Notice | $392.92 |
| BROOKLYN CENTER | Active | Bankrupt | $393.48 |
| BROOKLYN CENTER | Active | First Notice | $396.39 |
| BROOKLYN CENTER | Active | First Notice | $399.30 |
| BROOKLYN CENTER | Active | First Notice | $400.54 |
| BROOKLYN CENTER | Active | First Notice | $402.21 |
| BROOKLYN CENTER | Active | First Notice | $403.15 |
| BROOKLYN CENTER | Finalled | First Notice | $404.89 |
| BROOKLYN CENTER | Active | First Notice | $405.12 |
| BROOKLYN CENTER | Active | First Notice | $408.34 |
| BROOKLYN CENTER | Active | First Notice | $413.68 |
| BROOKLYN CENTER | Active | First Notice | $414.41 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $414.87 |
| BROOKLYN CENTER | Active | First Notice | $415.57 |
| BROOKLYN CENTER | Active | First Notice | $416.34 |
| BROOKLYN CENTER | Active | No Collection Activity | $418.09 |
| BROOKLYN CENTER | Active | First Notice | $418.48 |
| BROOKLYN CENTER | Active | First Notice | $418.70 |
| BROOKLYN CENTER | Active | First Notice | $419.58 |
| BROOKLYN CENTER | Active | First Notice | $419.67 |
| BROOKLYN CENTER | Active | No Collection Activity | $419.67 |
| BROOKLYN CENTER | Active | No Collection Activity | $422.58 |
| BROOKLYN CENTER | Active | First Notice | $425.26 |
| BROOKLYN CENTER | Active | No Collection Activity | $425.49 |
| BROOKLYN CENTER | Active | First Notice | $425.49 |
| BROOKLYN CENTER | Active | First Notice | $428.31 |

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|---|---|---|---|
| BROOKLYN CENTER | Active | First Notice | $431.31 |
| BROOKLYN CENTER | Active | First Notice | $433.49 |
| BROOKLYN CENTER | Active | No Collection Activity | $434.12 |
| BROOKLYN CENTER | Active | No Collection Activity | $434.22 |
| BROOKLYN CENTER | Active | First Notice | $434.68 |
| BROOKLYN CENTER | Active | First Notice | $437.40 |
| BROOKLYN CENTER | Active | First Notice | $442.75 |
| BROOKLYN CENTER | Active | First Notice | $448.26 |
| BROOKLYN CENTER | Active | First Notice | $448.77 |
| BROOKLYN CENTER | Active | First Notice | $449.41 |
| BROOKLYN CENTER | Active | First Notice | $450.00 |
| BROOKLYN CENTER | Active | First Notice | $450.00 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $456.22 |
| BROOKLYN CENTER | Active | First Notice | $459.20 |
| BROOKLYN CENTER | Active | First Notice | $459.23 |
| BROOKLYN CENTER | Active | First Notice | $462.24 |
| BROOKLYN CENTER | Active | First Notice | $462.35 |
| BROOKLYN CENTER | Active | First Notice | $463.08 |
| BROOKLYN CENTER | Active | First Notice | $466.23 |
| BROOKLYN CENTER | Active | First Notice | $467.30 |
| BROOKLYN CENTER | Active | First Notice | $467.49 |
| BROOKLYN CENTER | Active | No Collection Activity | $471.04 |
| BROOKLYN CENTER | Active | First Notice | $472.05 |
| BROOKLYN CENTER | Active | First Notice | $473.20 |
| BROOKLYN CENTER | Active | First Notice | $475.15 |
| BROOKLYN CENTER | Active | First Notice | $475.15 |
| BROOKLYN CENTER | Active | First Notice | $477.99 |
| BROOKLYN CENTER | Active | First Notice | $480.12 |
| BROOKLYN CENTER | Active | First Notice | $483.60 |
| BROOKLYN CENTER | Active | First Notice | $488.90 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $493.41 |
| BROOKLYN CENTER | Active | First Notice | $494.75 |
| BROOKLYN CENTER | Active | First Notice | $500.08 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $503.12 |
| BROOKLYN CENTER | Active | First Notice | $505.06 |
| BROOKLYN CENTER | Active | First Notice | $505.38 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $508.15 |
| BROOKLYN CENTER | Active | First Notice | $509.58 |
| BROOKLYN CENTER | Active | First Notice | $510.78 |
| BROOKLYN CENTER | Active | First Notice | $510.89 |
| BROOKLYN PARK | Active | First Notice | $517.10 |
| BROOKLYN CENTER | Active | First Notice | $518.72 |
| BROOKLYN CENTER | Active | No Collection Activity | $521.87 |
| BROOKLYN CENTER | Active | First Notice | $522.31 |
| BROOKLYN CENTER | Active | First Notice | $523.93 |
| BROOKLYN CENTER | Active | First Notice | $525.85 |
| BROOKLYN CENTER | Active | First Notice | $528.94 |

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|---|---|---|---|
| BROOKLYN CENTER | Active | First Notice | $533.06 |
| BROOKLYN CENTER | Active | First Notice | $533.78 |
| BROOKLYN CENTER | Active | First Notice | $539.53 |
| BROOKLYN CENTER | Active | No Collection Activity | $540.43 |
| BROOKLYN CENTER | Active | First Notice | $541.04 |
| BROOKLYN CENTER | Active | First Notice | $547.68 |
| BROOKLYN CENTER | Active | First Notice | $550.22 |
| BROOKLYN CENTER | Active | No Collection Activity | $555.32 |
| BROOKLYN CENTER | Active | First Notice | $556.74 |
| BROOKLYN CENTER | Active | First Notice | $559.32 |
| BROOKLYN CENTER | Active | First Notice | $560.40 |
| BROOKLYN CENTER | Active | First Notice | $562.77 |
| BROOKLYN CENTER | Active | First Notice | $563.16 |
| BROOKLYN CENTER | Active | First Notice | $563.44 |
| BROOKLYN CENTER | Active | First Notice | $563.55 |
| BROOKLYN CENTER | Active | No Collection Activity | $566.61 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $570.35 |
| BROOKLYN CENTER | Active | First Notice | $571.05 |
| BROOKLYN CENTER | Active | First Notice | $576.41 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $578.16 |
| BROOKLYN CENTER | Active | First Notice | $578.28 |
| BROOKLYN CENTER | Active | First Notice | $578.56 |
| BROOKLYN CENTER | Active | First Notice | $584.12 |
| BROOKLYN CENTER | Active | No Collection Activity | $585.26 |
| BROOKLYN CENTER | Active | First Notice | $585.42 |
| BROOKLYN CENTER | Active | First Notice | $588.41 |
| BROOKLYN CENTER | Active | First Notice | $588.76 |
| BROOKLYN CENTER | Active | First Notice | $590.82 |
| BROOKLYN CENTER | Active | Reconnected | $591.14 |
| BROOKLYN CENTER | Active | First Notice | $592.11 |
| BROOKLYN CENTER | Active | First Notice | $596.92 |
| BROOKLYN CENTER | Active | No Collection Activity | $598.87 |
| BROOKLYN CENTER | Active | First Notice | $598.95 |
| BROOKLYN CENTER | Active | First Notice | $599.03 |
| BROOKLYN CENTER | Active | First Notice | $600.67 |
| BROOKLYN CENTER | Active | First Notice | $601.56 |
| BROOKLYN CENTER | Active | First Notice | $604.07 |
| BROOKLYN CENTER | Active | First Notice | $609.75 |
| BROOKLYN CENTER | Active | First Notice | $611.37 |
| BROOKLYN CENTER | Active | First Notice | $611.74 |
| BROOKLYN CENTER | Active | No Collection Activity | $611.90 |
| BROOKLYN CENTER | Active | No Collection Activity | $614.89 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $614.95 |
| BROOKLYN CENTER | Active | First Notice | $614.95 |
| BROOKLYN CENTER | Active | First Notice | $614.95 |
| BROOKLYN CENTER | Active | First Notice | $614.95 |
| BROOKLYN CENTER | Active | First Notice | $614.95 |

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| BROOKLYN CENTER | Active | First Notice | $615.19 |
| BROOKLYN CENTER | Active | First Notice | $615.40 |
| BROOKLYN CENTER | Active | First Notice | $619.71 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $620.70 |
| BROOKLYN CENTER | Active | First Notice | $626.03 |
| BROOKLYN CENTER | Active | First Notice | $626.17 |
| BROOKLYN CENTER | Active | First Notice | $626.83 |
| BROOKLYN CENTER | Active | First Notice | $627.19 |
| BROOKLYN CENTER | Active | First Notice | $629.08 |
| BROOKLYN CENTER | Active | First Notice | $629.42 |
| BROOKLYN CENTER | Active | First Notice | $634.95 |
| BROOKLYN CENTER | Active | First Notice | $637.39 |
| BROOKLYN CENTER | Active | First Notice | $637.39 |
| BROOKLYN CENTER | Active | First Notice | $642.93 |
| BROOKLYN CENTER | Active | First Notice | $645.59 |
| BROOKLYN CENTER | Active | First Notice | $645.84 |
| BROOKLYN CENTER | Active | First Notice | $645.98 |
| BROOKLYN CENTER | Active | First Notice | $646.19 |
| BROOKLYN CENTER | Active | First Notice | $647.10 |
| BROOKLYN CENTER | Active | First Notice | $648.61 |
| BROOKLYN CENTER | Active | First Notice | $649.23 |
| BROOKLYN CENTER | Active | First Notice | $649.93 |
| BROOKLYN CENTER | Active | No Collection Activity | $650.43 |
| BROOKLYN CENTER | Active | First Notice | $651.24 |
| BROOKLYN CENTER | Active | No Collection Activity | $653.22 |
| BROOKLYN CENTER | Active | First Notice | $653.63 |
| BROOKLYN CENTER | Active | First Notice | $657.41 |
| BROOKLYN CENTER | Active | First Notice | $659.54 |
| BROOKLYN CENTER | Active | First Notice | $659.55 |
| BROOKLYN CENTER | Active | First Notice | $660.89 |
| BROOKLYN CENTER | Active | First Notice | $662.60 |
| BROOKLYN CENTER | Active | First Notice | $663.37 |
| BROOKLYN CENTER | Active | No Collection Activity | $663.92 |
| BROOKLYN CENTER | Active | First Notice | $665.37 |
| BROOKLYN CENTER | Active | First Notice | $666.95 |
| BROOKLYN CENTER | Active | First Notice | $669.60 |
| BROOKLYN CENTER | Active | First Notice | $670.70 |
| BROOKLYN CENTER | Active | First Notice | $674.12 |
| BROOKLYN CENTER | Active | First Notice | $675.81 |
| BROOKLYN CENTER | Active | First Notice | $676.31 |
| BROOKLYN CENTER | Active | First Notice | $679.50 |
| BROOKLYN CENTER | Active | First Notice | $680.13 |
| BROOKLYN CENTER | Active | Bankrupt | $682.23 |
| BROOKLYN CENTER | Active | First Notice | $682.27 |
| BROOKLYN CENTER | Active | First Notice | $682.27 |
| BROOKLYN CENTER | Active | First Notice | $682.29 |
| BROOKLYN CENTER | Active | First Notice | $682.62 |

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| BROOKLYN CENTER | Active | First Notice | $683.18 |
| BROOKLYN CENTER | Active | First Notice | $685.04 |
| BROOKLYN CENTER | Active | First Notice | $685.04 |
| BROOKLYN CENTER | Active | First Notice | $685.32 |
| BROOKLYN CENTER | Active | First Notice | $685.46 |
| BROOKLYN CENTER | Active | First Notice | $687.67 |
| BROOKLYN CENTER | Active | No Collection Activity | $689.06 |
| BROOKLYN CENTER | Active | No Collection Activity | $690.82 |
| BROOKLYN CENTER | Active | First Notice | $691.63 |
| BROOKLYN CENTER | Active | First Notice | $694.00 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $694.22 |
| BROOKLYN CENTER | Active | First Notice | $694.30 |
| BROOKLYN CENTER | Active | First Notice | $696.98 |
| BROOKLYN CENTER | Active | First Notice | $697.31 |
| BROOKLYN CENTER | Active | First Notice | $697.45 |
| BROOKLYN CENTER | Active | First Notice | $698.89 |
| BROOKLYN CENTER | Active | First Notice | $699.03 |
| BROOKLYN CENTER | Active | First Notice | $700.10 |
| BROOKLYN CENTER | Active | First Notice | $701.80 |
| BROOKLYN CENTER | Active | First Notice | $703.59 |
| BROOKLYN CENTER | Active | First Notice | $703.59 |
| BROOKLYN CENTER | Active | First Notice | $704.43 |
| BROOKLYN CENTER | Active | First Notice | $704.84 |
| BROOKLYN CENTER | Active | First Notice | $705.13 |
| BROOKLYN CENTER | Active | First Notice | $705.62 |
| BROOKLYN CENTER | Active | First Notice | $708.39 |
| BROOKLYN CENTER | Active | First Notice | $709.35 |
| BROOKLYN CENTER | Active | First Notice | $710.25 |
| BROOKLYN CENTER | Active | First Notice | $710.39 |
| BROOKLYN CENTER | Active | First Notice | $711.30 |
| BROOKLYN CENTER | Active | First Notice | $713.02 |
| BROOKLYN CENTER | Active | First Notice | $715.65 |
| BROOKLYN CENTER | Active | First Notice | $715.79 |
| BROOKLYN CENTER | Active | First Notice | $716.21 |
| BROOKLYN CENTER | Active | First Notice | $716.63 |
| BROOKLYN CENTER | Active | First Notice | $718.70 |
| BROOKLYN CENTER | Active | First Notice | $718.80 |
| BROOKLYN CENTER | Active | First Notice | $719.75 |
| BROOKLYN CENTER | Active | First Notice | $721.05 |
| BROOKLYN CENTER | Active | First Notice | $721.33 |
| BROOKLYN CENTER | Active | First Notice | $721.75 |
| BROOKLYN CENTER | Active | First Notice | $722.69 |
| BROOKLYN CENTER | Active | First Notice | $722.94 |
| BROOKLYN CENTER | Active | First Notice | $723.96 |
| BROOKLYN CENTER | Active | First Notice | $723.96 |
| BROOKLYN CENTER | Active | First Notice | $724.24 |
| BROOKLYN CENTER | Active | First Notice | $724.66 |

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| BROOKLYN CENTER | Active | First Notice | $725.92 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $726.74 |
| BROOKLYN CENTER | Active | First Notice | $726.87 |
| BROOKLYN CENTER | Active | First Notice | $727.50 |
| BROOKLYN CENTER | Active | First Notice | $728.52 |
| BROOKLYN CENTER | Active | First Notice | $728.62 |
| BROOKLYN CENTER | Active | First Notice | $729.57 |
| BROOKLYN CENTER | Active | First Notice | $729.64 |
| BROOKLYN CENTER | Active | First Notice | $729.88 |
| BROOKLYN CENTER | Active | First Notice | $730.13 |
| BROOKLYN CENTER | Active | First Notice | $731.29 |
| BROOKLYN CENTER | Active | First Notice | $732.27 |
| BROOKLYN CENTER | Active | First Notice | $732.76 |
| BROOKLYN CENTER | Active | First Notice | $732.93 |
| BROOKLYN CENTER | Active | First Notice | $735.04 |
| BROOKLYN CENTER | Active | First Notice | $735.74 |
| BROOKLYN CENTER | Active | First Notice | $736.23 |
| BROOKLYN CENTER | Active | First Notice | $737.21 |
| BROOKLYN CENTER | Active | First Notice | $737.21 |
| BROOKLYN CENTER | Active | First Notice | $737.28 |
| BROOKLYN CENTER | Active | First Notice | $738.09 |
| BROOKLYN CENTER | Active | First Notice | $738.37 |
| BROOKLYN CENTER | Active | First Notice | $738.37 |
| BROOKLYN CENTER | Active | First Notice | $738.38 |
| BROOKLYN CENTER | Active | First Notice | $741.14 |
| BROOKLYN CENTER | Active | First Notice | $741.38 |
| BROOKLYN CENTER | Active | First Notice | $741.94 |
| BROOKLYN CENTER | Active | First Notice | $742.75 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $744.96 |
| BROOKLYN CENTER | Active | First Notice | $745.38 |
| BROOKLYN CENTER | Active | First Notice | $745.94 |
| BROOKLYN CENTER | Active | First Notice | $746.54 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $752.36 |
| BROOKLYN CENTER | Active | First Notice | $753.17 |
| BROOKLYN CENTER | Active | First Notice | $753.41 |
| BROOKLYN CENTER | Active | First Notice | $753.97 |
| BROOKLYN CENTER | Active | First Notice | $754.11 |
| BROOKLYN CENTER | Active | First Notice | $755.09 |
| BROOKLYN CENTER | Active | First Notice | $755.27 |
| BROOKLYN CENTER | Active | First Notice | $755.27 |
| BROOKLYN CENTER | Active | First Notice | $756.60 |
| BROOKLYN CENTER | Active | First Notice | $756.69 |
| BROOKLYN CENTER | Active | No Collection Activity | $757.77 |
| BROOKLYN CENTER | Active | First Notice | $759.37 |
| BROOKLYN CENTER | Active | First Notice | $759.51 |
| BROOKLYN CENTER | Active | First Notice | $760.50 |
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| BROOKLYN CENTER | Active | First Notice | $761.30 |
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| BROOKLYN CENTER | Active | First Notice | $763.16 |
| BROOKLYN CENTER | Active | First Notice | $763.27 |
| BROOKLYN CENTER | Active | First Notice | $763.58 |
| BROOKLYN CENTER | Active | First Notice | $763.65 |
| BROOKLYN CENTER | Active | First Notice | $763.72 |
| BROOKLYN CENTER | Active | First Notice | $764.07 |
| BROOKLYN CENTER | Active | First Notice | $764.46 |
| BROOKLYN CENTER | Active | First Notice | $764.91 |
| BROOKLYN CENTER | Active | First Notice | $765.79 |
| BROOKLYN CENTER | Active | No Collection Activity | $766.03 |
| BROOKLYN CENTER | Active | First Notice | $766.91 |
| BROOKLYN CENTER | Active | No Collection Activity | $768.56 |
| BROOKLYN CENTER | Active | First Notice | $768.70 |
| BROOKLYN CENTER | Active | First Notice | $768.74 |
| BROOKLYN CENTER | Active | First Notice | $770.06 |
| BROOKLYN CENTER | Active | No Collection Activity | $771.28 |
| BROOKLYN CENTER | Active | First Notice | $771.72 |
| BROOKLYN CENTER | Active | First Notice | $772.03 |
| BROOKLYN CENTER | Active | First Notice | $772.32 |
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| BROOKLYN CENTER | Active | First Notice | $774.52 |
| BROOKLYN CENTER | Active | First Notice | $774.80 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $775.57 |
| BROOKLYN CENTER | Active | First Notice | $776.17 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $776.45 |
| BROOKLYN CENTER | Active | First Notice | $776.97 |
| BROOKLYN CENTER | Active | First Notice | $777.22 |
| BROOKLYN CENTER | Active | First Notice | $777.39 |
| BROOKLYN CENTER | Active | First Notice | $779.74 |
| BROOKLYN CENTER | Active | First Notice | $782.09 |
| BROOKLYN CENTER | Active | First Notice | $785.04 |
| BROOKLYN CENTER | Active | First Notice | $785.91 |
| BROOKLYN CENTER | Active | First Notice | $786.16 |
| BROOKLYN CENTER | Active | First Notice | $788.51 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $791.11 |
| BROOKLYN CENTER | Active | First Notice | $791.28 |
| BROOKLYN CENTER | Active | First Notice | $793.31 |
| BROOKLYN CENTER | Active | First Notice | $793.71 |
| BROOKLYN CENTER | Active | First Notice | $793.87 |
| BROOKLYN CENTER | Active | First Notice | $795.98 |
| BROOKLYN CENTER | Active | First Notice | $796.08 |
| BROOKLYN CENTER | Active | First Notice | $796.96 |
| BROOKLYN CENTER | Active | First Notice | $797.10 |
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| BROOKLYN CENTER | Active | First Notice | $798.75 |
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| BROOKLYN CENTER | Active | First Notice | $802.18 |
| BROOKLYN CENTER | Active | No Collection Activity | $802.23 |
| BROOKLYN CENTER | Active | First Notice | $802.32 |
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| BROOKLYN CENTER | Active | First Notice | $805.93 |
| BROOKLYN CENTER | Active | First Notice | $807.76 |
| BROOKLYN CENTER | Active | First Notice | $808.18 |
| BROOKLYN CENTER | Active | First Notice | $810.67 |
| BROOKLYN CENTER | Active | First Notice | $811.34 |
| BROOKLYN CENTER | Active | First Notice | $811.37 |
| BROOKLYN CENTER | Active | First Notice | $811.75 |
| BROOKLYN CENTER | Active | First Notice | $812.38 |
| BROOKLYN CENTER | Active | First Notice | $815.89 |
| BROOKLYN CENTER | Active | First Notice | $816.74 |
| BROOKLYN CENTER | Active | First Notice | $819.26 |
| BROOKLYN CENTER | Active | First Notice | $819.43 |
| BROOKLYN CENTER | Active | No Collection Activity | $821.79 |
| BROOKLYN CENTER | Active | First Notice | $822.42 |
| BROOKLYN CENTER | Active | First Notice | $822.97 |
| BROOKLYN CENTER | Active | First Notice | $824.80 |
| BROOKLYN CENTER | Active | First Notice | $825.04 |
| BROOKLYN CENTER | Active | First Notice | $825.22 |
| BROOKLYN CENTER | Active | First Notice | $825.88 |
| BROOKLYN CENTER | Active | No Collection Activity | $826.98 |
| BROOKLYN CENTER | Active | First Notice | $827.99 |
| BROOKLYN CENTER | Active | First Notice | $834.55 |
| BROOKLYN CENTER | Active | First Notice | $836.69 |
| BROOKLYN CENTER | Active | First Notice | $838.75 |
| BROOKLYN CENTER | Active | First Notice | $838.75 |
| BROOKLYN CENTER | Active | First Notice | $839.31 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $840.12 |
| BROOKLYN CENTER | Active | First Notice | $840.53 |
| BROOKLYN CENTER | Active | First Notice | $841.80 |
| BROOKLYN CENTER | Active | First Notice | $842.12 |
| BROOKLYN CENTER | Active | First Notice | $842.26 |
| BROOKLYN CENTER | Active | First Notice | $843.08 |
| BROOKLYN CENTER | Active | First Notice | $844.43 |
| BROOKLYN CENTER | Active | First Notice | $844.99 |
| BROOKLYN CENTER | Active | First Notice | $845.41 |
| BROOKLYN CENTER | Active | First Notice | $845.41 |
| BROOKLYN CENTER | Active | First Notice | $847.16 |
| BROOKLYN CENTER | Active | First Notice | $849.70 |
| BROOKLYN CENTER | Active | First Notice | $849.83 |

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| BROOKLYN CENTER | Active | First Notice | $850.32 |
| BROOKLYN CENTER | Active | First Notice | $853.16 |
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| BROOKLYN CENTER | Active | First Notice | $853.45 |
| BROOKLYN CENTER | Active | First Notice | $854.01 |
| BROOKLYN CENTER | Active | First Notice | $854.81 |
| BROOKLYN CENTER | Active | No Collection Activity | $855.53 |
| BROOKLYN CENTER | Active | First Notice | $856.36 |
| BROOKLYN CENTER | Active | First Notice | $856.53 |
| BROOKLYN CENTER | Active | First Notice | $856.98 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $858.81 |
| BROOKLYN CENTER | Active | First Notice | $859.27 |
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| BROOKLYN CENTER | Active | First Notice | $860.04 |
| BROOKLYN CENTER | Active | First Notice | $860.99 |
| BROOKLYN CENTER | Active | First Notice | $861.13 |
| BROOKLYN CENTER | Active | First Notice | $864.35 |
| BROOKLYN CENTER | Active | No Collection Activity | $864.42 |
| BROOKLYN CENTER | Active | First Notice | $866.77 |
| BROOKLYN CENTER | Active | First Notice | $867.33 |
| BROOKLYN CENTER | Active | First Notice | $867.55 |
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| BROOKLYN CENTER | Active | First Notice | $869.16 |
| BROOKLYN CENTER | Active | First Notice | $869.96 |
| BROOKLYN CENTER | Active | First Notice | $870.35 |
| BROOKLYN CENTER | Active | First Notice | $870.64 |
| BROOKLYN CENTER | Active | First Notice | $870.66 |
| BROOKLYN CENTER | Active | First Notice | $870.80 |
| BROOKLYN CENTER | Active | First Notice | $874.07 |
| BROOKLYN CENTER | Active | First Notice | $875.55 |
| BROOKLYN CENTER | Active | First Notice | $877.30 |
| BROOKLYN CENTER | Active | First Notice | $880.31 |
| BROOKLYN CENTER | Active | First Notice | $881.04 |
| BROOKLYN CENTER | Active | First Notice | $884.61 |
| BROOKLYN CENTER | Active | First Notice | $885.31 |
| BROOKLYN CENTER | Active | First Notice | $886.96 |
| BROOKLYN CENTER | Active | First Notice | $887.64 |
| BROOKLYN CENTER | Active | First Notice | $888.79 |
| BROOKLYN CENTER | Active | First Notice | $890.16 |
| BROOKLYN CENTER | Active | First Notice | $891.80 |
| BROOKLYN CENTER | Active | First Notice | $894.37 |
| BROOKLYN CENTER | Active | First Notice | $898.47 |
| BROOKLYN CENTER | Active | First Notice | $898.98 |
| BROOKLYN CENTER | Active | First Notice | $901.88 |
| BROOKLYN CENTER | Active | First Notice | $906.39 |
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| BROOKLYN CENTER | Active | First Notice | $908.50 |

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| BROOKLYN CENTER | Active | First Notice | $909.72 |
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| BROOKLYN CENTER | Active | First Notice | $912.18 |
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| BROOKLYN CENTER | Active | First Notice | $914.70 |
| BROOKLYN CENTER | Active | First Notice | $915.65 |
| BROOKLYN CENTER | Active | First Notice | $916.76 |
| BROOKLYN CENTER | Active | First Notice | $917.94 |
| BROOKLYN CENTER | Active | First Notice | $918.17 |
| BROOKLYN CENTER | Active | First Notice | $918.52 |
| BROOKLYN CENTER | Active | First Notice | $919.93 |
| BROOKLYN CENTER | Active | First Notice | $920.73 |
| BROOKLYN CENTER | Active | First Notice | $920.87 |
| BROOKLYN CENTER | Active | First Notice | $920.91 |
| BROOKLYN CENTER | Active | First Notice | $921.03 |
| BROOKLYN CENTER | Active | First Notice | $921.05 |
| BROOKLYN CENTER | Active | First Notice | $922.28 |
| BROOKLYN CENTER | Active | No Collection Activity | $923.40 |
| BROOKLYN CENTER | Active | First Notice | $926.42 |
| BROOKLYN CENTER | Active | First Notice | $927.07 |
| BROOKLYN CENTER | Active | First Notice | $930.06 |
| BROOKLYN CENTER | Active | First Notice | $930.80 |
| BROOKLYN CENTER | Active | No Collection Activity | $932.82 |
| BROOKLYN CENTER | Active | First Notice | $936.80 |
| BROOKLYN CENTER | Active | First Notice | $937.67 |
| BROOKLYN CENTER | Active | First Notice | $938.93 |
| BROOKLYN CENTER | Active | First Notice | $939.43 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $939.94 |
| BROOKLYN CENTER | Active | First Notice | $945.62 |
| BROOKLYN CENTER | Active | First Notice | $947.54 |
| BROOKLYN CENTER | Active | First Notice | $948.22 |
| BROOKLYN CENTER | Active | First Notice | $948.75 |
| BROOKLYN CENTER | Active | First Notice | $949.53 |
| BROOKLYN CENTER | Active | First Notice | $949.79 |
| BROOKLYN CENTER | Active | First Notice | $949.91 |
| BROOKLYN CENTER | Active | First Notice | $950.00 |
| BROOKLYN CENTER | Active | First Notice | $952.22 |
| BROOKLYN CENTER | Active | First Notice | $952.64 |
| BROOKLYN CENTER | Active | First Notice | $953.85 |
| BROOKLYN CENTER | Active | First Notice | $956.54 |
| BROOKLYN CENTER | Active | First Notice | $959.16 |
| BROOKLYN CENTER | Active | First Notice | $966.56 |
| BROOKLYN CENTER | Active | No Collection Activity | $967.57 |
| BROOKLYN CENTER | Active | First Notice | $972.03 |
| BROOKLYN CENTER | Active | First Notice | $974.55 |
| BROOKLYN CENTER | Active | First Notice | $974.99 |
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| BROOKLYN CENTER | Active | First Notice | $975.76 |
| BROOKLYN CENTER | Active | First Notice | $981.35 |
| BROOKLYN CENTER | Active | No Collection Activity | $983.00 |
| BROOKLYN CENTER | Active | First Notice | $984.34 |
| BROOKLYN CENTER | Active | First Notice | $984.50 |
| BROOKLYN CENTER | Active | First Notice | $986.30 |
| BROOKLYN CENTER | Active | First Notice | $986.72 |
| BROOKLYN CENTER | Active | First Notice | $987.90 |
| BROOKLYN CENTER | Active | First Notice | $988.65 |
| BROOKLYN CENTER | Active | First Notice | $994.19 |
| BROOKLYN CENTER | Active | First Notice | $998.11 |
| BROOKLYN CENTER | Active | First Notice | $999.60 |
| BROOKLYN CENTER | Active | No Collection Activity | $1,000.83 |
| BROOKLYN CENTER | Active | First Notice | $1,002.08 |
| BROOKLYN CENTER | Active | First Notice | $1,003.31 |
| BROOKLYN CENTER | Active | First Notice | $1,003.72 |
| BROOKLYN CENTER | Active | First Notice | $1,007.63 |
| BROOKLYN CENTER | Active | First Notice | $1,008.41 |
| BROOKLYN CENTER | Active | First Notice | $1,009.16 |
| BROOKLYN CENTER | Active | First Notice | $1,009.84 |
| BROOKLYN CENTER | Active | First Notice | $1,012.31 |
| BROOKLYN CENTER | Active | First Notice | $1,017.89 |
| BROOKLYN CENTER | Active | First Notice | $1,020.24 |
| BROOKLYN CENTER | Active | First Notice | $1,021.54 |
| BROOKLYN CENTER | Active | First Notice | $1,031.77 |
| BROOKLYN CENTER | Active | First Notice | $1,034.63 |
| BROOKLYN CENTER | Active | First Notice | $1,037.67 |
| BROOKLYN CENTER | Active | First Notice | $1,043.81 |
| BROOKLYN CENTER | Active | First Notice | $1,044.25 |
| BROOKLYN CENTER | Active | First Notice | $1,047.14 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $1,047.54 |
| BROOKLYN CENTER | Active | First Notice | $1,048.40 |
| BROOKLYN CENTER | Active | First Notice | $1,052.89 |
| BROOKLYN CENTER | Active | First Notice | $1,055.16 |
| BROOKLYN CENTER | Active | First Notice | $1,057.09 |
| BROOKLYN CENTER | Active | First Notice | $1,059.12 |
| BROOKLYN CENTER | Active | First Notice | $1,059.15 |
| BROOKLYN CENTER | Active | First Notice | $1,061.37 |
| BROOKLYN CENTER | Active | First Notice | $1,072.78 |
| BROOKLYN CENTER | Active | First Notice | $1,073.78 |
| BROOKLYN CENTER | Active | First Notice | $1,083.76 |
| BROOKLYN CENTER | Active | No Collection Activity | $1,089.79 |
| BROOKLYN CENTER | Active | No Collection Activity | $1,092.63 |
| BROOKLYN CENTER | Active | First Notice | $1,098.22 |
| BROOKLYN CENTER | Active | No Collection Activity | $1,101.76 |
| BROOKLYN CENTER | Active | First Notice | $1,110.99 |
| BROOKLYN CENTER | Active | First Notice | $1,123.15 |

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| BROOKLYN CENTER | Active | First Notice | $1,136.22 |
| BROOKLYN CENTER | Active | First Notice | $1,140.49 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $1,171.70 |
| BROOKLYN CENTER | Active | First Notice | $1,186.29 |
| BROOKLYN CENTER | Active | First Notice | $1,189.97 |
| BROOKLYN CENTER | Active | No Collection Activity | $1,195.87 |
| BROOKLYN CENTER | Active | First Notice | $1,204.40 |
| BROOKLYN CENTER | Active | First Notice | $1,208.89 |
| BROOKLYN CENTER | Active | First Notice | $1,211.19 |
| BROOKLYN CENTER | Active | First Notice | $1,243.75 |
| BROOKLYN CENTER | Active | No Collection Activity | $1,244.07 |
| BROOKLYN CENTER | Active | First Notice | $1,285.44 |
| BROOKLYN CENTER | Active | No Collection Activity | $1,299.00 |
| BROOKLYN CENTER | Active | First Notice | $1,351.36 |
| BROOKLYN CENTER | Active | First Notice | $1,358.76 |
| BROOKLYN CENTER | Active | First Notice | $1,362.73 |
| BROOKLYN CENTER | Active | First Notice | $1,367.38 |
| BROOKLYN CENTER | Active | First Notice | $1,406.28 |
| BROOKLYN CENTER | Active | First Notice | $1,417.11 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $1,429.11 |
| BROOKLYN CENTER | Active | First Notice | $1,461.35 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $1,520.09 |
| BROOKLYN CENTER | Active | First Notice | $1,680.15 |
| BROOKLYN CENTER | Active | First Notice | $1,833.35 |
| BROOKLYN CENTER | Active | First Notice | $1,943.28 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $2,009.66 |
| BROOKLYN CENTER | Active | First Notice | $2,015.91 |
| BROOKLYN CENTER | Active | First Notice | $2,099.35 |
| BROOKLYN CENTER | Active | First Notice | $2,153.22 |
| BROOKLYN CENTER | Active | Disconnect Order Generated | $2,867.68 |
| BROOKLYN CENTER | Active | First Notice | $3,418.22 |
| BROOKLYN CENTER | Active | First Notice | $4,207.16 |
| BROOKLYN CENTER | Active | No Collection Activity | $25,370.58 |
| | | | $465,412.14 |

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Meg Beekman, Community Development Director

SUBJECT: Resolution Approving a Modification to the Tax Increment Financing Plan for Tax Increment Financing District No. 3

**Requested Council Action:**

*- Motion to open a public hearing, take public comment and close the public hearing.*

*- Motion to approve a resolution approving a modification to the tax increment financing plan for the tax increment financing district No. 3*

**Background:**

The TIF No. 3 District currently consists of 207 parcels of land and adjacent roads and internal rights-of-way. The general goals and objectives of the Redevelopment Plan and the establishment of the District was created to provide decent, safe and sanitary housing for persons of low and moderate income, to provide governmental assistance to eliminate slum and blight, provide ongoing benefit to the residents of the city and those who may frequent the area and to enhance the tax base of the City. This TIF Plan is expected to achieve many of the objectives outlined in the Redevelopment
Plan for Housing Development and Redevelopment Project No. 1.

The Tax Increment Financing Plan is being modified to increase the budget from the 2013 modification to reflect actual tax increment collected to date and tax increment expected through the remaining term of the District, which is through 2021. By modifying the budget, the District will be able to retain all of the increment which was collected, and allow it to be used to further the objectives and activities of the District.

The activities contemplated in the Modification to the Redevelopment Plan and the TIF Plan do not preclude the undertaking of other qualified development or redevelopment activities. These activities are anticipated to occur over the life of Housing Development and Redevelopment Project No. 1
and the District.

The modification to the TIF No. 3 District is attached to this report. Passage of the attached resolution requires a public hearing by the City Council.

**Budget Issues:**

The resolution will modify the TIF No. 3 District budget to allocate 100% of the actual increment collected

over the life of the District.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

Funds collected from TIF No. 3 District are planned to be used to forward the objectives of the District, which are to provide decent, safe and sanitary housing for persons of low and moderate income, to provide governmental assistance to eliminate slum and blight, provide ongoing benefit to the residents of the city and those who may frequent the area and to enhance the tax base of the City.

**Strategic Priorities and Values:**

Targeted Redevelopment

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Resolution | 9/21/2021 | Resolution Letter |
| TIF 3 Modification Plan | 9/21/2021 | Backup Material |

CITY OF BROOKLYN CENTER
COUNTY OF HENNEPIN
STATE OF MINNESOTA

RESOLUTION NO. _____

RESOLUTION APPROVING A MODIFICATION TO THE TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 3

WHEREAS, the Brooklyn Center Economic Development Authority (the "EDA") has proposed to amend the Tax Increment Financing Plan (the "TIF Plan") for Tax Increment Financing District No. 3 (the "TIF District") within Housing and Redevelopment Project No. 1 (the "Project Area") to amend the budget; all pursuant to and in conformity with applicable law, including Minnesota Statutes, Sections 469.001 through 469.047, 469.090 through 469.1082, and 469.174 through 469.1794; all as reflected in that certain document, dated September 27, 2021, entitled "Modification to the Tax Increment Financing (TIF) Plan: Modification of Tax Increment Financing District No. 3 (a redevelopment district)" and presented for the Council's consideration (the "Modification").

WHEREAS, the City Council (the "Council") of the City of Brooklyn Center, Minnesota (the "City") has investigated the facts relating to the Modification of the Plans.

WHEREAS, the City has performed all actions required by law to be performed prior to the adoption and approval of the Modification of the Plans, including, but not limited to, 30 days' prior notification of the County Auditor, School District Clerk, and the individual affected County Commissioner; a review of the Modification to the Plans by the City Planning Commission; and the holding of a public hearing thereon following notice thereof published in the City's official newspaper at least 10 but not more than 30 days prior to the public hearing.

WHEREAS, certain information and material (collectively, the "Materials") relating to the Modification of the Plans and to the activities contemplated therein have heretofore been prepared and submitted to the Council and/or made a part of the City or EDA files and proceedings on the Plans. The Materials include information and/or substantiation constituting or relating to (1) the reason for the Modification; and (2) the bases for the other findings and determinations made in this resolution. The Council hereby confirms, ratifies, and adopts the Materials, which are hereby incorporated into and made as fully a part of this resolution to the same extent as if set forth in full herein.

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

Section 1. Findings for the Budget Modification for the TIF District and Adoption of Modification of the TIF Plan Therefor.

1.01 The Council hereby finds that the Modification will serve to carry out the objectives of the TIF Plan and the Housing and Redevelopment Plan for Housing and Redevelopment Project No. 1 (the "Redevelopment Plan") and to create an impetus for redevelopment activities associated

with the construction of development in the City and otherwise promote certain public purposes and accomplish certain objectives as specified in the Plans.

1.02 The Council hereby ratifies and confirms the findings made in connection with the establishment of the TIF District, including without limitation the finding that the TIF District meets the conditions for establishing a redevelopment tax increment financing district. The specific facts that form the basis for these findings as set forth in the TIF Plan and the resolutions previously adopted with respect to the TIF District, as previously modified, are hereby incorporated by reference into and made a part of this resolution.

1.03 The Council hereby makes the following additional findings, the specific facts that form the basis for which are in the TIF Plan, and the resolutions previously adopted with respect to the TIF District and are hereby incorporated by reference into and made a part of this resolution as supplemented herein:

(a) The Council further finds that the types of additional development(s) proposed to be assisted from tax increments of the TIF District, in the opinion of Council, would not occur solely through private investment within the reasonably foreseeable future and, therefore, the use of tax increment financing is deemed necessary.

The Council finds that the Project Area is fully built and aging and constitutes an area that is blighted, underused, or inappropriately used, within the meaning of Minnesota Statues, Section 469.002, subd. 11 and Section 469.028, subd. 4.The costs of rehabilitation, redevelopment and dense in-fill development to better utilize areas that are already built up are higher than for new development and are not expected to proceed without tax increment and other public assistance.

(b) The Council further finds that the Modification conforms to the general plan for the development or redevelopment of the City as a whole.

The Modification will generally complement and serve to implement policies adopted in the City's comprehensive plan. No specific development is contemplated at this time. Any further construction will be in substantial accordance with the existing zoning or any permitted exception for the property.

(c) The City Council further finds that the Modification will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development of the Project Area by private enterprise.

Future rehabilitation, redevelopment and dense in-fill development will increase the taxable market valuation of the City and will increase employment opportunities. The Modification is intended in part to incentivize such rehabilitation, redevelopment and dense in-fill development.

1.04 The provisions of this Section 2 are hereby incorporated by reference into and made a part of the TIF Plan.

Section 2. Approval and Adoption of the Modification of the TIF Plan.

2.01 The Modification, as presented to the Council on this date, including without limitation the findings and statements of objectives contained therein, is hereby approved, ratified, established, and adopted.

2.02 The Council hereby ratifies and confirms all elections made in connection with the establishment of the TIF District, including without limitation elections regarding the amount of captured tax capacity to be retained and the applicable fiscal disparities computation.

2.03 City and EDA staff are authorized to file the Modification with Hennepin County, the Commissioner of Revenue, and the Office of the State Auditor.

**PASSED** on September 27, 2021, by the Brooklyn Center City Council.

_____
Mayor

Attest:

_____
City Clerk

# CITY CLERK'S CERTIFICATE

I, the undersigned, being the duly qualified and acting City Clerk of the City of Brooklyn Center, Minnesota, DO HEREBY CERTIFY that I have carefully compared the attached and foregoing extract of minutes of a duly called and regularly held meeting of the City Council of said City held on September 27, 2021, with the original minutes thereof on file in my office and that the same is a full, true, and correct transcript thereof insofar as said minutes relate to the actions referenced therein with respect to the modification of the TIF Plan for Tax Increment Financing District No. 3.

Councilmember _____ moved the adoption of the foregoing resolution, the reading of which was waived by unanimous consent of the Council, and said motion was duly seconded by Councilmember _____, 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 adopted.

WITNESS My hand officially and the official seal of the City this ____ day of _____, 2021.

_____
City Clerk
Brooklyn Center, Minnesota

Adoption Date: December 19, 1994
Modification #1: April 28, 1997
Modification #2: April 28, 1997
Modification #3: January 24, 2011
Modification #4: November 12, 2013
*Administrative amendments were completed in 2004, 2008 and 2015*

Modification #5 Public Hearing: September 27, 2021

# City of Brooklyn Center Economic Development Authority

## City of Brooklyn Center, Hennepin County, Minnesota

## MODIFICATION TO THE Tax Increment Financing (TIF) Plan

Modification of Tax Increment Financing
District No. 3 (Earle Brown Farm Project)
(a redevelopment district)

Located in Housing Development and
Redevelopment Project No. 1

Prepared by:

Ehlers
3060 Centre Pointe Drive
Roseville, Minnesota 55113

BUILDING COMMUNITIES. IT'S WHAT WE DO.

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# Modification to the Tax Increment Financing Plan for Tax Increment Financing District No. 3

## FOREWORD

The Economic Development Authority (the "EDA"), the City of Brooklyn Center (the "City"), staff and consultants have prepared the following information to expedite the Modification of Tax Increment Financing District No. 3 (the "District"), a redevelopment tax increment financing district, located in Housing Development and Redevelopment Project No. 1.

## STATEMENT OF OBJECTIVES

The District currently consists of 207 parcels of land and adjacent roads and internal rights-of-way. The general goals and objectives of the Redevelopment Plan and the establishment of the District was created to provide decent, safe and sanitary housing for persons of low and moderate income, to provide governmental assistance to eliminate slum and blight, provide ongoing benefit to the residents of the city and those who may frequent the area and to enhance the tax base of the City. This TIF Plan is expected to achieve many of the objectives outlined in the Redevelopment Plan for Housing Development and Redevelopment Project No. 1.

The Tax Increment Financing Plan is being modified to increase the budget from the 2013 modification to reflect actual tax increment collected to date and tax increment expected through the remaining term of the District, which is through 2021.

The activities contemplated in the Modification to the Redevelopment Plan and the TIF Plan do not preclude the undertaking of other qualified development or redevelopment activities. These activities are anticipated to occur over the life of Housing Development and Redevelopment Project No. 1 and the District.

## ESTIMATED PUBLIC COSTS

**As modified September 27, 2021**

Section III.G of the Modification No. 4 to Tax Increment Financing Plan for Tax Increment Financing District No. 3 shall be amended as follows:

The September 27, 2021 Amendment contains the cumulative estimated project costs, including the previously identified costs from the original and previous amendments. The total project cost, including financing costs (interest) listed in the table on the following page does not exceed the total projected tax increments for the District as shown in the Sources of Revenue section.

## ESTIMATED PROJECT COSTS

| ESTIMATE OF PUBLIC COSTS | November 12, 2013 | September 27, 2021 |
|---|---|---|
| Land/Building Acquisition | $25,000,000 | $26,000,000 |
| Public Improvements | 4,500,000 | 5,500,000 |
| Site Improvements | 2,100,000 | 4,500,000 |
| Utilities | | 3,900,000 |
| Administrative Expenses | 4,400,000 | 4,600,000 |
| | | |
| Housing Development Account | | |
| Land Acquisition | 6,000,000 | 6,000,000 |
| Affordable Housing Expenses | 4,175,000 | 4,175,000 |
| Interest Expense on Debt Issuance | 250,000 | - |
| Total Housing Development Account | 10,425,000 | 10,175,000 |
| | | |
| Pooling | | |
| Land Acquisition | 6,775,000 | 6,775,000 |
| Public Improvements | 4,000,000 | 4,000,000 |
| Interest Expense on Debt Issuance | 1,050,000 | 1,050,000 |
| Total Pooling | 11,825,000 | 11,825,000 |
| | | |
| PROJECT COSTS TOTAL | $58,250,000 | $66,500,000 |
| Interest Expense (including capitalized) | 11,250,000 | 11,500,000 |
| **PROJECT AND INTEREST COSTS TOTAL** | $69,500,000 | $78,000,000 |

Estimated costs associated with the District are subject to change among categories without a modification to this TIF Plan. The cost of all activities to be considered for tax increment financing will not exceed, without formal modification, the budget above pursuant to the applicable statutory requirements. The City may expend funds for qualified housing activities outside of the District boundaries pursuant to Minnesota Laws of 1994 Chapter 587 Article 9 Section 14.

Section III.I of Modification No. 4 to the Tax Increment Financing Plan for Tax Increment Financing District No. 3 shall be amended as follows:

## ESTIMATED SOURCES OF REVENUE

| SOURCES OF REVENUE | November 12, 2013 | September 27, 2021 |
|---|---|---|
| Tax Increment Revenue | $65,344,375 | $69,000,000 |
| Interest on Invested Funds | 4,111,758 | 5,100,000 |
| Sales/Lease Proceeds | - | 3,900,000 |
| Market Value Homestead Credit | 43,867 | - |
| Transfers In | - | - |
| TOTAL | $69,500,000 | $78,000,000 |

The public costs will be financed primarily through the annual collection of tax increments. The EDA and the City reserve the right to incur bonds or other indebtedness as a result of the TIF Plan. Any refunding amounts will be deemed a budgeted cost without a formal TIF Plan Modification. This provision does not obligate the EDA or the City to incur debt. The EDA or the City will issue bonds or incur other debt only upon the determination that such action is in the best interest of the EDA or the City.

The EDA or the City may issue bonds (as defined in the TIF Act) secured in whole or in part with tax increments from the District in a maximum principal amount of $65,450,000. Such bonds may be in the form of pay-as-you-go notes, revenue bonds or notes, general obligation bonds, or interfund loans. This estimate of total bonded indebtedness is a cumulative statement of authority under this TIF Plan as of the date of approval.

## ESTIMATED IMPACT ON OTHER TAXING JURISDICTIONS

**As modified September 27, 2021**

The estimated impact on other taxing jurisdictions assumes that the redevelopment contemplated by the TIF Plan would occur without the creation of the District. However, the EDA or City have determined that such development or redevelopment would not occur "but for" tax increment financing and that, therefore, the fiscal impact on other taxing jurisdictions is $0. The estimated fiscal impact of the District would be as follows if the "but for" test was not met:

| Impact on Tax Base | | | |
|---|---|---|---|
| Entity | 2020/Pay 2021 Total Net Tax Capacity | Estimated Captured Tax Capacity (CTC) upon completion | Percent of CTC to Entity Total |
| County | 2,085,111,988 | 4,469,809 | **0.2144%** |
| City | 26,514,653 | 4,469,809 | **16.8579%** |
| ISD #11 | 52,685,791 | 203,003 | **0.3853%** |
| ISD #279 | 201,407,862 | 1,054,883 | **0.5238%** |
| ISD #281 | 113,977,030 | 972,148 | **0.8529%** |
| ISD #286 | 9,428,361 | 2,239,775 | **23.7557%** |

| Impact on Tax Rates | | | | |
|---|---|---|---|---|
| Entity | Tax Rate | CTC | Potential Taxes | Percent of Total |
| County | 38.2100% | 4,469,809 | $ **1,707,914** | 25.91% |
| City | 66.2600% | 4,469,809 | **2,961,695** | 44.92% |
| ISD #11 | 16.0870% | 203,003 | **32,657** | 0.50% |
| ISD #279 | 22.1230% | 1,054,883 | **233,372** | 3.54% |
| ISD #281 | 25.5290% | 972,148 | **248,180** | 3.76% |
| ISD #286 | 45.9870% | 2,239,775 | **1,030,005** | 15.62% |
| Watershed 8 | 0.8430% | 2,828,480 | **23,844** | 0.36% |
| Watershed 9 | 0.3480% | 1,641,329 | **5,712** | 0.09% |
| Other | 7.8130% | 4,469,809 | **349,226** | 5.30% |
| **Totals** | | | $ **6,592,605** | **100.00%** |

The estimates listed above display the captured tax capacity when all construction is completed. The tax rate used for calculations is the Pay 2021 rate. The total net capacity for the entities listed above are based on Pay 2021 figures. The District was certified under the Pay 1995 rates.

Pursuant to *M.S. Section 469.175 Subd. 2(b)*:

(1) Estimate of total tax increment. It is estimated that the total amount of tax increment that will be generated over the life of the District is $69,000,000;

(2) Estimated amount of tax increment attributable to school district levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to school district levies,

assuming the school district's share of the total local tax rate for all taxing jurisdictions remained the same, is $341,798 for ISD #11, $2,442,532 for ISD #279; $2,597,516 for ISD #281, and $10,780,316 for ISD #286.

(3) Estimated amount of tax increment attributable to county levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to county levies, assuming the county's share of the total local tax rate for all taxing jurisdictions remained the same, is $17,875,492;

(4) Additional information requested by the county or school district. The City is not aware of any standard questions in a county or school district written policy regarding tax increment districts and impact on county or school district services. The county or school district must request additional information pursuant to *M.S. Section 469.175 Subd. 2(b)* within 15 days after receipt of the tax increment financing plan.

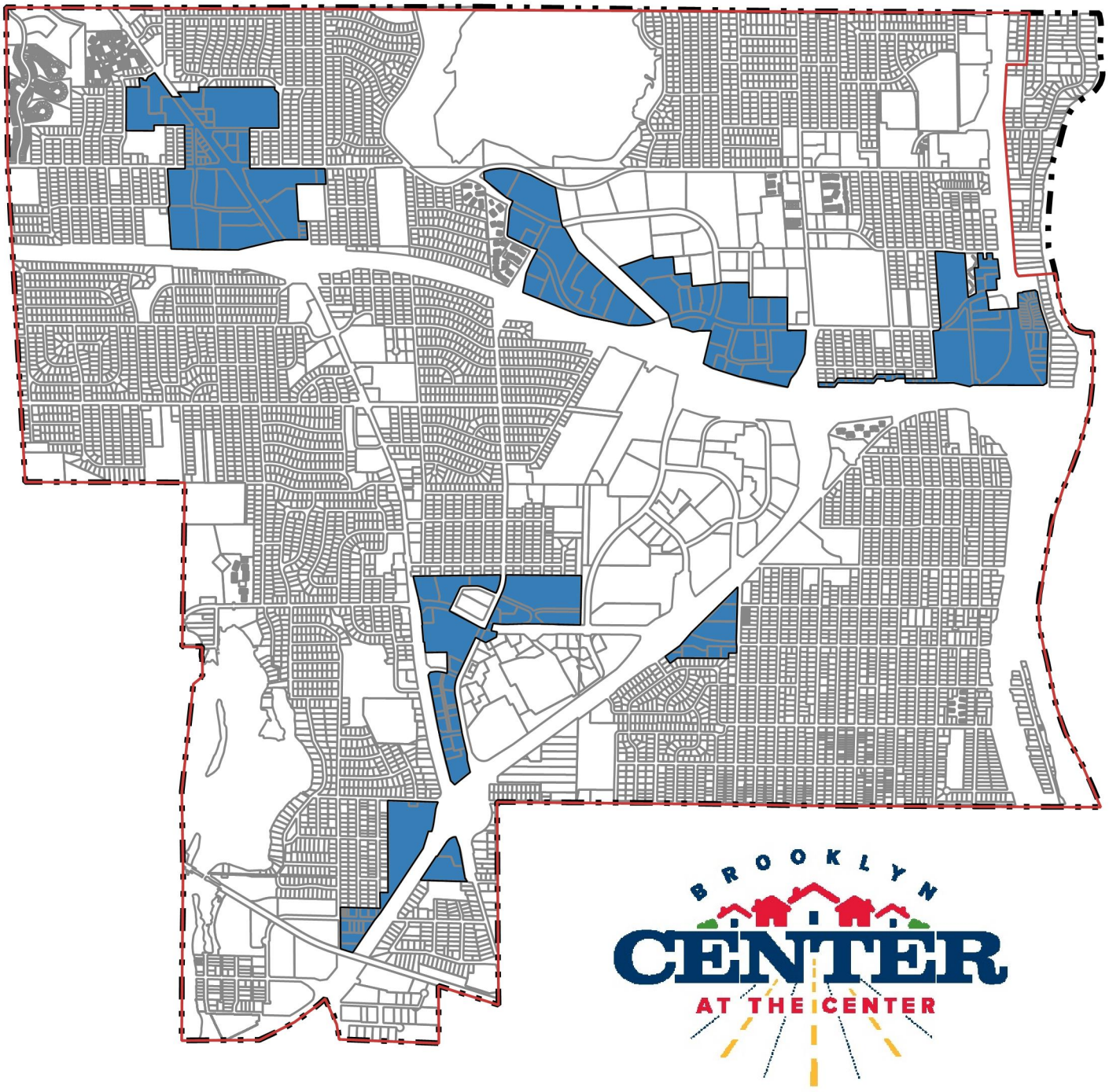
No requests for additional information from the county or school district regarding the proposed development for the District have been received.

## Appendix A: Map of Housing Development and Redevelopment Project No. 1 and the TIF District

# Tax Increment Financing District No. 3

# Housing Development & Redevelopment Project No. 1

City of Brooklyn Center
Hennepin County, Minnesota



## Legend

- Housing Development & Redevelopment Project No. 1
- TIF District No. 3 copy
- Municipal Boundary
- Parcels
- TIF District No. 3

## Appendix B:  November 12, 2013 TIF Plan Modification

# Brooklyn Center Economic Development Authority, Minnesota

## Modification to Redevelopment Plan for Housing Development and Redevelopment Project No. 1

## And

## Modification No. 4 to Tax Increment Financing Plan for Tax Increment Financing District No. 3 (A Redevelopment District)

## Within Housing Development and Redevelopment Project No. 1

## (Earle Brown Farm Project)

**Modification Adopted: November 12, 2013**

**Original Plan adopted December 19, 1994**
**Modification No. 1 adopted April 28, 1997**
**Modification No. 2 adopted April 28, 1997**
**Modification No. 3 adopted January 24, 2011**
Administrative amendments were completed in 2004 and 2008

**Prepared by:**

**SPRINGSTED INCORPORATED**
**380 Jackson Street, Suite 300**
**St. Paul, MN 55101-2887**
**(651) 223-3000**
***WWW.SPRINGSTED.COM***

## Introduction

The purpose of this Modification No. 4 to the Tax Increment Financing Plan for Tax Increment Financing District No. 3 is to make adjustments to the Estimate of Costs and Sources of Revenue. This modification increases the overall spending of a "TIF only" budget (the original and previously modified budgets included non-TIF revenues and assumed spending).

The sections specifically being modified are the Property to be Acquired, Estimate of Costs, Estimate of Loan/Bonded Indebtedness, Sources of Revenue, and Estimated Impact on Other Taxing Jurisdiction. This modification does not reflect all the legislative changes that have occurred since original adoption, and may not reflect fully the financial ramifications of all the TIF and property tax system changes.

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**Section I Definitions**

The terms defined in this section have the meanings given herein, unless the context in which they are used indicates a different meaning:

"Authority" means the Economic Development Authority in and for the City of Brooklyn Center.

"City" means the City of Brooklyn Center, Minnesota; also referred to as a "Municipality".

"City Council" means the City Council of the City; also referred to as the "Governing Body".

"County" means Hennepin County, Minnesota.

"EDA Act" means Minnesota Statutes, Section 469.090 to 469.108, inclusive, as amended.

"HRA Act" means Minnesota Statutes, Section 469.001 to 469.047, inclusive, as amended.

"Redevelopment Plan" means the Redevelopment Plan for the Redevelopment Project.

"Redevelopment Project" means Housing Development and Redevelopment Project No. 1 in the City, which is described in the corresponding Redevelopment Plan.

"Project Area" means the geographic area of the Redevelopment Project.

"School District /ISD No. 11" means the Anoka-Hennepin School District/ISD No. 11, Minnesota.

"School District /ISD No. 279" means the Osseo School District/ISD No. 279, Minnesota.

"School District /ISD No. 281" means the Robbinsdale School District/ISD No. 281, Minnesota.

"School District /ISD No. 286" means Brooklyn Center School District/ISD No. 286, Minnesota.

"State" means the State of Minnesota.

"TIF Act" means Minnesota Statutes, Sections 469.174 through 469.1799, both inclusive.

"TIF District" means Tax Increment Financing District No. 3.

"TIF Plan Modification" means Modification No. 4 to the tax increment financing plan for the TIF District (this document).

## Section II Modification to Redevelopment Plan for Redevelopment Project

The following text represents a Modification to the Redevelopment Plan for Redevelopment Project No. 1: This modification represents a continuation of the goals and objectives set forth in the Redevelopment Plan for Redevelopment Project No. 1. Generally, the substantive changes include the modification of the estimated public costs and estimated revenues sources for the TIF District.

The Estimated Public Costs is modified to include those set forth in Section III.B of the TIF Plan Modification and the Estimated Revenue Sources is modified to include those set forth in Section III. C of the TIF Plan Modification.

For further information, a review of the Redevelopment Plan for Redevelopment Project No. 1 is recommended and is available from the City of Brooklyn Center. Other relevant information is contained in the Tax Increment Financing Plan for Tax Increment Financing Districts No. 1, No. 2, No. 3, No. 4, and No. 5 located within Redevelopment Project No. 1.

A map of Redevelopment Project No. 1 is shown in Exhibit I.

## Section II.A Statement and Finding of Public Purpose

On April 25, 1994, the City Council and Authority expanded the geographic boundaries of the Earle Brown Farm Redevelopment Project to include Housing Development Project No. 1 and other properties and provided additional housing powers. The modified redevelopment project is renamed Housing Development and Redevelopment Project No. 1.

The Authority intends to use the powers allowed under the EDA Act and HRA Act to promote development and redevelopment through the City and to pool resources in order to reduce financial barriers to providing decent housing and employment opportunities.

## Section II.B Statutory Authorization

On August 24, 1987, the City Council authorized the establishment of the Brooklyn Center Economic Development Authority (Authority). Pursuant to City Council Resolution No. 87-170, the Authority has and may exercise all of the powers conferred by law upon a Housing and Redevelopment Authority. The Authority has been authorized by the City to carry out all powers of and administer all projects initiated by the Brooklyn Center HRA. The Authority established Housing Development and Redevelopment Project No. 1 pursuant to the EDA Act and the HRA Act. HRA Act authorizes the Authority to exercise all the powers relating to a housing and redevelopment authority granted under Minnesota Statutes, Sections 469.001 to 469.047, or other law.

Within the City areas exist where public involvement is necessary to cause redevelopment to occur. The Authority has certain statutory powers pursuant to the TIF Act to assist in financing eligible activities related to these redevelopment needs.

## Section II.C Statement of Objectives

The sampling of the general goals and objectives of the Redevelopment Plan are listed below:

- To provide decent, safe and sanitary housing for persons of low and moderate income.
- To provide governmental assistance to eliminate slum and blight.
- To provide an ongoing benefit to the residents of the City and those who may frequent the area.
- To enhance the tax base of the City.

- To provide maximum opportunity, consistent with the needs of the City, for development by private enterprise.
- To better utilize vacant or undeveloped land.

This modification of the estimated public costs for TIF District No. 3 will ensure a continuation of the EDA's goals and objectives of the Project Area that result in increased opportunities for commercial development and will otherwise benefit the health, safety, morals and welfare of the residents of the City.

## Section III Modification of TIF District No. 3

### Section III.F Property to be Acquired

The City or Authority may acquire any parcels, including interior streets and railway right-of-ways, within the boundaries of Housing Development and Redevelopment Project No. 1; and may use tax increment deposited in the housing development account to acquire any parcel located anywhere city for eligible housing activities, as provided in the Special Act.

### Section III.G Estimate of Costs

The estimate of public costs associated with District No. 3 is outlined in the following line item budget:

| Estimate of Public Costs | March 24, 2008 Admin. Amendment | Proposed Budget Modification |
|---|---|---|
| Land Acquisition | $13,000,000 | $25,000,000 |
| Public Improvements | 8,000,000 | 4,500,000 |
| Site Improvements | 2,000,000 | 2,100,000 |
| Administrative Expenses | 2,900,000 | 4,400,000 |
| Contingency | 1,000,000 | - |
| | | |
| **Housing Development Account** | | |
| Land Acquisition | - | 6,000,000 |
| Affordable Housing Expenses | - | 4,175,000 |
| Interest Expense on Debt Issuance | - | 250,000 |
| **Total Housing Development Account** | 5,000,000 | 10,425,000 |
| | | |
| **Pooling** | | |
| Land Acquisition | - | 6,775,000 |
| Public Improvements | - | 4,000,000 |
| Interest Expense on Debt Issuance | - | 1,050,000 |
| **Total Pooling** | - | 11,825,000 |
| | | |
| **Interest Expense (Including Capitalized)** | - | 11,250,000 |
| | | |
| **Total** | **$31,900,000** | **$69,500,000** |

Any funds to be expended for off-site improvements outside the boundaries of District No. 3, but within the boundaries of Housing Development and Redevelopment Project No. 1, would be no more than 25 percent of total tax increment generated by District No. 3, including administrative costs, provided that tax increment deposited in the housing development account may be spent on eligible housing activities located anywhere in the City, as provided in the Special Act.

The Authority reserves the right to administratively adjust the amount of any of the items listed above or to incorporate additional eligible items, so long as the total estimated public costs is not increased.

**Section III.H Estimated Amount of Loan/Bonded Indebtedness**

It is anticipated that the City or Authority may issue a revenue bond, general obligation bond, or other type of obligation in one or more series to finance public costs. The original principal amount of all indebtedness is not expected to exceed ~~$29,000,000~~ **$45,000,000** with additional increments to be paid to capitalized and other interest determined at the time of issuance.

**Section III.I Sources of Revenue**

The major source of revenue to be used to finance public costs associated with the public development projects in Housing Development and Redevelopment Project No. 1 is tax increment generated as a result of the taxation of the land and improvements in District. No. 03. Tax increment financing refers to a funding technique that utilizes increases in valuation and the property taxes attributable to new development to finance, or assist in the financing of public development costs. Additional sources of revenue may include but are not limited to investment income and land sales. This does not preclude the City, the Authority or the developer from using other funds, at its discretion, to pay such costs.

| **Estimated Sources of Revenue** | **November 8, 2004 Admin. Amendment** | **Proposed Budget Modification** |
|---|---|---|
| Tax Increment revenue | $48,069,393 | $65,344,375 |
| Interest on invested funds | 1,500,607 | 4,111,758 |
| Sales/Lease Proceeds | 2,330,000 | - |
| Market Value Homestead Credit | - | 43,867 |
| Transfers In | - | 0 |
| **Total** | **$51,900,000** | **$69,500,000** |

Tax increment revenue projections were based on historical revenue receipts, and future revenue projections based on an approximate growth in captured tax capacity of $486,170, and a 3% market value inflator applied to future captured tax capacities.

**Section III.M Estimated Impact on Other Taxing Jurisdictions**

Exhibit II shows the estimated impact on other taxing jurisdictions if the maximum projected retained captured net tax capacity of the TIF District, generated over the remaining term of the District, was hypothetically available to the other taxing jurisdictions. The City believes that there will be no adverse impact on other taxing jurisdictions during the life of the TIF District, since the proposed development would not have occurred without the modification of the TIF District and the provision of public assistance. A positive impact on other taxing jurisdictions will occur when the TIF District is decertified and the development therein becomes part of the general tax base.

The fiscal and economic implications of the proposed modification to the tax increment financing district, as pursuant to Minnesota Statutes, Section 469.175, Subdivision 2, are listed below.

1. The total amount of tax increment that will be generated over the remaining life (Collections from taxes payable 2013 – 2021) of the TIF District is estimated to be $34,470,103.

2. To the extent the modification of the TIF District generates any public cost impacts on City-provided services such as police and fire protection, public infrastructure, and the impact of any general obligation tax increment bonds attributable to the TIF District upon the ability to issue other debt for general fund purposes, such costs will be levied upon the taxable net tax capacity of the City, excluding that portion captured by the TIF District.

3. The amount of tax increment generated over the remaining term of the TIF District that would be attributable to School District #011 levies, assuming the School District's share of the total local tax rate for all taxing jurisdictions remained the same, is estimated to be $302,902.

4. The amount of tax increment generated over the remaining term of the TIF District that would be attributable to School District #279 levies, assuming the School District's share of the total local tax rate for all taxing jurisdictions remained the same, is estimated to be $1,993,309.

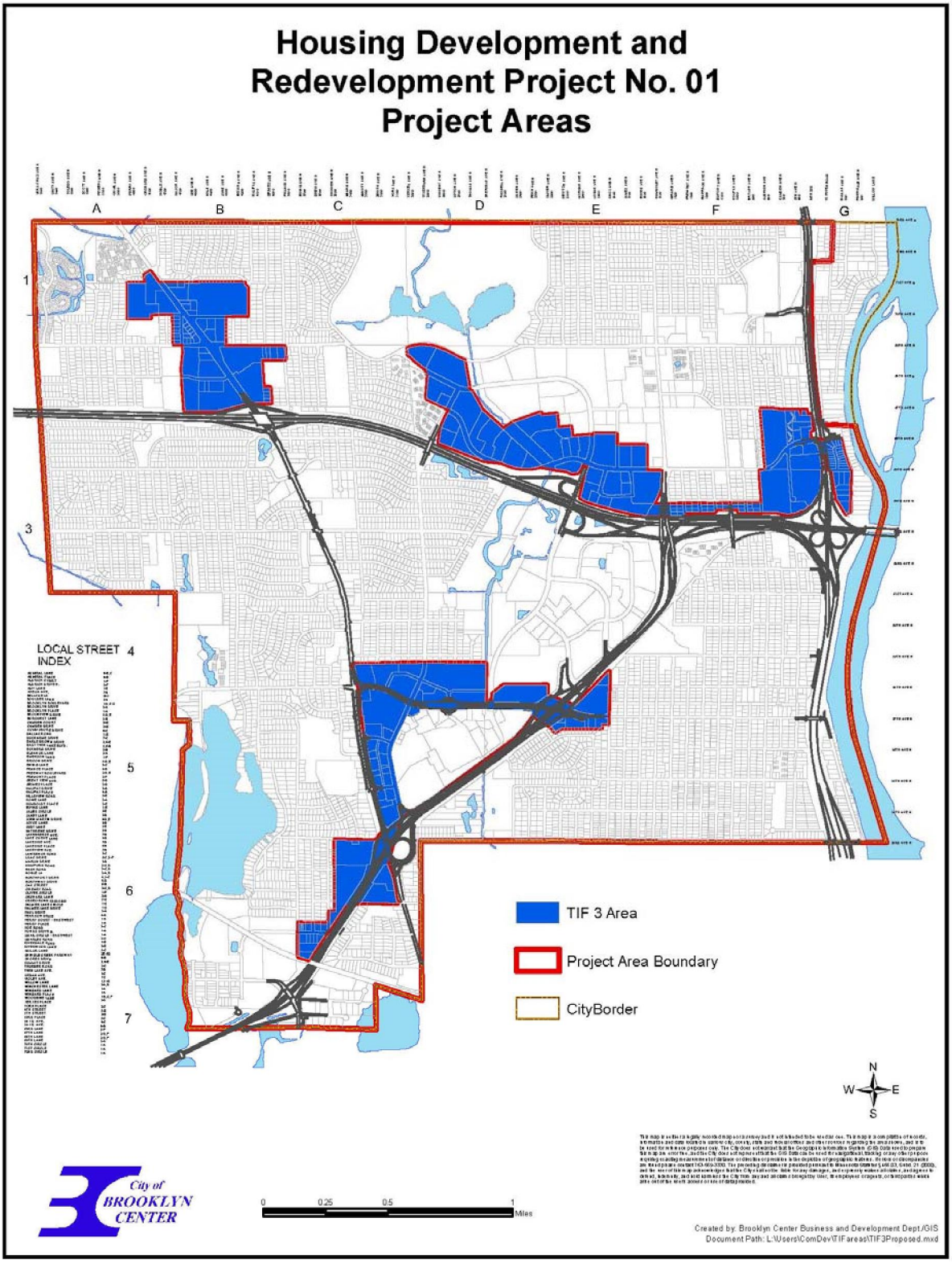
5. The amount of tax increment generated over the remaining term of the TIF District that would be attributable to School District #281 levies, assuming the School District's share of the total local tax rate for all taxing jurisdictions remained the same, is estimated to be $1,195,911.

6. The amount of tax increment generated over the remaining term of the TIF District that would be attributable to School District #286 levies, assuming the School District's share of the total local tax rate for all taxing jurisdictions remained the same, is estimated to be $4,540,511.

7. The amount of tax increment generated over the remaining term of the TIF District that would be attributable to County levies, assuming the County's share of the total local tax rate for all taxing jurisdictions remained the same is estimated to be $9,920,659.

8. No additional information has been requested by the County or School Districts that would enable them to determine additional costs that will accrue to it due to the development proposed for the district.

## Exhibit I - Map



## Estimated Impact on Other Taxing Jurisdictions Report

**City of Brooklyn Center, Minnesota**
**Tax Increment Financing (Redevelopment) District No. 3**
**Modification No. 4 to TIF District.**
**Impact for Remaining Term of District**

| | Without TIF District | | With TIF District | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Taxing Jurisdiction | Final 2012/2013 Taxable Net Tax Capacity (1) | 2012/2013 Local Tax Rate | 2012/2013 Taxable Net Tax Capacity (1) | + Projected Retained Captured Net Tax Capacity | = New Taxable Net Tax Capacity | Hypothetical Adjusted Local Tax Rate (*) | Hypothetical Decrease In Local Tax Rate (*) | Hypothetical Tax Generated by Retained Captured N.T.C. (*) |
| City of Brooklyn Center | 94,334,347 | 72.202% | 94,334,347 | $2,622,539 | 96,956,886 | 70.249% | 1.953% | 1,842,309 |
| Hennepin County | 1,230,976,652 | 49.461% | 1,230,976,652 | 2,622,539 | 1,233,599,191 | 49.356% | 0.105% | 1,294,376 |
| ISD #011 | 140,947,707 | 26.801% | 140,947,707 | 163,448 | 141,111,155 | 26.770% | 0.031% | 43,755 |
| ISD #279 | 115,768,941 | 27.973% | 115,768,941 | 1,099,808 | 116,868,749 | 27.710% | 0.263% | 304,754 |
| ISD #281 | 69,437,610 | 32.347% | 69,437,610 | 531,140 | 69,968,750 | 32.101% | 0.246% | 170,504 |
| ISD #286 | 4,749,860 | 56.031% | 4,749,860 | 828,144 | 5,578,004 | 47.712% | 8.319% | 395,127 |

* **Statement 1:** If the projected Retained Captured Net Tax Capacity of the TIF District was hypothetically available to each of the taxing jurisdictions above, the result would be a lower local tax rate (see Hypothetical Adjusted Tax Rate above) which would produce the same amount of taxes for each taxing jurisdiction. The hypothetical tax that the Retained Captured Net Tax Capacity of the TIF District would generate is also shown above.

**Statement 2:** Since the projected Retained Captured Net Tax Capacity of the TIF District is not available to the taxing jurisdictions, then there is no impact on taxes levied or local tax rates.

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Meg Beekman, Community Development Director
BY: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2021-003 For Preliminary and Final Plat, Re-Zoning, PUD Amendment, and Special Use Permit Approvals for Certain Property Commonly Known as Lutheran Church of the Master and Located at the Northwest Corner of 69th Avenue North and Dupont Ave North (1107 Emerson Lane, 6907 Dupont Avenue North, 1100 69th Avenue North and 1200 69th Ave North) and the Recommended Approval of a 2040 Comprehensive Plan Amendment to 1100 69th Avenue North

**Requested Council Action:**

*- Motion to adopt a resolution approving Planning Commission Application No. 2021-003 for preliminary and final Plat, re-zoning, Planned Unit Development amendment, and Special Use Permit approvals for certain property located at 1107 Emerson Lane, 6907 Dupont Avenue North, 1100 69th Avenue North, and 1200 69th Avenue North, and a recommended amendment to the City's 2040 Comprehensive Plan to allow for the re-designation of 1100 69th Avenue North from Public/Semi-Public/Institutional to Medium Density-Residential (5.01-15 Dwelling Units/Acre), based on the findings of fact and submitted plans, and as amended by the conditions of approval in the resolution.*

**Background:**

Evangelical Lutheran Church of the Master ("the Applicant") is requesting review and consideration of proposals that would approve a preliminary and final plat, re-zoning, Planned Unit Development (PUD) amendment, and Special Use Permit for certain property located at 1107 Emerson Lane, 6907 Dupont, 1100 69th Avenue North, and 1200 69th Avenue North. The Applicant is also requesting the recommended approval of an amendment to the 2040 Comprehensive Plan future land use designation for 1100 69th Avenue North, which is intended for sale, from its current designation of "Public/Semi-Public and Institutional" to "Medium Density-Residential (5.01-15 Dwelling Units/Acre)." The properties under consideration are all currently owned by the Evangelical Lutheran Church of the Master.

The Applicant originally submitted an application (Planning Commission Application No. 2021-001) for consideration in May 2021, and a public hearing notice and mail notifications were sent out; however, following City staff review of the requests and past City approvals, it was determined that additional time and information was required before the Applicant could proceed with the request and the Applicant requested a formal application withdrawal on June 8, 2021.

The Applicant returned with a revised submittal on July 13, 2021 under Planning Commission Application No. 2021-003, and a new public hearing notice was published in the Brooklyn Center *Sun Post* on July 29th,

2021. Mail notifications were once again sent to those properties in the notification area for a public hearing on August 12, 2021; however, following the Mayoral Declaration of a Local Emergency and City Council action on August 9, 2021 (City Council Resolution No. 2021-95), City staff hand delivered flyers denoting the change in venue from in-person to virtual to the 121 properties located within the identified notification area.

During the course of the virtual Planning Commission meeting on August 12, 2021 and scheduled public hearing for the application, City staff was alerted to issues accessing the virtual meeting via the link posted on the City's website and the Planning Commission ultimately chose to adjourn the meeting, requiring that an extension be made to the application as well as a re-notification of the public hearing to September 9, 2021.

City staff later determined that the posted meeting website link (logis.webex.com) and associated meeting access code and password posted to the City website and noted in the flyers delivered to properties within the notification area **were correct**; however, the embedded hyperlink on the City website contained information that re-directed to the June Planning Commission meeting.

City staff sent a 60-day extension letter to the Applicant following the August Planning Commission meeting, and re-noticed the public hearing in the Brooklyn Center *Sun Post* on August 26, 2021. Mail notifications were sent to the affected residents with language clarifying the reasoning behind multiple notifications, particularly as the Applicant had subsequently submitted another Planning Commission Application (No. 2021-005) for review and consideration of a Dynamic Messages Sign (DMS), which required further public notification and a separate public hearing.

The driving factor for this application is the intended sale of the standalone seven (7) unit apartment building located at 1100 69th Avenue North, which has operated as an apartment building since its opening in the mid-1960s; however, during City staff review of the Applicant's requests, it was determined that there had been conditions of approval outlined as part of the establishment of the Planned Unit Development in 1994 and further expressed in a Development Agreement between the Applicant and City of Brooklyn Center that stipulated that a series of conditions, including the recording of a final plat with Hennepin County, be executed no later than January 1, 1999, or the zoning of 1107 Emerson Lane, 6907 Dupont Avenue North, and 1100 69th Avenue North would revert back to R4 (Multiple Family Residence) District with no further action by City Council and "no further church uses of any such property shall be permitted" unless the Agreement was earlier amended by resolution of the City Council to extend the deadline for compliance.

City staff was unable to locate any evidence of an extended timeline to meet these conditions, and although City staff was able to locate City Council approvals for both the preliminary and final plat, no evidence of recording for the final plat to Hennepin County was found.

The requests outlined in Planning Commission Application No. 2021-003 would ultimately provide a path for the Applicant to sell the standalone apartment building located at 1100 69th Avenue North, while also addressing conditions of approval that were not met in the 1990s and discovered during City staff review of the application submittal that impact the ability of the Applicant to continue utilization of the two (2) remaining buildings located at 1107 Emerson Lane North and 6907 Dupont Avenue North to function as an ancillary arm of Lutheran Church of the Master (1200 69th Avenue North), which is connected to the aforementioned two (2) buildings by a series of breezeways.

The recommended approval for an amendment to the 2040 Comprehensive Plan future land use

designation of 1100 69th Avenue North is due to the planned dissociation of the building and property with Lutheran Church of the Master, as it currently has a future designation as a "Public/Semi-Public and Institutional Use."

The Planning Commission held a public hearing for the aforementioned application at their meeting on September 9, 2021, and were generally supportive of the outlined requests. Representatives from Lutheran Church of the Master were in attendance and available for questions and answered questions relating to the future of the standalone apartment building, ability for any expansion, and discussions on parking for the two remaining buildings at 1107 Emerson Lane and 6907 Dupont Avenue North. With the exception of phones calls received regarding clarification on the application requests, no other public comment was received.

Following close of the public hearing, the Planning Commission elected to unanimously (5-0) recommend City Council approval of the requested preliminary and final plat, re-zoning, Planned Unit Development (PUD) amendment, and Special Use Permit for certain property located at 1107 Emerson Lane, 6907 Dupont, 1100 69th Avenue North, and 1200 69th Avenue North, as well as the recommended approval of an amendment to the 2040 Comprehensive Plan future land use designation for 1100 69th Avenue North, which is intended for sale, from its current designation of "Public/Semi-Public and Institutional" to "Medium Density-Residential (5.01-15 Dwelling Units/Acre)."

A copy of the Planning Commission Report for Planning Commission Application No. 2021-003, last updated September 9, 2021, and City Council resolution regarding the aforementioned requests are included with this memorandum.
The request for a Comprehensive Plan Amendment will require a separate submittal to the Metropolitan Council for review and any final approval; however, a recommendation from the local planning body and local governing body authorization is required to proceed with a submittal.

**Budget Issues:**

None to be considered at this time.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Targeted Redevelopment

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Staff Report and Exhibits - LCM (Lutheran Church of the Master) | 9/20/2021 | Backup Material |
| Resolution - Disposition of Planning Commission Application No. 2021-003 | 9/20/2021 | Resolution Letter |

**Planning Commission Report**
**Original Meeting Date: August 12, 2021**
***Updated Meeting Date: September 9, 2021***

- Application Filed: 7/13/2021
- Review Period (60-day) Deadline: 9/10/2021
- Extension Declared: Yes
- Extended Review Period Deadline: 11/10/2021

| | |
|---|---|
| **Application No.** | 2021-003 |
| **Applicant:** | Evangelical Lutheran Church of the Master |
| **Location:** | 1107 Emerson Lane, 6907 Dupont Avenue North, 1100 69th Avenue North, and 1200 69th Avenue North |
| **Requests:** | (1) Preliminary and Final Plat for the 69th Avenue North Addition, (2) PUD Amendment, (3) Special Use Permit, (4) Rezoning, and (5) Comprehensive Plan Amendment |

**REQUESTED ACTION**

Evangelical Lutheran Church of the Master ("The Applicant") is requesting review and consideration for approval of a preliminary and final plat, re-zoning, Planned Unit Development (PUD) amendment, and Special Use Permit. The Applicant is also requesting the recommended approval of a comprehensive plan amendment that would amend the 2040 future land use designation of the standalone seven-unit apartment building located at 1100 69th Avenue North, which is intended for sale, from its current designation of "Public/Semi-Public and Institutional" to "Medium Density Residential (5.01-15 Dwelling Units per Acre)." The properties under consideration within this report are all currently owned by the Evangelical Lutheran Church of the Master and encompass the following addresses: 1107 Emerson Lane, 6907 Dupont Avenue North, 1100 69th Avenue North, and 1200 69th Avenue North. **Refer to Exhibit A.**

The Applicant originally submitted an application (Planning Commission Application No. 2021-001) for consideration back in June 2021; however, following City staff review of the requests and past City approvals, it was determined that additional time and information was required before the Applicant could proceed with the request and the Applicant requested a formal application withdrawal on June 8, 2021.

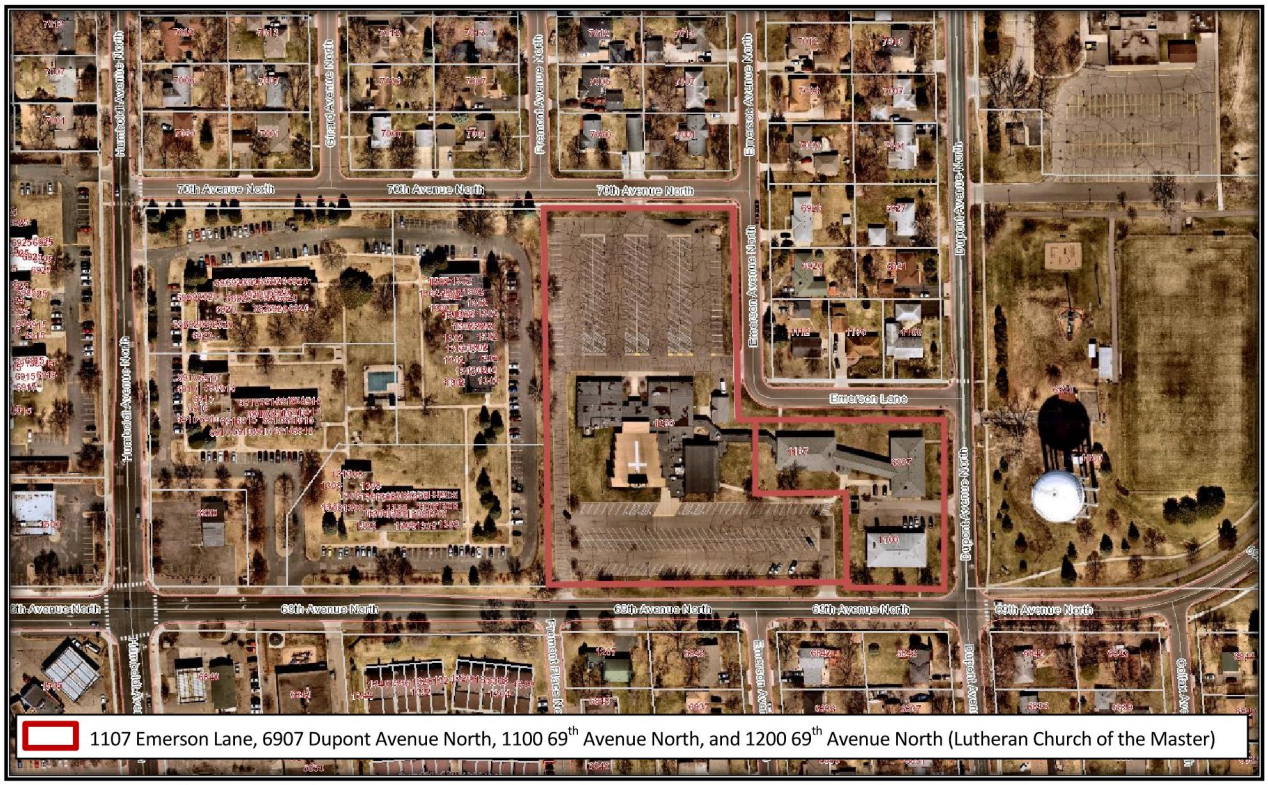
Due to the nature of the requests, a public hearing is required. A public notice was published in the Brooklyn Center *Sun Post* on July 29th, 2021 **(Exhibit B).** As mail notifications had been previously delivered to those properties within proximity to the Subject Property as part of the first public notification under Planning Commission Application No. 2021-001, a second mail notification was mailed to residents with additional information regarding the Applicant's withdrawal of the first application and a re-notice for the new application. Given that a Mayoral Declaration of a Local Emergency was passed by City Council on August 9, 2021 under City Council Resolution No. 2021-95 and after public notice had already been made in the newspaper and by mail, City staff dropped off flyers to each of the properties within the notification area as the meeting changed from in-person to virtual as per the provisions of Minnesota State Statute 13D.021.

During the course of the virtual Planning Commission meeting on August 12, 2021 and scheduled public hearing for Planning Commission Application No. 2021-003, City staff was alerted to issues accessing the

virtual meeting via the link posted on the City's website and the Planning Commission chose to adjourn the meeting, requiring that an extension to the application be made as well as a re-notice of the public hearing. City staff later determined that the posted meeting website link (logis.webex.com) and associated access code and password posted to the City website and in the flyers delivered to properties within the identified notification area were correct; however, the embedded hyperlink on the City website contained information that directed to the June Planning Commission meeting.

City staff sent a 60-day extension letter to the Applicant following the August Planning Commission meeting, and re-posted a public notification in the Brooklyn Center *Sun Post* with a publication date of August 26, 2021. Mail notifications were sent to the affected residents with language clarifying the reasoning behind the multiple notifications. At this time, those residents within the area of notification (121 properties) have been the recipients of four (4) public hearing notifications, in addition to some having received notification of a request for issuance of a Special Use Permit for a new digital sign for the Evangelical Lutheran Church of the Master (1200 69th Avenue North) under Planning Commission Application No. 2021-005, which requires a separate public hearing and action.

**COMPREHENSIVE PLAN AND ZONING STANDARDS**




**Map 1.** Existing Configuration of Subject Property

| | |
|---|---|
| *2040 Future Land Use Plan:* | Public/Semi-Public/Institutional |
| *Neighborhood:* | Evergreen |
| *Current Zoning:* | PUD/R1 (One Family Residence) District, R-4 (Multiple Family Residence) District* – Refer to comments in Re-zoning Section below. |

*Surrounding Zoning:* North: R1 (One Family Residence) District
East: R1 (One Family Residence) District (Evergreen Park)
South: R1 (One Family Residence) District
West: R5 (Multi Family Residence) District

*Site Area:* 6.69 total acres – re-plat of approximately 0.47 acres (Lot 2, Block 1, 69th Avenue North Addition)

**BACKGROUND**



**Image 1.** Existing Configuration of Subject Property and 1971 Configuration of Subject Property

Lutheran Church of the Master was originally constructed in 1961 and was approved for an addition in 1966 (Planning Commission Application No. 66018). In 1973, a Special Use Permit was issued for the church property at 1200 69th Avenue North to operate a nursery school (Planning Commission Application No. 73044). In 1980, the Applicant received approval for a 9,000-square foot fellowship hall and administrative office addition to 1200 69th Avenue North under Planning Commission Application No. 80025. It was noted under this application that the church was zoned R-1 and that churches are a special use within the R-1 District.

As a condition of the approvals under this application, the Applicant was required to plat the then un-platted church property to comply with the City's Subdivision Ordinance. There is record of this step taking place with record of Planning Commission Application No. 80044, which approved a preliminary plat. In 1994 (Planning Commission Application No. 94003), the Applicant received approval to combine the church property located at 1200 69th Avenue North and a single family residential lot (formerly known as 1120 69th Avenue North), which allowed for an expansion to the church's south parking lot off 69th Avenue North.

In 1994, Evangelical Lutheran Church of the Master ("the Applicant") submitted Planning Commission Application No. 94009 to request a re-zoning of the Subject Property (1107 Emerson Lane, 6907 Dupont Avenue North, 1100 69th Avenue North, and 1200 69th Avenue North) from their respective R1 (One Family Residence) and R4 (Multiple Family Residence) District zoning designations to PUD/R1 (Planned Unit Development/One Family Residence District). This was to allow for what would ultimately become a church campus. The subsequently approved City Council Resolution No. 94-244 (*Resolution Regarding Disposition of Planning Commission Application No. 94009 Submitted by the Evangelical Lutheran Church*

*of the Master*) outlined conditions and considerations relating to each of the buildings falling within the identified PUD and their outlined usage and operations.

The associated Planning Commission report, dated September 15th, 1994, states, "The Applicant is requesting rezoning and plan approval, through the Planned Unit Development process, to incorporate three apartment buildings located immediately east of the Lutheran Church of the Master into a full church use over a phased, or staged, period of time. The rezoning proposal is for a PUD/R-1 designation to include the church property, addressed 1200 69th Avenue North, and the three apartment buildings east of the church currently addressed as 1107 Emerson Lane, 1100 69th Avenue North, and 6907 Dupont Avenue North **(Exhibit C).**"

The PUD/R1 zoning designation was intended to allow the incorporation and use of the apartment buildings by the church over time, in a manner consistent with the City's Zoning Ordinance. Church uses are permitted as a special use in the R-1 (One Family Residence) Zoning District, but are not a permitted use in the R-4 (Multiple Family Residence) Zoning District. The church acquired the three, seven-unit apartment buildings at the above stated addresses with the intent of phasing each building into an extension of church uses including a teaching facility for the children of the church, large group meeting space, and the church's global mission center, which would retain apartment units for use of missionary families. The ultimate conversion of all three apartment buildings into church use was scheduled to be completed by 1998.

The recommended approval was subject to the execution of a development agreement between the City and the Applicant, outlining the phasing of the proposal, including when planning, watershed approval, and a presentation of plan sets would have to be accomplished. This was included in the conditions of approval found City Council Resolution No. 94-244. City staff is in possession of an executed Development Agreement between the City and Evangelical Lutheran Church of the Master which was executed on November 21st, 1994, and a Declaration of Covenants and Restrictions dated September 24, 1998.

Under Paragraph 2.3, the Development Agreement states, "No building permits or certificates of occupancy for church uses of Phase II or Phase III Properties will be issued by the City until all of the following conditions have been met: A. The City has approved for the unified development of the Chazin Property and the Church property a site plan, floor, plan, landscaping plan, drainage and utility plan, and all of the requirements of the development plan set forth in city code Section 35-355, subd. 5, preliminary and final plat approval, and the issuance of a special use permit for church uses. B. The City and the Developer have executed a final development and PUD agreement for the Chazin and Church Properties."

Per Exhibit D (Development Agreement),

2.9. The Developer shall satisfy all requirements of Paragraph 2.3 no later than January 1, 1999. In the event such requirements are not so satisfied by January 1, 1999, the zoning of the Phase I, Phase II and Phase III Properties shall revert automatically, and without further action by the city council, to R-4, and no further church uses of any such property shall be permitted unless this agreement is earlier amended by resolution of the city council to extend the deadline for such compliance.

**Image 2.** Excerpt of Development Agreement on file (Planning Commission Application No. 94009)

Although City staff has record of a preliminary and final plat being reviewed and approved in late 1998 **(Exhibit D)**, the Applicant appears to have not completed the final plat recording process or special use permit requirements as outlined in the Development Agreement. Additionally, a final development agreement and formal PUD agreement was never executed. Although not reflected in the City's current zoning map, this failure to satisfy the requirements of the Development Agreement means that the properties at 1107 Emerson Lane, 6907 Dupont Avenue North, and 1100 69th Avenue North have all reverted back to their original R-4 District zoning designation. Additionally, the Church's PUD agreement must be amended and restated to reflect the current application requests. In order for the Applicant to proceed with any future sale of the 1100 69th Avenue North apartment building, a preliminary and final plat shall ultimately be approved by City Council, and the final plat recorded with Hennepin County.

**PRELIMINARY AND FINAL PLAT**

As stated previously, a request to approve a preliminary plat reflecting the combination of the main church property (1200 69th Avenue North) and the three former apartment buildings acquired (1107 Emerson Lane, 6907 Dupont Avenue North, and 1100 69th Avenue North) was brought forward and approved by the Planning Commission in 1998 under Planning Commission Application No. City records further note approval of a final plat (City Council Resolution No. 98-185); however, for reasons unknown, it appears that the final plat/mylar were never recorded and Hennepin County records and mapping does not reflect what was to be "Evangelical Church of the Master 3rd Addition."

98-185 Resolution Approving Final Plat - EVANGELICAL LUTHERAN CHURCH OF THE MASTER 3RD ADDITION 10/26/98

City Code Section 35-540 (*Combination of Land* Parcels) outlines that, "multiple parcels of land which are contiguous and adjacent and which are proposed to serve a single development use and which are under common ownership shall be combined into a single parcel through platting or registered land survey." It is the intent of the Applicant to retain to the two north buildings (1107 Emerson Lane and 6907 Dupont Avenue North), which are connected by a series of two breezeways to the main church building at 1200 69th Avenue North 1200 69th Avenue North (main church property. Given the direction and intent to sell 1100 69th Avenue North, which is a standalone apartment building, the proposed preliminary and plat identifies the creation of a separate lot (Lot 2) for this property.

The Applicant intents to re-stripe the parking lot as needed to provide the minimum two (2) parking spaces per dwelling unit. As two (2) existing parking spaces will remain with the larger combined parcel (Lot 1), a cross access agreement will be required to address the access and parking off of Dupont Avenue North. The two main parking lots at 1200 69th Avenue North provide ample parking for the inclusion of the buildings at 1107 Emerson Lane and 6907 Dupont Avenue North to meet parking requirements.

**Engineering Review**

Assistant City Engineer Andrew Hogg conducted a review of the application submittal and documentation. Comments regarding this application can be found in the memorandum to City staff and dated August 6, 2021, and hereto attached **Exhibit E.**

It is noted within the memorandum that a 10 foot drainage and utility easement must be dedicated on the plat around the entire perimeter of the site. A cross access agreement for access off of Dupont Avenue shall also be provided.

The Applicant will also need to provide a current certificate of title or title commitment to the City Planner and City Attorney for review.

As a final note, City staff discussed the placement of the northerly lot line of proposed Lot 2 (1100 69th Avenue North) and is requesting it be shifted slightly more north and centered along the drive aisle. It should be noted that as this lot sits at the upper threshold of density under the 2040 Comprehensive Plan future land use designation of "Medium Density Residential," the Applicant will need to work with City staff to ensure proposed Lot 2 does not alter the acreage enough to move proposed Lot 2 into the "High Density Residential" future land use designation under the 2040 Comprehensive Plan.

**Fire Inspection/Building Review**

City Fire Inspector Brandon Gautsch and City Building Official Dan Grinsteinner also conducted a review of the application submittal and documentation. Per Building Official Grinsteinner, the entrance to the standalone apartment building located at 1100 69th Avenue North shall be modified to provide an accessible route to an entrance that is compliance with ADA standards, and an ADA parking and loading space provided.

It was noted during communication with Fire Inspector Gautsch that Subject Property may be connected to the fire alarm system of the other Lutheran Church of the Master properties. Recent meetings regarding the fire alarm system have been cancelled due to COVID; however pending approval of the applications, a review of the existing fire alarm system would be recommended.

**RE-ZONING**

As previously mentioned, the Applicant intends to sell the proposed re-platted property at 1107 69th Avenue North (proposed Lot 2), requiring a PUD Amendment to remove the property from the existing Lutheran Church of the Master PUD, as well as a rezoning of the church properties located at 1107 Emerson Lane and 6907 Dupont Avenue North back to the originally approved PUD/R1. The property located at 1100 69th Avenue North would remain zoned R-4 (Multiple Family Residence) District, as per the Development Agreement on file, these properties "would revert automatically, and without further action by City Council, to R-4," if the Developer failed to satisfy all requirements under Paragraph 2.3 no later than January 1, 1999.

The use of the proposed Lot 1, which contains the church buildings (1200 6th Avenue North, 1107 Emerson Lane, and 6907 Dupont Avenue North) would continue its operation as a variety of church and ancillary church uses (i.e. assembly/gathering space, Sunday school classrooms, church offices, four apartments within 6907 Dupont Avenue North for use strictly by employees, former employees, or members of the church).

Church uses are not a permitted use in the R-4 zoning District. Given that the intent is to continue usage of the two breezeway connected buildings for ancillary church uses, their physical connection to the main church building, their intent to be combined with the main church building into one lot, and the longstanding history of church use at this location, City staff is supportive of the request to re-zone the two breezeway connected buildings located at 1107 Emerson Lane and 6907 Dupont Avenue North, along with the main church property located at 1200 69th Avenue North, as Planned Unit Development/Single Family Residence (PUD/R-1) District.

In the case of the standalone apartment building located at 1100 69th Avenue North, which is intended for sale, City staff reviewed the property and its original City approval (and which also contemplated approval of the buildings at 1107 Emerson Lane and 6907 Dupont Avenue North) under Planning Commission Application No. 62057. Said approval was for the construction of the aforementioned three apartment buildings (7 units per building), and a re-plat of Block 2, Brookdale Manor Addition. It also provided issuance of a Special Use Permit as relating to Section VI, Paragraph 1, Northeast neighborhood development guide approved by Planning Commission on December 4, 1961.

City staff was unable to find any record of said guide. Per discussion with City Attorney, and given that 1100 69th Avenue North, nor the other two former apartment buildings located at 1107 Emerson Lane or 6907 Dupont Avenue North would have met the land area requirements outlined for an R-4 District property under Section 35-400 (*Table of Minimum District Requirements*), it is assumed that 1100 69th Avenue North would be able to maintain a **legal, non-conforming status.** Pending any sale of the property, the property can continue as a multi-family residential use; however, no expansion would be permitted.

City staff is supportive of the request that the property located at 1100 69th Avenue North (proposed Lot 2) continue under its since reverted zoning designation of R-4 (Multiple Family Residence) District, and recommends that the properties located at 1107 Emerson Lane and 6907 Dupont Avenue North be re-zoned back to their previously approved PUD/R1, along with the main church property located at 1200 69th Avenue North.

**AMENDMENT TO PLANNED UNIT DEVELOPMENT**

The Applicant is seeking a PUD Amendment to remove the proposed subdivided property at 1100 69th Avenue North from the Lutheran Church of the Master PUD, as the intent is to separate the standalone seven-unit apartment at 1100 69th Avenue North from the remaining church campus and its uses. The Applicant intends to sell the aforementioned property, which is the drive behind the requests outlined in this report.

In 1994, under Planning Commission Application No. 94009, the Subject Property received approval to re-zone the properties at 1107 Emerson Lane, 6907 Dupont Avenue North, and 1100 69th Avenue North from R-4 (Multiple Family Residence) District to PUD/R1 (Planned Unit Development/Single Family Residence) District to create a PUD with the adjacent existing Lutheran Church of the Master property at 1200 69th Avenue North. Planning Commission Application No. 94009 was approved by City Council under Resolution No. 94-244. At that time, the church had acquired the three apartment buildings to the east of their facility and intended to incorporate various uses related to church throughout these buildings over the course of three phases. The 1994 approval was the first phase, comprehending the use of the apartment building at 1107 Emerson Lane as a teaching facility for the church.

The PUD was amended in 1998 under Planning Commission Application No. 98012. The amendment addressed the properties at 1100 69th Avenue North and 6907 Dupont Avenue considered Phase II and Phase III of the Applicant's original proposed development plan. With the amendment, the Applicant was able to proceed with Phase II, with 6907 Dupont Avenue North comprehending the use of a large group meeting facility, including a small prayer chapel. The amendment also approved the Applicant's request to proceed with Phase III, allowing 1100 69th Avenue North to serve has a home for missionaries on leave, and did not include any physical modifications to the building.

The Applicant's current proposed amendment would remove the property at 1100 69th Avenue North from the PUD, as this property, for all intents and purposes, has reverted back to its original R-4 District

zoning designation and original use as a multi-family apartment building given that the conditions outlined in the Development Agreement on file (and referenced under City Council Resolution No. 94-244), and specifically the recording of the re-plat, was not executed.

Furthermore, as the Development Agreement noted that the zoning of Phase I (1107 Emerson Lane) and Phase II (6907 Dupont Avenue North) "would revert automatically, and without further action by City Council, to R-4," if the Developer failed to satisfy all requirements under Paragraph 2.3 no later than January 1, 1999, it should be re-iterated that the request would be to ensure the two aforementioned properties, along with the main church property (1200 69th Avenue North) continue under the zoning designation of Planned Unit Development/Single Family Residence District (PUD/R-1), as originally intended, and in particular as the Applicant has long operated, and intends to continue operating the main church property and two breezeway connected buildings as a church campus.

As Section 35-355 (*Planned Unit Development*) outlines the intent of a PUD as promoting flexibility in land development, and accommodate the multi-building needs of the campus, City staff is supportive of the Applicant's intent to continue with the PUD zoning designation given both the site configuration and use so long as all conditions are addressed.

**SPECIAL USE PERMIT**

As stated in the Background section of this report, church uses are not a permitted use in R-4 District and are only allowed through issuance of a Special Use Permit in the R-1 District. Section 35-220 (*Special Use Permit*) outlines the procedures and standards for issuance of Special Use Permits and how they are reviewed.

Throughout the church's history at its current location (1200 69th Avenue North) and its acquisitions of the adjacent properties (1107 Emerson Lane, 6907 Dupont Avenue North) there have been various Special Use Permits applied for and approved for a variety of uses, including: a nursery school, daycare, Sunday school, and preschool uses within the main church property and (once acquired) the building at 1107 Emerson Lane. The church has consistently maintained its church uses throughout its existence at its location, both as a church, gathering space, day care, and teaching facility, and continues to do so today. **Refer to Exhibit F.**

Per the Applicant, and in addition to the primary church use, the buildings located at 1200 69th Avenue North, 1107 Emerson Lane, and 6907 Dupont Avenue North are *currently* used for the following purposes: assembly/gathering spaces, Sunday school classrooms, church offices. In addition, the church campus has also maintained a series of four (4) apartment units within the Phase II portion of the development, also known as 6907 Dupont Avenue North, for use by employees, former employees, or members of the church. The Applicant clarified that these four apartment units were not intended for lease by the general public. Although this use appears to have long been utilized, there shall be no increase to the number of apartment units.

When reviewed against the SUP criteria spelled out in City Code Section 35-220, the maintenance of the special use of church uses meet all the standards required of Special Use Permits. As the Development Agreement signed in 1994 lists approval of a Special Use Permit for the church uses within the three phase development as a condition of approval and development, and as the re-plat did not occur, the condition was not met by the January 1st, 1999 deadline stated in the Development Agreement, and therefore the re-issuance of a Special Use Permit must be completed in conjunction with the other requests by the Applicant, to continue the uses as initially spelled out in the prior approvals. The

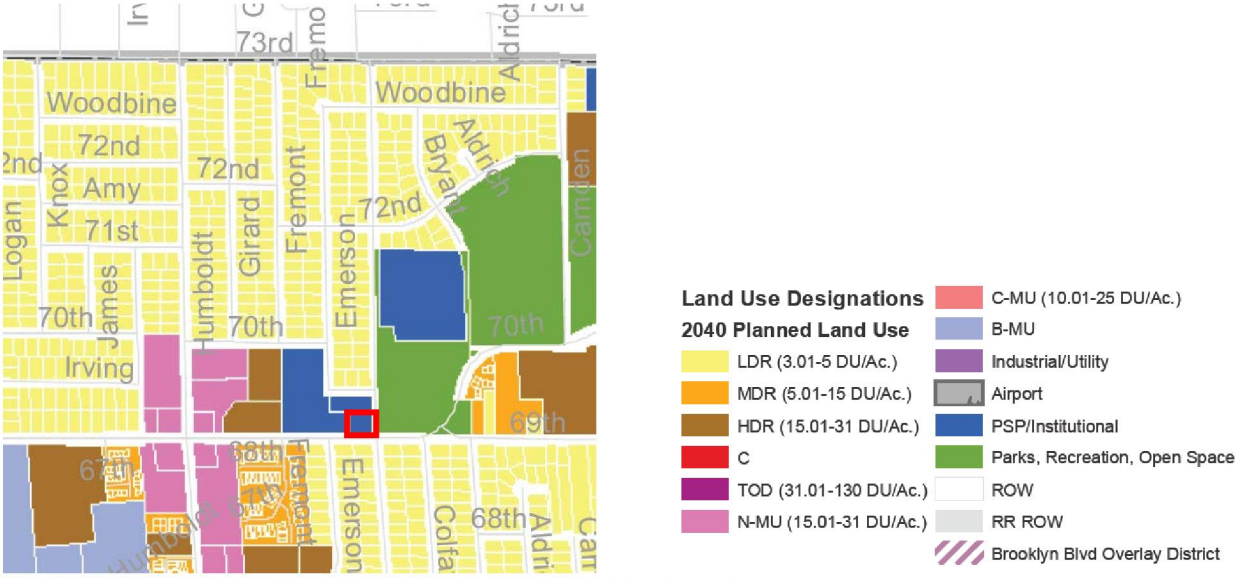
Applicant has indicated no plans to introduce other uses to the church and two breezeway-connected buildings.

**COMPREHENSIVE PLAN AMENDMENT**

A comprehensive plan amendment is required anytime a community changes any part of a municipality's adopted comprehensive plan, including, but not limited to:

- Changes resulting from neighborhood or small area planning activities
- Land use changes to allow a proposed development
- Proposed forecast changes to proposed MUSA (Metropolitan Urban Service Area) changes in service or staging
- Text changes to revise a policy or land use category
- Routine updates to incorporate new information or update a public facilities agreement

These requests are ultimately submitted to the Metropolitan Council for review and final approval; however, they require a recommendation from the local planning body, and local governing body authorization for the amendment. In certain cases, an adjacent jurisdictional review is also required to allow for other affected municipalities and districts to weigh in on any potential impacts.




**Map 2.** 2040 Future Land Use Plan and Subject Property (highlighted in red).

A Comprehensive Plan Amendment is requested to reflect the zoning and separation of the standalone apartment building located at 1100 69th Avenue north, and to be known as Lot 2, Block 1 of the 69th Avenue North Addition, from its association with the adjacent church, and future land use designation as an institutional use. Currently, the Subject Property is guided as "Public/Semi-Public/Institutional" in the City's 2040 Comprehensive Plan. The request is to amend its designation to Medium Density-Residential (5.01-15 DU/Acre). This would also be a reflection of the above-mentioned request to re-zone the standalone apartment building back to its original R4 (Multiple Family Residence) District, which was its original zoning designation.

Per City staff review, there are no proposed alterations that would result in new impacts on other regional systems such as transportation, wastewater, or regional parks. It is to City staff's understanding

that this property has been home to a seven-unit apartment building and continued this use since its construction in the mid-1960s.

Pending a recommended approval from the City Council, City staff would need to submit the comprehensive plan amendment request for the property located at 1100 69th Avenue North for review and consideration by the Metropolitan Council. City staff recommends that the property's future land use designation be amended to "Medium Density Residential (5.01-15 DU/Acre)."

**APPROVAL CONDITIONS**

City staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. PC2021-003 for the Preliminary & Final Plat for the 69th Avenue North Addition; PUD Amendment, Re-zoning, Special Use Permit, and the recommendation for approval of a Comprehensive Plan Amendment for certain property generally located at the northwest corner of 69th Avenue North and Dupont Avenue North:

1. Any significant changes or modifications made to these requests can only be made by an amendment and as approved by the City Council.
2. Modification of an entrance to 1100 69th Avenue North to meet minimum ADA requirements and the provision of minimum ADA parking is required prior to any sale.
3. The Applicant shall meet with City Fire Inspector regarding a review of the existing fire alarm systems on the Subject Property and other Lutheran Church of the Master Properties.
4. The Applicant shall enter into a new Development Agreement with the City that reflects these and any future approvals. The Development Agreement must be recorded with the plat at Hennepin County.
5. An amended and restated PUD agreement shall be entered into with the City and recorded with the plat at Hennepin County.
6. A cross access agreement shall be entered into for the drive access off Dupont Avenue North, which provides the only access to 1100 69th Avenue North (Lot 2, Block 1, 69th Avenue North Addition) and secondary access to the two buildings located at 1107 Emerson Lane and 6907 Dupont Avenue North.
7. Approval of the preliminary and final plat for 69th Ave North Addition are contingent upon the addressing of comments by Assistant City Engineer Hogg in his memorandum dated August 6, 2021, and the vacation of easement through separate City approval. Furthermore:
    a. The Applicant shall work with City staff to adjust the northerly lot line of proposed Lot 2 (1100 69th Avenue North).
    b. Final plat and mylar shall be subject to the provisions of Chapter 15 of the City Code of Ordinances (*Platting).*
    c. Any comments and/or requirements as provided by Hennepin County.
    d. Any comments and/or requirements from the City Attorney's office, and specifically regarding updated title evidence.
    e. The successful record of said plat (mylar) with Hennepin County.

**RECCOMENDATION**

***Based on the above-noted findings and conditions, City staff recommends:***

***The Planning Commission <u>recommends City Council approval</u> of the requested Preliminary & Final Plat for the 69th Avenue North Addition; PUD Amendment, Re-zoning, and issuance of a Special Use Permit for the aforementioned uses as outlined in the Approval Conditions. It is also recommended that the***

***requested Comprehensive Plan Amendment be recommended for City Council approval for the property located at 1100 69th Avenue North, subject to the Applicant complying with the Approval Conditions as outlined in the September 9, 2021 Planning Commission Report and related resolution, and subject to final approval by the Metropolitan Council for the requested Comprehensive Plan Amendment.***

## Attachments

**Exhibit A –** Planning Commission Application No. 2021-003 and documentation, submitted by Evangelical Lutheran Church of the Master, and dated July 13, 2021.

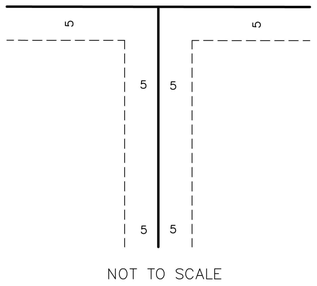
**Exhibit B –** Public Hearing Notice, dated July 29, 2021, as published in the Brooklyn Center *Sun Post*, updated Public Hearing Notice and one page informational flyer to reflect the change of meeting venue; Public Hearing Notice, dated August 26, 2021, as published in the Brooklyn Center *Sun Post.*

**Exhibit C –** Planning Commission Application No. 94009 and City Council Resolution No. 94-244.

**Exhibit D –** Planning Commission Application No. 98013 for Preliminary Plat approval and City Council Resolution No. 98-185 for Final Plat Approval.

**Exhibit E –** Memorandum and Exhibits, prepared by Assistant City Engineer Andrew Hogg, dated August 6, 2021.

**Exhibit F –** Planning Commission Special Use Permit Applications for church uses (Planning Commission Application Nos. 73044, 83038, 94008).

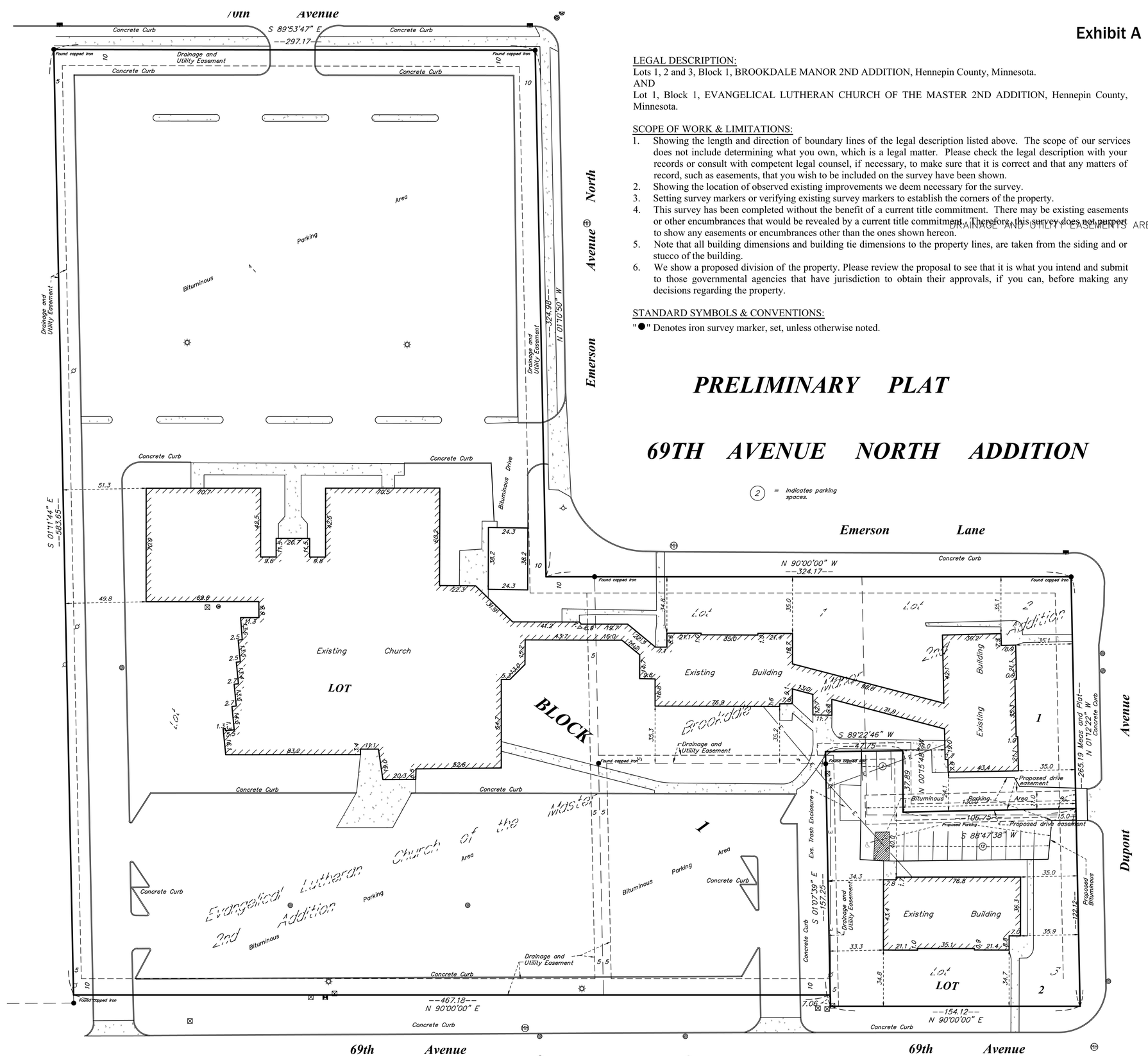



NOT TO SCALE

BEING 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AS SHOWN ON THIS PLAT.

**LEGEND**

- = CATCH BASIN
- = GAS METER
- = FIRE HYDRANT
- = POWER POLE
- = MANHOLE
- = TELEPHONE PED.
- = ELEC. TRANSFORMER
- = WELL
- = GATE VALVE
- = LIGHT POLE
- = TREE
- —X—X— = FENCE LINE
- —S— = SANITARY SEWER LINE
- —W— = WATER LINE
- —G— = GAS LINE
- —ST— = STORM DRAIN LINE
- —E— = OVERHEAD UTILITY LINE
- = CONCRETE SURFACE




(2) = Indicates parking spaces.

## Exhibit A

LEGAL DESCRIPTION:

Lots 1, 2 and 3, Block 1, BROOKDALE MANOR 2ND ADDITION, Hennepin County, Minnesota.
AND
Lot 1, Block 1, EVANGELICAL LUTHERAN CHURCH OF THE MASTER 2ND ADDITION, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
5. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
6. We show a proposed division of the property. Please review the proposal to see that it is what you intend and submit to those governmental agencies that have jurisdiction to obtain their approvals, if you can, before making any decisions regarding the property.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

# *PRELIMINARY PLAT*

# *69TH AVENUE NORTH ADDITION*


Advance
Surveying & Engineering, Co.

17917 Highway 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com


I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Thomas M. Bloom

# 42379
LICENSE NO.

JULY 8, 2021
DATE:

DRAWING ORIENTATION & SCALE

N

SCALE - 1" = 30'
0 30 60

CLIENT NAME / JOB ADDRESS

*LUTHERAN CHURCH OF THE MASTER*
*1107 EMERSON LANE*
*1200 69th AVE*
*BROOKLYN CENTER, MN*

| DATE | REVISION DESCRIPTION |
|---|---|
| | |

DATE SURVEYED: JULY 7, 2021

DATE DRAFTED: JULY 8, 2021

SHEET TITLE
*PRELIMINARY PLAT*

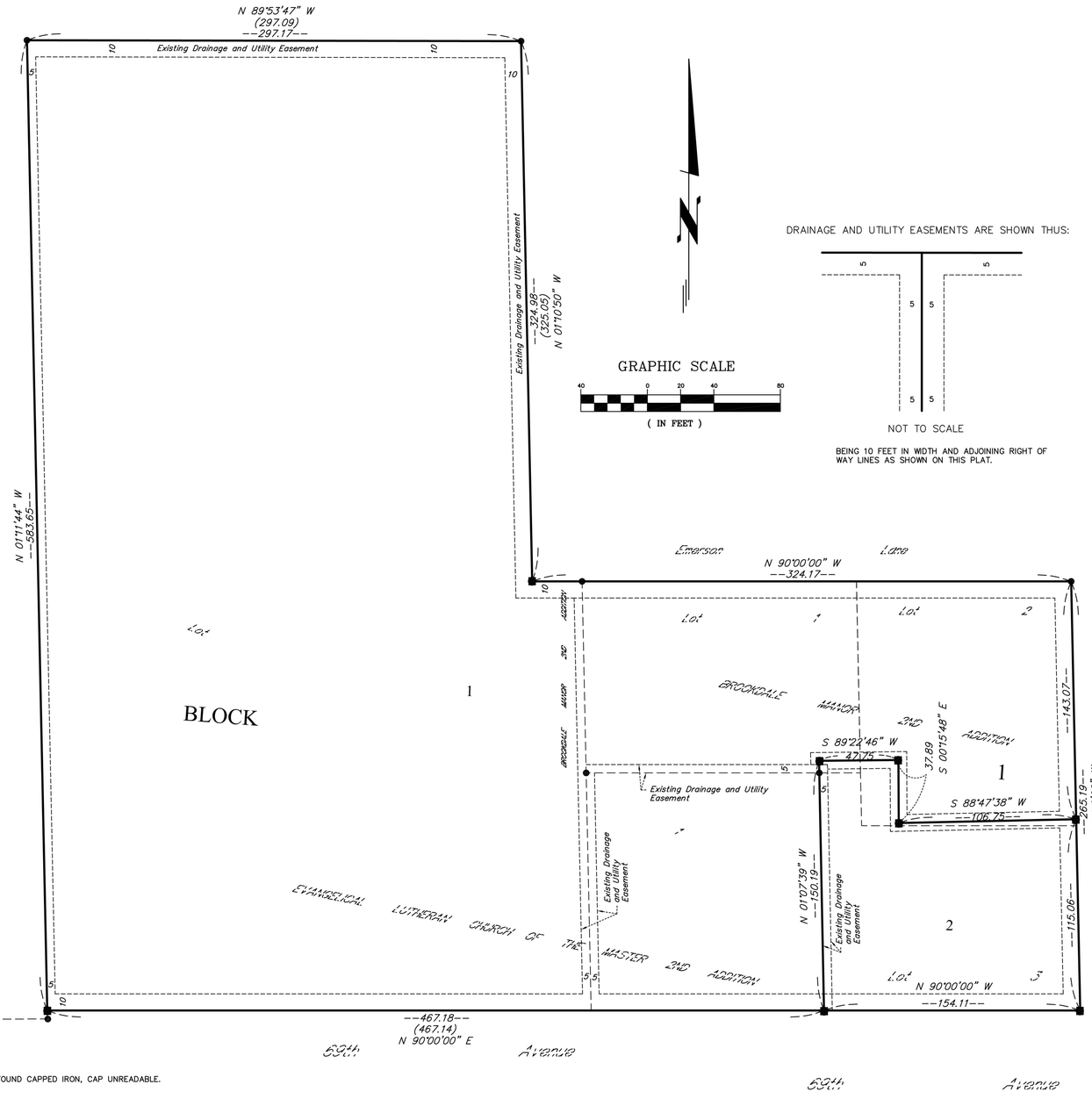
DRAWING NUMBER
*211262 TB*

SHEET SIZE *22 X 34*

SHEET NUMBER
S1
SHEET 1 OF 1

# 69TH AVENUE NORTH ADDITION

C.R DOC. NO. _____




● DENOTES FOUND CAPPED IRON, CAP UNREADABLE.

■ DENOTES 1/2 INCH BY 14 INCH IRON PIPE MONUMENT SET AND MARKED BY MINNESOTA REGISTRATION NUMBER 42379

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH LINE OF LOT 1, BLOCK 1, BROOKDALE MANOR 2ND ADDITION, HAVING AN ASSUMED BEARING OF NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST.

KNOW ALL PERSONS BY THESE PRESENTS: XXXXXXXXXXXXXXXXXXXXXX, fee owner of the following described property:

Lots 1, 2 and 3, Block 1, BROOKDALE MANOR 2ND ADDITION, Hennepin County, Minnesota,

AND

Lot 1, Block 1, EVANGELICAL LUTHERAN CHURCH OF THE MASTER 2ND ADDITION, Hennepin County, Minnesota.

Has caused the same to be surveyed and platted as 69TH AVENUE NORTH ADDITION and does hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said XXXXXXXX, a Minnesota limited liability company has caused these presents to be signed by its proper officer this _____day of _____, 20___.

XXXXXXXXXXXX

_____
XXXXXXXXXXXX

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this ____day of _____, 20___ by XXXXXXXXXXXXXXXXXXXXXXXX

_____
(Signature)

_____
(Print)

Notary Public, _____ County, Minnesota
My Commission Expires _____

I, Thomas M. Bloom, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat: that all monuments depicted on this plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat: that all public ways are shown and labeled on this plat.

Dated this _____day of _____20____.

_____
Thomas M. Bloom, Licensed Land Surveyor
Minnesota License Number 42379

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on_____ by Thomas M. Bloom.

_____
(Signature)

_____
(Print)

Notary Public, _____ County, Minnesota
My Commission Expires _____

CITY COUNCIL, CITY OF BROOKLYN CENTER, MINNESOTA

This plat of 69TH AVENUE NORTH ADDITION was approved and accepted by the City Council of the City of Brooklyn Park, Minnesota, at a regular meeting held this _____ day of _____, 20__, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subdivision 2.

_____ _____ _____ _____
By: Mayor By: City Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 20___ and prior years have been paid for land described on this Plat, dated this _____ day of _____, 20___.

Mark V. Chapin, County Auditor By _____, Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to MN. STAT. Sec. 383B.565 (1969), this plat has been approved this _____ day of _____, 20___.

Chris F. Mavis, County Surveyor By_____

COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of 69TH AVENUE NORTH ADDITION was recorded in this office this _____ day of

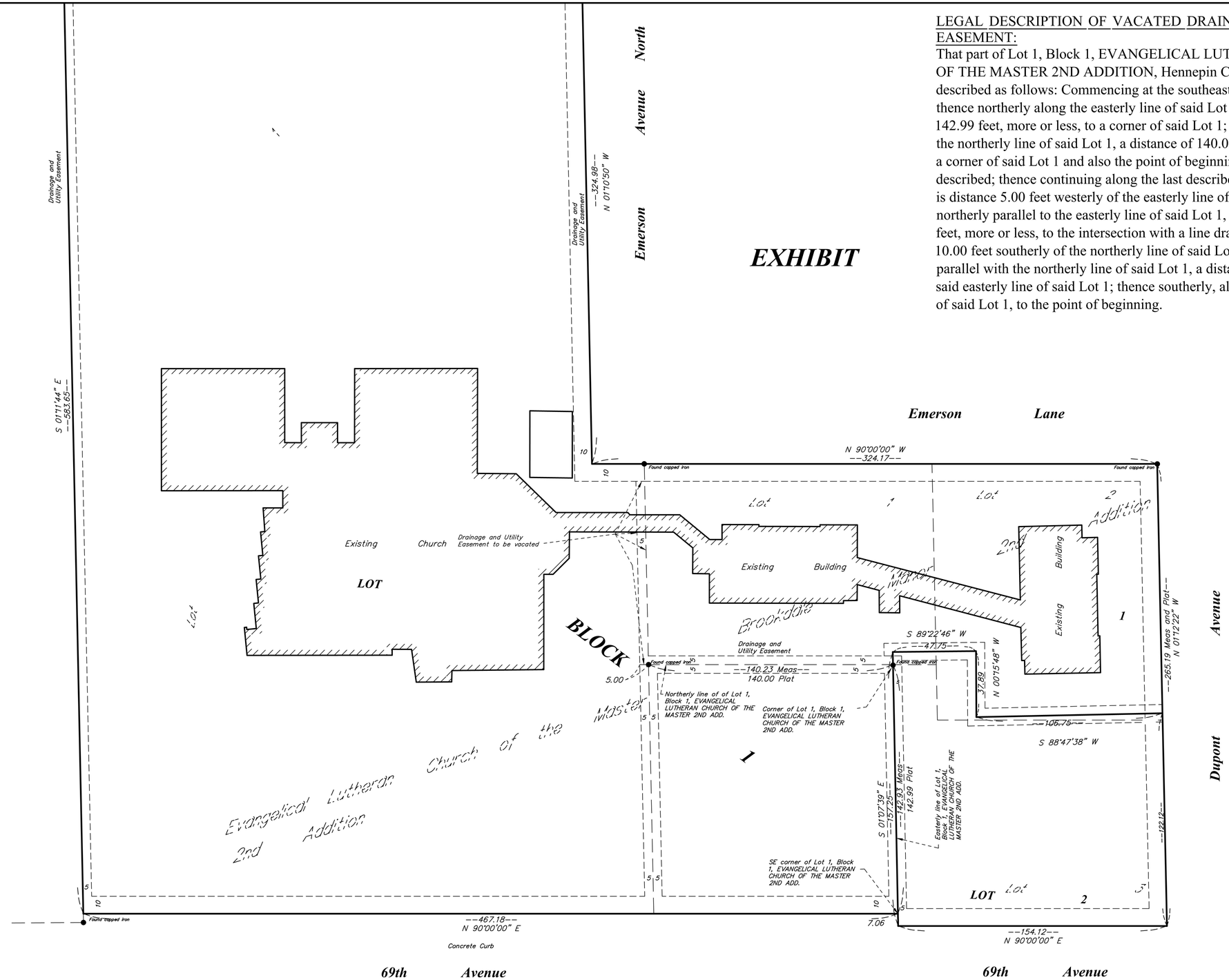
_____ _____, 20_____, at _____o'clock ___.m.

Martin McCormick, County Recorder by _____ Deputy

ADVANCE SURVEYING & ENGINEERING CO.

LEGAL DESCRIPTION OF VACATED DRAINAGE AND UTILITY EASEMENT:

That part of Lot 1, Block 1, EVANGELICAL LUTHERAN CHURCH OF THE MASTER 2ND ADDITION, Hennepin County, Minnesota, described as follows: Commencing at the southeast corner of said Lot 1; thence northerly along the easterly line of said Lot 1, a distance of 142.99 feet, more or less, to a corner of said Lot 1; thence westerly along the northerly line of said Lot 1, a distance of 140.00 feet, more or less, to a corner of said Lot 1 and also the point of beginning of the parcel to be described; thence continuing along the last described line to a point that is distance 5.00 feet westerly of the easterly line of said Lot 1; thence northerly parallel to the easterly line of said Lot 1, a distance of 105.20 feet, more or less, to the intersection with a line drawn parallel with and 10.00 feet southerly of the northerly line of said Lot 1; thence easterly parallel with the northerly line of said Lot 1, a distance of 5.00 feet to said easterly line of said Lot 1; thence southerly, along said easterly line of said Lot 1, to the point of beginning.




| DATE | REVISION DESCRIPTION |
|---|---|
| | |

DRAWING ORIENTATION & SCALE

SCALE - 1" = 20'

0 20 40

CLIENT NAME / JOB ADDRESS

LUTHERAN CHURCH OF THE MASTER

1107 EMERSON LANE
BROOKLYN CENTER, MN

Advance
Surveying & Engineering, Co.

17917 Highway 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Thomas M. Bloom
# 42379
LICENSE NO.
AUGUST 3, 2021
DATE

SHEET TITLE
EASEMENT VACATION EXHIBIT

DRAWING NUMBER
211262 TB EASEMENT VACATION

SHEET SIZE 22 X 34

SHEET NO.
S1

SHEET 1 OF 1

**Exhibit B**

# CITY OF BROOKLYN CENTER NOTICE OF PUBLIC HEARING

**TO WHOM IT MAY CONCERN:**

Notice is hereby given that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, September 9, 2021, at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: https://www.ci.brooklyn-center.mn.us/. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

**TYPE OF REQUEST:** Preliminary & Final Plat for the 69th Avenue North Addition, PUD Amendment, Re-zoning, Special Use Permit, and Comprehensive Plan Amendment for certain property generally located at the northwest corner of 69th Avenue North and Dupont Avenue North in Brooklyn Center, Minnesota.

**APPLICANT/PROPERTY OWNER:** Evangelical Lutheran Church of the Master

**PROPERTY ADDRESS:** 1107 Emerson Lane, 6907 Dupont Avenue North, 1100 and 1200 69th Avenue North, Brooklyn Center, MN 55430

**PROPERTY IDS:** 25-119-21-33 0085, 25 119 21 33 0086

**BRIEF STATEMENT OF CONTENTS OF PETITION:** The Applicant is requesting review of a proposal to re-plat approximately 6.7 acres of property located at the northwest corner of 69th Avenue North and Dupont Avenue North, which would allow for the sale of an existing seven-unit apartment building on approximately 0.47 acres. The remaining acreage would be combined into a single parcel. The request would require an amendment to the PUD, issuance of a Special Use Permit for the continued religious and ancillary uses, and a re-zoning to address outstanding conditions that were not fulfilled as part of the original PUD re-zoning in 1994. A Comprehensive Plan Amendment is requested to reflect the updated zoning and separation of the apartment building from its association with the adjacent church and future land use designation as an institutional use.

Due to the emergency declared by the Mayor of Brooklyn Center regarding the COVID-19 health pandemic, some or all members of the Planning Commission may participate in this public hearing by telephone or video conference, in accordance with Minnesota Statutes, Section 13D.021. It is not feasible for members of the public to attend the meeting at its regular location due to the health pandemic and emergency. Accordingly, no in-person meeting will be held within the Council Chambers at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway. Public comment can be submitted to gmcintosh@ci.brooklyn-center.mn.us or by phone at (763) 569-3319 up until 4:30 p.m. on September 9, 2021. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may participate in the Planning Commission meeting via Webex at: logis.webex.com

Meeting Number (Access Code): 177 420 1439
Password: BCPC09092021
By Phone: 1 (312) 535-8110
(Enter Access Code)

Respectfully,
Ginny McIntosh
City Planner/Zoning Administrator

Published in the
Sun Post
August 26, 2021
1162337

# CITY OF BROOKLYN CENTER
# NOTICE OF PUBLIC HEARING

**TO WHOM IT MAY CONCERN:**

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on **Thursday, August 12, 2021**, at approximately 7:00 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: https://www.ci.brooklyn-center.mn.us/. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

**TYPE OF REQUEST:** Preliminary & Final Plat for the 69th Avenue North Addition, PUD Amendment, Re-zoning, Special Use Permit, and Comprehensive Plan Amendment for certain property generally located at the northwest corner of 69th Avenue North and Dupont Avenue North in Brooklyn Center, Minnesota.

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Evangelical Lutheran Church of the Master

**PROPERTY ADDRESS:**

1107 Emerson Lane, 6907 Dupont Avenue North, 1100 and 1200 69th Avenue North, Brooklyn Center, MN 55430

**PROPERTY IDS:**

25-119-21-33-0085, 25-119-21-33-0086

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Questions, comments, statements of support or objections should be directed to City Planner/Zoning Administrator Ginny McIntosh at (763) 569-3319 or email to gmcintosh@ci.brooklyn-center.mn.us.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at (763) 569-3300 to make arrangements.

Respectfully,
Ginny McIntosh
City Planner/Zoning Administrator

Published in the
Sun Post
July 29, 2021
1155710

**CHANGE OF MEETING LOCATION FOR PUBLIC HEARING**

**TO WHOM IT MAY CONCERN:**

You were recently mailed a Notice of Public Hearing regarding requests for consideration from Applicant Evangelical Lutheran Church of the Master (refer to other side for original notice) as you are within the area of notification.

**Please be advised that per City Council action on Monday, August 9, 2021 (City Council Resolution No. 2021-95, Extending a Mayoral Declaration of a Local Emergency), the scheduled Planning Commission meeting and public hearing for this Thursday, August 12, 2021 will now take place virtually via WebEx.**

We strongly encourage you to forward any comments or questions by email at: gmcintosh@ci.brooklyn-center.mn.us or by phone at (763) 569-3319. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may participate in the Planning Commission meeting via WebEx:

To Access the Meeting: logis.webex.com
Meeting Number (Access Code): 177 458 7533
Password: BCPC08122021
By Phone: 1 (312) 535-8110 (Enter Access Code)

**Meeting Time: 7 p.m.**

Auxiliary aids for persons with disabilities are available upon request. Please contact the City Clerk at (763) 569-3300 to make arrangements.

You may also access both the WebEx meeting and Planning Commission meeting packet via this link: https://www.ci.brooklyn-center.mn.us/Home/Components/Calendar/Event/130/16

Respectfully,
Ginny McIntosh
City Planner/Zoning Administrator

**NOTICE OF PUBLIC HEARING**

**TO WHOM IT MAY CONCERN:**

***A notice was previously mailed to you regarding a Public Hearing for this property in June. The applicant withdrew the application to allow additional time necessary to address outstanding items and has since re-submitted the application for review.***

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on **Thursday, August 12, 2021,** at approximately 7:00 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: https://www.ci.brooklyn-center.mn.us/. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

**TYPE OF REQUEST:** Preliminary & Final Plat for the 69th Avenue North Addition, PUD Amendment, Re-zoning, Special Use Permit, and Comprehensive Plan Amendment for certain property generally located at the northwest corner of 69th Avenue North and Dupont Avenue North in Brooklyn Center, Minnesota.

**APPLICANT/PROPERTY OWNER:** Evangelical Lutheran Church of the Master

**PROPERTY ADDRESS:** 1107 Emerson Lane, 6907 Dupont Avenue North, 1100 and 1200 69th Avenue North, Brooklyn Center, MN 55430

**PROPERTY IDS:** 25-119-21-33-0085, 25-119-21-33-0086

**BRIEF STATEMENT OF CONTENTS OF PETITION:** The Applicant is requesting review of a proposal to re-plat approximately 6.7 acres of property located at the northwest corner of 69th Avenue North and Dupont Avenue North, which would allow for the sale of an existing seven-unit apartment building on approximately 0.47 acres. The remaining acreage would be combined into a single parcel. The request would require an amendment to the PUD, issuance of a Special Use Permit for the continued religious and ancillary uses, and a re-zoning to address outstanding conditions that were not fulfilled as part of the original PUD re-zoning in 1994. A Comprehensive Plan Amendment is requested to reflect the updated zoning and separation of the apartment building from its association with the adjacent church and future land use designation as an institutional use.

Questions, comments, statements of support or objections should be directed to City Planner/Zoning Administrator Ginny McIntosh at (763) 569-3319 or email to gmcintosh@ci.brooklyn-center.mn.us.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at (763) 569-3300 to make arrangements.

Respectfully,
Ginny McIntosh
City Planner/Zoning Administrator

Exhibit C

CITY OF BROOKLYN CENTER
PLANNING COMMISSION APPLICATION

Application No. 94009

Please Print Clearly or Type

Street Location of Property 1100 69th Ave N.; 1107 Emerson Ln.; 6907 Dupont Ave N.

Legal Description of Property Lots 1, 2, & 3, Block 1, Brookdale Manor 2nd Addition Brooklyn Center, MN

Owner Evangelical Lutheran Church of the Master

Address 1200 69th Avenue North Brooklyn Ctr., MN 55430 Phone No. 561-5852

Applicant Same

Address _____ Phone No. _____

Type of Request: _____ Rezoning _____ Subdivision Approval

_____ Variance _____ Site & Bldg. Plan Approval

_____ Special Use Permit X Other: PUD

Description of Request: Change in zoning from R-4 to R-1 and reuse as church facilities.

PUD filed with the city of Brooklyn Center

The applicant requests processing of this application and agrees to pay to the City of Brooklyn Center, within fifteen (15) days after mailing or delivery of the billing statement, the actual costs incurred by the City for Engineering, Planning and Legal expenses reasonably and necessarily required by the City for the processing of the application. Such costs shall be in addition to the application fee described herein. Withdrawal of the application shall not relieve the applicant of the obligation to pay costs incurred prior to withdrawal.

Rev. Robert S. Cattrysse For Lutheran Ch of the Master
Applicant's Signature

Fee $ 1,200.00

Receipt No. 24598

Date: August 16, 1994

PLANNING COMMISSION RECOMMENDATION

Dates of P.C. Consideration: 9-15-94 Tabled 10-27-94

_____ _____

Approved X Denied ___ this 27 day of October 19 94, subject to the following conditions: _____

Tim Willson
Chairman

---

CITY COUNCIL ACTION

Dates of Council Consideration: 11-14-94 _____

_____ _____

Approved X Denied ___ this 14TH day of NOVEMBER 1994, with the following amendment: SEE CITY COUNCIL RESOLUTION OF APPROVAL

DETERMINATION OF "MINOR AMENDMENT" MADE BY COUNCIL ON 6/26/95
SEE MINUTES.

Ronald G. Warren R.G.W.
Clerk

PI Form No. 18 (over please)

Planning Commission Information Sheet

Application No. 94009
Applicant: Evangelical Lutheran Church of the Master
Location: Northwest quadrant of Dupont and 69th Avenues North
Request: Rezoning for Planned Unit Development - PUD/R-1

The applicant is requesting rezoning and plan approval, through the Planned Unit Development process, to incorporate three apartment buildings located immediately east of the Lutheran Church of the Master into a full church use over a phased, or staged, period of time. The rezoning proposal is for a PUD/R-1 designation to include the church property, addressed 1200 69th Avenue North, and the three apartment buildings east of the church currently addressed as 1107 Emerson Lane, 1100 69th Avenue North and 6907 Dupont Avenue North.

The properties in question are currently zoned R-1 (single family residence) and R-4 (multiple family residence) and are located at the northwest quadrant of Dupont and 69th Avenues North. They are bounded on the north and east by 70th Avenue, Emerson Avenue, Emerson Lane and Dupont Avenue with single family homes and one of the city's water towers on the opposite sides of these streets; on the south by 69th Avenue with single family homes and the city's public utility building on the opposite side of 69th Avenue; and on the west by the Northbrook Terrace apartment complex.

The PUD/R-1 zoning designation would allow the incorporation and use of these apartment buildings by the church over time in a manner consistent with the city's zoning ordinance. Church uses are special uses in the R-1 zone, but are <u>not</u> an acknowledged use, either permitted or special in the R-4 zoning district. The church has acquired the three seven unit apartment buildings under a contract for deed from Norman Chazin. Their purchase contract prohibits the church from making structural changes to the buildings until the contact is paid in full. It is our understanding that the contract provisions do not prohibit all modifications, but they must not be such that they would make it impossible to re-establish a multiple residential use of the buildings.

Pastor Robert Cottingham of the Evangelical Lutheran Church of the Master has given us two written submittals (copies attached) along with their Planned Unit Development rezoning application. One is an August 15, 1994 letter explaining the staged or phased plan for the use of the buildings by the Lutheran Church of the Master and the other is an August 31, 1994 memo addressing the city's rezoning evaluation policy.

The first phase (1994-1995), which the church would like to undertake as quickly as possible, would involve the use of the apartment building closest to the church as a teaching facility for the children and youth of the church. This is the building located at 1107 Emerson Lane. The letter points out how they would use the building for Sunday School between 9:30 a.m. and 11:00 a.m. on Sundays for teaching approximately 175 to 200 second through twelveth graders. They propose using the living rooms and bedrooms in the units as classrooms for classes of

approximately ten students. They would also use this building for their Confirmation classes for grades seven through nine on Wednesday evenings. They propose no major structural changes, but would convert one restroom on each floor at this time to accommodate handicap persons. They are also looking at a way to make each floor accessible either via ramp or a lift.

The proposed new use is a change of occupancy, which would require bringing this building into compliance with various handicap and accessibility requirements. The Building Official is reviewing this currently and it may be, given the staged proposal for a full incorporation of all the buildings into eventual compliance, that he might be able to allow such use, given some reasonable temporary accommodations. Again, we are pursuing this, but it appears that a PUD development calling for such accommodation on a scheduled or phased basis may make this possible. In the meantime, the church would propose to provide volunteer assistance for any and all teachers and any students with physical handicaps that would require assistance. It should be noted that this building is no longer being used for residential purposes with former tenants either moving away or being relocated to one of the other two apartment buildings.

The second phase (1996), would involve the use of the building addressed as 6907 Dupont (southwest corner of Emerson Lane and Dupont Avenue North). A part of this building would be remodeled to permit large group meetings for approximately 100 people, such as adult and children chorus, drama groups, youth gatherings and a senior citizens day teaching/fellowship area. Also, plans for the second building include remodeling for small group meetings and their space needs as well as a small prayer chapel.

The third phase (1997-1998), would incorporate the last building, addressed 1100 69th Avenue North as the church's global missions center. This would involve retaining two complete apartment units strictly for use of missionary families who are on home leave for a short period of time. The Lutheran Church of the Master supports seven missionary families currently. This building would also house a short term evangelical mission home office staff. And finally, the building would provide for more office space for teaching and counseling of persons interested in doing mission work.

The plans at this time do not include the physical plans to remodel and reuse the buildings. We have informed representatives of the church that a site plan, landscaping, grading, drainage, and utility plans incorporating the buildings into a church campus would have to be developed and approved once the PUD/R-1 rezoning has been accepted. The church is proceeding with such plans and discussion as to how these physical plans would be accomplished. It should be noted that eventually, the three parcels on which the apartments currently sit would have to be replatted into a common lot through platting or registered land survey. Also, a water shed plan for possible ponding to control rate and quality of water run off would have to be approved by the Shingle Creek Water Shed Management Commission. By adding these buildings to the church site, it exceeds the five acre threshold for Water Shed Commission review and approval.

As part of the approval of a PUD, a development agreement between the church and the city would have to be put together outlining the phasing of this proposal including when platting, water shed approval, along with the physical plans would have to be accomplished. The PUD/R-1 designation would also acknowledge the continued use of the apartment building and its re-establishment should, for some reason, the church not proceed to incorporate all these buildings for their use. Again, the church wishes first phase approval as soon as possible so they can begin the Sunday school and Confirmation class uses of the first building.

## REZONING

A Planned Unit Development proposal involves a rezoning of land to the PUD designation followed by an alpha numeric designation of the underlying zoning district. This underlying zoning district then provides the regulations governing uses and structures within the PUD. In this specific case, the applicant is seeking R-1(single family residence) as the underlying zoning designation because churches, and church uses, are special uses in the R-1 zoning district, while they are not acknowledged uses, either permitted or special, in the R-4 zoning district. The rules and regulations governing the R-1 zoning district would, therefore, apply to the development proposal. Under the Planned Unit Development procedure, regulations governing uses and structures may be modified by conditions imposed by the City Council to the extent necessary to comply with the development plan submittal. One of the purposes of the PUD district is to give the city flexibility in land development and redevelopment. This PUD designation would allow the City Council to approve the continued use of the apartment buildings under the R-4 designation while the church phases in the use of the buildings for its purposes. This process would also protect the Chazins' rights to re-establish the multiple residence use if the contract for deed is not satisfied and the ownership would revert back to them.

Attached for the Commission's review is a copy of Section 35-355 of the zoning ordinance which addresses Planned Unit Developments. As mentioned, the PUD process involves a rezoning of land and, therefore, is subject to the rezoning procedures outlined in Section 35-210 of the zoning ordinance as well as the rezoning evaluation policy and review guidelines are attached for the commissions review.

Pastor Cottingham has submitted an August 31, 1994 memo in which he outlines how he believes the proposed church use of the three apartment buildings meets the rezoning evaluation policy and review guidelines contained in Section 35-208. A review of those guidelines, the applicant's arguments and the staff response follows:

**a. Is there a clear and public need or benefit?**

Applicant - Pastor Cottingham notes that in studying the number of low cost apartments, talking

with the apartment owners group and close to 100 of their neighbors, that it seems clear that the entire city, its residents and business groups will benefit through the eventual closing of all three apartment buildings and the reprogramming of their use. He notes that the public need seems to call for fewer apartments at this point and the general consensus is that the area has been over built with apartments in the 1960's and 1970's.

Staff - We do not argue with these observations, and in fact, the city has acquired apartment complexes and demolished them, thinning out the number of units. It should be noted, however, that there still is a need in the area for multiple residential units. One of the problems faced by apartment owners in our immediate area is that these units do not offer all of the amenities that many other apartments that have more recently been constructed and have a difficult time competing. We do not find the thinning out of these units to be a negative and the church's use of the buildings for their purpose could be considered a public need or benefit.

**b. Is the proposed zoning consistent and compatible with surrounding land use classifications?**

Applicant - Pastor Cottingham states that the church's proposal is indeed consistent with surrounding land use classifications. He notes that there is a good mix of several zoning classifications including R-4 and R-1 in the area. He believes rezoning the three apartments will not cause any public or private differences.

Staff - The area in and around the Lutheran Church of the Master is, for the most part, zoned residential, either single family or multiple family. The PUD/R-1 designation and the church use of these buildings should be consistent with and compatible with the surrounding land use classifications. Churches are acknowledged special uses in an R-1 zoning district. This rezoning will allow the eventual phase out of the three apartment buildings to an R-1 special use designation.

**c. Can all permitted uses in the proposed zoning district be contemplated for development of the subject property?**

Applicant - Pastor Cottingham notes that all permitted uses in the area for schools, churches, small offices, etc. are permitted in the proposed change requested by the church.

Staff - It appears that all permitted uses and proposals can be comprehended for development in this specific PUD proposal. We will need to review the actual development plans for the incorporation of these buildings into a church campus once these plans have been developed and submitted. However, the church has committed to eventually providing the necessary site plan, landscape plan, drainage, water shed, and replatting necessary to comply with city regulations.

**d. Have there been substantial physical or zoning classification changes in the area**

**since the subject property was zoned?**

Applicant - Pastor Cottingham points out to the best of their collective memory there have not been any substantial physical or zoning classification changes in the immediate area. He does point out the changes to Highway 252 and its expansion, the 694 changes and some changes to the Humboldt Square Shopping Center. He notes that none of these will have an impact on the church's proposal.

Staff - The only major zoning classification change in this immediate area was the rezoning from C-2 (Commerce) to R-3 (townhouse/garden apartment) of the property immediately to the south of 69th adjacent to the Humboldt Square Shopping Center. This has no major effect on the church's proposal and it is possible to have a development consistent with this as well as other residential property in the area.

**e. In the case of city initiated rezoning proposals, is there a broad public purpose evident?**

Applicant - They note this is not the city initiated proposal.

Staff - Not applicable.

**f. Will the subject property bear fully the ordinance development restrictions for the proposed zoning district?**

Applicant - Pastor Cottingham notes that the proposed zoning change of the three apartments will bear the ordinance development restrictions for this district. He adds that they reuse of the apartments will fit all R-1 applications as they will be used for Sunday school, Confirmation classes and general church meetings.

Staff - The subject property should bear fully the ordinance development restrictions for this proposed PUD/R-1 proposal based on findings that will eventually have to be made by the City Council and a development agreement between the city and the church, which will address any and all issues raised and acknowledge an approved site plan as part of the development agreement. As we have indicated, the physical plan has not yet been submitted, but is being put together and will require further review by the Planning Commission and approval by the City Council. We anticipate the ability to meet any and all zoning requirements and modifications to the three apartment buildings will eventually have to meet all building, accessibility, and fire code requirements. The unique aspects of the PUD zoning allow the church to make use of these buildings in the variety of ways they have indicated, including the residential use for visiting missionary families in the retained multiple dwelling in one of the buildings. The PUD designation also protects the underlying rights of the contract for deed holder to re-establish the multiple residential use of these buildings should the church's proposed use not go forward. We

should note, however, that the ability to re-establish the multiple residential use will only exist until the church has full control of the property. Once the church campus has been developed, the right to use those buildings for multiple residential purposes other than outlined in the development agreement for the church use will not be permitted.

**g. Is the subject property generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography or location?**

Applicant - Paster Cottingham notes that the property in the zoning request is not unsuited for the planned uses. He states the size, configuration and location adds in a complimentary way to the church property it will become a part of.

Staff - The property is generally suited for the multiple residential use made of it, however, this does not preclude the fact the church use of these buildings may be a better longer range use of the existing buildings. As indicated previously it has been City policy to thin out the number of multiple residential dwellings in the City.

**h. Will the rezoning result in an expansion of a zoning district warranted by: 1) Comprehensive Planning; 2) The lack of developable land in the proposed zoning district; or 3) The best interests of the community?**

Applicant - Pastor Cottingham notes that they do not believe the proposed zoning change will bring about any significant changes to the immediate community. They also believe that as they make use of the rezoned facilities to reach, teach and strengthen families in the City, it will become a center for decency and morality.

Staff - The City's Comprehensive Plan does not make any recommendations with respect to this particular property. A review of the land use designations map in the Comprehensive Plan will verify this. With respect to developable land in the proposed zoning district, it should be noted that there is very little developable land anywhere in the City. The only options for the church to expand, such as is being proposed, is to do so on developed land by incorporating and/or reusing already existing buildings. The church's proposal certainly does not appear to be in conflict with the best interests of the community.

**i. Does the proposal demonstrate merit beyond the interest of an owner or owners of an individual parcel?**

Applicant - Pastor Cottingham does believe that their proposal demonstrates merit beyond the church's religious uses of these buildings. He notes that the church use of these buildings for education of the faith and of the training of youth in our area has potential to make for a more peaceful and moral environment.

Staff - The use of the apartment buildings for church purposes and the accompanying upgrading of the site can have some positive impacts in the surrounding areas. Landscaping and physical changes to the area should be a positive factor.

**PROCEDURE**

This PUD/R-1 proposal, as previously mentioned, is a rezoning with a specific development proposal. As such, it must go through the normal rezoning process. This means that following the Planning Commission's public hearing the rezoning proposal and development proposal should be referred to the appropriate Neighborhood Advisory Group for review and comment. In this case it should be referred to the Northeast Neighborhood Advisory Group. We will attempt to schedule a meeting of that Neighborhood Advisory Group within the next 30 days for that purpose. Persons receiving notices of the Planning Commission's public hearing (property owners within 350 feet of the subject property) and anyone else who desires to be notified would be informed of the date, time, etc. of the meeting.

The Planning Commission should discuss the proposal, open the public hearing on this matter and then table the application and refer it to the Northeast Neighborhood Advisory Group for additional review and comment. The Commission may wish to comment on the proposal and give any direction to the Neighborhood Advisory Group that they believe is appropriate for their review.

Member Kristen Mann introduced the following resolution and moved its adoption:

RESOLUTION NO. 94-244

RESOLUTION REGARDING DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 94009 SUBMITTED BY THE EVANGELICAL LUTHERAN CHURCH OF THE MASTER

WHEREAS, Planning Commission Application No. 94009 submitted by the Evangelical Lutheran Church of the Master proposes rezoning from R1 (Single Family Residence) and R4 (Multiple Family Residence) to PUD/R1 of the properties addressed as 1200 69th Avenue North, 1107 Emerson Lane, 1100 69th Avenue North and 6907 Dupont Avenue North all located at the northwest quadrant of Dupont and 69th Avenues North; and

WHEREAS, this proposal comprehends the combining of these parcels and the eventual utilization of three apartment buildings by the Lutheran Church of the Master for church purposes over a phased, or staged, period of time; and

WHEREAS, the Planning Commission held a duly called public hearing on September 15, 1994, when a staff report and public testimony regarding the rezoning and plan where received; and

WHEREAS, the Northeast Neighborhood Advisory Group met to consider this matter on October 13, 1994, at the City Hall and unanimously recommended approval of this Planned Unit Development proposal; and

WHEREAS, the Planning Commission resumed consideration of this matter on October 27, 1994, received a staff report and took further testimony during a continued public hearing; and

WHEREAS, the Planning Commission recommended approval of Application No. 94009 by adopting Planning Commission Resolution No. 94-1 on October 27, 1994; and

WHEREAS, the City Council considered Application No. 94009 at it November 14, 1994 meeting; and

WHEREAS, the City Council has considered this rezoning and plan request in light of all testimony received, the guidelines for evaluation rezonings contained in Section 35-208 of the City's Zoning Ordinance and in light of the provisions of the Planned Unit Development Ordinance contained in Section 35-355, and in light of the City's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that Application No. 94009 submitted by the Evangelical Lutheran Church of the Master be approved in light of the following considerations:

1. The rezoning and plan are compatible with the standards, purposes and intent of the Planned Unit Development section of the City's Zoning Ordinance.

2. The rezoning and development plan will allow for the utilization of buildings by the church in a manner which can be considered compatible with surrounding land uses.

3. The utilization of the property in question, with the submission of future plans, will conform with city ordinance standards. The phased, or staged, incorporation of the buildings for church purposes is considered a reasonable use of property.

4. The rezoning and plan are considered compatible with recommendations in the City's Comprehensive Plan for the northeast neighborhood area.

5. The eventual incorporation of the buildings and their utilization by the church appears to be a good long range use of the existing buildings and can be considered to be in the best interests of the community.

BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Center that approval of Application No. 94009 be subject to the following conditions and considerations:

1. The immediate use of the building at 1107 Emerson Lane North for Sunday School and Confirmation classes may proceed subject to the approval of the building official regarding the occupancy and use of the building.

2. The continued use of the buildings addressed as 1100 69th Avenue North and 6907 Dupont Avenue North as rental dwellings is allowed until the second phase of the project begins, subject to the licensing provisions in the City's Building Maintenance and Occupancy Ordinance.

3. A multiple family residential use of the three apartment buildings may be re-established if, for some reason, the church's proposal does not go forward and the phased utilization of these buildings is not undertaken.

City Council Resolution No. 94-244

4. The Lutheran Church of the Master shall submit the necessary site plan including landscaping, grading, drainage, utility and floor plans along with a preliminary plat and watershed plan in a timely manner prior to proceeding with the phase II and phase III utilization of the property.

5. The church shall enter into a development agreement with the City, to be reviewed and approved by the City Attorney prior to phase I utilization of the buildings. Said agreement shall outline the phasing of this plan including when platting, watershed review, and the physical plans shall be accomplished.

November 14, 1994
Date

Mayor

ATTEST:
Deputy City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by Celia Scott and upon vote being taken thereon, the following voted in favor thereof:
Todd Paulson, Celia Scott, Dave Rosene, and Kristen Mann;
and the following voted against the same: none,
whereupon said resolution was declared duly passed and adopted.

Rec 5-21-98

Exhibit D

**City of Brooklyn Center**
**Planning Commission Application**

Application No. 98013

Please Print Clearly or Type

Street Location of Property 1200-69th Avenue North, Brooklyn Center

Legal Description of Property Lot 1, Block 1, Evangelical Luthern Church of The Master 2nd Addition; Lotl, 2 and 3, Block 1, Brookdale Manor 2nd Addition

Owner Evangelical Luthern Church of The Master Phone No. 561-5852

Address 1200-69th Avenue North, Brooklyn Center

Applicant Evangelical Luthern Churh of The Master Phone No. 561-5852

Address 1200-69th Avenue North, Brooklyn Center

Type of Request:

- ☐ Rezoning
- ☐ Variance
- ☐ Special Use Permit
- ☒ Subdivision Approval
- ☐ Site & Building Plan Approval
- ☐ Other: _____

Description of Request: Preliminary plat approval to combine the existing Luthern Church of The Master parcels into a single parcel persuant to city zoning ordinance.

The applicant requests processing of this application and agrees to pay to the City of Brooklyn Center, within fifteen (15) days after mailing or delivery of the billing statement, the actual costs incurred by the City for Engineering, Planning and Legal expenses reasonably and necessarily required by the City for the processing of the application. Such costs shall be in addition to the application fee described herein. Withdrawal of the application shall not relieve the applicant of the obligation to pay costs incurred prior to withdrawal.

Rita J. Trombley
Applicant's Signature

Fee $ 200 00

Receipt No. CR049579

Date : 5-21-98

**PLANNING COMMISSION RECOMMENDATION**

Dates of P. C. Consideration: 6-11-98

Approved ✓ Denied ____ this 11 day of June 19 98, subject to the following conditions:

Tim Williams
Chairman

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**CITY COUNCIL ACTION**

Dates of Council Consideration: 6-22-98

Approved ✓ Denied ____ this 22nd day of JUNE 1998, with the following amendment:

See conditions of approval

Ronald A. Warner
Clerk

Rec 5-21-98

**City of Brooklyn Center**
**Planning Commission Application**

Application No. 98013

Please Print Clearly or Type

Street Location of Property 1200-69th Avenue North, Brooklyn Center

Legal Description of Property Lot 1, Block 1, Evangelical Luthern Church of The Master 2nd Addition; Lot1, 2 and 3, Block 1, Brookdale Manor 2nd Addition

Owner Evangelical Luthern Church of The Master Phone No. 561-5852

Address 1200-69th Avenue North, Brooklyn Center

Applicant Evangelical Luthern Churh of The Master Phone No. 561-5852

Address 1200-69th Avenue North, Brooklyn Center

Type of Request:
- ☐ Rezoning
- ☐ Variance
- ☐ Special Use Permit
- ☒ Subdivision Approval
- ☐ Site & Building Plan Approval
- ☐ Other: _____

Description of Request: Preliminary plat approval to combine the existing Luthern Church of The Master parcels into a single parcel persuant to city zoning ordinance.

The applicant requests processing of this application and agrees to pay to the City of Brooklyn Center, within fifteen (15) days after mailing or delivery of the billing statement, the actual costs incurred by the City for Engineering, Planning and Legal expenses reasonably and necessarily required by the City for the processing of the application. Such costs shall be in addition to the application fee described herein. Withdrawal of the application shall not relieve the applicant of the obligation to pay costs incurred prior to withdrawal.

Rita J. Trombley
Applicant's Signature

Fee $ 200 00

Receipt No. CR049579 Date : 5-21-98

**PLANNING COMMISSION RECOMMENDATION**

Dates of P. C. Consideration: 6-11-98

Approved ✓ Denied ____ this 11 day of June 19 98, subject to the following conditions:

Tim Williams
Chairman

---

**CITY COUNCIL ACTION**

Dates of Council Consideration: 6-22-98

Approved ✓ Denied ____ this 22nd day of JUNE 1998, with the following amendment:

See conditions of approval

Ronald A. Warner
Clerk

Application Filed on 5-21-98
City Council Action Should Be
Taken By 7-13-98 (60 Days)

**Planning Commission Information Sheet**
**Application No. 98013**
**Applicant: Evangelical Lutheran Church of the Master**
**Location: Northwest Quadrant of Dupont and 69th Avenues North**
**Request: Preliminary Plat**

The applicant is seeking preliminary plat approval to combine into a single lot four parcels of land that currently make up the Lutheran Church of the Master complex. The properties under consideration are zoned PUD/R-1 and consist of the parcel containing the church proper and three adjacent properties containing apartment buildings that have been, or will be, converted into church use. The request is pursuant to condition No. 4 of the City Council approval of a Planned Unit Development for the Lutheran Church of the Master under City Council Resolution No. 94-244 on November 14, 1994.

The property in question is bounded on the north and east by 70th Avenue, Emerson Avenue, Emerson Lane and Dupont Avenue with single family residential homes located on the opposite sides of those streets as well as the city water tower; on the south by 69th Avenue with single family homes and the city's public utility building on the opposite side of the street; and on the west by the Northbrook Terrace apartment complex. The properties are currently described as Lot 1, Block 1, Evangelical Lutheran Church of the Master 2nd Addition (1200 69th Avenue North) and Lots 1, 2 and 3, Block 1, Brookdale Manor 2nd Addition (1107 Emerson Lane, 6907 Dupont Avenue and 1100 69th Avenue North respectively). The new legal description is proposed to be Lot 1, Block 1, Evangelical Lutheran Church of the Master 3rd Addition.

Once combined, the site will be 258,052 sq. ft. in area or 5.92 acres and will contain all of the church buildings in this area. The plat comprehends the dedication of an additional seven feet of right-of-way for 69th Avenue North from the current Lot 3, Block 1 Brookdale Manor 2nd Addition.

The City Engineer is reviewing the plat and will probably recommend the vacation of some of the drainage and utility easements that were drawn around previous lot lines and are no longer needed or required. The City Engineer has contacted the Watershed Commission, which has indicated that no formal review of the plat or Planned Unit Development plan are necessary.

A public hearing has been scheduled and notice of the Planning Commission's consideration has been published in the Brooklyn Center Sun/Post.

Member Kathleen Carmody introduced the following resolution and moved its adoption:

RESOLUTION NO. 98-185

RESOLUTION APPROVING FINAL PLAT - EVANGELICAL LUTHERAN CHURCH OF THE MASTER 3RD ADDITION

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WHEREAS, the Brooklyn Center City Council on June 22, 1998, approved Planning Commission Application No. 98012, providing preliminary plat approval submitted by the applicant, Evangelical Lutheran Church of the Master; and

WHEREAS, the property owner(applicant) has applied for Final Plat Approval as required by the City Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that the plat of EVANGELICAL LUTHERAN CHURCH OF THE MASTER 3RD ADDITION is hereby approved subject to the following conditions:

1. A revised Development Agreement, referred to as a "Declaration of Covenants and Restrictions" shall be filed and recorded with the Final Plat.

2. The final plat is subject to the review and approval of the City Attorney and Hennepin County.

3. Any further conditions as provided in Chapter 15 of the City ordinances.

October 26, 1998
Date

Myrna Kragness
Mayor

ATTEST: Sharon Knutson
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member Kay Lasman and upon vote being taken thereon, the following voted in favor thereof: Myrna Kragness, Kathleen Carmody, Debra Hilstrom, Kay Lasman, and Robert Peppe; and the following voted against the same: none,
whereupon said resolution was declared duly passed and adopted.

**M E M O R A N D U M**

**DATE:** August 6, 2021

**TO:** Olivia Boerschinger, Associate Planner

**FROM:** Andrew Hogg, Assistant City Engineer

**SUBJECT:** Preliminary/Final Plat Site Plat Review – Lutheran Church of the Master (Updated)

---

Public Works staff reviewed the following documents submitted for review for the proposed 69th Ave North Addition plat:

- Preliminary/Final Plat dated July 8, 2021

Subject to final staff final plat approval, the referenced plans must be revised in accordance with the following comments/revisions.

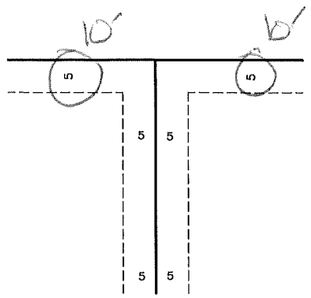
**Preliminary Plat/Final**

1. Provide ADA route.

**General Comments**

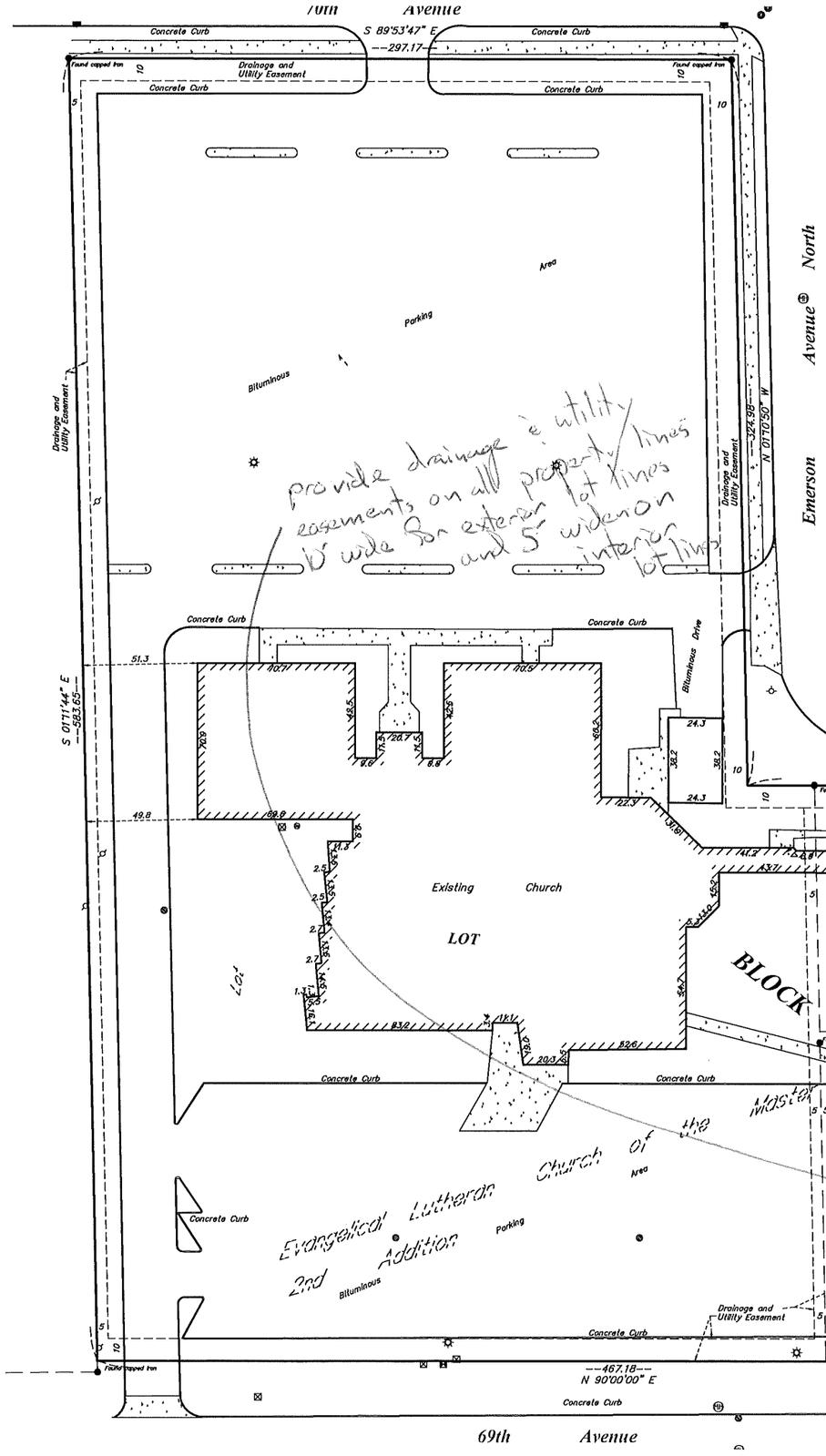
1. Need working copy of the preliminary plat to show all vacated easements, proposed easements, existing and proposed utilities and provide all easement documents for the City for review.
2. An updated certified abstract of title or registered property report must be provided to the City Planner and City Attorney for review at the time of the preliminary plat application (within 30 days of preliminary plat application). Additionally, this will need to stay current and be updated through the approval process as required to maintain and be current within 30 days of the release of final plat.
3. A 10-ft drainage and utility easement must be dedicated on the plat around the entire perimeter of the site. 10 feet along lot lines adjacent to Right Of Way and 5’ on interior lot lines.
4. Cross access/parking agreement for parking areas accessed off Dupont Avenue.
5. Maintain sufficient parking.
6. See additional redlines on preliminary and final plats.

The aforementioned comments are provided based on the information submitted by the applicant at the time of this review. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.




NOT TO SCALE

BEING 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AS SHOWN ON THIS PLAT.




## LEGAL DESCRIPTION:

Lots 1, 2 and 3, Block 1, BROOKDALE MANOR 2ND ADDITION, Hennepin County, Minnesota.
AND
Lot 1, Block 1, EVANGELICAL LUTHERAN CHURCH OF THE MASTER 2ND ADDITION, Hennepin County, Minnesota.

## SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
5. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
6. We show a proposed division of the property. Please review the proposal to see that it is what you intend and submit to those governmental agencies that have jurisdiction to obtain their approvals, if you can, before making any decisions regarding the property.

## STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN HEREON.

# PRELIMINARY PLAT

# 69TH AVENUE NORTH ADDITION

(2) = Indicates parking spaces.

## LEGEND

- CATCH BASIN
- GM = GAS METER
- FIRE HYDRANT
- POWER POLE
- MH = MANHOLE
- TELEPHONE PED.
- ELEC. TRANSFORMER
- W = WELL
- GATE VALVE
- LIGHT POLE
- TREE
- X—X— = FENCE LINE
- S = SANITARY SEWER LINE
- W = WATER LINE
- G = GAS LINE
- ST = STORM DRAIN LINE
- E = OVERHEAD UTILITY LINE
- CONCRETE SURFACE


Advance
Surveying & Engineering, Co.

17917 Highway 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com


I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Thomas M. Blosw

# 42379
LICENSE NO.

JULY 8, 2021
DATE:

DRAWING ORIENTATION & SCALE

N

SCALE - 1" = 30'
0 30 60

CLIENT NAME / JOB ADDRESS

LUTHERAN CHURCH OF THE MASTER
1107 EMERSON LANE
1200 69th AVE
BROOKLYN CENTER, MN

| DATE | REVISION DESCRIPTION |
|---|---|
| | |

DATE SURVEYED: JULY 7, 2021
DATE DRAFTED: JULY 8, 2021

SHEET TITLE
PRELIMINARY PLAT

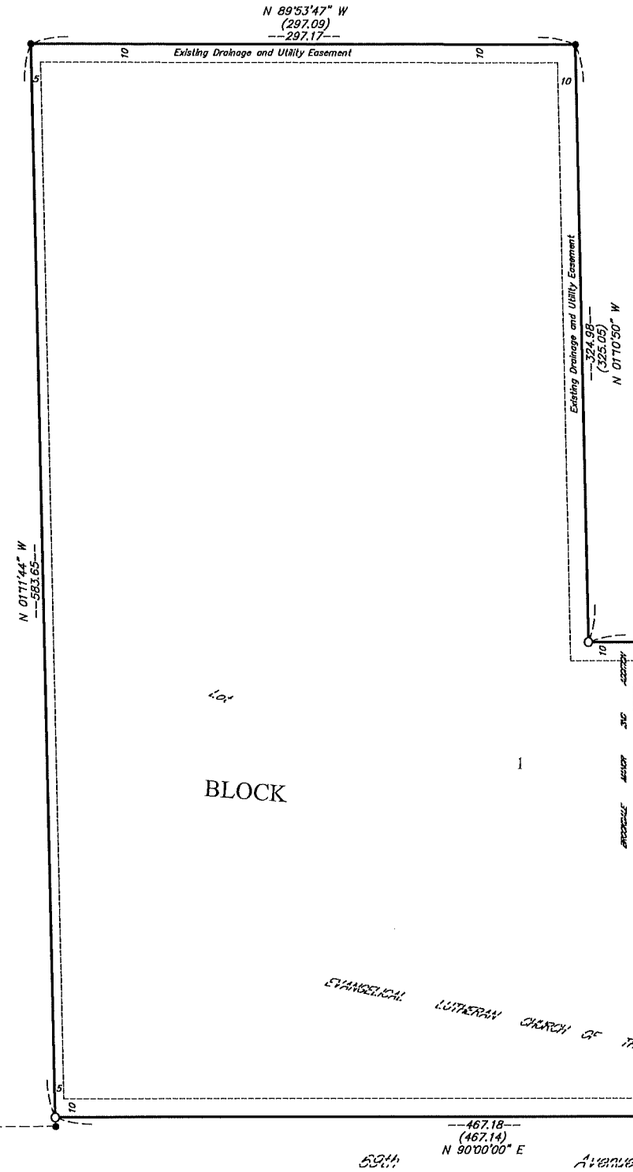
DRAWING NUMBER
211262 TB

SHEET SIZE 22 X 34

SHEET NUMBER
S1
SHEET 1 OF 1

# 69TH AVENUE NORTH ADDITION

C.R DOC. NO. _____

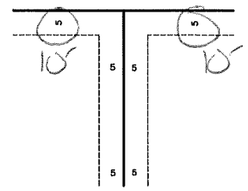



GRAPHIC SCALE

40 0 20 40 80

( IN FEET )

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:




NOT TO SCALE

BEING 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AS SHOWN ON THIS PLAT.

● DENOTES FOUND CAPPED IRON, CAP UNREADABLE.

○ DENOTES 1/2 INCH BY 14 INCH IRON PIPE MONUMENT SET AND MARKED BY MINNESOTA REGISTRATION NUMBER 42379

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH LINE OF LOT 1, BLOCK 1, BROOKDALE MANOR 2ND ADDITION, HAVING AN ASSUMED BEARING OF NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST.

missing D&U easement

KNOW ALL PERSONS BY THESE PRESENTS: XXXXXXXXXXXXXXXXXXXXXX, fee owner of the following described property:

Lots 1, 2 and 3, Block 1, BROOKDALE MANOR 2ND ADDITION, Hennepin County, Minnesota,

AND

Lot 1, Block 1, EVANGELICAL LUTHERAN CHURCH OF THE MASTER 2ND ADDITION, Hennepin County, Minnesota.

Has caused the same to be surveyed and platted as 69TH AVENUE NORTH ADDITION and does hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said XXXXXXXX, a Minnesota limited liability company has caused these presents to be signed by its proper officer this _____day of _____, 20___.

XXXXXXXXXXXX

_____
XXXXXXXXXXXX

Complete text

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this ____day of _____, 20___ by XXXXXXXXXXXXXXXXXXXXXXXX

_____
(Signature)

_____
(Print)

Notary Public, _____ County, Minnesota
My Commission Expires _____

I, Thomas M. Bloom, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; that all public ways are shown and labeled on this plat.

Dated this _____day of _____20____.

_____
Thomas M. Bloom, Licensed Land Surveyor
Minnesota License Number 42379

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on_____ by Thomas M. Bloom.

_____
(Signature)

_____
(Print)

Notary Public, _____ County, Minnesota
My Commission Expires _____

Brooklyn Center

CITY COUNCIL, CITY OF BROOKLYN CENTER, MINNESOTA

This plat of 69TH AVENUE NORTH ADDITION was approved and accepted by the City Council of the City of Brooklyn Park, Minnesota, at a regular meeting held this _____ day of _____, 20__, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subdivision 2.

_____ _____ _____ _____
By: Mayor By: City Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 20___ and prior years have been paid for land described on this Plat, dated this _____ day of _____, 20___.

Mark V. Chapin, County Auditor By _____, Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to MN. STAT. Sec. 383B.565 (1969), this plat has been approved this _____ day of _____, 20___.

Chris F. Mavis, County Surveyor By_____

COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of 69TH AVENUE NORTH ADDITION was recorded in this office this ____ day of _____ _____, 20____, at ____o'clock ___.m.

Martin McCormick, County Recorder by _____ Deputy

*ADVANCE SURVEYING & ENGINEERING CO.*

Exhibit F

CITY OF BROOKLYN CENTER
Planning Commission Application

Application No. 73044

Street Location of Property 1200 69th Avenue North

Legal Description of Property Lot 49, Aud Sub 309, Plat 89104,

Parcel 5423

Owner Lutheran Church of the Master / Address 1200 69th Avenue North

Telephone No. 561-5852

Applicant Sue Dunkley Address ~~5801 James Avenue North~~

Telephone No. ~~566-7156~~ 425-2995 13965 Rice Lake Circle Maple Grove

Type of Request:
____ Rezoning ____ Subdivision Approval
____ Variance ____ Site & Bldg. Plans
__x__ Special Use Permit ____ Other

Description and Reason for Request: Special Use Permit to operate a nursery school 2½ hours a day, two days a week.

Fee $ 25.00
Receipt No. 38531

Sue Dunkley
Applicant

Nov 20, 1973
Date

PLANNING COMMISSION RECOMMENDATION

Dates of P.C. Consideration: _____ _____

_____ _____

Approved ✓ Denied _____ this 6 day of DECEMBER
_____ 19 ___, subject to the following conditions: _____

Reviewal appl. 3-13-75

[signature]
Chairman

CITY COUNCIL ACTION

Dates of Council Consideration: _____ _____

_____ _____

Approved ✓ Denied _____ this 17 day of DEC, 1973
with the following amendment: _____

Reviewal appl. 3-24-75

[signature]
Clerk

# PLANNING COMMISSION INFORMATION SHEET

| | |
|---|---|
| Application No. | 73044 |
| Applicant: | Sue Dunkley |
| Location: | 1200 69th Avenue North |
| Request: | Review and Renewal of Approved Special Use Permit |

The Council approved the permit for a day school on December 17, 1973, and specified an annual renewal from date of issuance.

There is no record of complaints and the Building Official has reviewed the premises, reporting that minimum requirements are met.

We will be prepared to discuss the nature of the current operation in detail.

Reaffirmation of the permit would be subject to the following:

1. The premises will be held in compliance with all applicable State and local regulations, and such compliance will be documented by the appropriate inspection agencies to the City annually.

2. The operation shall be in accordance with the provisions of the applicant's operating license, a copy of which will be submitted to the City annually.

PLANNING COMMISSION INFORMATION SHEET

| | |
|---|---|
| Application No. | 73044 |
| Applicant: | Ms. Sue Dunkley |
| Location: | 1200 69th Avenue North |
| Request: | Special Use Permit |

The applicant recently received a special use permit for a nursery school at the Faith Community Church. Apparently the operation has been successful and has outgrown those facilities.

Ms. Dunkley has applied for a revised license and proposes to open a facility at the Lutheran Church of the Master for approximately 28 children. The hours of operation would be five hours per day, two days per week. The Church has authorized use of the facility through May, 1974.

The facility has been inspected by the Fire Chief and the Building Inspector, and their report is in the file. Generally, the facility meets state requirements.

A Public Hearing has been scheduled for the meeting.

Approval would be subject to the following conditions:

1. The premises will be brought into compliance with all applicable state and local regulations as to fire safety, health and building code standards, and such compliance will be documented by the appropriate inspection agencies and submitted to the file prior to the issuance of the special use permit.

2. The special use permit shall be for a twelve month period commencing on the date of issue, and the operation shall be in accordance with the provisions of the applicant's operating license.

CITY OF BROOKLYN CENTER
PLANNING COMMISSION APPLICATION

Application No. 83038

Please Print Clearly or Type

Street Location of Property 1200 - 69th AVenue North

Legal Description of Property Lot 49, Aud. Sub. 309

Owner Lutheran Church of the Master

Address 1200 69th AVenue North Phone No. 561-5852

Applicant David Wagtskjold, Congregational President

Address _____ Phone No. 483-8542 -W 566-6162 - H

Type of Request: _____ Rezoning _____ Subdivision Approval

_____ Variance _____ Site & Bldg. Plan Approval

__X__ Special Use Permit _____ Other: _____

Description of Request: To allow use of existing church facilities for conducting a church shool, Grades K through 12, five days/wk during the school year. See attached letter for further information.

The applicant requests processing of this application and agrees to pay to the City of Brooklyn Center, within fifteen (15) days after mailing or delivery of the billing statement, the actual costs incurred by the City for Engineering, Planning and Legal expenses reasonably and necessarily required by the City for the processing of the application. Such costs shall be in addition to the application fee described herein. Withdrawal of the application shall not relieve the applicant of the obligation to pay costs incurred prior to withdrawal.

David Wagtskjold
Applicant's Signature

Fee $ 50.00

Receipt No. 61879

Date July 14, 1983

PLANNING COMMISSION RECOMMENDATION

Dates of P.C. Consideration: Withdrawn 7-27-83

Approved _____ Denied _____ this _____ day of _____ 19____, subject to the following conditions: _____

Chairman

- - - -

CITY OF BROOKLYN CENTER, MINNESOTA
6301 Shingle Creek Parkway 55430

PROCEDURES AND REQUIREMENTS FOR FILING APPLICATION FOR SITE AND BUILDING PLAN APPROVAL

Prior to submission of an application for plan review and approval, prospective applicants should arrange an informational meeting with the Planning Staff to discuss preliminary plans and to become familiarized with applicable ordinance and policy provisions.

Three (3) copies of the following documents and information shall be submitted, at least 14 days prior to the date of the regular Commission meeting, concurrent with filing the application (required documents must be consistent with ordinance and policy provisions before an application may be accepted):

1. A certified site survey drawing by a registered engineer or land surveyor showing pertinent existing condition, accurately dimensioned.

2.* An accurately scaled and dimensioned site plan indicating:

   a) parking layouts including access provisions;

   b) designations and locations of accessory buildings;

   c) fences, walls or other screening, including heights and type of material;

   d) outside lighting provisions, type and location;

   e) curbing.

3.* A landscape plan showing areas to be sodded or seeded; location, size and species of trees and shrubbery.

4.* Building floor plans, elevations, sections and specifications, including materials proposed.

5.* Existing and proposed land elevations, drainage provisions, and utility provisions.

6. Additional drawings, plans or information deemed necessary by the Secretary.

*Must be prepared by a registered architect or person registered with the State Board of Registration for Architects, Engineers and Land Surveyors, and said drawings/plans shall be so certified.

NOTE: Upon approval of plans by the Council and prior to issuance of permits, a Performance Agreement as to approved site improvements and a supporting financial guarantee, in an amount to be determined by the City, are required. Acceptable financial instruments include cash escrow; certificate of deposit; and performance bond.

Copies of the Zoning Ordinance may be obtained from the Administrative Office.

Questions should be directed to the Planning and Inspection Department.

P/I Form No. 19

CITY OF BROOKLYN CENTER
PLANNING COMMISSION APPLICATION

Application No. 94008

Please Print Clearly or Type

treet Location of Property 1200 69th Avenue North, Brooklyn Center

egal Description of Property

Owner Lutheran Church of the Master

Address 1200 69th Ave N, Brooklyn Center, MN 55430 Phone No. 561-5852

Applicant Anoka Hennepin School Dist #11, Community Ed. Learning Readiness Preschool

Address 403 Jackson St., Anoka, MN 55303 Phone No. 422-7915

Type of Request: ____ Rezoning ____ Subdivision Approval

____ Variance ____ Site & Bldg. Plan Approval

X Special Use Permit ____ Other:

Description of Request: Request to offer a preschool program on Monday & Wednesday, 2 hours/class 31 weeks beginning September 12 running through May. Monday & Wednesday - 9:00 a.m. -11:00 a.m. 3 years old (18). Monday & Wednesday 12:00 p.m. - 2:00 p.m., 4-5 years old (20).

The applicant requests processing of this application and agrees to pay to the City of Brooklyn Center, within fifteen (15) days after mailing or delivery of the billing statement, the actual costs incurred by the City for Engineering, Planning and Legal expenses reasonably and necessarily required by the City for the processing of the application. Such costs shall be in addition to the application fee described herein. Withdrawal of the application shall not relieve the applicant of the obligation to pay costs incurred prior to withdrawal.

Marilyn Wolkenstorfer
Applicant's Signature

Fee $ 100.00

Receipt No. ____

Date: 7/29/94

PLANNING COMMISSION RECOMMENDATION

ates of P.C. Consideration: 8/11/94

pproved X Denied ____ this 11th day of August 1994, subject to the ollowing conditions:

Tim Willson
Chairman

CITY COUNCIL ACTION

es of Council Consideration: 8/22/94

proved X Denied ____ this 22 day of August 1994, with the following endment: SEE CONDITIONS OF APPROVAL

Bond C. Warren
Clerk

I Form No. 18

(over please)

CITY OF BROOKLYN CENTER, MINNESOTA
6301 Shingle Creek Parkway 55430

# PROCEDURES AND REQUIREMENTS FOR FILING APPLICATION FOR SITE AND BUILDING PLAN APPROVAL

Prior to submission of an application for plan review and approval, prospective applicants should arrange an informational meeting with the Planning Staff to discuss preliminary plans and to become familiarized with applicable ordinance and policy provisions.

Four (4) copies of the following documents and information shall be submitted, at least 14 days prior to the date of the regular Commission meeting, concurrent with filing the application (required documents must be consistent with ordinance and policy provisions before an application may be accepted):

1. A certified site survey drawing by a registered engineer or land surveyor showing pertinent existing condition, accurately dimensioned.

2. *An accurately scaled and dimensioned site plan indicating:

   a) parking layouts and access provisions, including calculation of ordinance parking requirements;

   b) designations and locations of all proposed buildings and required setback lines;

   c) fences, walls or other screening, including heights and type of material;

   d) outside lighting provisions, type and location (foot candle strength at property line must be calculated);

   e) curbing (B612 curb and gutter is required). Indicate radius measurements;

   f) building information, including: gross floor area, type of construction and occupancy classification.

3. *A landscape plan showing areas to be sodded or seeded, quantity, location, size and species of trees and shrubbery. (Note: underground irrigation is required in all landscaped areas in commercial and industrial districts. Plans must be so noted).

4. *Building floor plans, elevations, sections and specifications, including materials proposed.

5. *Existing and proposed land elevations, drainage provisions, and utility provisions, including the diameters of utility lines.

6. Additional drawings, plans or information deemed necessary by the Secretary.

*Must be prepared by a registered architect or person registered with the State Board of Registration for Architects, Engineers, Landscape Architects and Land Surveyors, and said drawings/plans shall be so certified.

NOTE: Upon approval of plans by the Council and prior to issuance of permits, a Performance Agreement as to approved site improvements and a supporting financial guarantee, in an amount to be determined by the City, are required. Acceptable financial instruments include cash escrow; certificate of deposit; and performance bond.

Copies of the Zoning Ordinance may be obtained from the Administrative Office.

Questions should be directed to the Planning and Inspection Department.

P/I Form No. 19

Planning Commission Information Sheet

Application No. 94008
Applicant: Anoka-Hennepin Community Education Learning Readiness Preschool Program
Location: Lutheran Church of the Master, 1200 69th Avenue North
Request: Special Use Permit

The applicant requests Special Use Permit approval to operate a preschool within the Lutheran Church of the Master located at 1200 69th Avenue North. The church property is zoned R1 (Single Family Residence) and is bounded on the north by 70th Avenue; on the east by Emerson Avenue and three 7 unit apartment buildings recently acquired by the Lutheran Church of the Master; on the south by 69th Avenue; and on the west by the Northbrook Terrace apartment complex.. Both churches and preschools are special uses in the R1 zone. New Horizons Daycare Centers had operated a preschool out of the Lutheran Church of the Master for a number of years until 1992 when that operation moved to the Humboldt Square Shopping Center. Since that time no preschool has been operated out of the church and the Special Use Permit for such use has lapsed. Therefore, a new Special Use Permit must be approved for this operation.

Marilyn Wolkerstorfer, supervisor for the Anoka-Hennepin Community Education Learning Readiness Preschool Program has submitted written information regarding their proposed operation at the church. This program is required to be licensed by the Minnesota Department of Human Services. The applicant proposes to offer a preschool program on Mondays and Wednesdays from 9:00 a.m. to 11:00 a.m. and from noon to 2:00 p.m. for 31 weeks beginning September 12 and running through May 1995. The morning hour classes are for 3 year olds and the afternoon classes are for 4 and 5 year olds. The maximum number of preschoolers in any one class would be 20.

The written information cites the goal of the program and various activities proposed for the children. Ms. Wolkerstorfer notes that the staff and program are licensed by the Department of Human Services and that each class will be staffed by a teacher and an assistant. The preschool classes would be conducted on Mondays and Wednesdays.

The location of the preschool classes is in an approximate 20' x 40' classroom located at the northwest corner of the original church building. The facility has been inspected by the Building Official and the Hennepin County Health Department for compliance with applicable regulations. The State Fire Marshall is also required to review the facility for code compliance as well.

Access to the preschool classroom will be from the north side of the church building through the parking lot. Parking associated with this use should be confined to the church's north parking lot.

Planning Commission Information Sheet

The Anoka-Hennepin Community Education Learning Readiness Preschool Program has 11 existing sites located throughout the Anoka-Hennepin School District. Based on their experience in this field we do not anticipate any problems with operation.

A public hearing has been scheduled for this application and notices have been sent.

Attached for the Commissions review is a copy of Section 35-220 of the Zoning Ordinance containing the standards for Special Use Permits. Special Use Permits may be granted only after a finding that all of the standards for Special Use Permits have been met. We see no conflict with these standards and the proposed preschool operation to be conducted by the Anoka-Hennepin Community Education Learning Readiness Preschool Program.

RECOMMENDATION

In general the application appears to be in order approval is recommended subject to at least the following conditions:

1. The Special Use Permit is issued for a preschool for up to 20 children at a time. Any expansion or alteration of the preschool operation will require an amendment to this Special Use Permit.

2. The preschool operation shall receive the proper licensing from the Minnesota Department of Human Services and a copy of the license shall be kept on file with the City.

3. The premises will be brought into compliance with all applicable state and local regulations relating to fire safety, health and building code standards for the preschool operation.

4. This Special Use Permit is subject to all other applicable codes, ordinances and regulations. Any violation thereof may be grounds for revocation.

**CITY OF BROOKLYN CENTER**
**CITY COUNCIL**
**6301 Shingle Creek Parkway**
**569-3330**

INFORMATIONAL MEETING

TO WHOM IT MAY CONCERN:

Please take notice that the City Council of the City of Brooklyn Center will hold a public hearing on Monday, August 22, 1994, to consider the petition described below. The meeting will begin at 7:00 p.m. in the City Hall Council Chambers, 6301 Shingle Creek Parkway. A definite time for this petition to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Special Use Permit

PETITIONER: Anoka-Hennepin School District No.11

PROPERTY NAMED IN THE PETITION: 1200 69th Avenue North
Legal Description: Lot 1, Block 1, Evangelical Church of the Master

BRIEF STATEMENT OF CONTENTS OF PETITION:
Anoka-Hennepin Community Education requests a special use permit to offer a preschool program at the Lutheran Church of the Master beginning September and running through May.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the Personnel Coordinator at 569-3300 to make arrangements.

Respectfully,

Ronald A. Warren
Planning Commission Secretary

CITY OF BROOKLYN CENTER

6301 SHINGLE CREEK PARKWAY
BROOKLYN CENTER, MINNESOTA 55430
TELEPHONE: 569-3300
FAX: 569-3494
EMERGENCY - POLICE - FIRE
911

July 29, 1994

Ms. Marilyn Wolkerstorfer
Anoka-Hennepin Community Education
403 Jackson Street, Suite 102
Anoka, MN 55303

Dear Ms. Wolkerstorfer,

Please be advised that the Planning Commission of the City of Brooklyn Center will review Planning Commission Application No. 94008, submitted for special use permit approval, at its meeting on Thursday, August 11, 1994, at approximately 7:30 p.m. in the City Hall Council Chambers, 6301 Shingle Creek Parkway.

The applicant or a designated representative must be present at this meeting.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the Personnel Coordinator at 569-3300 to make arrangements.

If you have questions or comments regarding this matter, please contact me.

Sincerely,

Ronald A. Warren
Planning Commission Secretary

RAW:lh

cc: Lutheran Church of the Master

BROOKLYN CENTER 1995 ALL-AMERICA CITY The Something More City

*State of Minnesota*
**Department of Human Services**
Human Services Building
444 Lafayette Road N
St. Paul, Minnesota 55155

July 21, 1994

City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, Minnesota 55430

RE: Zoning Notification of Application for Department of Human Services Program License.

This is to inform you that we have received an application for a program license under Minnesota Rules, Parts 9503.0005 to 9503.0175 for **Brooklyn Center Preschool, 1200 69th Avenue North, Brooklyn Center, Minnesota 55444,** to provide day care for 20 children.

Issuance of this license is subject to compliance with the provisions of the Minnesota Statutes 1988, Sections 245A.11 and 245A.14.

If a copy of this statute is required, please contact the Division of Licensing.

If we do not hear from you within 30 days of the receipt of this letter, we will consider this facility to be in compliance with your local zoning code.

Sincerely,

Anne M. Blank

Anne M. Blank, Licensor
Licensing Division
(612) 296-6318

*AN EQUAL OPPORTUNITY EMPLOYER*

**CITY OF BROOKLYN CENTER**
**PLANNING COMMISSION**
**6301 Shingle Creek Parkway**
**569-3330**

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, August 11, 1994 at approximately 7:30 p.m., at the City Hall, 6301 Shingle Creek Parkway to consider the petition described below:

TYPE OF REQUEST: Special Use Permit

PETITIONER: Anoka Hennepin School District No. 11

PROPERTY NAMED IN THE PETITION: 1200 69th Avenue North
Legal Description: Lot 1, Block 1, Evangelical Lutheran Church of the Master

BRIEF STATEMENT OF CONTENTS OF PETITION:
Anoka Hennepin Community Education requests a special use permit to offer preschool program beginning September through May located at the Lutheran Church of the Master.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the Personnel Coordinator at 569-3300 to make arrangements.

Respectfully,

Ronald A. Warren
Planning Commission Secretary

CITY OF BROOKLYN CENTER

6301 SHINGLE CREEK PARKWAY
BROOKLYN CENTER, MINNESOTA 55430
TELEPHONE: 569-3300
FAX: 569-3494
EMERGENCY - POLICE - FIRE
911

September 20, 1994

Ms. Marilyn Wolkerstorfer
Anoka-Hennepin Community Education
403 Jackson Street, Suite 102
Anoka, MN 55303

Dear Ms. Wolkerstorfer,

This letter is to inform you of the action taken regarding an amendment to the approval of Application No. 94008

Enclosed is an excerpt from the minutes of the City Council meeting and also a copy of the Planning Commission meeting pertaining to Application No. 94008.

If you have questions or comments regarding this matter, please contact me.

Sincerely,

Ronald A. Warren

Ronald A. Warren
Planning Commission Secretary

cc: File No. 94008

Enclosures

BROOKLYN CENTER
1996 ALL-AMERICA CITY
The Something More City

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

REGULAR SESSION
AUGUST 11, 1994

CALL TO ORDER
The Planning Commission met in regular session and was called to order by Chairperson Willson at 7:31 p.m.

ROLL CALL
Chairperson Tim Willson, Commissioners Debra Hilstrom, Mark Holmes, Robert Mickelson, Also present were the Secretary to the Planning Commission Planning and Zoning Specialist Ronald Warren, and Planning Commission Recording Secretary Ruth McLaurin. Commissioners Donald Booth and Diane Reem had indicated they could not attend this evening's meeting and were excused.

APPROVAL OF MINUTES - JULY 28, 1994
There was a motion by Commissioner Hilstrom and seconded by Commissioner Mickelson to approve the minutes of the July 28, 1994, Planning Commission meeting as submitted. The motion passed with Commissioner Holmes abstaining.

CHAIRPERSON'S EXPLANATION
Chairperson Willson explained the Planning Commission is an advisory body. One of the Commission's functions is to hold public hearings. In the matters concerned in these hearings, the Commission makes recommendations to the City Council. The City Council makes all final decisions in these matters.

APPLICATION NO. 94008 (ANOKA-HENNEPIN COMMUNITY EDUCATION)
Chairperson Willson introduced the first item of business, a request from Anoka-Hennepin Community Education requesting a Special Use Permit to operate a preschool program at the Lutheran Church of the Master, 1200 69th Avenue North.

The Secretary presented the staff report, used overhead transparencies to show the location and detail (see Planning Commission Information Sheet for Application No. 94008, attached).

Commissioner Holmes inquired if there were any noted problems with the previous Day Care located on this property. The Secretary indicated no noted problems had occurred with the previous Day Care operation.

Commissioner Holmes questioned if there were State regulations to be followed. The Secretary noted the Department of Human Services would be licensing this operation.

Commissioner Hilstrom inquired if the current Preschool should leave, could a new Day Care with expanded services use the current permit or would a new special use permit be required. The Secretary indicated the incoming Day Care would need an amended special use permit with expanded services such as going beyond the maximum class size of 20.

Chairperson Willson inquired about the apartment buildings east of the church. The Secretary indicated the church currently owns all three building and would like to obtain a permit to use the building closest to the church for full church. Discussion with the Lutheran Church of the Master is currently being held since this would require rezoning of the property. The other buildings are currently leased out to residents, the church is proposing eventually occupy all buildings for a church use.

Chairperson Wilson inquired about the property tax effect this would have on the city. The Secretary indicated as long as the property is leased for residential occupancy it is not tax exempt. Once it is put to a church use it is tax exempt.

PUBLIC HEARING (APPLICATION NO. 94008)
Chairperson Willson asked for a motion to open the public hearing on the request from Anoka-Hennepin Community Education for a Special Use Permit to operate a preschool program at the Lutheran Church of the Master, 1200 69th Avenue at 7:47 p.m.

There was a motion by Commissioner Hilstrom and seconded by Commissioner Mickelson to open the public hearing. The motion passed unanimously.

Chairperson Willson asked if there was anyone present who wished to address the Commission.

Marilyn Wolkerstorfer, representing the applicant that came forward. Commissioner Hilstrom questioned if there would be outdoor activities. Ms. Wolkerstorfer indicated there is a nearby park, but the session times are short and the program would be limited to mostly indoor play, she also indicate there is a gymnasium for their use.

Commissioner Hilstrom inquired about snacks and the availability of the kitchen. Ms. Wolkerstorfer indicated the kitchen on the premises had been inspected and was approved, however the kitchen would be used mainly to store pre-packaged snacks brought by the parents.

Commissioner Holmes inquired as to the number of staff. Ms. Wolkerstorfer indicated there would be one teacher and one assistant.

Commissioner Holmes inquired as to busing. Ms. Wolkerstorfer indicated the parents are responsible for transportation.

Commissioner Holmes questioned if the program followed the school calendar. Ms. Wolkerstorfer indicated the program is 31 weeks and would start September 12.

Commissioner Holmes inquired if the teacher would be a state certified teacher. Ms. Wolkerstorfer indicated the program does not require a state certified teacher, however, the teacher for this program holds a degree in Christian Education and is very qualified for the position.

The Secretary inquired if the school board requires preschool for school entrance. Ms. Wolkerstorfer indicated it is not a requirement at this time, although it is a good idea. The Secretary indicated should it be required the program would see expansion.

Ms. Wolkerstorfer inquired if the church would allow the use of the property for additional classes if the class size would stay at 20 students, would an additional permit be required.

The Secretary indicated if no additional students were added to class there should be no problems. The Secretary added the permit would be subject to review if there would be an extensive expansion to the program.

Ms. Wolkerstorfer inquired if the class sized changed to 40 students would a permit be required. The Secretary indicated review would probably be necessary.

Chairperson Willson noted if any changes or future upgrades are proposed, Ms. Wolkerstorfer could forward her questions to the Secretary.

Chairperson Willson called for any more questions for the applicant or for anyone else to speak at the public hearing.

CLOSE PUBLIC HEARING

There was a motion by Commissioner Hilstrom and seconded by Commissioner Mickelson to close the public hearing at 7:51 p.m. The motion passed unanimously.

ACTION RECOMMENDING APPROVAL OF APPLICATION NO. 94008

There was a motion by Commissioner Hilstrom and seconded by Commissioner Mickelson to recommend approval of Application No. 94008 submitted by Anoka-Hennepin Community Education for a Special Use Permit to operate a preschool program at the Lutheran Church of the Master, 1200 69th Avenue North, subject to the following conditions:

1. The Special Use Permit is issued for a preschool for up to 20 children at a time. Any expansion or alteration of the preschool operation will require an amendment to this Special Use Permit.

2. The preschool operation shall receive the proper licensing from the Minnesota Department of Human Services and a copy of the license shall be kept on file with the City.

3. The premises will be brought into compliance with all applicable state and local regulations relating to fire safety, health and building code standards for the preschool operation.

4. This Special Use Permit is subject to all other applicable codes, ordinances and regulations. Any violation thereof may be grounds for revocation.

Voting in favor: Chairperson Willson, Commissioners Hilstrom, Holmes, and Mickelson. The motion passed unanimously.

The Secretary noted that the application will be referred to the City Council at the August 22, 1994, meeting. The applicant is required to be present at the City Council meeting. If any changes or modifications are made to the plans prior to City Council consideration, they may have to be brought back before the Planning Commission for review.

OTHER BUSINESS

Commissioner Hilstrom indicated concern for an apartment building owned by the city that is abandoned. Commissioner Hilstrom drove by and noted people in the building, she notified the city, the following day it was boarded up, then a few days later the property was open again. Commissioner Hilstrom's concern was for injuries sustained by trespassers and liabilities of the city. The Secretary noted the police have been notified and the property is policed as much as possible. The Secretary also indicated the property is to be demolished by the end of August.

The Secretary reviewed briefly items of upcoming issues for the commission.

ADJOURNMENT

There was a motion by Commissioner Mickelson and seconded by Commissioner Hilstrom to adjourn the meeting of the Planning Commission. The motion passed unanimously. The Planning Commission adjourned at 8:10 p.m.

_____

Chairperson

Recorded and transcribed by:
Ruth McLaurin
TimeSaver Off Site Secretarial

MAYORAL APPOINTMENTS

HUMAN RIGHTS AND RESOURCES COMMISSION

Mayor Paulson explained there are currently two vacancies on the Human Rights and Resources Commission and two applications have been received. He recommended Wayde Lerbs and Charlotte Nesseth for the positions and asked for the Council's approval.

There was a motion by Councilmember Kalligher and seconded by Councilmember Rosene to approve the appointments of Wayde Lerbs and Charlotte Nesseth to the Human Rights and Resources Commission. The motion passed unanimously.

PLANNING COMMISSION APPLICATION NO. 94008 SUBMITTED BY ANOKA-HENNEPIN COMMUNITY EDUCATION

The City Manager explained the Anoka-Hennepin Community Education is requesting a Special Use Permit to operate a preschool program at the Lutheran Church of the Master, 1200 69th Avenue North. This application was recommended for approval by the Planning Commission at its August 11, 1994, meeting.

The Planning and Zoning Specialist referred the Council to the August 11, 1994, minutes of the Planning Commission which outline the request. He reviewed the information in the minutes and noted a Special Use Permit is necessary as the area is zoned residential. He noted the Planning Commission recommended the approval of the Special Use Permit subject to four conditions.

The Planning and Zoning Specialist pointed out Marilyn Wolkerstorfer, supervisor for the Anoka-Hennepin Community Education Learning Readiness Preschool Program, is present at this meeting. He also stated notices had been sent to homes in the surrounding area.

Councilmember Rosene commented the preschool program would be a good addition to the district.

Ms. Wolkerstorfer said the program at the Lutheran Church of the Master will be the third site in Hennepin County. There are also nine similar programs in Anoka.

There was a motion by Councilmember Kalligher and seconded by Councilmember Mann to approve Planning Commission Application No. 94008 submitted by Anoka-Hennepin Community Education for a Special Use Permit to operate a preschool program at the Lutheran Church of the Master, 1200 69th Avenue North, subject to the following conditions:

1. The Special Use Permit is issued for a preschool for up to 20 children at a time. Any expansion or alteration of the preschool operation will require an amendment to this Special Use Permit.

2. The preschool operation shall receive the proper licensing from the Minnesota Department of Human Services and a copy of the license shall be kept on file with the City.

3. The premises will be brought into compliance with all applicable state and local regulations relating to fire safety, health and building code standards for the preschool operation.

4. This Special Use Permit is subject to all other applicable codes, ordinances and regulations. Any violation thereof may be grounds for revocation.

The motion passed unanimously.

DISCUSSION ITEMS

AUDITOR RFP

The City Manager stated a Request for Proposals (RFP) document has been prepared by Staff.

Councilmember Scott asked when the RFP would be sent out, if approved.

The Finance Director referred the Council to page nine of the RFP for a calendar of the procedure. He said the RFP would be mailed to a list of twelve firms tomorrow morning if approved by the Council. He reviewed the remainder of the proposed schedule. According to the schedule, an auditor would be selected in November.

There was a discussion concerning page 18, Section VII, A, the Audit Committee. The proposed RFP stated the Audit Committee would make recommendations to the City Manager, but some members of the Council had understood it would say the recommendations would be made to the City Council. It was stated the intention of the Council had been for the committee to list recommendations and the Council could then add to the list or interview those on the list. Since the City Manager's recommendation might not be the same as the Council's recommendation, the Council should review the committee's list.

Mayor Paulson said the City Manager might choose to represent the City Staff on the Audit Committee.

Councilmember Rosene stated the City Manager's input is desired

Councilmember Scott mentioned the City Manager should be on the committee as a reference concerning the City's past experience with auditing firms. Mayor Paulson agreed.

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2021-003 FOR PRELIMINARY AND FINAL PLAT, RE-ZONING, PUD AMENDMENT, AND SPECIAL USE PERMIT APPROVALS FOR CERTAIN PROPERTY COMMONLY KNOWN AS LUTHERAN CHURCH OF THE MASTER AND LOCATED AT THE NORTHWEST CORNER OF 69TH AVENUE NORTH AND DUPONT AVENUE NORTH (1107 EMERSON LANE, 6907 DUPONT AVENUE NORTH, 1100 69TH AVENUE NORTH AND 1200 69TH AVENUE NORTH) AND THE RECOMMENDED APPROVAL OF A 2040 COMPREHENSIVE PLAN AMENDMENT TO 1100 69TH AVENUE NORTH

WHEREAS, Planning Commission Application No. 2021-001 was originally submitted by Evangelical Lutheran Church of the Master ("the Applicant") for consideration of the above-noted requests for certain property located at the northwest corner of 69th Avenue North and Dupont Avenue North and identified as 1107 Emerson Lane, 6907 Dupont Avenue North, 1100 69th Avenue North, and 1200 69th Avenue North ("the Subject Property") in June 2021; however, following City staff review of the requests and past City approvals, it was determined that additional time and information was required before the Applicant could proceed with their requests and the Applicant formally withdrew their application on June 8, 2021; and

WHEREAS, Planning Commission Application No. 2021-003 was submitted in July 2021 following additional City staff review of documentation on file and revisions to the proposed re-plat of the Subject Property, to be known as the 69TH AVENUE NORTH ADDITION, which would provide a path for the Applicant to sell an existing seven-unit apartment building located at 1100 69th Avenue North; and

WHEREAS, a public notice was published in the Brooklyn Center *Sun Post* on July 29, 2021, and notifications were mailed to those properties lying within the notification area; and

WHEREAS, following City Council action on August 9, 2021, and the Mayoral Declaration of a Local Emergency under City Council Resolution No. 2021-95, City staff delivered flyers to those aforementioned properties lying within the notification area, advising those properties that the previously publicized in-person meeting would now be taking place virtually pursuant to Section 13D. 021 of Minnesota Open Meeting Law; and

WHEREAS, said public hearing did not take place following issues with access to the online meeting, a new public hearing notice was published in the Brooklyn Center *Sun Post* on August 26, 2021, mail notifications were again sent to those properties in the notification area, and a 60-day extension letter was provided to the Applicant with a new extended review period deadline of November 10, 2021, and a newly scheduled public hearing date of September 9, 2021; and

RESOLUTION NO.

WHEREAS, the Subject Property was originally established as a Planned Unit Development in 1994 under Planning Commission Application No. 94009 and approved by City Council Resolution No. 94-244 (*Resolution Regarding Disposition of Planning Commission Application No. 94009 Submitted by the Evangelical Lutheran Church of the Master*), which requested a re-zoning of the Subject Property from its former R-1 (One Family Residence) and R-4 (Multiple Family Residence) District zoning designations to PUD/R-1 (Planned Unit Development/One Family Residence) District to allow for an expansion of what is now the Lutheran Church of the Master campus; and

WHEREAS, the associated conditions of approval outlined a three-phase expansion of uses relating to Lutheran Church of the Master, and a copy of the Development Agreement on file noted that should the Developer not satisfy all requirements under Paragraph 2.3 by January 1, 1999, the zoning of the Phase I (1107 Emerson Lane), Phase II (6907 Dupont Avenue North), and Phase III (1100 69th Avenue North) properties would revert automatically, and without further action by City Council to R-4 (Multiple Family Residence) District, and no further church uses of any such property shall be permitted unless said agreement is earlier amended by resolution of the City Council to extend the deadline for such compliance; and

WHEREAS, one of the conditions of approval required that a final plat be recorded with Hennepin County to reflect the combination of the Subject Property into one single lot; and

WHEREAS, while there is evidence of intent, through City records which outline the approval of a preliminary plat under Planning Commission Application No. 98013 and approval of a final plat by City Council under City Council Resolution No. 98-185 (*Resolution Approving Final Plat-Evangelical Lutheran Church of the Master 3rd Addition*), City staff cannot find evidence of said final plat being recorded, which has resulted in the reverting and impacts to certain approvals contemplated under Planning Commission Application No. 94009 and approved under City Council Resolution No. 94-244; and

WHEREAS, said impacts include a rescinding of the special uses permitted in the phased development, and a reverting of the previously approved PUD/R-1 zoning designation back to the original R-4 District for the phased development; and

WHEREAS, in order for the sale of the property located at 1100 69th Avenue North to move forward, the Applicant must receive approval for a series of requests in order to move forward, including a preliminary and final plat which reflects the combination of the properties located at 1107 Emerson Lane, 6907 Dupont Avenue North, and 1200 69th Avenue North to Lot 1, Block 1, 69th Avenue North Addition, and the creation of a standalone Lot 2, Block 1, 69th Avenue Addition for the property located at 1100 69th Avenue North; issuance of a new Special Use Permit for the outlined church and ancillary uses, a re-zoning and amendment to the Planned Unit Development to ensure the three properties, to be known as Lot 1 identify as Planned Unit Development/One Family Residence District (PUD/R-1), as intended, and that the property to be known as Lot 2 remains zoned as R-4 (Multiple Family Residence) District and is subsequently

removed from the PUD agreement; and approval of a Comprehensive Plan Amendment to alter the existing future land use designation of 1100 69th Avenue North (Lot 2) from its current 2040 future land use designation of "Public/Semi-Public/Institutional" to "Medium Density Residential (5.01-15 DU/Ac)"; and

WHEREAS, on September 9, 2021, the Planning Commission of the City of Brooklyn Center, Minnesota received and reviewed a planning report on the requested preliminary and final plat, re-zoning, Planned Unit Development amendment, Special Use Permit, and 2040 Comprehensive Plan amendment requests;

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on September 9, 2021, whereby a planning report was presented and public testimony regarding the proposal were received; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota considered the application requests in light of all testimony received, and the guidelines and standards as outlined under Sections 35-202 (*Comprehensive Planning*) 35-208 (*Rezoning Evaluation Policy and Review Guidelines*), 35-210 (*Rezoning Application Procedures and Reconsideration*), and 35-355 (*Planned Unit Development*) of the City's Zoning Ordinance, and City record of past approvals for the Subject Property, and the request complies with the general goals and objectives of the City's 2040 Comprehensive Plan, with exception to the requested amendment to the Comprehensive Plan for 1100 69th Avenue North, which would not result in greater impacts than currently seen as the property was originally approved as a seven-unit apartment building in 1962 under Planning Commission Application No. 62057 and continues to function as an apartment building to this day.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that Planning Commission Application No. 2021-003, submitted by the Evangelical Lutheran Church of the Master, be approved based upon the findings of fact in the updated September 9, 2021 planning report, and submitted documents and plans as amended by the following conditions of approval:

1. Any significant changes or modifications made to these requests can only be made by an amendment and as approved by the City Council.
2. Modification of an entrance to 1100 69th Avenue North to meet minimum ADA requirements and the provision of minimum ADA parking is required prior to any sale.
3. The Applicant shall meet with City Fire Inspector regarding a review of the existing fire alarm systems on the Subject Property and other Lutheran Church of the Master Properties.
4. The Applicant shall enter into a new Development Agreement with the City that reflects these and any future approvals. The Development Agreement must be recorded with the plat at Hennepin County.
5. An amended and restated PUD agreement shall be entered into with the City and recorded

with the plat at Hennepin County.

6. A cross access agreement shall be entered into for the drive access off Dupont Avenue North, which provides the only access to 1100 69th Avenue North (Lot 2, Block 1, 69th Avenue North Addition) and secondary access to the two buildings located at 1107 Emerson Lane and 6907 Dupont Avenue North.
7. Approval of the preliminary and final plat for 69th Ave North Addition are contingent upon the addressing of comments by Assistant City Engineer Hogg in his memorandum dated August 6, 2021, and the vacation of easement through separate City approval. Furthermore:
    a. The Applicant shall work with City staff to adjust the northerly lot line of proposed Lot 2 (1100 69th Avenue North).
    b. Final plat and mylar shall be subject to the provisions of Chapter 15 of the City Code of Ordinances (*Platting).*
    c. Any comments and/or requirements as provided by Hennepin County.
    d. Any comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title.
    e. The successful record of said plat (mylar) with Hennepin County.

September 27, 2021
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Meg Beekman, Community Development Director
BY: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2021-004 Submitted by Kyle Thompson of Hoyt Properties on Behalf of Fraser for a Use Determination and Issuance of a Special Use Permit to Operate a Children's Day Treatment Center for the Property Located at 6701 Parkway Circle

**Requested Council Action:**

*- Motion to adopt a resolution approving Planning Commission Application No. 2021-004 for issuance of a Special Use Permit to operate a children's day treatment center at 6701 Parkway Circle, based upon the findings of fact and submitted plans, and as amended by the conditions of approval in the resolution.*

**Background:**

Kyle Thompson of Hoyt Properties ("the Applicant"), on behalf of proposed tenant Fraser, is requesting review and consideration of an application that would allow for issuance of a Special Use Permit to operate a children's day treatment center within an approximately 8,248-square foot space at 6701 Parkway Circle ("the Subject Property"). The center would be one of nine new Fraser Autism Center of Excellence Satellite (FACES) locations in the Twin Cities and would be "dedicated to serving children between the ages of 3 through 6 years who are in need of intensive mental health services." All proposed work would occur within the proposed tenant space, with the exception of plans to extend an existing sidewalk to allow for a designated bus drop-off and pick-up area in front of the main doors. There are no plans for an outdoor playground, although two "large muscle" spaces would be provided as an indoor playground space.

This request was made after City staff became aware of a building permit that was submitted to the City for a tenant finish and determination that this use was not currently permitted within that location under the City's Zoning Code.

The Subject Property, also known as "Freeway Business Center III" is located on 4.4 acres with an approximately 74,850-square foot, one story concrete building that is currently home to Dean's Home Services (28,255-square feet), Morris Midwest (7,823-square feet), and DMR Supplies (6,718-square feet). The Subject Property is surrounded by other light industrial/flex buildings, with a series of hotels located to the south along Freeway Boulevard.

The Subject Property was constructed in 1986 per Hennepin County Records and was granted approval by City Council on October 15, 1984 under Planning Commission Application No. 84033 for both site and building plan approval and issuance of a Special Use Permit and for use as a "Spec 10 Office and Warehouse Building." The Subject Property has on-site parking as well as access to a common parking area located to the south of the property and off a private, u-shaped road (Parkway Circle).

In 2019, a Planned Unit Development amendment was approved by City Council under City Council Resolution No. 2019-017, which removed a percent usage restriction that had been in place for the Subject Property as well as the neighboring properties that are all currently part of a designated Planned Unit

Development (PUD)/Industrial Park District. At the time of the PUD's original establishment in 1995, the Subject Property had been intended for "100 percent office occupancy." Despite the removal of the percent usage restriction, the Amended and Restated Planned Unit Development Agreement executed in 2019 maintained that the Subject Property, located at 6701 Parkway Circle, was to be "limited to the following uses: uses that are permitted uses in the City's I-1 zoning district."

While "clinics," which are the closest identified use to the proposed children's day treatment center, are an outlined permitted use specifically within the 6601 Shingle Creek Parkway building, which also falls under the PUD designation, "clinics" are not an identified use for the Subject Property (6701 Parkway Circle), and "clinics" are not an outlined use within the underlying I-1 zoning district. It is for this reason, and following additional conversations with the City Attorney, that a request for issuance of Special Use Permit and determination of use shall be made, as outlined under Section 35-330.3.e of the City Code of Ordinances.

A public hearing notice was published in the Brooklyn Center *Sun Post* for publication on August 26, 2021, and mail notifications were mailed to both taxpayers and physical property addresses within the notification area. City staff received one call from Joe Hammer, owner of Chedi Holdings (6707 Shingle Creek Parkway), who had questions relating to pedestrian traffic within an industrial area with no sidewalks. City staff provided him with a copy of the staff report and following a review of the existing site relayed these concerns to Applicant Hoyt Properties. City staff requested that the Applicant re-stripe a fading crosswalk that would connect the Subject Property to the common parking lot where Fraser staff would park. Fraser clients would be provided with 10 designated parking spaces outside the main doors and the proposed bus drop-off and pick-up area would provide direct access to the center. Fraser has indicated that at no time would clients be left unattended outside the building as drop-offs and pick-ups are scheduled and clients are paired with a Fraser staff member.

The Planning Commission ultimately held a public hearing for the aforementioned application at their meeting on September 9, 2021, and were generally supportive of the outlined request. Representatives from Hoyt Properties and Fraser were in attendance, and answered questions relating to the operations of the center, the overall need of the use, and opportunities to provide a service to Brooklyn Center residents.

Following close of the public hearing, the Planning Commission elected to unanimously (5-0) recommend City Council approval of the requested issuance of a Special Use Permit for the proposed children's day treatment center.

A copy of the Planning Commission Report for Planning Commission Application No. 2021-004, dated September 9, 2021 and City Council resolution regarding the aforementioned request is included with this memorandum.

**Budget Issues:**

None to consider at this time.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Targeted Redevelopment

**ATTACHMENTS:**

| Description | Upload Date | Type |
| --- | --- | --- |
| Staff Reports and Exhibits - SUP/Fraser Clinic (6701 Parkway Circle) | 9/20/2021 | Backup Material |
| Resolution - Disposition of Planning Commission Application No. 2021-004 | 9/20/2021 | Resolution Letter |

# Planning Commission Report

**Meeting Date: September 9, 2021**

- Application Filed: 08/10/2021
- Review Period (60-day) Deadline: 10/9/2021
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

| | |
|---|---|
| **Application No.** | 2021-004 |
| **Applicant:** | Kyle Thompson of Hoyt Properties (on behalf of Fraser) |
| **Location:** | 6701 Parkway Circle |
| **Request:** | Use Determination / Special Use Permit |

## INTRODUCTION AND BACKGROUND

Kyle Thompson of Hoyt Properties ("the Applicant"), on behalf of proposed tenant Fraser, is requesting review and consideration of an application that would allow for issuance of a Special Use Permit to operate a children's day treatment clinic within an approximately 8,248-square foot space at 6701 Parkway Circle ("the Subject Property")—**Refer to Exhibit A.** This request was made after City staff became aware of a building permit that was submitted to the City for a tenant finish and determination that this use was not currently permitted within that location under the City's Zoning Code.

The Subject Property, also known as "Freeway Business Center III" is located on 4.4 acres with an approximately 74,850-square foot, one story concrete building that is currently home to Dean's Home Services (28,255-square feet), Morris Midwest (7,823-square feet), and DMR Supplies (6,718-square feet).

The Subject Property was constructed in 1986 per Hennepin County Records and was granted approval by City Council on October 15, 1984 under Planning Commission Application No. 84033 for both site and building plan approval and issuance of a Special Use Permit and for use as a "Spec 10 Office and Warehouse Building." At the time the Subject Property and adjacent industrial buildings were developed, a central parking lot and potential parking ramp were contemplated to address minimum parking needs. As part of the approvals, City Council Resolution No. 84-112 approved and authorized the execution of a declaration of covenants for the construction of a parking facility on Tract C, Registered Land Survey No. 1564, between the City of Brooklyn Center and Shingle Creek Land Company.

In 1995, the City, along with various property owners, sought a rezoning from I1 (Industrial Park) and C2 (Commerce) to PUD/I1 (Planned Unit Development/Industrial Park) and approval for a Planned Unit Development to accommodate and acknowledge appropriate "common area parking" for various developments located in the area northwesterly of Shingle Creek Parkway and Freeway Boulevard. The properties included in this request were: 6601 and 6706 Shingle Creek Parkway; 6601 and 6701 Parkway Circle (Subject Property); 2000, 2100, and 2200 Freeway Boulevard; and the north and south portions of the central parking lot, located on Tract C of Registered Land Survey No. 1564 and Tract C of Registered Land Survey No. 1572, respectively.

As mentioned, this area had operated under a Special Use Permit for the approved off-site parking allocations, as the City did not have provisions in its ordinances for a Planned Unit Development back in the 1980s when many of the buildings located in the PUD were approved. The Special Use Permit therefore outlined provisions for off-site accessory parking in a central parking lot to "allow flexibility in

developing various office/industrial sites in this area." The plan had also provided for a private, non-public access road (Parkway Circle) to offer access to various development parcels that were otherwise landlocked around the central lot.

The staff report provided with Planning Commission Application No. 95009 notes a history of easement agreements that outlined certain parking, driveway, and access rights over the properties in this area. It was acknowledged at this time that the easement agreement was a complex document that had been amended numerous times over the years with the last amendment (5th amendment) occurring in 1988. These amendments reflected changing parking allocations from the central parking lot to various properties as well as other elements relating to the central parking area and access road.

The 6th Amendment to the Easement Agreement (revised in March 1996), reflected new ownership of the central parking lot as well as new and existing ownerships of the various properties in the area. Additional revisions reflected modifications to the parking agreement to lift a restriction that would have prevented the construction of an approved site and building plan for 6701 Parkway Circle. The 6th Amendment, based on a new allocation of parking, eliminated a previous requirement for a ramp (CC Resolution No. 1984-112); offered a provision to construct an additional 25 parking spaces in a landscape area, if necessary; remove a required allocation of 65 parking spaces in the central parking area for the hotel located at 2200 Freeway Boulevard; provide additional parking along the outer perimeter of Parkway Circle (private road access); and eliminated no longer necessary traffic control signal agreements along Shingle Creek Parkway.

Approval of the rezoning and establishment of the Planned Unit Development is reflected within City Council Resolution No. 1995-157 (*Resolution Regarding Disposition of Planning Commission Application No. 95009 Submitted by the City of Brooklyn Center*).

In 2019, City staff was approached by Property Owner Hoyt Properties regarding concerns relating to restrictions on the usage of property within this PUD and specifically regarding a series of conditions and considerations under City Council Resolution No. 1995-156 requiring that each of the buildings falling under the PUD be allocated certain percentages of usage within each of the building as a means of addressing the parking needs. In the case of the Subject Property, located at 6701 Parkway Circle and identified in prior reports and documentation as "RCM Plaza" or "Tract B of RLS No. 1564," documentation from 1995 indicated intent for "a 100 percent office occupancy of the RCM Plaza Building."

City Council ultimately approved a request to remove the percent usage restrictions from those properties falling under the PUD under City Council Resolution No. 2019-017; however, the Amended and Restated Planned Unit Development Agreement ultimately executed on June 20th, 2019, maintained that the "6701 Parkway Circle Property shall be limited to the following uses: uses that are permitted uses in the City's I-1 zoning district." **Refer to Exhibit B.**

While "clinics" are an outlined, permitted use within the 6601 Shingle Creek Parkway building, which also falls under the PUD designation, "clinics" are not an identified use for the Subject Property (6701 Parkway Circle), and "clinics" are not an outlined use within the underlying I-1 zoning district. It is for this reason, and following additional conversations with the City Attorney, that a request for issuance of Special Use Permit and determination of use shall be made.

Given the request, a public notice was submitted to the Brooklyn Center *Sun Post* for publication on

August 26, 2021 **(Exhibit C)**. Mail notifications were mailed to both the taxpayers and physical property addresses within the notification area surrounding the Subject Property and specifically Parkway Circle.




**Map 1.** Subject Property Location (6701 Parkway Circle).




**Image 1.** Exterior Images of Subject Property and Proposed Tenant Space (6701 Parkway Circle).

## COMPREHENSIVE PLAN AND ZONING STANDARDS

*2040 Land Use Plan:* B-MU (Business Mixed-Use)

Neighborhood: Shingle Creek

*Current Zoning:* PUD/I-1 (Planned Unit Development/Industrial Park) District

*Surrounding Zoning:*
North: I-1 (Industrial Park) District
East: I-1 (Industrial Park) District
South: PUD/I-1 (Planned Unit Development/Industrial Park) District
West: PUD/I-1 (Planned Unit Development/Industrial Park) District

*Site Area:* Approximately 4.4 Acres

## SPECIAL USE PERMIT REVIEW

*Background on Proposed Use/Use Determination*

City staff initially reached out to Hoyt Properties to obtain clarification on the intended use after City staff was made aware of the proposed alterations at the Subject Property following submittal of a building permit for tenant space improvements. Following discussions with Hoyt Properties, City staff was invited to tour a newly-opened Fraser satellite clinic location in Maple Grove as Fraser had noted that the clinic format there was most like the proposed Brooklyn Center location. As part of the application submittal, a narrative was provided regarding the intended plans for the Subject Property in Brooklyn Center and use.

As proposed, the location in Brooklyn Center would be one of nine new Fraser Autism Center of Excellence Satellite (FACES) locations in the Twin Cities, and would be "dedicated to serving children between the ages of 3 through 6 years who are in need of intensive mental health services." The children receiving services would be at the location for up to seven (7) hours per day, Monday through Friday and would receive 1:1 services from Fraser staff members. The intent is for the Brooklyn Center location to provide these intensive autism services to 48 children through ABA (Applied Behavior Analysis) and supporting speech/occupational therapy services. This location is also proposed to employ 61 staff.

Both Fraser and Hoyt Properties have insisted that there are no plans, either now in the future, for an outdoor playground. City staff raised this concern in early discussions as the most recent example of a similar type use in Brooklyn Center (Helena Autism Center – Planning Commission Application Nos. 2019-004 and 2020-003) involved the installation of an outdoor playground as well as site improvements to the property at 5637 Brooklyn Boulevard. As proposed, and as seen at the Maple Grove location, there would be an indoor playground space ("indoor large muscle space").

There are also plans to construct a bus drop off and pick up area along a newly extended sidewalk on the Subject Property. Hoyt Properties (Property Owner) would dedicate 10 parking stalls in front of the proposed entrance to Fraser to facilitate direct access to the space.

Fraser provides the largest early childhood program in Minnesota, as well as the largest autism program in Minnesota, services 12,000 individuals on an annual basis, and employs approximately 1,500 staff across 52 locations.

*Existing Tenants and Parking Needs*

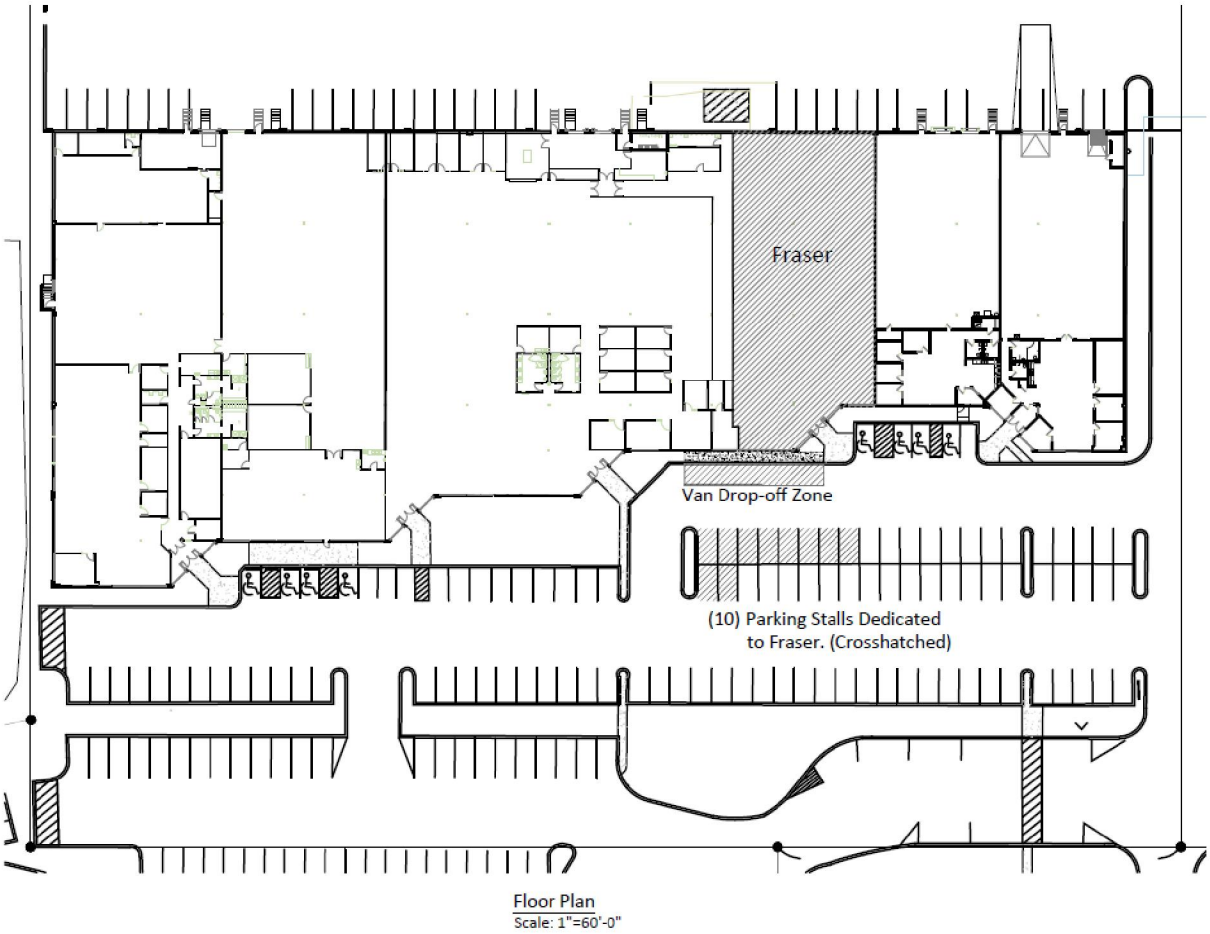



**Image 2.** Proposed Bus Drop-off/Pick-up and On-Site Parking (6701 Parkway Circle).

The Subject Property is currently home to three (3) other tenants. Per the Alta Survey submitted with the application **(Exhibit A)**, there are currently 174 on-site parking spaces, although 10 parking stalls would be dedicated for use by Fraser, and an existing space in front of the proposed use would be allocated for use as a bus drop-off/pick-up ("van drop-off zone"), as indicated in Image 2 above.

The Subject Property also has rights to a common parking lot that, per City staff, has long been underutilized. This can at least partially be attributed to the long-term vacancies within the 6601 Shingle Creek Parkway and 6701 Parkway Circle buildings. Assuming a maximum staffing of 61 staff and a "medical clinic" use, the City's current Zoning Code would require a minimum of "three spaces for each doctor or dentist, plus one space for every two employees or one space for each 150 square feet of gross floor area, whichever requirement is greater."

Assuming this, a minimum of 55 parking spaces would need to be dedicated for use by Fraser. While this comprises approximately 32-percent of the total on-site parking spaces available at the Subject Property, City staff does not have immediate concerns regarding the availability of parking and the property owner will need to manage the individual parking needs and expectations for the tenants located within the building at 6701 Parkway Circle. As proposed, there are 10 spaces outlined as

dedicated to Fraser on-site at 6701 Parkway Circle, with an addition 40 spaces allocated for Fraser staff just south of the Subject Property in the common parking area (refer to Image 3 below).

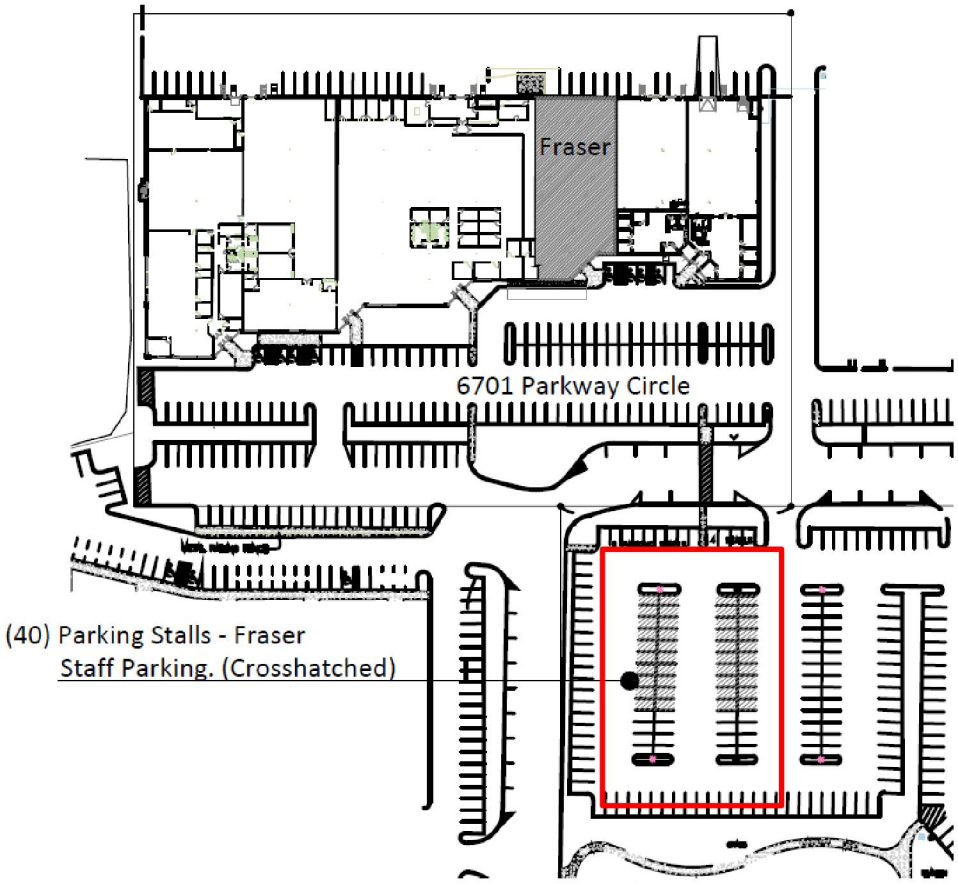



**Image 3.** Overflow Fraser Staff Parking in Common Parking Lot (40 Stalls).

*Building Official Review*

Building Official Dan Grinsteinner provided initial comments with regard to the building permit submitted for the tenant finish for the proposed Fraser Clinic in his plan review dated July 27, 2021. The proposed tenant space is fully sprinklered and has an occupant load of 107 persons based on the proposed occupancy type.

Assuming this, Fraser will need to ensure they fall within maximum occupancy allowances as the proposed 61 staff and 48 clients would exceed the occupancy threshold by two (2) persons. **Refer to Exhibit D.**

*Special Use Permit Request*

The Applicant is requesting approval of a Special Use Permit to allow for the establishment of children's day treatment center at 6701 Parkway Circle. In reviewing the City Zoning Code, City staff determined that the proposed use most closely matched certain special uses identified under Section 35-330.3.e, which state:

e. Those commercial developments which, in each specific case, are demonstrated to the City Council to be:

1) Compatible with existing adjacent land uses as well as with those uses permitted in the I-1 district generally.

2) Complementary to existing adjacent land uses as well as to those uses permitted in the I-1 district generally.

3) Of comparable intensity to permitted I-1 district land uses with respect to activity levels.

4) Planned and designed to assure that generated traffic will be within the capacity of available public facilities and will not have an adverse impact upon the industrial park or the community.

and, which are described in Section 35-322, Subsection 1 d, e (subparts 1-6), f, (subparts 2 and 3), g through j; 3 m and 3 p. Such commercial developments shall be subject to I-1 district requirements of Section 35-400 and 35-413 and shall otherwise be subject to the ordinance requirements of the use classification which the proposed development represents.

According to Section 35-220 (*Special Use Permits*) of the City's Zoning Code,

*"Special uses are those which may be required for the public welfare in a given district but which are, in some respects, incompatible with the permitted uses in the district. Before a building or premises is devoted to any use classified as a special use by this ordinance, a special use permit must be granted by the City Council."*

Per the *Standards of Special Use Permits*, a Special Use Permit may be granted by the City Council after demonstration by evidence that all of the following are met (Applicant responses are *italicized*):

1. ***The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort.***

   The Applicant has noted in submitted documentation that,

   *Fraser's FACES model was launched in March 2021 at our first site opening in Maple Grove. Since day one, client, family, and community response has been extremely positive. Our model is self-sustaining through commercial and public healthcare payment streams. This model lays the foundation for future replication. Intensive ABA/EIDBI services are in high demand and there are currently over 200 preschool children who have received an evaluation and are waiting for openings in Fraser's intensive ABA/EIDBI programming.*

2. ***The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.***

   *Fraser FACES Clinic are designed with Public Safety, client convenience and site security at its core. Client drop off hours are controlled to assure minimum interference with other tenants and to maximize the safety of our clients. Dedicated drop off spaces are conveniently located*

*adjacent to the building entry. Additional sidewalks are being added to assure the safety and controlled access by our clients. Staff parking is in the adjacent lot to the south to minimize the traffic near our entry. Clients (primarily 3-6 years of age) are met at the transportation vans or parent's vehicles and accompanied into the building in a 1:1 buddy system.*

*All client activities are limited to the interior of the FACES clinic where all needed activities are planned and supervised. Indoor large muscle spaces (2) serve as an indoor playground to allow the clients freedom of movement without the need for an external playground. The Clinical space is controlled by the use of electronic readers and delay exits assuring client safety and limiting any unaccompanied contact with neighboring tenants.*

*Due to the contained nature of our business model activities at the location will have no more impact to the surrounding properties than any general or office use space.*

It should be noted that the most recent Amended and Restated Planned Unit Development Agreement for the Subject Property and adjacent properties falling under the associated PUD allow for medical clinic usage within the building located at 6601 Shingle Creek Parkway, which is located to the southeast of the Subject Property.

***3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.***

The establishment of the special use should not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district as the area surrounding the Subject Property has long been developed. The Subject Property is currently surrounded by other PUD/I-1 (Planned Unit Development/Industrial Park) and I-1 (Industrial Park) properties, of which include general industrial uses, including some loading docks, a Met Transit bus maintenance facility located to the northwest, and three hotels located to the south of the Subject Property.

The 2040 Comprehensive Plan outlines the Subject Property with a future land use designation of "Business Mixed-Use," which is a, "new land use designation and guides land for a mix of business, light industrial, and supporting retail/service uses. This designation encourages redevelopment or development of commercial, office, general business and light industrial uses in coordination with supporting retail/commercial uses to encourage a more dynamic and connected experience for workers. This land use does not plan for residential uses but may include limited live-work opportunities as established through supporting official controls."

City staff has long been aware that some of the existing I-1 (Industrial Park) properties within the City no longer meet the emerging trends in industrial uses, of which include higher clear height needs that some of the buildings within this district, do not possess. As part of the on-going update to the City's Zoning Code, medical clinic uses have been outlined as a potential use within this area of the City. "Clinics" are outlined as a permitted use within the 6601 Shingle Creek Parkway building that is also a part of the identified PUD.

The Subject Property, along with some of the surrounding buildings, have experienced long stretches of vacancies and have been noted as a concern by property owner, Hoyt Properties. City staff did reach out to other communities that are currently home to Fraser Clinics with

similar services provided (and in acknowledgement that the model proposed for Brooklyn Center is a newer concept).

In review of these locations, it was noted that these locations were often in similar business park or light industrial locations, although the zoning districts and allowances varied. City staff was able to obtain responses from the communities of Maple Grove, Eden Prairie, Coon Rapids, and Eagan regarding their allowances for "medical clinics" in the locations where Fraser is currently operating day treatment centers out of.

| City | Zoning District | Allowable Use (?) |
|---|---|---|
| **Maple Grove – 8980 Zachary Lane North** | Industrial | No – Prohibited Use (no path forward to allow for said use) |
| **Eden Prairie – 6458 City West Parkway** | Office | Yes – Medical Clinics allowed as "Office Uses." Provision that allows office uses to utilize up to 50% of gross floor area in industrially-zoned buildings. |
| **Coon Rapids – 9120 Springbrook Drive NW** | Industrial | Yes – Permitted Use |
| **Eagan – 2030 Rahn Way** | Planned Development (PD) | Yes – Permitted under PD. "Clinics" are a permitted use in a number of Eagan's commercial districts, including "Limited Business," "Neighborhood Business," "General Business," and "Cedar Grove." Within their "Business Park" District, "clinics" are not specifically listed; however, uses such as daycare facilities, elementary and middle schools, and health care facilities are listed as conditional uses. Their "Limited Industrial" District does not allow for any medical or institutional uses. |
| | | |

In the case of Maple Grove, which is most similar to the proposed model for Brooklyn Center, the clinic was located within the city's Industrial District, but upon communication with Maple Grove staff, it was determined that the use was actually *prohibited* and there was no path forward that would allow for the use at that location. In Eden Prairie, the Fraser location was located within their designated Office District and in proximity to a mix of other use types (i.e. multi-family, commercial, industrial). In Coon Rapids, the clinic is also located in the city's Industrial District, which allows for medical uses. In Eagan, there are a number of districts that allow for medical uses and clinics, although their "Limited Industrial" District does not permit this type of use.

4. ***Adequate measurements have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets.***

The Subject Property is accessed off a private, u-shaped drive (Parkway Circle) that has long been the subject of numerous shared parking and access easements and accommodations for common or overflow parking between properties, and has no direct access off a public streetway. The Applicant and Property Owner will need to ensure adequate emergency access is maintained for fire. Historically, the Fire Department has required a minimum of 20 feet for

access under the Fire Code and the Zoning Code requires a minimum of 24 feet for two-way, 90-degree traffic. In reviewing the submitted Alta Survey, it appears the existing PIV (Post Indicator Valve) and fire sprinkler access is located along the east side of the Subject Property building.

Although it has been conveyed that pick-ups and drop-offs are handled under a tight schedule in the mornings and afternoons, the Applicant and Property Owner will need to ensure vehicles are not left for extended periods in the designated drop off area to preserve adequate inter-site circulation.

5. ***The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.***

   Per the submitted plans, the Applicant has no plans to alter the exterior of the building in such a way to render the building or site non-conforming. The only anticipated alterations include the incorporation of additional sidewalk along the front of the existing building to facilitate the proposed bus drop-off and pick-up area, and the installation of designated parking for Fraser clients and staff.

   With regard to the minimum parking requirements, and based on the intended operation of the children's day treatment center ("medical clinic") and other users within the Subject Property, City staff is not overly concerned about parking provided the lot at this time. If it is determined that circulation issues are present, City staff will need to coordinate with property ownership and Fraser.

***Based on staff findings, staff recommends the Planning Commission recommend City Council approval of the requested Special Use Permit for allowance of a children's day treatment center (medical clinic) for the Subject Property located at 6701 Parkway Circle; subject to the Applicant complying with the comments outlined in the Approval Conditions noted below.***

**APPROVAL CONDITIONS:**
Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2021-004 for 6701 Parkway Circle (Subject Property):

1. Any major changes or modifications made to the Subject Property can only be made either through the City's Building Permit process or through formal Site and Building Plan review by the City.
   a. The Applicant shall obtain all necessary permitting from the City in advance of any proposed improvements and address any comments provided by City staff.
2. Issuance of a Special Use Permit for the outlined children's day treatment center is for the property located at 6701 Parkway Circle only and does not contemplate the construction of any outdoor playground or exterior improvements, with the exception of the proposed bus drop-off and pick-up zone, sidewalk extension, and dedicated parking spaces for the outlined use.
3. The Applicant shall obtain approval from the Hennepin County Health Department for any proposed kitchen facilities.
4. The Applicant shall maintain any and all registrations and licensures for the proposed use (children's day treatment center).
5. The Property Owner shall ensure the fire sprinkler system is maintained and monitored.

**RECOMMENDATION**

*Based on the above-noted findings, City Staff recommends the Planning Commission recommends City Council approval of Planning Commission Application No. 2021-004 for the issuance of a Special Use Permit to allow for a children's day treatment center (medical clinic) at 6701 Parkway Circle, subject to the Applicant/Property Owner complying with the above-noted Approval Conditions and associated Resolution.*

## Attachments

**Exhibit A –** Planning Commission Application No. 2021-004 and documentation, submitted by Hoyt Properties/Fraser, and dated August 10, 2021.

**Exhibit B –** Executed Amended and Restated Planned Unit Development Agreement, dated June 20, 2019.

**Exhibit C –** Public Hearing Notice, dated August 26, 2021, as published in the Brooklyn Center *Sun Post*.

**Exhibit D –** Plan Review as prepared by Dan Grinsteinner, City of Brooklyn Center Building Official, for the proposed Fraser Clinic Interior Remodel, dated July 27, 2021.

Project Narrative

Description of the project:

**In 2021 Fraser embarked on a new strategic growth plan in its healthcare area to create more capacity for young children with the highest of mental health and behavior needs. We are in process of opening nine new Fraser Autism Center of Excellence Satellites (FACES) in the Twin Cities**

Fraser FACES sites are dedicated to serving children ages 3 through 6 years who are in need of intensive mental health services. As a certified EIDBI provider in the state of MN, Fraser FACES sites will offer Applied Behavioral Analysis (ABA) that is supported by Speech and Occupational Therapy.

- Children receive services up to 7 hours each day, Monday – Friday.
- Services are individualized; each child is paired with a Fraser staff member. This 1:1 staffing ratio assures appropriate safety and treatment direction.
- Children move through active treatment where progress is measured daily.
- At any time, children and families receiving services at a FACES site may draw upon the full continuum of services at Fraser's six main clinic locations.
- An on-site Mental Health Professional and Board Certified Behavior Analyst (BCBA) provide program supervision and oversight.

A FACES site in Brooklyn Center will meet a huge need for early childhood mental health and speech/occupational therapy services in this community:

- Will provide intensive autism services to 48 children through ABA and supporting speech/occupational therapy services.
- Will employ 61 staff at this location.

**Nature of the applicant's interest:**

Fraser is a non-profit organization that has provided healthcare, housing, education, employment and support services in Minnesota since 1935. We serve 12,000 individuals each year and employ about 1,500 staff across 52 locations.

Fraser has extensive history and experience in the healthcare arena and is recognized by the Department of Health as:

- The largest early childhood program in Minnesota
- The largest autism program in Minnesota

We are committed to growing to meet the increasing demand for mental health services supporting both children and adults. Fraser successfully operates six full-service mental health clinics in the Twin Cities metro area. We also provide extensive telehealth services that serve individuals throughout the state of MN.

We are known for our healthcare expertise in autism, but we are also known for our strong comprehensive evaluation services and family supports. We are the premier experts on early childhood development, early identification and prevention. In addition, we partner with school districts and community medical clinics to ensure quick access to services and assure that service delivery is coordinated. All Fraser Clinical Services are individualized and delivered with family engagement.

A statement describing the intended use of the property and why the City should approve the request, specifically addressing the Criteria for Review listed on page 1.

Criteria for Review A special use permit may be granted after demonstration that all of the following are met: 

The establishment, maintenance or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort. 

Fraser's FACES model was launched in March 2021 at our first site opening in Maple Grove. Since day one, client, family and community response has been extremely positive. Our model is self-sustaining through commercial and public healthcare payment streams. This model lays the foundation for future replication. Intensive ABA/EIDBI services are in high demand and there are currently over 200 preschool children who have received an evaluation and are waiting for openings in Fraser's intensive ABA/EIDBI programming.

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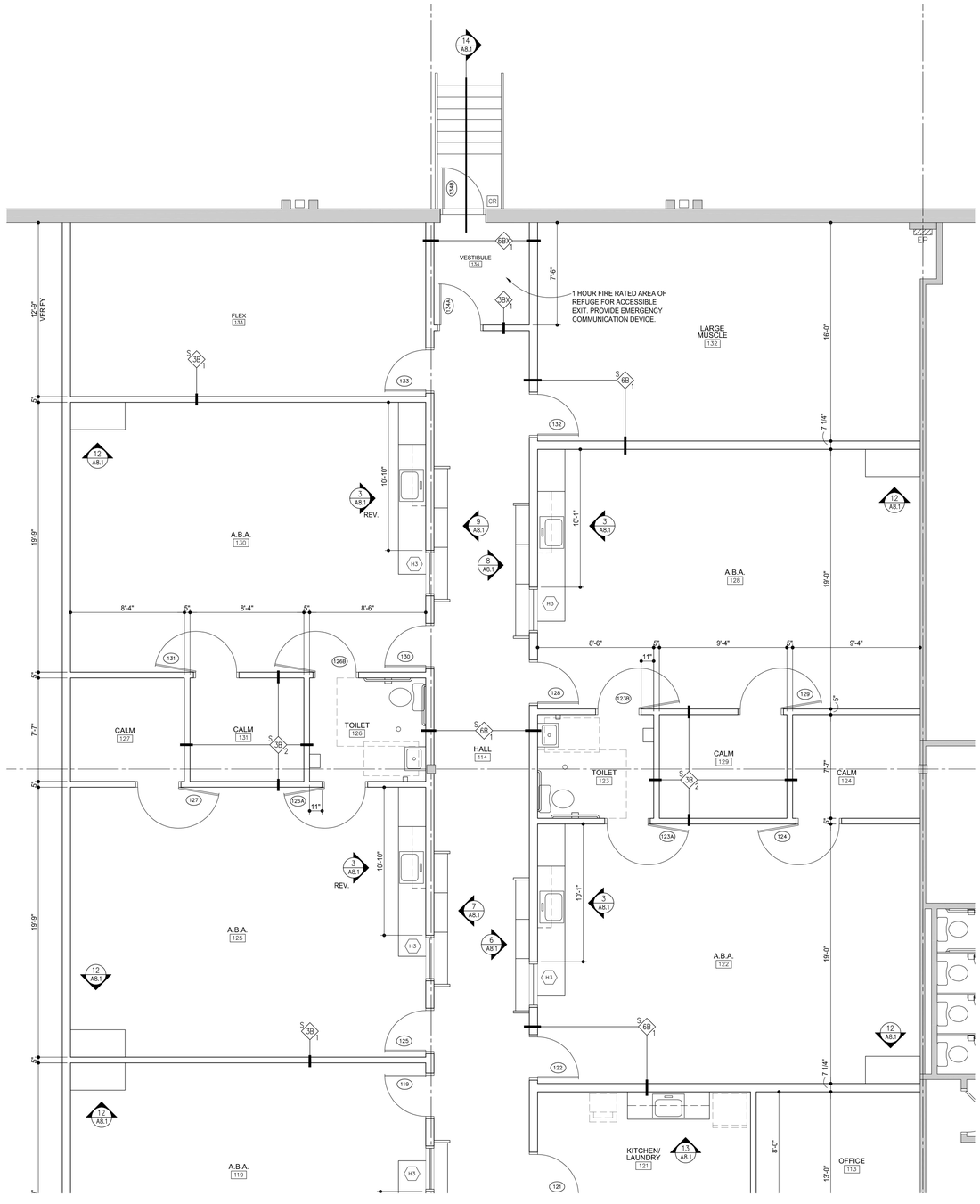
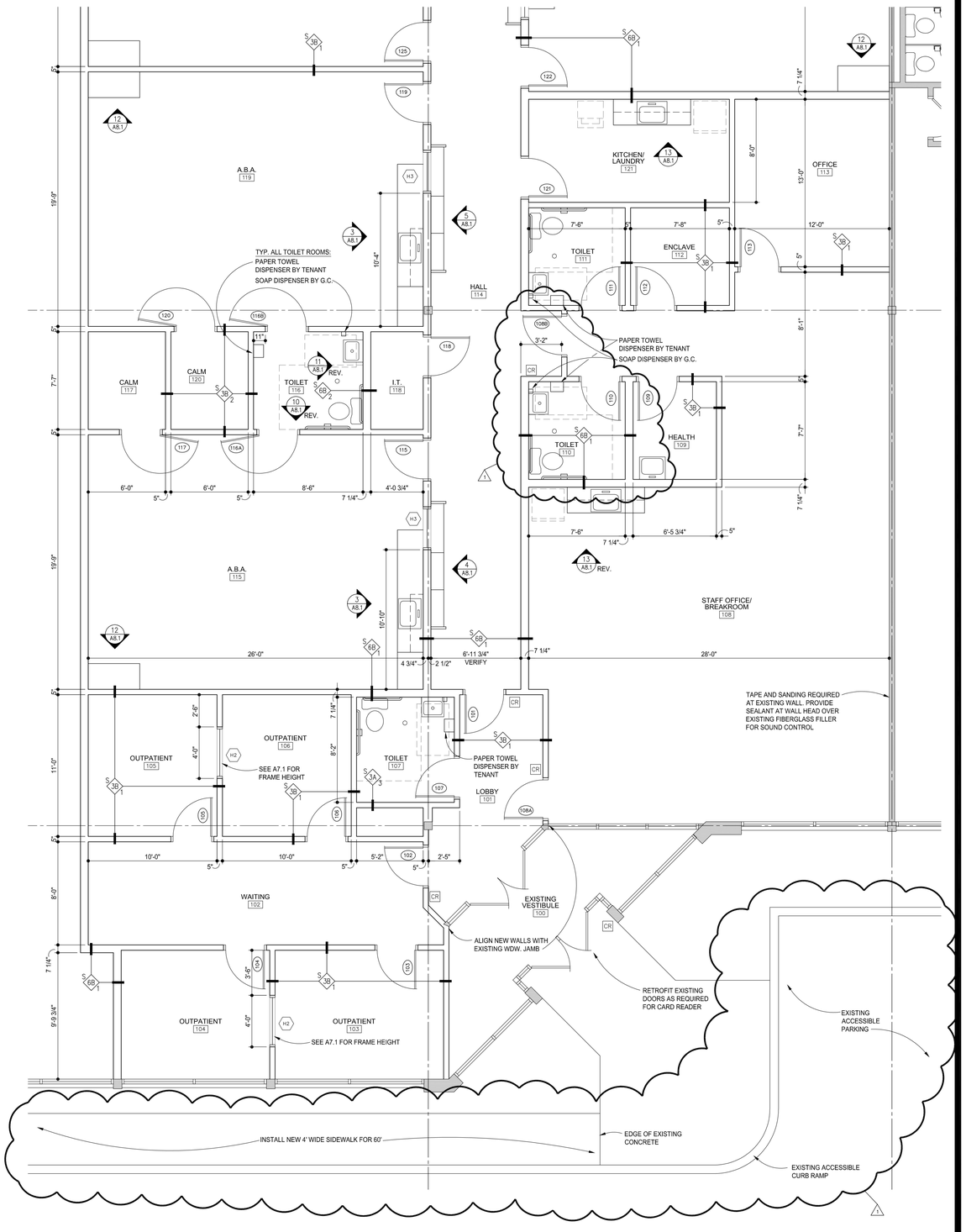
Due to the contained nature of our business model activities at the location will have no more impact to the surrounding properties than any general or office use space.




2 A2.2 PARTIAL FLOOR PLAN
1/4"=1'-0"

NORTH




1 A2.2 PARTIAL FLOOR PLAN
1/4"=1'-0"

NORTH

POPE ARCHITECTS
1295 BANDANA BLVD N, SUITE 200
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# FRASER BROOKLYN CENTER FACES CLINIC

6701 PARKWAY CIRCLE
SUITE 300
BROOKLYN CENTER,
MN 55430

## PARTIAL FLOOR PLANS

Issues and Revisions:

| | |
|---|---|
| PERMIT ISSUE | 6/18/21 |
| ⚠1 CODE REVIEW RESPONSE | 8/1/21 |

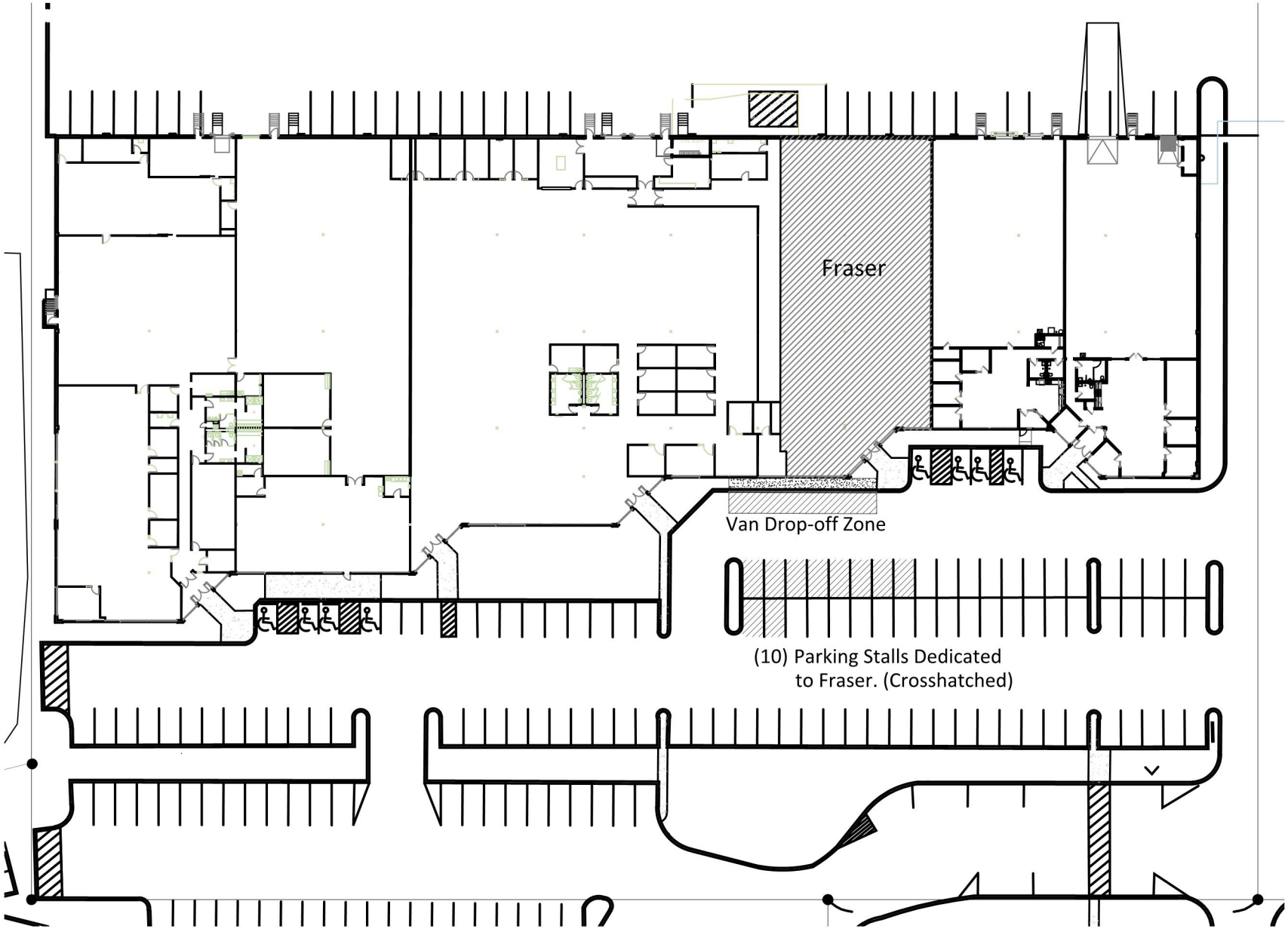
I hereby certify that this plan specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Gonzalo Villares
Date: 8-1-2021 Lic. No. 51570

| | |
|---|---|
| Commission No. | 26173-21098 |
| Drawn by | JL, MX |
| Checked by | JL |

SHEET
A2.2

TRUE SHEET SCALE
0" 1/2" 1"




Floor Plan
Scale: 1"=60'-0"

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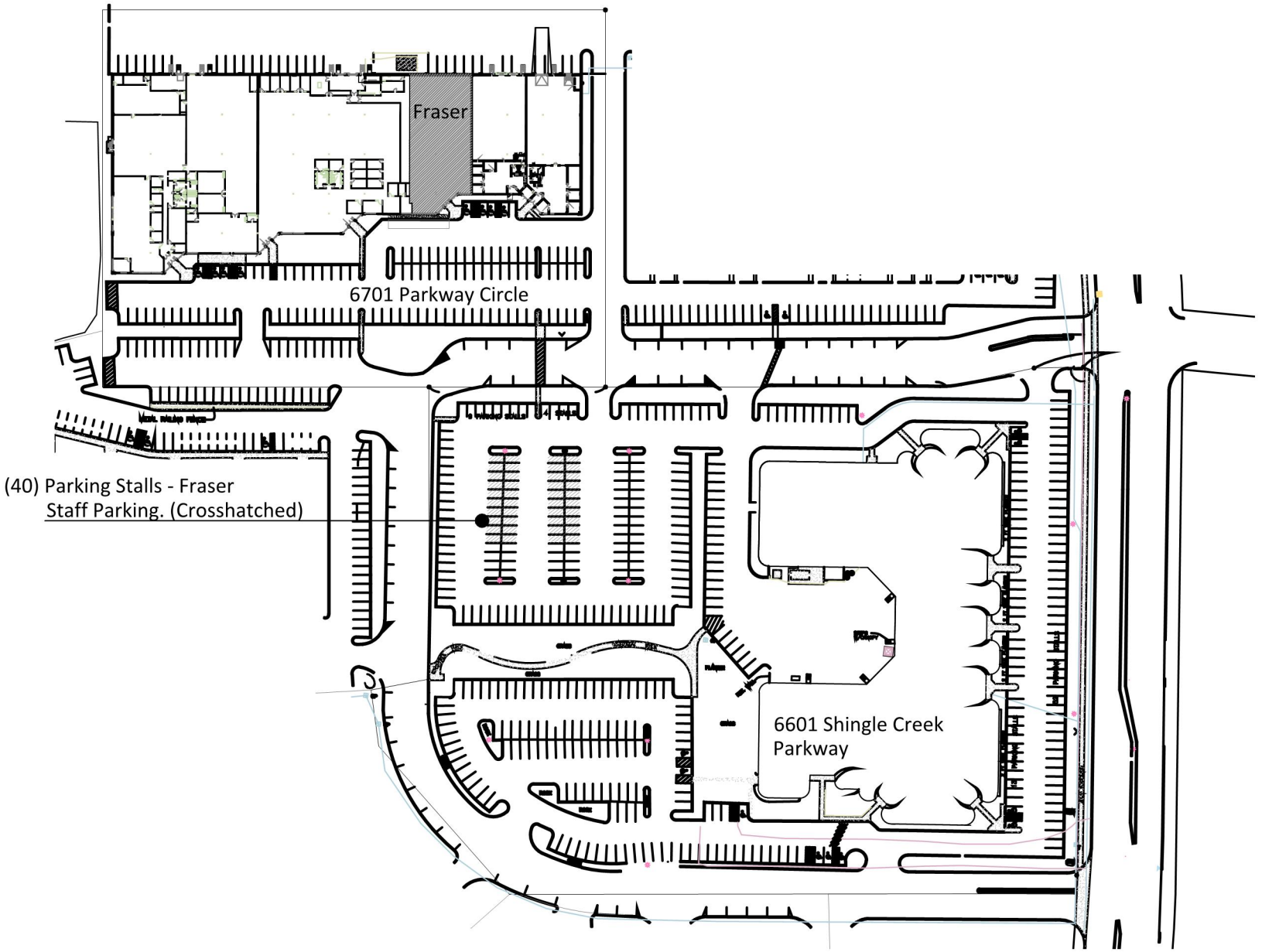
Fraser - Parking Study

Freeway Business Center III
6701 Parkway Circle
Brooklyn Center, MN 55430




Floor Plan
Scale: 1"=250'-0"

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# Fraser - Overflow/Staff Parking

Freeway Business Center I
6601 Shingle Creek Parkway
Brooklyn Center, MN 55430

## DESCRIPTION

The following was provided in First American Title Insurance Company File No.: NCS-656079-MPLS, Policy No.: 656079, Date of Policy: July 7, 2014, at 10:29 a.m., Schedule A.

Parcel A1: (LAND PARCEL)

Tract B, Registered Land Survey No. 1564, Hennepin County.

Registered Property
Certificate of Title No. 1388707

Parcel A2: (EASEMENT PARCEL)

Non-exclusive easement for driveway purposes over part of Tract A, Registered Land Survey No. 1537, as contained in the Easement Agreement dated March 11, 1980, recorded March 20, 1980 in the office of the Hennepin County Registrar of Titles as Doc. No. 1375074.

Parcel A3: (EASEMENT PARCEL)

Non-exclusive easements for driveway and parking purposes, all as contained in the Easement Agreement dated February 5, 1981, recorded February 9, 1981 in the office of the Hennepin County Registrar of Titles as Doc. No. 1414568, as amended by Doc. Nos. 1572021, 1597790, 1748866, 1830199, 2036563, and 2688893.

Parcel A4: (EASEMENT PARCEL)

Non-exclusive easement for parking purposes over part of Tract A, Registered Land Survey No. 1572, as contained in the Declaration of Covenants, Restrictions and Easement for Parking Purposes, dated December 16, 1987, recorded December 17, 1987 in the office of the Hennepin County Registrar of Titles as Doc. No. 1896176, as amended by the Sixth Amendment to Easement Agreement and Modification of Declarations for Parking, dated March 27, 1996, recorded March 28, 1996 as Doc. No. 2688893.

Parcel A5: (EASEMENT PARCEL)
Non-exclusive easement for storm sewer purposes over parts of Tract A, Registered Land Survey No. 1564, and Tract A, Registered Land Survey No. 1537, as contained in the Reciprocal Storm Sewer Easement Agreement dated July 11, 2005, recorded December 12, 2005 in the office of the Hennepin County Registrar of Titles as Doc. No. 4200026.

Parcel A6: (EASEMENT PARCEL)
Non-exclusive easements for utility purposes over parts of Tract A, Registered Land Survey No. 1564, as contained in the Utility Easement Agreement dated June 30, 2005, recorded October 19, 2005 in the office of the Hennepin County Registrar of Titles as Doc. No. 4177771.

Parcel B1: (LAND PARCEL)

Tract C, Registered Land Survey No. 1564; and Tracts C and G, Registered Land Survey No. 1572, Hennepin County.

Registered Property
Certificate of Title No. 1388707

Parcel B2: (EASEMENT PARCEL)

Non-exclusive easements for driveway and parking purposes, all as contained in the Easement Agreement dated February 5, 1981, recorded February 9, 1981 in the office of the Hennepin County Registrar of Titles as Doc. No. 1414568, as amended by Doc. Nos. 1572021, 1597790, 1748866, 1830199, 2036563, and 2688893.

Parcel B3: (EASEMENT PARCEL)
Non-exclusive easements for utility purposes over parts of Tract A, Registered Land Survey No. 1564, as contained in the Utility Easement Agreement dated June 30, 2005, recorded October 19, 2005 in the office of the Hennepin County Registrar of Titles as Doc. No. 4177771.

## NOTES CORRESPONDING TO SCHEDULE B EXCEPTIONS

The following were provided in First American Title Insurance Company File No.: NCS-656079-MPLS, Policy No.: 656079, Date of Policy: July 7, 2014, at 10:29 a.m., Schedule B - Exceptions from Coverage. The items referenced correspond to the items defined in the Title Commitment's Schedule B - Exceptions from Coverage, and are referenced on survey drawing by item number.

Items 4 through 6 and 24 through 26, Schedule B - Exceptions from Coverage are not addressed on this survey (non-survey related).

Item 1: Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other fact which a correct survey would disclose, and which are not shown by public records.
- ANY DISCREPANCIES OR CONFLICTS IN BOUNDARY LINES, AND SHORTAGES IN AREA ARE NOTED IN THE SURVEYORS NOTES AND ANY ENCROACHMENT OR OVERLAPPING OF IMPROVEMENTS THAT BOLTON & MENK, INC. IS AWARE OF ARE LISTED IN THE POSSIBLE ENCROACHMENTS SECTION OF THIS SURVEY MAP.
Item 2: Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
- ANY FACTS, RIGHTS, INTERESTS OR CLAIMS PROVIDED IN THE ABOVE MENTIONED TITLE INSURANCE COMMITMENT ARE SHOWN ON THIS SURVEY MAP.
Item 3: Easements, claims of easement or encumbrances which are not shown by the public records.
- ONLY THOSE EASEMENT OR CLAIMS PROVIDED IN THE ABOVE MENTIONED TITLE INSURANCE COMMITMENT ARE SHOWN ON THIS SURVEY MAP.
Item 7: Rights of tenants under unrecorded leases, listed as follows:
a.) Moneygram Payment Systems, Inc.;
b.) Recreation Fire and Miracles Ministries;
c.) Hennepin County; and
d.) Hennepin Healthcare System, Inc.
- ANY FACTS, RIGHTS, INTERESTS OR CLAIMS PROVIDED IN THE ABOVE MENTIONED TITLE INSURANCE COMMITMENT ARE SHOWN ON THIS SURVEY MAP.
Item 8: Mineral and mineral rights reserved by the Regents of the University of Minnesota as shown by Recital on the Certificate of Title. (Parcel A and B).
- SAID RIGHTS NOT SHOWN ON THIS SURVEY MAP.
Item 9: Easement for driveway purposes now over part of Tract B, RLS No. 1564 as contained in Warranty Deed dated December 21, 1979, recorded January 8, 1980 as Doc. No. 1366011, and shown by Recital in the Certificate of Title. (Parcel A)
- SAID EASEMENT IS SHOWN ON THIS SURVEY MAP.
Item 10: Easement for driveway purposes and other possible uses now over part of Tract B, RLS No.1564 as contained in Warranty Deed dated March 7, 1980 recorded May 20, 1980 as Doc. No. 1381744, and shown by Recital on the Certificate of Title. (Parcel A)
- SAID EASEMENT IS SHOWN ON THIS SURVEY MAP.
Item 11: Easement for power line purposes in favor of Northern States Power Company, as contained in the Underground Easement dated April 9, 1973, recorded April 12, 1973 as Doc. No. 1067086. (Parcel B)
- SAID EASEMENT IS SHOWN ON THIS SURVEY MAP.
Item 12: Terms and conditions, including easements for driveway purposes, as contained in the Easement Agreement dated March 11, 1980, recorded March 20, 1980 as Doc. No. 1375074. (Parcel A)
- SAID EASEMENT AS CONTAINED IN SAID EASEMENT AGREEMENT IS SHOWN ON THIS SURVEY MAP.
Item 13: Terms and conditions, including easements, as contained in the Easement Agreement dated February 5, 1981, recorded February 9, 1981 as Doc. No. 1414568, as amended by the following: (Parcels A and B)
(a) Amendment to Easement Agreement and Declaration dated March 9, 1984, recorded April 12, 1984 as Doc. No. 1572021;
(b) Second Amendment to Easement Agreement and Declaration dated August 13, 1984, recorded August 29, 1984 as Doc. No. 1597790;
(c) Third Amendment to Easement Agreement and Declaration dated July 21, 1986, recorded August 20, 1986 as Doc. No. 1748866;
(d) Fourth Amendment to Easement Agreement and Declaration dated May 1, 1987, recorded May 8, 1987 as Doc. No. 1830199;
(e) Fifth Amendment to Easement Agreement and Declaration dated December 1, 1988, recorded August 31, 1989 as Doc. No. 2036563 (see also the authorization in the instrument dated August 30, 1989, recorded August 31, 1989 as Doc. No. 2036562);
(f) Declaration of Non-Merger dated June 30, 1994, recorded June 30, 1994 as Doc. No. 2529835;
(g) Sixth Amendment to Easement Agreement and Modification of Declarations for Parking dated March 27, 1996, recorded March 28, 1996 as Doc. No. 2688893; and
(h) Release and Termination of Parking Ramp Declaration dated March 25, 1996, recorded March 28, 1996 as Doc. No. 2688894.
- SAID DRIVEWAY AND PARKING EASEMENTS CONTAINED IN THE TERMS AND CONDITIONS IS NOTED ON THIS SURVEY DRAWING.
Item 14: Easements for drainage and utility purposes in favor of the City of Brooklyn Center as contained in the Easement Grant dated June 8, 1983, recorded June 21, 1983 as Doc. No. 1520298, as amended by the instrument recorded December 18, 1997 as Doc. No. 2870763. (Parcel A and B)
- SAID EASEMENTS ARE SHOWN ON THIS SURVEY MAP.
Item 15: Easement for drainage and utility purposes in favor of the City of Brooklyn Center as contained in the Easement Grant dated July 22, 1983, recorded August 2, 1983 as Doc. No. 1527228. (Parcel A)
- SAID EASEMENT IS SHOWN ON THIS SURVEY MAP.
Item 16: Easement for drainage and utility purposes in favor of the City of Brooklyn Center, as contained in the Easement Grant dated October 14, 1983, recorded October 21, 1983 as Doc. No. 1542290. (Parcel A)
- SAID EASEMENT IS SHOWN ON THIS SURVEY MAP.
Item 17: Terms and conditions of the Declaration of Covenants and Construction Agreement for a Traffic Control Signal, recorded May 8, 1987 as Doc. No. 1830197. (Parcel A)
- PARCEL A IS SUBJECT TO SAID AGREEMENT AND IS NOT SHOWN ON THIS SURVEY MAP.
Item 18: Terms and conditions of the Declaration of Covenants and Construction Agreement for a Traffic Control Signal, dated December 16, 1987, recorded December 17, 1987 as Doc. No. 1896175. (Parcel A) - PARCEL A IS SUBJECT TO SAID AGREEMENT AND IS NOT SHOWN ON THIS SURVEY MAP.
Item 19: Terms and conditions of the Declaration of Covenants, Restrictions and Easement for Parking Purposes, dated December 16, 1987, recorded December 17, 1987 as Doc. No. 1896176, as amended by the Sixth Amendment to Easement Agreement and Modification of Declarations for Parking, dated March 27, 1996, recorded March 28, 1996 as Doc. No. 2688893. (Parcel A)
- EASEMENT FOR PARKING PURPOSES IN SAID TERMS AND CONDITIONS IS SHOWN ON THIS SURVEY MAP.
Item 20: Terms and conditions of the Temporary License Agreement dated August 18, 1993, between The Travelers Insurance Company and the Metropolitan Transit Commission, which is unrecorded but which is referred to in the Memorandum of Temporary License Agreement dated August 18, 1993, recorded February 28, 1994 as Doc. No. 2485452. (Parcel A)
- PARCEL A IS SUBJECT TO SAID AGREEMENT AND IS NOT SHOWN ON THIS SURVEY MAP.
Item 21: Terms and conditions of the Temporary Parking Agreement between DJS Holdings, Inc., a Delaware corporation, and CHEDI Holdings LLC, a Minnesota limited Liability company, dated May 6, 2003, which is unrecorded but which is referred to in the Memorandum of Agreement dated May 6, 2003, recorded July 8, 2003 as Doc. No. 3772648. (Parcel B)
- SUBJECT PROPERTY IS SUBJECT TO SAID AGREEMENT AND IS NOT SHOWN ON THIS SURVEY MAP.
Item 22: Terms and conditions of the Utility Easement Agreement, between Freeway III Holdings, LLC, DJS Holdings, Inc., and Chedi Holdings, LLC, dated June 30, 2005, recorded December 12, 2005 as Doc. No. 4177771. (Parcel A and B)
- SAID EASEMENTS PERTAIN TO EXISTING UTILITY LINES WITHIN PARCEL B-1 AND TRACK A OF RLS NO. 1564, WHICH ADJOINS SAID PARCEL B-1 TO THE NORTH. OBSERVED UTILITY LINES ARE SHOWN ON THE SURVEY MAP.
Item 23: Terms and conditions, including an easement for storm sewer purposes, as contained in the Reciprocal Storm Sewer Easement Agreement, between Freeway III Holdings, LLC, Industrial Equities Group, L.L.C., and Chedi Holdings, LLC, dated July 11, 2005, recorded December 12, 2005 as Doc. No.4200026. (Parcel A)
- SAID EASEMENT IS SHOWN ON THIS SURVEY MAP. (SEE SURVEYOR'S NOTE #6)

## POSSIBLE ENCROACHMENTS

The following are possible encroachments that may affect the Subject Property. Bolton & Menk, Inc. does not guarantee that all encroachments have been identified.

(A) Private driveway lies outside of driveway easement.

(B) Utilities and/or structures do not lie within an easement provided to Bolton & Menk, Inc. - No documentation for additional easements was provided to Bolton & Menk, Inc.

(C) Building (6701 Parkway Circle) encroaches into the minimum building setback by 0.3 feet.

(D) Posts lie outside of subject property by ±0.4 FT. TO ±0.8 FT.

## UTILITY AND SITE DATA

A zoning report or letter was not provided to Bolton & Menk, Inc. by the Client. All Zoning and Setback information was obtained from the City of Brooklyn Center Planning & Zoning Office web site (http://www.ci.brooklyn-center.mn.us), on February 21, 2018. For detailed zoning information and specific interpretation of code requirements, contact the City of Brooklyn Center Planning & Zoning Office at (763)569-3335.

ZONING: Subject property - PUD/I1 (Planned Unit Development/Industrial Park)

TRACT B, REGISTERED LAND SURVEY NO. 1564
MINIMUM BUILDING SETBACKS:
Front 50
Rear 25
Side 10

MINIMUM PARKING SETBACKS:
15 feet from any abutting street right or way

TRACT G, REGISTERED LAND SURVEY NO. 1572
MINIMUM BUILDING SETBACKS:
Front 50
Rear 25
Side 10

MINIMUM PARKING SETBACKS:
15 feet from any abutting street right or way

TRACT C, REGISTERED LAND SURVEY NO. 1564
MINIMUM BUILDING SETBACKS:
NOTE: NO BUILDINGS ALLOWED ON SUBJECT PROPERTY

MINIMUM PARKING SETBACKS:
15 feet from any abutting street right or way

TRACT C, REGISTERED LAND SURVEY NO. 1572
MINIMUM BUILDING SETBACKS:
NOTE: NO BUILDINGS ALLOWED ON SUBJECT PROPERTY.

MINIMUM PARKING SETBACKS:
15 feet from any abutting street right or way

(Note: Setbacks require an interpretation therefore are not graphically shown on this survey map.)

FLOOD ZONE: Community Panel No. 27053C0208F, dated November 4, 2016, of Flood Insurance Rate Maps published by U.S. Department of Housing and Urban Development, shows this site as being located in Zone "X", Zone "X" is defined as "Area of Minimal Flood Hazard".

UTILITIES: Underground utility lines and structures are shown in an approximate way only, according to information provided by others, together with information shown on a previous survey by Bolton & Menk Inc. dated 9/2/2005 (revised 9/12/2005). A request that utilities be located for this survey was made through Gopher State One Call (Ticket No. 180320249, 180320250, 180320258 & 180320361). The underground utility lines and structures shown on this map represent the information provided to Bolton & Menk, Inc. as a result of that request. The surveyor does not guarantee that the information provided was either complete or accurate. The surveyor does not guarantee that there are no other underground utility lines and structures, active or abandoned, on or adjacent to the subject property.

AREA: PARCEL A1
Subject property contains 193,391 square feet (4.44 acres)

PARCEL B1
Subject property contains 339,582 square feet (7.80 acres)

PARKING: Subject property and parking easement areas contain ±667 regular parking spaces and 23 handicap spaces.
(Note: Count includes only those spaces with the majority lying within the subject property and parking easements.)

## SURVEYOR'S NOTES

1. Orientation of the bearing system is based upon the most westerly line of TRACT B, REGISTERED LAND SURVEY NO. 1564, Section 35, Township 119, Range 21, Hennepin County, Minnesota, which is assumed to bear North 5 degrees 40 minutes 26 seconds West.
2. Bolton & Menk, Inc. determined ownership of adjoining land from Hennepin County tax records using the "Property Interactive Map" application on Hennepin County's web site.
3. The exterior building lines shown are of the building footprint as measured at ground level. The building foundation, which is not visible, may extend beyond the exterior building lines shown.
4. Subject property has constructed vehicular and pedestrian ingress and egress to/from Parkway Circle and Shingle Creek Parkway.
5. The 24 foot wide access easement granted by Doc. No. 2036563 is not locatable by the document alone.
6. The field survey on which this map is based was performed when snow was covering all or part of the subject property. There could be improvements on the site, or encroachments onto or from the site, observable under other conditions but hidden by snow on the date of this survey.
7. Bolton & Menk, Inc. did not observe evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.
8. Bolton & Menk, Inc. is not aware of proposed changes in street right of way lines from the controlling jurisdiction. Bolton & Menk, Inc. did not observe evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.
9. Bolton & Menk, Inc. did not observe any wetland delineation markers in the process of conducting the fieldwork.
10. Improvements graphically shown on adjoining parcels beyond 5ft of the subject property, except for opposite curb lines of streets and driveways and improvements pertaining to easements benefiting the subject property, are from previous surveys prepared by Bolton & Menk, Inc. and were not verified for changes.

## SURVEYORS CERTIFICATION

To JTS Capital Realty LLC; First American Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6b, 7b(1), 7b(2), 8, 9, 10a, 11, 13, 16, 17, 18, 19 and 20 of Table A thereof. The field work was completed on February 14, 2018. I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Date of Plat or Map: February 23, 2018

Eric R. Wilfahrt
Registration No. 46196

Note: This certification is made to the parties listed above as a professional opinion based on the knowledge information and belief of the surveyor as of the date of issuance. Over time, survey and title conditions may change from those shown on this survey or in the title commitment. The above parties are advised that updated title documentation and surveys will be required to confirm conditions affecting the subject property after date of issuance of this survey.

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SHEET 1 OF 2 SHEETS

ALTA/NSPS LAND TITLE SURVEY
BROOKLYN CENTER, MN

BOLTON & MENK
12224 NICOLLET AVENUE
BURNSVILLE, MINNESOTA 55337
(952)-890-0509

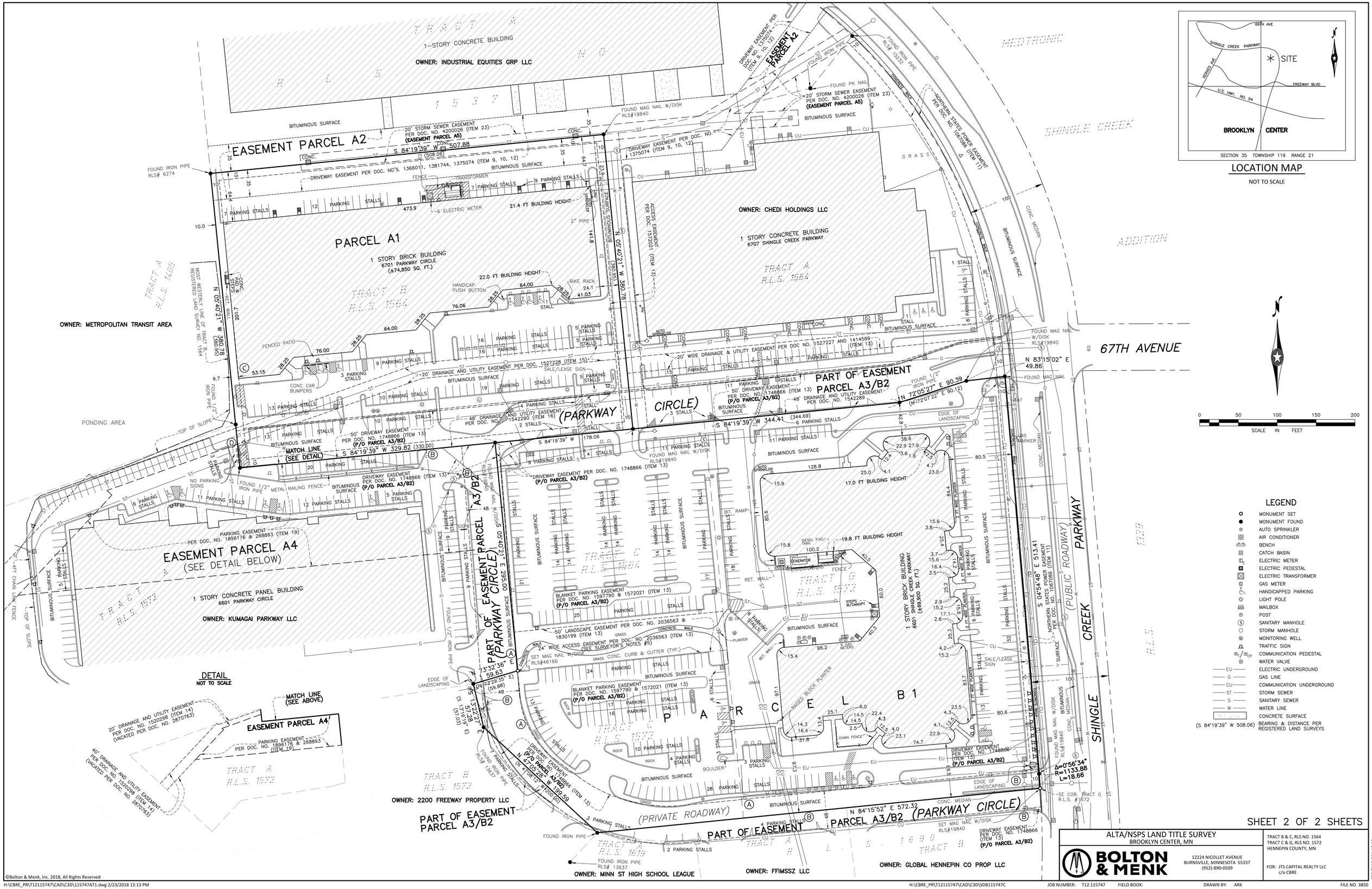
TRACT B & C, RLS NO. 1564
TRACT C & G, RLS NO. 1572
HENNEPIN COUNTY, MN

FOR: JTS CAPITAL REALTY LLC
c/o CBRE

S35-T119-R21-12,13

H:\CBRE_PR\T12115747\CAD\C3D\115747AT1.dwg 2/23/2018 12:13 PM

H:\CBRE_PR\T12115747\CAD\C3D\SDB115747C JOB NUMBER: T12.115747 FIELD BOOK: DRAWN BY: ARK FILE NO. 3850


EASEMENT PARCEL A2
PARCEL A1
1 STORY BRICK BUILDING
6701 PARKWAY CIRCLE
(±74,850 SQ. FT.)
1 STORY CONCRETE BUILDING
OWNER: INDUSTRIAL EQUITIES GRP LLC
OWNER: CHEDI HOLDINGS LLC
1 STORY CONCRETE BUILDING
6707 SHINGLE CREEK PARKWAY
OWNER: METROPOLITAN TRANSIT AREA
MOST WESTERLY LINE OF TRACT B REGISTERED LAND SURVEY NO. 1564
N 05°40'21" W 380.78 (380.95)
S 84°19'39" W 507.88 (508.06)
N 05°40'21" W 380.78
20' STORM SEWER EASEMENT PER DOC. NO. 4200026 (ITEM 23) (EASEMENT PARCEL A5)
DRIVEWAY EASEMENT PER DOC. NO'S. 1366011, 1381744, 1375074 (ITEM 9, 10, 12)
DRIVEWAY EASEMENT PER DOC. NO. 1375074 (ITEM 9, 10, 12)
ACCESS EASEMENT PER DOC. 1572021 (ITEM 13)
20' WIDE DRAINAGE & UTILITY EASEMENT PER DOC NO. 1527227 AND 1414569 (ITEM 13)
20' DRAINAGE AND UTILITY EASEMENT PER DOC. 1527228 (ITEM 15)
48' DRAINAGE AND UTILITY EASEMENT PER DOC. NO. 1542290 (ITEM 16)
48' DRAINAGE AND UTILITY EASEMENT PER DOC. NO. 1542289
50' DRIVEWAY EASEMENT PER DOC. NO. 1748866 (ITEM 13) (P/O PARCEL A3/B2)
DRIVEWAY EASEMENT PER DOC. NO. 1748866 (ITEM 13) (P/O PARCEL A3/B2)
BLANKET PARKING EASEMENT PER DOC. NO. 1597790 & 1572021 (ITEM 13) (P/O PARCEL A3/B2)
50' LANDSCAPE EASEMENT PER DOC. NO. 2036563 & 1830199 (ITEM 13)
24' WIDE ACCESS EASEMENT (SEE SURVEYOR'S NOTES #5)
PART OF EASEMENT PARCEL A3/B2 (PARKWAY CIRCLE)
PART OF EASEMENT PARCEL A3/B2 (PRIVATE ROADWAY)
PARCEL A3/B2 (PARKWAY CIRCLE)
PART OF EASEMENT PARCEL A3/B2
S 84°19'39" W 329.82 (330.00)
S 84°19'39" W 344.41 (344.69)
S 84°19'39" W 178.06
N 72°05'27" E 90.39 (N 72°07'22" E 90.12)
N 83°15'02" E 49.86
N 84°15'52" E 572.32
S 05°40'21" E 295.00
N 41°08'12" W 199.59 (N 41°10'07" W 200.00)
S 04°54'48" E 513.41
Δ=0°56'34" R=1133.88 L=18.66
MATCH LINE (SEE DETAIL)
MATCH LINE (SEE ABOVE)
EASEMENT PARCEL A4
(SEE DETAIL BELOW)
1 STORY CONCRETE PANEL BUILDING
6601 PARKWAY CIRCLE
OWNER: KUMAGAI PARKWAY LLC
PARKING EASEMENT PER DOC. NO. 1896176 & 268893 (ITEM 19)
OWNER: 2200 FREEWAY PROPERTY LLC
OWNER: MINN ST HIGH SCHOOL LEAGUE
OWNER: FFIMSSZ LLC
OWNER: GLOBAL HENNEPIN CO PROP LLC
1 STORY CONCRETE PARKING RAMP
1 STORY BRICK BUILDING
6601 SHINGLE CREEK PARKWAY (±69,900 SQ. FT.)
DETAIL
NOT TO SCALE
TRACT A R.L.S. 1572
TRACT B R.L.S. 1572
TRACT C R.L.S. 1564
TRACT G R.L.S. 1572
TRACT A R.L.S. 1564
TRACT B R.L.S. 1564
TRACT A R.L.S. 1572
TRACT B R.L.S. 1572
TRACT C R.L.S. 1572
TRACT B R.L.S. 1572
TRACT A R.L.S. 1572
TRACT B R.L.S. 1572
TRACT C R.L.S. 1572
TRACT G

**AMENDED AND RESTATED**
**PLANNED UNIT DEVELOPMENT AGREEMENT**

**THIS AMENDED AND RESTATED PLANNED UNIT DEVELOPMENT AGREEMENT** (this "Agreement") is made as of this 20th day of June, 2019 by and between JTS Capital Realty LLC, a Texas limited liability company ("JTS") and the City of Brooklyn Center, Minnesota, a Minnesota municipal corporation (the "City").

WHEREAS, JTS is the owner of the real property located at 6601 Shingle Creek Parkway, and legally described as:

> Tract G, Registered Land Survey 1572, according to the duly recorded registered land survey thereof, Hennepin County, Minnesota

(hereinafter the "6601 Shingle Creek Parkway Property"); and

WHEREAS, JTS is the owner of the real property located 6701 Parkway Circle, and legally described as:

> Tract B, Registered Land Survey 1564, according to the duly recorded registered land survey thereof, Hennepin County, Minnesota

(hereinafter the "6701 Parkway Circle Property"); and

WHEREAS, on July 10, 1995, by Resolutions No. 95-157, the City Council rezoned the 6601 Shingle Creek Parkway Property and the 6701 Parkway Circle Property along with other neighboring properties to Planned Unit Development/Industrial Park) and approved a planned unit development for these properties (the "1995 PUD"); and

WHEREAS, the 1995 PUD allowed for the development of buildings on these properties with certain percentage use allowances; and

WHEREAS, JTS has applied to the City to amend the 1995 PUD to remove the percentage use allowance for the buildings on the 6701 Parkway Circle Property and the 6601 Shingle Creek Parkway Property and to clarify that buildings on these properties may be used for any use that is a permitted use in the I-1 zoning district; and

WHEREAS, JTS has also requested that a 12 foot by 20 foot outdoor storage area be allowed on the 6601 Shingle Creek Parkway Property that would allow the storage of PVC piping supplies; and

WHEREAS, JTS has also requested that an approximately 8,148 square foot indoor retail showroom to display plumbing fixtures and supplies be allowed in the building on the 6601 Shingle Creek Parkway Property; and

WHEREAS, the City has approved such changes to the 1995 PUD on the basis of the determination of the City Council of the City that such changes to the 1995 PUD are acceptable only by reason of the details of the development proposed and the unique land characteristics of the properties; and that but for the details of the development proposed and the unique land use characteristics of such proposed uses, the changes to the PUD would not have been approved; and

WHEREAS, as a condition of approval of the changes to the PUD, the City Council has required the execution and filing of this Agreement; and

NOW, THEREFORE, the parties further agree that the 1995 PUD as it applies to the 6701 Parkway Circle Property and the 6601 Shingle Creek Parkway Property is hereby terminated and that this PUD Agreement supersedes the 1995 PUD but only as it pertains to these two properties.

NOW, THEREFORE, in consideration of approval of the changes to the PUD, the parties hereto agree that the 6601 Shingle Creek Parkway Property and the 6701 Parkway Circle Property shall be, held, transferred, sold, and conveyed, and occupied subject to the covenants, conditions, and restrictions, hereinafter set forth; and

1. The 6601 Shingle Creek Parkway Property shall be limited to the following uses:
    a. Any use that is a permitted use in the City's I-1 zoning district;
    b. A clinic;
    c. An indoor showroom; and
    d. A 12 foot by 20 foot outdoor storage area. The storage area must be located within the existing mechanical area by the loading docks on the 6601 Shingle Creek Parkway Property so that it does not result in any loss to existing parking.

2. The 6701 Parkway Circle Property shall be limited to the following uses: uses that are permitted uses in the City's I-1 zoning district.

3. Except as otherwise permitted herein, the properties described herein shall conform to the zoning regulations of the City of Brooklyn Center applicable to PUD-Industrial Park districts.

4. Any changes in uses to the buildings or structures on the properties described herein must adhere to the City's parking requirements.

5. Any additional buildings or structures on the properties described herein will require site plan approval by the City Council.

6. The properties described herein may be used only in accordance with paragraphs 1-2 of this Agreement unless the owner of a property first secures approval by the City Council of an amendment to the PUD Plan for its property and to this Agreement or a rezoning to a zoning classification that permits such other development and use. In that event, only the property owner or owners requesting the amendment to the PUD Plan will need to sign an amendment to this Agreement and not the other parties to this Agreement.

7. The restrictions of this Agreement run with the land of the properties described herein and shall be enforceable against the owners of the properties and their successors and assigns by the City acting through its City Council.

8. The development of the 6601 Shingle Creek Parkway Property shall be in substantial compliance with the approved PUD plans that are on file with the City and that were approved by the City Council in Resolution No. 2019-017 and the conditions in Resolution No. 2019-017. "Substantial compliance" shall mean that building, parking areas, and roads are in essentially the same location as approved; the floor area of nonresidential areas has not been increased or decreased by more than five percent; no building has been increased or decreased in the number of floors; open space has not been decreased or altered from its original design or use; and lot coverage of any individual building has not been increased or decreased by more than 10 percent, unless approval is obtained by the City Council.

IN WITNESS WHEREOF, the undersigned as duly authorized agents, officials, officers, and representatives of JTS and the City has hereunto set their hands and seals as of the day and year first above written.

**Signature Pages follow**

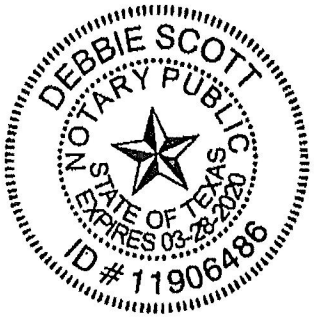
**JTS CAPITAL REALTY LLC**

By: _____

Its: Jim W. Moore EVP

STATE OF Texas )
) ss.
COUNTY OF McLennan )

The foregoing instrument was acknowledged before me this 19th day of June, 2019, by Jim W Moore, the EVP of JTS Capital Realty LLC, a Texas limited liability company, on behalf of said limited liability company.




_____
Notary Public

**CITY OF BROOKLYN CENTER**

By: _____
Mike Elliott, Mayor

By: _____
Cornelius L. Boganey, City Manager

STATE OF MINNESOTA )
) ss.
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 20 day of June, 2019, by Mike Elliott and Cornelius L. Boganey, the Mayor and City Manager, respectively, of the City of Brooklyn Center, a Minnesota municipal corporation on behalf of the City.

_____
Notary Public

BARBARA JEAN SUCIU
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/20

THIS INSTRUMENT WAS DRAFTED BY:

Kennedy & Graven, Chartered (SJS)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300

**Exhibit C**

**CITY OF BROOKLYN CENTER NOTICE OF PUBLIC HEARING**

**TO WHOM IT MAY CONCERN:**

Notice is hereby given that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, September 9, 2021, at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: https://www.ci.brooklyn-center.mn.us/. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

**TYPE OF REQUEST:** Use Determination/Special Use Permit

**APPLICANT/PROPERTY OWNER:** Kyle Thompson of Hoyt Properties (on behalf of Fraser)

**PROPERTY ADDRESS:** 6701 Parkway Circle, Brooklyn Center, MN 55430

**PROPERTY ID:** 35-119-21-12-0014

**BRIEF STATEMENT OF CONTENTS OF PETITION:** The Applicant is requesting review and consideration of a request that would allow a children's day treatment clinic within an approximately 8,248-square foot space at 6701 Parkway Circle in Brooklyn Center. Said property is zoned PUD-I1 (Planned Unit Development/Industrial Park) District and the amended and restated Planned Unit Development agreement on record requires that the Subject Property be limited only to permitted uses in the City's I-1 zoning district. As medical clinics are not an outlined use within the underlying I-1 District, the Applicant requires a special use determination by City Council per Section 35-330 of the City Code of Ordinances.

Due to the emergency declared by the Mayor of Brooklyn Center regarding the COVID-19 health pandemic, some or all members of the Planning Commission may participate in this public hearing by telephone or video conference, in accordance with Minnesota Statutes, Section 13D.021. It is not feasible for members of the public to attend the meeting at its regular location due to the health pandemic and emergency. Accordingly, no in-person meeting will be held within the Council Chambers at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway. Public comment can be submitted to gmcintosh@ci.brooklyn-center.mn.us or by phone at (763) 569-3319 up until 4:30 p.m. on September 9, 2021. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may participate in the Planning Commission meeting via Webex at: logis.webex.com

Meeting Number (Access Code): 177 420 1439
Password: BCPC09092021
By Phone: 1 (312) 535-8110 ( Enter Access Code)

Respectfully,
Ginny McIntosh
City Planner/Zoning Administrator

Published in the
Sun Post
August 26, 2021
1162339

# COMMUNITY DEVELOPMENT – PLAN REVIEW

Plan analysis based on

2018 IBC/2020 MN State Building Code, ANSI A117.1-2009, MN Chap 1323 Energy, MN State Fire Code

| | | | |
|---|---|---|---|
| Project Number: | BU21-0318 | Date: | 7/27/2021 |
| Project Name: | Fraser | Contractor: | Anderson CC, Inc. |
| Address: | 6701 Parkway Circle | Phone: | 952-426-1047 |
| Valuation: | $215,265 | Architect: | Gonzalo Villares |
| Occupancy: | B | Engineer: | NA |
| Construction: | IIB | Occupant Load: | 107 |
| Area Square Ft: | 8,248 sq. ft. | Sprinklers: | Yes |
| SAC Charges: | ? | Report by: | Dan Grinsteinner |

Gonzalo Villares
Pope Architects
1295 Bandana Blvd N, Suite 200
St. Paul, MN 55108-2735

CC:

Rasiney Rivers
Anderson CC, Inc.
5280 W. 74th Street
Edina, MN. 55439

Dear Gonzalo,

A review for Fraser to be located at 6701 Parkway Circle has been completed. The document that was received is: Architectural Plans signed by Gonzalo Villares. The building was reviewed as a "IIB" type of construction, fully fire sprinklered and "B" occupancy with an occupant load of 107.

The following comments must be addressed:

1. MET Council shall complete a SAC determination. The determination document shall be received by the City before a permit is issued.
2. Additional City permits that may be required from the Building Inspection Department for this proposal are an HVAC permit, Plumbing permit- (Plumbing plans shall be signed and submitted to the Department of Labor and industry for review) , Electrical permit and Fire Sprinkler permit. Also the City's Community Development Department must be contacted on all proposed signage on the site. Permits are required for all exterior signage.
3. Exit door 134B located on page A2.2 & noted on opening schedule has a Delayed Egress hardware as does door 134A. As noted on page A0.3 code date and MNBC 1010.1.9.8.1 #5. "The Egress path from any point shall not pass through more than one delayed egress locking system".
4. Doors 118 & 108B located on page A2.2 located in hallway provides 1'-1" when doors are opened. Doors in any position shall not reduce the required width by more than one-half per MNBC 1005.7.1.
5. Existing windows located within a 24 inch arc of door 108A shall be tempered. Existing windows will need verification. Doors within a 24 inch arc of either doors edge in a closed position shall be tempered per MNBC 2406.4.2.
6. Handrails shall be located on each side of stairways per MNBC 1011.11.
7. Stair risers shall be a maximum of 7 inches and minimum of 4 inches with treads a minimum of 11 inches. Dimensional uniformity of treads and risers shall not exceed 3/8 inch per MNBC 1011.5.2.
8. Exit signage must meet the requirements of MNBC 1013 and approved on site by City Inspector.
9. Exit illumination must meet the requirements of MNBC 1008 and approved on site by the City Inspector.
10. Portable fire extinguishers must be current on inspection dates and placed in accordance with MNBC 906 and MNFC 906 and approved on site by the City Inspector.

Items 1, 3, & 4 listed must be submitted/responded to before a final review can be completed and a permit is issued.

If you have any questions please do not hesitate to call me at 763-569-3313.

Sincerely,

Dan Grinsteinner
Building Official
City of Brooklyn Center

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2021-004 SUBMITTED BY KYLE THOMPSON OF HOYT PROPERTIES ON BEHALF OF FRASER FOR A USE DETERMINATION AND ISSUANCE OF A SPECIAL USE PERMIT TO OPERATE A CHILDREN'S DAY TREATMENT CENTER FOR THE PROPERTY LOCATED AT 6701 PARKWAY CIRCLE

WHEREAS, on October 15, 1984 the City Council of Brooklyn Center, Minnesota approved Planning Commission Application No. 84033 for both site and building plan approval of a 74,850-square foot "Spec 10 Office and Warehouse Building" at what is now known as 6701 Parkway Circle ("the Subject Property"); and

WHEREAS, on July 10, 1995, the City Council of Brooklyn Center, Minnesota, adopted City Council Resolution No. 95-157, which approved the rezoning of certain properties, including the Subject Property, from various I1 (Industrial Park) and C2 (Commerce) zoning district designations to PUD/I1 (Planned Unit Development/Industrial Park) and the establishment of a Planned Unit Development to accommodate common parking areas for the properties located northwesterly of the intersection of Shingle Creek Parkway and Freeway Boulevard; and

WHEREAS, the approval also contemplated agreements for the purpose of creating certain parking, driveway, and access rights for the above-noted properties; and

WHEREAS, the approval of the aforementioned resolution outlined conditions and considerations, of which included the execution of the Sixth Amendment to an existing Easement Agreement and Modification of Declaration of Parking that was to be filed with titles to the property with the Registrar of Titles at Hennepin County, and acknowledged specific percentage use allowances for each building located within the Planned Unit Development; and

WHEREAS, said Sixth Amendment to the Easement Agreement eliminated the previous requirement for a parking ramp, as outlined in the adoption of City Council Resolution No. 84-112; and

WHEREAS, in 2019, certain amendments to the Planned Unit Development were approved by City Council under City Council Resolution No. 2019-017 to remove the specific percentage use allowances in place for those buildings falling within the existing PUD and given on-going issues in meeting those percentage use allowances when filling vacancies; and

WHEREAS, an Amended and Restated Planned Unit Development Agreement was subsequently executed on June 20, 2019; however, the Agreement maintained that the Subject Property located at 6701 Parkway Circle, "shall be limited to the following uses: uses

that are permitted uses in the City's I-1 zoning district;" and

WHEREAS, City staff was made aware of a City building permit application submitted for renovation of approximately 8,248-square feet of space within the one-story building located on the Subject Property in August 2021; and

WHEREAS, following review of the proposed remodel and intended use as a "children's day treatment center," City staff contacted the Property Owner (Hoyt Properties) for clarification on the use; and

WHEREAS, following discussions with the Property Owner and a tour of a similar facility operated by proposed tenant, Fraser, City staff determined that the only path forward for the use would be for the Applicant to apply for consideration of a Special Use Permit under Section 35-330.3.e, which allows for issuance of said Special Use Permit by City Council to certain commercial developments that demonstrate on a case-by-case basis to meet certain standards; and

WHEREAS, it was determined that a "medical clinic" would be of most similar use to the proposed children's day treatment center, and the existing PUD currently allows for "clinic" use within a building located at 6601 Shingle Creek Parkway, which is of similar build and layout and located within the same light industrial park off Parkway Circle; and

WHEREAS, all proposed improvements are limited to the interior of the tenant space with the exception of a proposed bus drop-off and pick-up area and sidewalk extension in front of the building, and the reserving of certain parking in front of the building for clients of the children's day treatment center; and

WHEREAS, staff parking would be provided for via on-site and common parking available to the south of the Subject Property; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on September 9, 2021, whereby a planning staff report was presented and public testimony regarding the Special Use Permit were received; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota considered the Special Use Permit and use determination requests in light of all testimony received, the guidelines and standards for evaluating this Special Use Permit contained in Section 35-220 (*Special Use Permit*) and Section 35-330.3.e of the City's Zoning Code, and the request complies with the general goals and objectives of the City's 2040 Comprehensive Plan, which identifies the Subject Property with a future land use designation of "Business Mixed-Use;" and

WHEREAS, in light of all testimony received, the Planning Commission of the

RESOLUTION NO.

City of Brooklyn Center, Minnesota did determine that Planning Commission Application No. 2021-004, submitted by Kyle Thompson of Hoyt Properties on behalf of Fraser, may be approved based upon the following standards as outlined under Section 35-330.3.e for certain commercial developments which, in each specific case, are demonstrated by City Council to be:

1. Compatible with existing adjacent land uses as well as with those uses permitted in the I-1 District generally;
2. Complementary to existing adjacent land uses as well as to those uses permitted in the I-1 District generally;
3. Of comparable intensity to permitted I-1 District land uses with respect to activity levels; and
4. Planned and designed to assure that generated traffic will be within the capacity of available public facilities and will not have an adverse impact upon the industrial park or the community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that Planning Commission Application No. 2021-004, submitted by Kyle Thompson of Hoyt Properties on behalf of Fraser for the issuance of a Special Use Permit to operate a children's day treatment center within an approximately 8,248-square foot space at 6701 Parkway Circle, may be approved subject to the following conditions:

1. Any major changes or modifications made to the Subject Property can only be made either through the City's Building Permit process or through formal site and building plan review by the City.
    a. The Applicant shall obtain all necessary permitting from the City in advance of any proposed improvements and address any comments provided by City staff.

2. Issuance of a Special Use Permit for the outlined children's day treatment center is for the property located at 6701 Parkway Circle only and does not contemplate the construction of any outdoor playground or exterior improvements, with the exception of the proposed bus drop-off and pick-up zone, sidewalk extension, and identified parking spaces for the outlined use.
    a. The existing crosswalk located between the Subject Property located at 6701 Parkway Circle and the common parking area located to the south, which is intended to provide additional parking for staff, shall be re-striped.

3. Approval from the Hennepin County Health Department shall be obtained for any proposed kitchen facilities.

4. Any and all registrations and licensures for the proposed use (children's day treatment center) are to be maintained.

RESOLUTION NO.

5. The Property Owner shall ensure the fire sprinkler system is maintained and monitored.

September 27, 2021 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Meg Beekman, Community Development Director
BY: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2021-005 for Issuance of a Special Use Permit for a new Dynamic Messages Sign (DMS) with a Public Use 1200 69th Avenue North)

**Requested Council Action:**

*- Motion to adopt a resolution approving Planning Commission Application No. 2021-005 for issuance of a Special Use Permit for a new Dynamic Messages Sign (DMS) with a public use at 1200 69th Avenue North, based upon the findings of fact and submitted plans, and as amended by the conditions of approval in the resolution.*

**Background:**

Electro Signs, a licensed sign hanger with the City of Brooklyn Center, and acting on behalf of Evangelical Lutheran Church of the Master ("the Applicant"), is requesting issuance of a Special Use Permit to allow for the installation of a new Dynamic Messages Sign (DMS). Pursuant to City Code Section 34-140; Subpart 3.D, "*A DMS owned or operated by a Public Use in all districts where Public Uses are allowed may be approved by special use permit.*" The property under consideration, 1200 69th Avenue North ("the Subject Property"), is currently owned by the Evangelical Lutheran Church of the Master and operates as a Public Use per the definitions section of the City's Sign Code (Chapter 34).

A public notice was published in the Brooklyn Center *Sun Post* on August 26, 2021, and properties located within the notification area received a copy of the notice and map, along with a link to the scheduled virtual Planning Commission meeting.

The church located on the Subject Property was originally constructed in 1961 and has been the recipient of numerous approvals from the City over the years for additions, alterations, re-plats, special uses, etc. The Subject Property, along with three properties to the east (1107 Emerson Lane, 6907 Dupont Avenue North, and 1100 69th Avenue North) were re-zoned and established as a Planned Unit Development in the 1990s.

Regarding prior approvals for signage, the Subject Property received approval for a variance to erect a, "church identification sign and bulletin board 15 feet from the front property line" on September 9, 1963 under Planning Commission Application No. 63062.

Given that the existing sign located on the Subject Property is an older style letter board sign, the Applicant is requesting approval for a new electronic message board or Dynamic Messages Sign (DMS). As proposed, the new DMS and associated freestanding sign would be constructed in approximately the same location as the existing sign and would meet the allowances for freestanding and DMS signage as outlined in Section 34-140.3.D of the City Code of Ordinances, which specifies such requirements as minimum distancing from residential dwellings (50 feet), maximum DMS signage square foot allowances, minimum standards for message changes (8 seconds), and integrated dimming technology that automatically adjusts brightness

dependent on ambient light conditions. City staff also reviewed the request against the standards outlined for Special Use Permits under City Code Section 35-220, Subdivision 2, which address potential impacts on neighboring uses.

The Planning Commission ultimately held a public hearing for the aforementioned application at their meeting on September 9, 2021, and were generally supportive of the outlined request. Representatives from Lutheran Church of the Master and Electro Signs were in attendance, and answered questions relating to the requested sign replacement, including concerns on how often the sign would change messages, usage in the evening hours, and overall brightness. City staff did not receive any public comment in advance of the scheduled public hearing. The nearest property to the sign is the City's pump house, located at 1207 69th Avenue North, and the nearest residential dwelling is located to the southeast, approximately 145 feet away (6843 69th Avenue North).

Following close of the public hearing, the Planning Commission elected to unanimously (5-0) recommend City Council approval of the requested issuance of a Special Use Permit for the proposed DMS sign, to be located at 1200 69th Avenue North in approximately the same location as the existing freestanding sign.

A copy of the Planning Commission Report for Planning Commission Application No. 2021-005, dated September 9, 2021 and City Council resolution regarding the aforementioned request is included with this memorandum.

**Budget Issues:**

None to consider at this time.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Enhanced Community Image

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Staff Report and Exhibits - LCM DMS Sign/SUP (1200 69th Avenue North) | 9/20/2021 | Backup Material |
| Resolution - Disposition of Planning Commission Application No. 2021-005 | 9/20/2021 | Resolution Letter |

**Planning Commission Report**
**Meeting Date: September 9, 2021**

- Application Filed: 8/10/2021
- Review Period (60-day) Deadline: 10/9/2021
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

**Application No.** 2021-005
**Applicant:** Evangelical Lutheran Church of the Master
**Location:** 1200 69th Avenue North, Brooklyn Center, MN 55430

**Requests:** Special Use Permit to replace existing illuminated monument sign with installation of a Digital Messages Sign (DMS) in approximately the same location along 69th Avenue North

**REQUESTED ACTION**

Electro Signs, a licensed sign hanger with the City of Brooklyn Center and acting on behalf of Evangelical Lutheran Church of the Master ("the Applicant"), is requesting issuance of a Special Use Permit to allow for the installation of a new Dynamic Messages Sign (DMS). **Refer to Exhibit A.** Pursuant to City Code Section 34-140; Subpart 3.D, *"A DMS owned or operated by a Public Use in all districts where Public Uses are allowed may be approved by special use permit."* The property under consideration within this report, 1200 69th Avenue North ("the Subject Property"), is currently owned by the Evangelical Lutheran Church of the Master and operates as a Public Use per the definitions section of the City's Sign Code (Chapter 34).

> 1. A dynamic messages sign "DMS," with a Public Use in all districts where they are allowed shall be approved by a special use permit, which procedure for approving said permit shall be the same as forth in Section 35-220 of the Ordinances of the City of Brooklyn Center. A DMS is also subject to the requirements of Section 34-140.3.D of this ordinance.

Due to the nature of the requests, a public hearing is required. A public notice was published in the Brooklyn Center *Sun Post* on August 26th, 2021 **(Exhibit B).** Properties located within the affected notification area were also mailed a notification that contained a copy of the notice and map, and a link to the virtual meeting, as the City is currently operating in accordance with Minnesota Statutes, Section 13D.021 following emergency declarations made by the Mayor of Brooklyn Center regarding the ongoing COVID-19 health pandemic in August.

**COMPREHENSIVE PLAN AND ZONING STANDARDS**

*2040 Future Land Use Plan:* Public/Semi-Public/Institutional

*Neighborhood:* Evergreen

*Current Zoning:* PUD/R1 (One Family Residence) District

*Surrounding Zoning:* North: R1 (One Family Residence) District –Single Family

East: PUD/R1 (One Family Residence) District and R1—Evergreen Park
South: R1 (One Family Residence) District – City Pump House and Single Family
West: R5 (Multi Family Residence) District – Carrington Drive Apartments

*Site Area:* 4.62 acres total




**Map 1.** Existing Configuration of Subject Property (1200 69th Avenue North)

**BACKGROUND**

Evangelical Lutheran Church of the Master was originally constructed in 1961 and was approved for an addition in 1966 (Planning Commission Application No. 66018). In 1973, a Special Use Permit was issued for the church property at 1200 69th Avenue North to operate a nursery school (Planning Commission Application No. 73044). In 1980, the Applicant received approval for a 9,000-square foot fellowship hall and administrative office addition to 1200 69th Avenue North under Planning Commission Application No. 80025. It was noted under this application that the church was zoned R-1 and that churches are a special use within the R-1 District.

In the 1990s, Evangelical Lutheran Church of the Master, which currently encompasses properties located at 1107 Emerson Lane, 6907 Dupont Avenue North, 1100 69th Avenue North, and 1200 69th Avenue North (main church property), received approvals to re-zone the properties and establish a Planned Unit Development for what was to effectively be a multi-building church campus. The Applicant, Evangelical Lutheran Church of the Master, is currently under consideration for a separate set of requests at this time for approvals of a preliminary and final plat, PUD amendment, Special Use

Permit, re-zoning, and comprehensive plan amendment under Planning Commission Application No. 2021-003. The aforementioned application and this application (Planning Commission Application No. 2021-005) are to be considered separately and under separate public hearings.

With regard to prior approvals for signage at the Subject Property, the City of Brooklyn Center City Council approved a variance for Evangelical Lutheran Church of the Master to erect a, "church identification sign and bulletin board 15 feet from front property line" on September 9th, 1963 under Planning Commission Application No. 63062. **Refer to Exhibit C.**

**City Ordinance Standards**

The current DMS sign proposal will be located in approximately the same location City Council originally approved (15 feet from property line). It should be noted that the current City Sign Code provisions allow for a freestanding or monument sign in excess of 16 square feet to be located up to the property line in cases where vision is *not* materially impeded between a height of 2 ½ and 7 ½ feet above the centerline grade of the street, and in situations where not possible (such as in the case of the proposed DMS sign), for there to be a minimum setback of 10 feet from the street right-of-way line/property line.

Under City Code Chapter 34 (*Signs*), a "public use" is allowed to have one freestanding sign not to exceed 36 square feet and no more than 10 feet above ground level. Properties that have two or more street frontages are entitled to a second sign of same size; or may elect to have one single freestanding sign not to exceed 72 square feet and 15 feet in height. Diagrams of the proposed sign can be found in **Exhibit A** and in Image 1 below**.** The Subject Property is on multiple frontages; therefore, the maximum allowance under the current Sign Code provisions would be no more than 72 square feet and 15 feet in height.

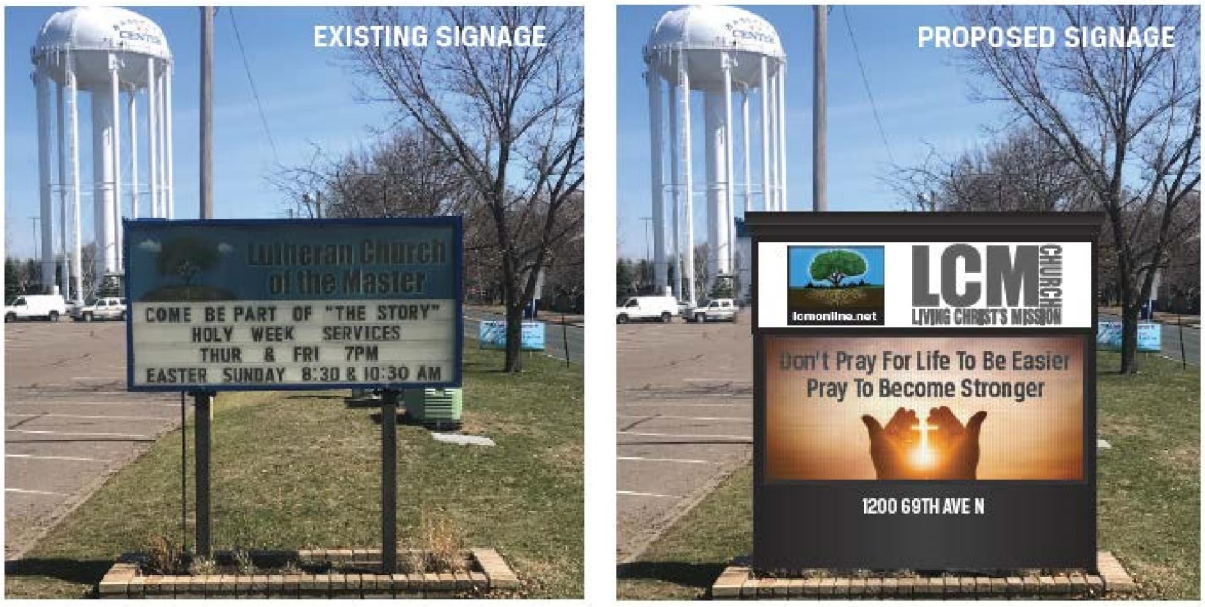



**Image 1.** Existing Illuminated Bulletin Board Sign and Proposed New DMS Sign – Located along 69th Avenue North (1200 69th Avenue North).

Provisions to allow for Dynamic Messages Signage (DMS) and Public Uses were adopted by the City in 2013. According to the Section 34-140.3.D of the City Sign Code, all DMS owned and operated by a public use located in all districts where Public Uses are allowed may be approved by a special use permit, but are subject to the following additional standards:

a. The DMS shall only be allowed on a freestanding sign aligned perpendicular to the adjacent roadway system. This roadway must either be a collector or arterial street as identified in the City's Comprehensive Plan;
b. The area of a DMS sign is limited to an area equal to 50% of the maximum allowable size of the freestanding sign;
c. The DMS message must remain stationary or static of 8 seconds or more;
d. The DMS shall be located no closer than 50 feet from any residential dwelling; and
e. The DMS must have dimming technology that automatically adjusts its brightness in direct correlation with ambient light conditions. Brightness shall not exceed 0.3 foot-candles above ambient light as measured from a preset distance depending on the sign size. (55 feet for the proposed sign size).

In addition to these specific sign standards, and pursuant to City Code Section 35-220, Subdivision 2, the following standards must be met in order to satisfy the issuance of a special use permit:

a. The establishment, maintenance or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort;
b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
c. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
d. Adequate measures have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in public streets; and
e. The special use shall, in all other respects conform to the applicable regulations of the district in which it is located.

As some precedent has been in set, given that the existing illuminated sign has been at its current location and in proximity to surrounding single and multi-family properties since the mid-1960s, City Staff does not anticipate that the proposed DMS sign would be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. As the existing sign appears to have been in place since the mid-1960s, City Staff feels that a new sign would be an improvement to the surrounding neighborhood.

The Applicant and sign contractor did provide a letter as part of their application **(Exhibit A)** outlining how the brightness standards will be met as set forth in the City Sign Code. Given the additional standards in place for Public Use DMS, City Staff does not feel the proposed new DMS sign would be a detriment or safety risk to the general public welfare. Should there be issues with regard to brightness or the frequency of image changes via the DMS, these concerns or complaints would be addressed by City code enforcement, as is the case with all other issues that might arise with signage in the City.

As the request intends to locate the new DMS sign in the same general location as the existing illuminated sign, City staff is not concerned regarding impacts to the existing ingress, egress, and parking at the Subject Property. The existing sign is located approximately 83 feet east of the westernmost curb

cut to the Subject Property off 69th Avenue North and City staff is therefore not concerned with regard to potential visibility issues.

**SPECIAL USE PERMIT REVIEW**

In relation to the Public Use DMS sign standards noted above, the sign will need to meet these requirements assuming approval and as part of the City sign permit approval process. The proposed DMS sign would be required to adhere to the sign standards, such as the maximum brightness and adherence to a minimum eight second static message upon install. The proposed sign is a freestanding (monument type) sign aligned perpendicular to 69th Avenue North, which is also classified as a collector road, and the DMS sign is proposed to be in approximately the same location as the existing sign on the Subject Property.

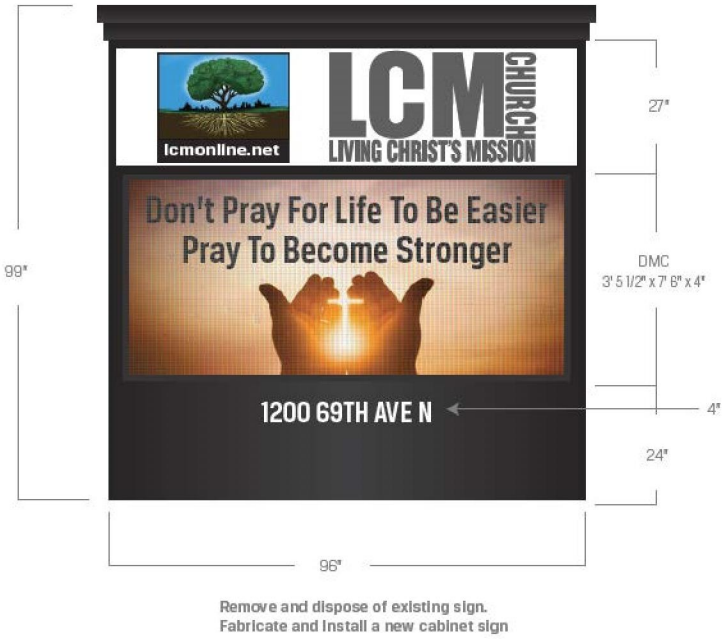



**Image 2.** Proposed New DMS Sign with Dimensions – Located along 69th Avenue North (1200 69th Avenue North).

The overall size of the sign is 66 square feet. A DMS at this location is allowed to have up to 72 square feet of total signage, allowing up to 36 square feet dedicated to the electronic message board or Digital Messages Sign (DMS). The proposed electronic message board is approximately 26 square feet in area. This proposed square footage therefore meets the maximum 50-percent threshold of sign area required under this ordinance.

The nearest residential dwelling appears to be located approximately 145 feet from the nearest residential dwelling, located to the southeast at 6843 69th Avenue North and would therefore meet the minimum 50 foot distancing requirement from any residential dwelling. The closest property to the sign area is located across the street and south of 69th Avenue North and is actually one of the City's pump houses (1207 69th Avenue North). Refer to Image 3 below.




**Image 3.** Existing Illuminated Sign and Nearest Properties South of 69th Avenue North.

**APPROVAL CONDITIONS**

City staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. PC2021-005 for the Special Use Permit for a DMS sign located at the Subject Property, 1200 69th Avenue North:

1. The new Dynamic Messages Sign (DMS) shall comply with and meet all regulation and standards as set forth under Chapter 34 (Signs) and Chapter 35 (Zoning) of the City Code of Brooklyn Center.

2. The special use permit is issued only to Lutheran Church of the Master or the current landowners with the ability to install and maintain a new DMS at the Subject Property of 1200 69th Avenue North; and is limited to Lutheran Church of the Master use only or any other future public use that may occupy this site, as defined under City Code Section 35-900.

3. No third- party or off site-business or off-premise advertising is allowed by the DMS displays.

4. Any significant changes or modifications made to these requests can only be made by an amendment and as approved by the City Council.

**RECCOMENDATION**

***Based on the above-noted findings and conditions, City staff recommends:***

***The Planning Commission recommends City Council approval of the requested issuance of a Special Use Permit for a DMS sign, subject to the conditions as outlined above in the Approval Conditions and the associated resolution.***

**Attachments**

**Exhibit A –** Planning Commission Application No. 2021-005 and documentation, submitted by Electro Signs on behalf of the Evangelical Lutheran Church of the Master, and dated August 10, 2021.
**Exhibit B –** Public Hearing Notice, dated August 26, 2021, as published in the Brooklyn Center *Sun Post*.
**Exhibit C –** Planning Commission Application No. 63062 and Excerpt of the September 9, 1963 City Council Meeting Minutes.

July 30, 2021

PROJECT NARRATIVE

The proposed electronic message center project is to be installed at the Lutheran Church of the Master on 69th Avenue. The display boards are an upgrade and will replace the existing changeable copy signs at this location.

The current sign needs to be replaced to allow the church to continue to communicate messages and promote events to the congregation and community members.

8835 Research Dr.
Irvine, CA 92618, USA
T. (888) 860-2249
F. (949) 421-0350
www.hyocodistribution.com

8/24/2021 **HYOCO Distribution, Inc.**

Hyoco Distribution, Inc. ("Hyoco") acknowledges compliance with the regulations and ordinances pertained in the *City of Brooklyn Center - Code of Ordinances*. The following information relates to all Hyoco Electronic Message Center proposed by Lutheran Church of the Master within the proximity of City of Brooklyn Center's jurisdiction as dated above.

All Electronic Message Centers furnished by HYOCO are accompanied by a photo sensor that automatically adjusts the sign's brightness based on the ambient light. Manual management of the sign brightness is also available if deemed necessary. HYOCO displays include dimming capability of 256 levels.

QPCB13-SMD-MS 72x168, Hyoco's display control system can be set to not exceed the required maximum brightness for daytime and nighttime.

May you have any questions, please feel free to contact me at your convenience.

Sincerely,

**Edward Hu**
CEO of HYOCO
T: 888.860.2249
E: ehu@hyocodistribution.com

## Front View







## Design




**Remove and dispose of existing sign.**
**Fabricate and Install a new cabinet sign**

## Colors

☐ Digital CMYK

**TOP PANEL**
- (2) Flat Polycarbonate Panels
- Vinyl Graphics Applied First Surface
- Black Retainers & Cabinet

**DIGITAL MESSAGE CENTER**
- (2) HYOCO boards 13.25mm
- Full Color

**BASE**
- Metal
- Dimensional Address Painted White

**MONUMENT**
- Double Sided

PRODUCTION QUESTIONS? PLEASE CONTACT YOUR SALES REPRESENTATIVE

**REVIEW CAREFULLY, THIS REFLECTS FINISHED PRODUCT**

Please Approve, sign and return by: _____
If approval or missing information is not received by due date, the production schedule for your order may change which will affect your ship date.

Color
Spelling
Size

Approve ☐☐☐ Change ☐☐☐

*Client Approval Required*

Sign off _____

*YOU MUST SIGN AND DATE BEFORE PRE-PRODUCTION RELEASES TO PRODUCTION*

**Prepared For:**
LCM Church

**Project Name/#**
New Monument Cabinets

**Sales Rep**
Brian Kornuth

**Rendering #**
4


ELECTRO SIGNS AND DESIGN, LLC
763.785.7968
ElectroSignDesign.com

*DESIGN • MANUFACTURE • INSTALL • REPAIR* *interior & exterior signage*
1680 99th LN NE • Suite C • Blaine, MN 55449 • (Office) 763.785.7968 • ElectroSignDesign.com



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Lutheran Church of The Master
Food Distribution Center - Loaves &...
Replacing Existing Sign
120
69th Ave

# CITY OF BROOKLYN CENTER NOTICE OF PUBLIC HEARING

**TO WHOM IT MAY CONCERN:**

Notice is hereby given that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, September 9, 2021, at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: https://www.ci.brooklyn-center.mn.us/. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

**TYPE OF REQUEST:** Issuance of a Special Use Permit for a new Dynamic Messages Sign (DMS)

**APPLICANT/PROPERTY OWNER:** Evangelical Lutheran Church of the Master

**PROPERTY ADDRESS:** 1200 69th Avenue North, Brooklyn Center, MN 55430

**PROPERTY IDS:**

25-119-21-33-0086

**BRIEF STATEMENT OF CONTENTS OF PETITION:** The Applicant is requesting review and consideration of a proposal to replace an existing monument sign with a new Dynamic Messages Sign at approximately the same location along the south portion of the Subject Property located at 1200 69th Avenue North and fronting 69th Avenue North. Per Section 34-140.1.I, approval and issuance of a Special Use Permit is required.

Due to the emergency declared by the Mayor of Brooklyn Center regarding the COVID-19 health pandemic, some or all members of the Planning Commission may participate in this public hearing by telephone or video conference, in accordance with Minnesota Statutes, Section 13D.021. It is not feasible for members of the public to attend the meeting at its regular location due to the health pandemic and emergency. Accordingly, no in-person meeting will be held within the Council Chambers at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway. Public comment can be submitted to gmcintosh@ci.brooklyn-center.mn.us or by phone at (763) 569-3319 up until 4:30 p.m. on September 9, 2021. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may participate in the Planning Commission meeting via Webex at: logis.webex.com

Meeting Number (Access Code): 177 420 1439

Password: BCPC09092021

By Phone: 1 (312) 535-8110

(Enter Access Code)

Respectfully,

Ginny McIntosh

City Planner/Zoning Administrator

Published in the

Sun Post

August 26, 2021

1162342

VILLAGE OF BROOKLYN CENTER Lutheran Church

Exhibit C

## Zoning Application

#63062

Street Location of Property 1200 - 69 Avenue North

Legal Description of Property Part of Lot 49, Auditor Subdivision # 309

Owner: Name Lutheran Chr. of the Master Address 1200 - 69 Avenue North

Applicant: Name William Haney Address _____ Phone _____

Type of Request:
_____ Rezoning
X Variance
_____ Special Use Permit
_____ Subdivision Approval
_____ Other

Description of Request Permission to erect a Church identification sign and bulletin board 15 feet from front property line

Reason for Request _____

NOTE - Sketch of proposed property and structure to be drawn on back of this form or attached.

Wm D. Haney, Pres.
(Applicant)

Fee: $ None

_____
(Date)

| Following to be filled in by Village | | |
|---|---|---|
| Chronology | Date | By |
| Rec'd. | | |
| Published | | |
| On Pl. Comm. Agenda | | |
| Pl. Comm. Action | | |
| On Council Agenda | | |
| Council Postponement | | |
| Council Action | | |
| Bldg. Dept. Notified | | |
| Applicant Notified | | |
| Pl. Comm. Postponement | | |

Recommendations of Village Officials

Any official making any comments shou sign and date. Use additional sheet comments if necessary attach hereto.

Please draw or attach sketch of proposed structure showing the following:
1. Indicate North
2. Location on lot.
3. Adjacent street names
4. Location set-backs and use of adjacent existing buildings
5. Distances between any proposed structures and structures on adjacent property.
6. Dimensions of proposed structure
7. Proposed set-backs
8. State zoning in force in area con

(To Be Filled in By Planning Commission)

PLANNING COMMISSION RECOMMENDATIONS

On the 5 day of Sept 1963, the action requested in the foregoing petition was approved (4) disapproved ( ) subject to the following conditions:

Chairman A R Cattau

COUNCIL RECOMMENDATIONS

Approved X Denied ____ by the Council this 9 day of September 1963

Approved with following amendment. _____

Clerk: Henry C. Dorff

VILLAGE OF BROOKLYN CENTER
Zoning Application
Data Sheet

Application No. 63062

Street Location of Property 1200 - 69 Avenue North

Legal Description of Property Part of Lot 49, Auditor Subdivision #309

Owner: Name Lutheran Chr. of the Master Address 1200 - 69 Avenue North

Applicant: Name William Haney Address _____ Phone No. _____

Type of Request: ____ Rezoning ____ Special Use Permit ____ Other
X Variance ____ Subdivision Approval

Description of Request Permission to erect a Church bulletin board and identification sign 15 feet from front property line.

Reason for Request _____

Engineers Remarks No Comment

Building Inspectors Remarks No Comment

Applicants Sketch Filed YES

Agenda Sketch Attached YES

Sewer Available _____

Water Available _____

Street Access _____

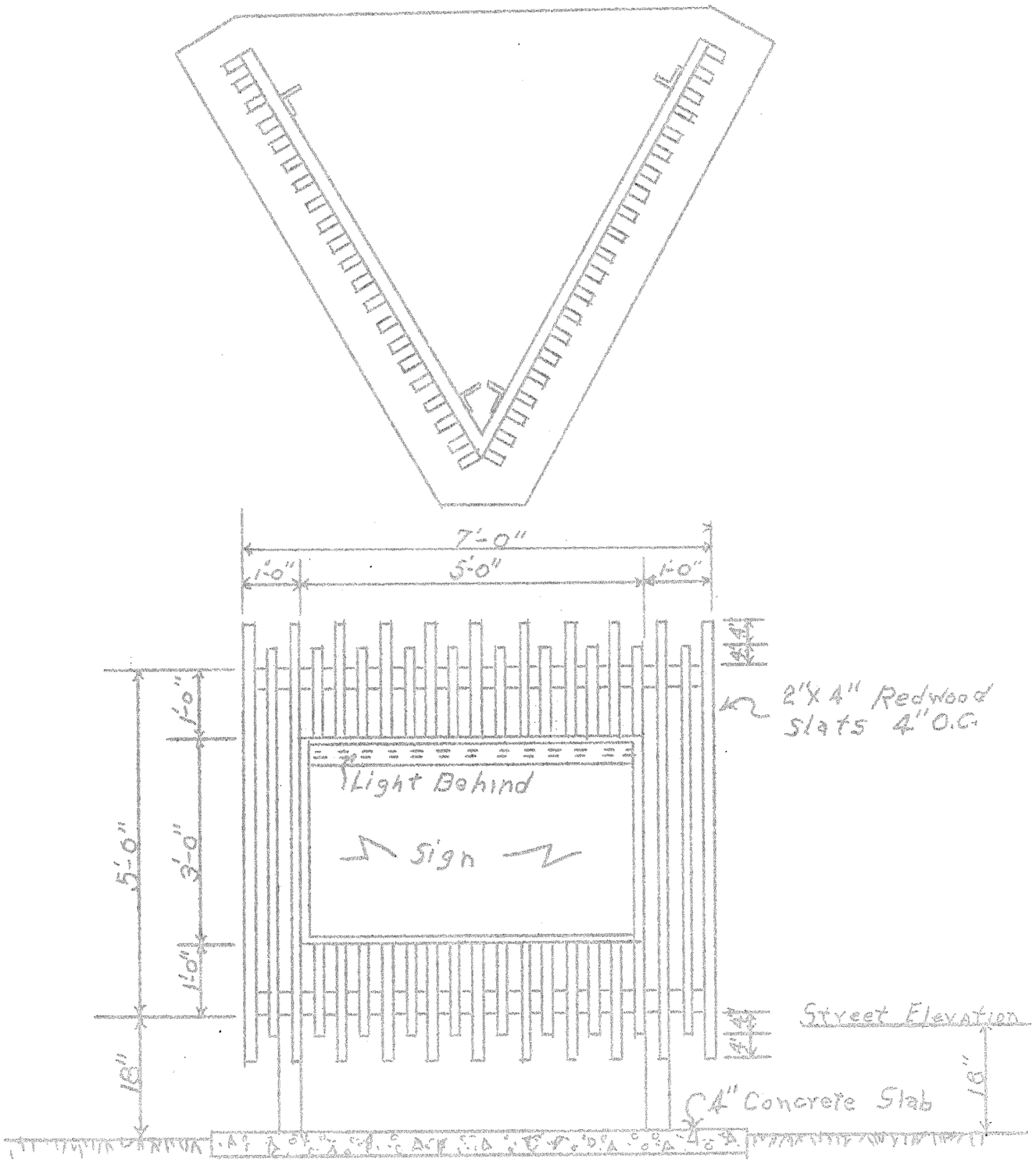
NOTE: Sketch of proposed property and structure to be drawn on back of this form or attached.

FEE None

Applicant William Haney

Date 8-15-63

REPORT NO 630662




Sign to Be Located 15' From Front Property Line

Minutes of the Proceedings of the Village Council of the Village of Brooklyn Center in the County of Hennepin and State of Minnesota

September 9, 1963

The Village Council met in Regular Session and was called to order by Mayor Gordon Erickson at 7:30 P. M.

Roll Call: Mayor Gordon Erickson, Phil Cohen, Howard Heck and Henry Dorff were present. John Leary was absent.

The Rev. Amos LeVang of the Brooklyn Center Assemblies of God Church gave the invocation.

Motion by Phil Cohen and seconded by Howard Heck to approve the minutes as recorded for the meeting of September 3, 1963. Motion carried.

John Leary arrived at the meeting at 7:45 P. M.

Mr. Sidney Hagen represented by Attorney Richard Parish asked that the Council assist them in securing access to Mr. Hagen's property at 7015 Kyle Avenue North.

Motion by Phil Cohen and seconded by John Leary to instruct the administrator to contact St. Alphonsus Church regarding an easement to Sidney Hagen for access to his property. Motion carried.

The Village Council again considered the matter of a building permit to Howe Inc. for the construction of a warehouse addition. A number of the owners of adjacent residential property strenuously objected to the issuance of the permit.

Motion by John Leary and seconded by Howard Heck to grant a building permit for a maximum of 6,974 square feet to Howe Inc.

Motion by Howard Heck and seconded by Phil Cohen to amend the previous motion by adding the words for "warehouse use only".

Voting on the amendment, all members voted for the amendment and it was declared carried.

Voting on the original motion as amended, all members voting for the motion and the motion was declared carried.

Motion by Phil Cohen and seconded by Howard Heck that the letter from Howe Inc. relating to the improvements to the manufacturing process to abate air pollution be spread on the record and further that such improvement be inspected shortly after January 2, 1964 to determine that the improvements have been completed. Motion carried.

The letter from Howe - Incorporated follows:

HOWE - INCORPORATED

September 9, 1963

Village Council of
Brooklyn Center

Gentlemen:

In connection with granting a building permit for an addition to provide additional storage. We have had discussion with regard to improvements on our scrubber. We have submitted suggestions for improvements by Mr. Grant Marburger, and we wish to assure you we intend to proceed with alterations and improvements as suggested.

Bill M. Howe
Vice President
Howe Inc.

Motion by Howard Heck and seconded by John Leary to uphold the recommendation of the Planning Commission and approve application #63063 by Brookdale Center and grant permission to permanently locate one identification sign 25 feet south of County Road #10 and 170 feet East of the center line of the North access road and to also grant an extension of time for two signs in temporary locations at the access roads on the Osseo Road, for a period of one year. Motion carried.

Motion by John Leary and seconded by Henry Dorff to uphold the action of the Planning Commission and approve application #63060 submitted by Robert Quenroe and grant a variance to construct an attached garage with one corner 2.45 feet from the side lot line instead of 5 feet as required by ordinance. Motion carried.

Motion by John Leary and seconded by Phil Cohen to uphold the action of the Planning Commission and approve application #63066 submitted by Mayme Baldwin and grant permission to divide a lot by metes and bounds description into two lots, each lot to be 65.8 feet wide and 165.6 feet deep. Motion carried.

Motion by Phil Cohen and seconded by Howard Heck to uphold the action of the Planning Commission and approve application #63061 as submitted by Donald Mason for a Special Use Permit for a restaurant at 5657 Logan Avenue on the following conditions:

1. The requirements of the lease between Mr. Mason and the Northern States Power Company for accessory parking shall be part of the Special Use Permit.

2. There shall be screening on the South Side of the lot as required by Section 35-710.

and the following variances are hereby approved:

1. A variance on Section 35-705 to permit 90° angle parking for two cars plus center isle to be 60 feet instead of the required 62 feet.

2. A variance on Section 35-701 to permit a 10 foot green strip on the Logan Avenue side of the lot instead of the required 15 feet.

and the architectural plans are approved as submitted. Motion carried.

Motion by Henry Dorff and seconded by John Leary to uphold the action of the Planning Commission and approve application #63062 as submitted by the Lutheran Church of the Master and grant permission to erect a Church bulletin board and identification sign 15 feet from the front property line. Motion carried.

Motion by Howard Heck and seconded by Henry Dorff to hold a hearing on Special Assessments at the Village Hall on September 30, 1963, at 8:00 o'clock P.M. on the following improvement projects:

Sanitary Sewer Lateral No.

1962-8

AND Water Improvement Nos.

1963-6
1963-7
1963-9
1963-10

AND Storm Sewer Nos.

1962-20
1962-24
1962-28

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2021-005 SUBMITTED BY ELECTRO SIGNS ON BEHALF OF THE EVANGELICAL LUTHERAN CHURCH OF THE MASTER FOR A SPECIAL USE PERMIT TO INSTALL A NEW DYNAMIC MESSAGES SIGN (DMS) WITH A PUBLIC USE (1200 69TH AVENUE NORTH)

WHEREAS, Planning Commission Application No. 2021-005 was submitted by Electro Signs on behalf of the Evangelical Lutheran Church of the Master ("the Applicant") for issuance of a Special Use Permit to install a new Dynamic Messages Sign (DMS) with a Public Use in a PUD/R1 District and located at 1200 69th Avenue North ("the Subject Property"); and

WHEREAS, pursuant to City Code Section 34-140; Subpart 3.D, "*A DMS owned or operated by a Public Use in all districts where Public Uses are allowed may be approved by special use permit*;" and

WHEREAS, the Subject Property was previously approved for a 15-foot variance to allow for installation of a "church identification sign and bulletin board" on September 9, 1963 under Planning Commission Application No. 63062; and

WHEREAS, the Applicant intends to install the new Dynamic Messages Sign (DMS) in approximately the same location on the Subject Property and along 69th Avenue North; and

WHEREAS, the Planning Commission considered the Special Use Permit request in light of all testimony received, the guidelines and standards for evaluating this Special Use Permit contained in Section 35-220 (*Special Use Permits*) of the City's Zoning Code, and the request complies with the general goals and objectives of the City's 2040 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center to recommend that Planning Commission Application No. 2021-005, submitted by Electro Signs on behalf of the Evangelical Lutheran Church of the Master, be approved based upon the following considerations:

1. The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort;

2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

4. Adequate measures have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets; and

5. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Center to recommend that Planning Commission Application No. 2021-005 be approved subject to the following conditions and considerations:

1. The new Dynamic Messages Sign (DMS) shall comply with and meet all regulations and standards as set forth under Chapter 34 (*Signs*) and specifically the additional standards for DMS as outlined in Section 324-140.3.D, and Chapter 35 (*Zoning*) of the Brooklyn Center City Code of Ordinances.

2. The Special Use Permit is issued only to Lutheran Church of the Master or the current landowners with the ability to install and maintain a new DMS at the Subject Property of 1200 69th Avenue North; and is limited to Lutheran Church of the Master use only or any other future public use that may occupy this site, as defined under City Code Section 35-900.

3. No third- party or off site-business or off-premise advertising is allowed by the DMS displays.

4. Any significant changes or modifications made to these requests can only be made by an amendment and as approved by the City Council.

RESOLUTION NO.

September 27, 2021 _____
Date

_____
Mayor

ATTEST: _____
City Clerk

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

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

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

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Andy Splinter, Interim Finance Director

SUBJECT: Resolutions Approving the Preliminary 2022 Property Tax Levy and Budget

**Requested Council Action:**

*- It is recommended that the City Council consider approval of two resolutions setting the 2021 preliminary property tax levy and budget.*

**Background:**

Each year the City is required by State Law to establish a maximum levy and preliminary budget for the use of that levy. Once adopted, the City may not increase the levy but the levy may be decreased. Citizens will receive notice of the maximum levy with their tax notice in the fall. On December 6, 2021 the City Council will hold a public hearing and adopt the final levy and the final spending plan (budget) for all funds.

By City Charter, the City Manager is responsible for presenting a balanced budget to the City Council. The City Council has adopted a set of fiscal policies that provide guidance and parameters for the budget. Additionally, the City Council has adopted strategic priorities and the budget reflects resources allocated to the achievement of those strategic priorities.

Over the last few months the City Council and Financial Commission have met to review and discuss the proposed preliminary budget. Between now and December, additional review will be conducted as we establish final budgets for the General Fund and all other fund budgets.

**Budget Issues:**

City Council will be asked to consider approval of two resolutions. The first resolution establishes the preliminary property tax levy for the 2022 fiscal year. This levy, upon adoption, becomes the maximum levy allowed to the City for the 2022 fiscal year. The second resolution adopts the preliminary budgets for those funds using portions of the property tax levy for operations.

The maximum levy proposed in the attached resolution for the City of Brooklyn Center is $21,324,025 which compares to $19,942,911 in 2021. The proposed dollar increase is $1,381,114. A portion of this increase, $251,114 (1.26%) is related to the debt service levy, the remaining $1,130,000 (5.67%) is related to the general levy. The preliminary levy approved by the Housing and Redevelopment Authority (HRA) is $482,654 which compares to $452,913 in 2021. The dollar increase in the HRA levy is $29,741 which is equal to 6.57%.

The projected impacts of these levy changes resulted in an $24 annual decrease to a median value homes tax liability.

This increase, if adopted will have varying impacts on individual properties based on their change in taxable value. The following chart illustrates changes in taxable values between the classifications of residential, commercial, industrial, and apartments:

| Preliminary Taxable Market Value Estimates | | | |
|---|---|---|---|
| Class | Payable 2021 | Estimated 2022 | Change (%) |
| Commercial | $383,340,000 | $362,024,000 | -5.6% |
| Industrial | 176,852,000 | 188,049,900 | 6.3% |
| Residential | 1,539,577,305 | 1,672,520,564 | 8.6% |
| Apartment | 341,589,850 | 380,923,270 | 11.5% |
| Other | 537,000 | 456,000 | -15.1 |
| **Totals** | 2,468,226,455 | 2,630,304,034 | 6.6% |

As illustrated by the chart, the City continues to see increases in market values. Most homestead residential properties will see an increase in taxable market value for the eighth consecutive year. Due to the decertification of TIF 3 the Tax Capacity of the City is projected to increase 19.4% even though values only increased 6.6%. That is how the median value home will see reduced taxes in 2022 despite the 6.93% levy increase.

**Inclusive Community Engagement:**

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Enhanced Community Image, Resident Economic Stability, Inclusive Community Engagement, Targeted Redevelopment, Safe, Secure, Stable Community, Operational Excellence

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Preliminary Levy Resolution | 9/17/2021 | Resolution Letter |
| Preliminary Budget Resolution | 9/17/2021 | Resolution Letter |
| Expenditure summary | 9/17/2021 | Exhibit |
| Revenue Summary | 9/17/2021 | Exhibit |

Member introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION APPROVING A PRELIMINARY TAX CAPACITY LEVY FOR THE GENERAL FUND AND DEBT SERVICE FUNDS AND A MARKET VALUE TAX LEVY FOR THE HOUSING AND REDEVELOPMENT AUTHORITY FOR PROPERTY TAXES PAYABLE IN 2022

WHEREAS, the City Council of the City of Brooklyn Center is the governing body of the City of Brooklyn Center; and

WHEREAS, Minnesota Statutes require that the preliminary property tax levy for property taxes payable in 2021 be provided to the Hennepin County Auditor no later than September 30, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that a tax is hereby levied on all taxable real and personal property within the City of Brooklyn Center for the purpose and sums as follows:

| | |
|---|---|
| General Fund - Tax Capacity Based | |
| General Tax Limited Levy | $19,532,263 |
| Debt Service – Tax Capacity Based | |
| Public Improvement Bond Levy | $1,791,762 |
| **Total City Levy** | **$21,324,025** |
| Housing and Redevelopment Authority – Market Value Based | |
| **HRA Tax Levy** | **$482,654** |

September 27, 2021
Date

_____
Mayor

ATTEST:_____
City Clerk

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

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

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

Member introduced the following resolution and moved its adoption:
RESOLUTION NO._____

RESOLUTION ADOPTING A PRELIMINARY BUDGET FOR THE 2021 FISCAL YEAR

WHEREAS, the City Council of the City of Brooklyn Center is the governing body of the City of Brooklyn Center; and

WHEREAS, Minnesota Statutes require that a preliminary budget be adopted for funds using property tax revenues along with the adoption of the preliminary property tax levy; and

WHEREAS, a preliminary property tax levy of $21,324,025 has been proposed for adoption the basis for the budget proposed herewith.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that the following amounts be adopted as the preliminary budget for property tax supported funds appropriated as follows:

REVENUES:

| | |
|---|---|
| General Fund | |
| Property Taxes (net) | $19,418,531 |
| Sales Tax – Lodging Tax Gross Receipts | 800,000 |
| Licenses & Permits | 1,376,290 |
| Local Government Aid | 1,186,376 |
| Other Intergovernmental Revenues | 791,076 |
| General Government Service Charges | 48,000 |
| Recreation Fees and Charges | 490,000 |
| Public Safety Service Charges | 89,600 |
| Fines & Forfeitures | 161,000 |
| Miscellaneous Revenues | 248,500 |
| Special Assessments | 50,000 |
| Subtotal General Fund | $24,659,373 |
| Debt Service | |
| 2013B General Obligation Improvement Bond Levy | $147,903 |
| 2015A General Obligation Improvement Bond Levy | 255,851 |
| 2016A General Obligation Improvement Bond Levy | 214,410 |
| 2017A General Obligation Improvement Bond Levy | 283,516 |
| 2018A General Obligation Improvement Bond Levy | 246,819 |
| 2019A General Obligation Improvement Bond Levy | 190,974 |
| 2020A General Obligation Improvement Bond Levy | 238,875 |
| 2021A General Obligation Improvement Bond Levy | 213,414 |
| Subtotal Debt Service | $1,791,762 |
| Housing and Redevelopment Authority | |
| Property Tax Levy | $482,654 |
| TOTAL BUDGETED REVENUES | $26,904,048 |

EXPENDITURE APPROPRIATIONS:

| | |
|---|---|
| General Fund | |
| General Government | $4,099,246 |
| General Government Buildings | 1,007,884 |
| Prevention, Health, and Safety | 154,850 |
| Police | 9,644,164 |
| Fire & Emergency Preparedness | 1,980,128 |
| Community Development | 1,681,820 |
| Public Works | 4,366,372 |
| Recreation | 2,286,138 |
| Convention and Tourism | 380,000 |
| Joint Powers | 187,000 |
| Insurance | 278,788 |
| Central Supplies | 466,800 |
| Vacancy & Turnover Savings | (450,000) |
| Reimbursements from Other Funds | (1,633,817) |
| Transfers to Other Funds | 210,000 |
| Subtotal General Fund | $24,659,373 |
| | |
| Debt Service | |
| 2013B General Obligation Improvement Bond Levy | $147,903 |
| 2015A General Obligation Improvement Bond Levy | 255,851 |
| 2016A General Obligation Improvement Bond Levy | 214,410 |
| 2017A General Obligation Improvement Bond Levy | 283,516 |
| 2018A General Obligation Improvement Bond Levy | 246,819 |
| 2019A General Obligation Improvement Bond Levy | 190,974 |
| 2020A General Obligation Improvement Bond Levy | 238,875 |
| 2021A General Obligation Improvement Bond Levy | 213,414 |
| Subtotal Debt Service | $1,791,762 |
| | |
| Housing & Redevelopment Authority | |
| Transfer to Economic Development Authority | $452,913 |
| | |
| TOAL BUDGETED APPROPRIATIONS | $26,904,048 |

September 27, 2021
Date

_____
Mayor

ATTEST:_____
City Clerk

The motion for adoption of the forgoing resolution was duly seconded by member
and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against same:
whereupon said resolution was declared duly passed and adopted.

*City of Brooklyn Center*

**2022 Budget - General Fund - Expenditure Summary by Function**

| Object Code | Description | 2019 Actual | 2020 Actual | 2021 August YTD | 2021 Budget | 2022 Budget | Change |
|---|---|---|---|---|---|---|---|
| 10100 | GENERAL FUND | | | | | | |
| 41110 | MAYOR & COUNCIL | $ 144,560 | $ 137,755 | $ 137,303 | $ 162,790 | $ 167,394 | 2.83% |
| 41320 | CITY MANAGER | 363,915 | 371,332 | 387,295 | 384,746 | 233,178 | -39.39% |
| 41410 | ELECTIONS | 80,871 | 181,607 | 68,475 | 108,560 | 186,992 | 72.25% |
| 41430 | CITY CLERK | 174,076 | 220,574 | 160,253 | 206,338 | 242,780 | 17.66% |
| 41520 | FINANCE | 607,401 | 590,402 | 429,734 | 667,696 | 651,945 | -2.36% |
| 41550 | ASSESSING | 222,829 | 239,969 | 127,538 | 255,500 | 260,500 | 1.96% |
| 41610 | LEGAL | 431,849 | 416,521 | 312,997 | 435,000 | 440,000 | 1.15% |
| 41710 | COMMUNICATION & ENGAGEMENT | 234,390 | 275,155 | 334,523 | 381,859 | 593,536 | 55.43% |
| 41810 | HUMAN RESOURCES | 404,758 | 407,063 | 307,958 | 519,382 | 605,150 | 16.51% |
| 41920 | INFORMATION TECHNOLOGY | 586,954 | 636,008 | 588,636 | 697,078 | 717,771 | 2.97% |
| 41940 | GOVERNMENT BUILDINGS | 951,829 | 1,152,247 | 641,544 | 942,289 | 1,007,884 | 6.96% |
| | **GENERAL GOVERNMENT** | **4,203,432** | **4,628,633** | **3,496,256** | **4,761,238** | **5,107,130** | **7.26%** |
| 42010 | **PREVENTION HEALTH AND SAFETY** | **-** | **-** | **-** | **-** | **154,850** | **100.00%** |
| 42110 | ADMINISTRATION | 357,017 | 350,654 | 266,714 | 367,024 | 404,852 | 10.31% |
| 42120 | INVESTIGATION | 1,042,233 | 1,410,237 | 874,202 | 1,259,646 | 1,266,522 | 0.55% |
| 42123 | PATROL | 6,288,958 | 6,247,001 | 4,426,557 | 6,891,044 | 6,695,027 | -2.84% |
| 42151 | SUPPORT SERVICES | 1,001,612 | 949,295 | 611,597 | 1,042,998 | 1,040,013 | -0.29% |
| 42170 | STATION & BUILDINGS | 289,463 | 181,152 | 279,413 | 233,250 | 237,750 | 1.93% |
| | **POLICE** | **8,979,283** | **9,138,339** | **6,458,483** | **9,793,962** | **9,644,164** | **-1.53%** |
| 42210 | FIRE | 1,461,593 | 1,592,343 | 1,033,201 | 1,638,897 | 1,946,128 | 18.75% |
| 42510 | EMERGENCY PREPAREDNESS | 4,995 | 47,801 | 8,796 | 26,600 | 34,000 | 27.82% |
| | **FIRE** | **1,466,588** | **1,640,144** | **1,041,997** | **1,665,497** | **1,980,128** | **18.89%** |
| 41910 | PLANNING & ZONING | 222,011 | 283,879 | 251,314 | 280,547 | 206,524 | -26.39% |
| 42410 | BUILDING INSPECTIONS | - | 66,309 | 27 | - | - | 0.00% |
| 42411 | CODE ENFORCEMENT | - | 133 | 41 | - | - | 0.00% |
| 42420 | BUILDING & COMMUNITY STANDARDS | 1,193,579 | 1,138,845 | 777,097 | 1,203,344 | 1,244,659 | 3.43% |
| 46320 | COMMUNITY DEVELOPMENT ADMIN | 207,467 | 366,653 | 185,567 | 267,409 | 230,637 | -13.75% |
| | **COMMUNITY DEVELOPMENT** | **1,623,057** | **1,855,819** | **1,214,046** | **1,751,300** | **1,681,820** | **-3.97%** |
| 43110 | ENGINEERING | 976,784 | 1,087,684 | 776,897 | 1,112,931 | 1,137,885 | 2.24% |
| 43220 | STREET MAINTENANCE | 1,553,527 | 1,296,477 | 963,260 | 1,428,139 | 1,510,337 | 5.76% |
| 43221 | TRAFFIC CONTROL | 213,404 | 192,874 | 128,164 | 223,947 | 232,144 | 3.66% |
| 45201 | PARK FACILITIES | 1,094,634 | 1,081,815 | 877,957 | 1,311,898 | 1,339,006 | 2.07% |
| 45204 | FORESTRY | 102,844 | 108,862 | 68,528 | 140,724 | 147,000 | 4.46% |
| | **PUBLIC WORKS** | **3,941,193** | **3,767,712** | **2,814,806** | **4,217,639** | **4,366,372** | **3.53%** |
| 45010 | ADMINISTRATION | 260,088 | 274,317 | 147,699 | 267,263 | 261,276 | -2.24% |
| 45110 | REC ADMINISTRATION | 487,132 | 415,460 | 478,168 | 562,663 | 648,006 | 15.17% |
| 45111 | ADULT PROGRAMS | 136,469 | 53,035 | 51,430 | 147,912 | 121,058 | -18.16% |
| 45112 | TEEN PROGRAMS | - | - | - | 10,343 | 10,941 | 5.78% |
| 45113 | YOUTH PROGRAMS | 113,894 | 20,679 | 51,347 | 147,488 | 162,820 | 10.40% |
| 45119 | GENERAL RECREATION | 62,122 | 32,037 | 42,405 | 65,557 | 22,127 | -66.25% |
| 45122 | COMMUNITY CENTER | 240,214 | 190,983 | 135,766 | 244,740 | 358,647 | 46.54% |
| 45124 | POOL | 342,265 | 204,142 | 288,022 | 385,732 | 415,087 | 7.61% |
| 45218 | HEALTH AND SOCIAL ENVIRONMENT | - | - | - | - | 286,176 | 100.00% |
| | **RECREATION** | **1,642,184** | **1,190,653** | **1,194,837** | **1,831,698** | **2,286,138** | **24.81%** |
| 44110 | JOINT POWERS | 181,159 | 171,344 | 107,744 | 187,000 | 187,000 | 0.00% |
| 45310 | CONVENTION & TOURISM | 514,813 | 266,086 | 192,702 | 237,500 | 380,000 | 60.00% |
| 48140 | INSURANCE | 246,320 | 254,618 | 185,251 | 272,286 | 278,788 | 2.39% |
| 48150 | CENTRAL SUPPLIES | 274,198 | 292,782 | 499,053 | 735,504 | 466,800 | -36.53% |
| 48160 | VACANCY AND TURNOVER SAVINGS | - | - | - | (400,000) | (450,000) | 12.50% |
| | **NON-DEPARTMENTAL** | **1,216,490** | **984,830** | **984,750** | **1,032,290** | **862,588** | **-16.44%** |
| 48170 | INTERFUND REIMBURSEMENT | (1,113,479) | (1,201,027) | (1,079,694) | (1,518,097) | (1,633,817) | 7.62% |
| 48210 | TRANSFERS OUT | 210,000 | 410,374 | - | 220,000 | 210,000 | -4.55% |
| | **TRANSFERS** | **(903,479)** | **(790,653)** | **(1,079,694)** | **(1,298,097)** | **(1,423,817)** | **9.68%** |
| 10100 | **GENERAL FUND EXPENDITURES** | **$ 22,168,748** | **$ 22,415,477** | **$ 16,125,481** | **$ 23,755,527** | **$ 24,659,373** | **3.80%** |

*City of Brooklyn Center*

**2022 Budget - General Fund - Revenue Summary**

| Object Code / Description | 2020 Actual | 2021 August YTD | 2021 Budget | 2022 Budget | Change |
|---|---|---|---|---|---|
| 10100 GENERAL FUND | | | | | |
| PROPERTY TAXES | $ 18,066,564 | $ 9,273,997 | $ 18,317,857 | $ 19,418,531 | 6.01% |
| TAX INCREMENTS | 172,347 | 71,317 | 230,500 | - | -100.00% |
| LODGING TAXES | 561,602 | 392,026 | 500,000 | 800,000 | 60.00% |
| TOTAL TAXES | 18,800,513 | 9,737,340 | 19,048,357 | 20,218,531 | 6.14% |
| LICENSES | 263,440 | 131,300 | 293,843 | 276,040 | -6.06% |
| PERMITS | 728,532 | 272,475 | 722,250 | 1,109,750 | 53.65% |
| TOTAL LICENSES & PERMITS | 991,972 | 403,775 | 1,016,093 | 1,385,790 | 36.38% |
| FEDERAL | 1,569,647 | 1,623,762 | - | 113,076 | 100.00% |
| STATE | 1,752,522 | 1,248,915 | 1,850,590 | 1,864,376 | 0.74% |
| COUNTY | 3,056 | - | - | - | 0.00% |
| LOCAL | 45,895 | - | 4,000 | - | -100.00% |
| TOTAL INTERGOVERNMENTAL | 3,371,120 | 2,872,677 | 1,854,590 | 1,977,452 | 6.62% |
| GENERAL GOVERNMENT | 86,279 | 38,756 | 76,500 | 48,000 | -37.25% |
| PUBLIC SAFETY | 79,128 | 28,317 | 153,250 | 89,700 | -41.47% |
| COMMUNITY DEVELOPMENT | 12,219 | 1,155 | 3,000 | - | -100.00% |
| PARKS & RECREATION | 43,768 | 73,560 | 241,000 | 214,000 | -11.20% |
| COMMUNITY CENTER | 72,104 | 110,441 | 352,000 | 276,000 | -21.59% |
| TOTAL CHARGES FOR SERVICES | 293,498 | 252,229 | 825,750 | 627,700 | -23.98% |
| SPECIAL ASSESSMENTS | 63,154 | 22,578 | 100,000 | 50,000 | -50.00% |
| FINES & FORFEITURES | 155,462 | 104,797 | 216,000 | 161,000 | -25.46% |
| INVESTMENT EARNINGS | 266,187 | 83,484 | 79,900 | 81,500 | 2.00% |
| MISCELLANEOUS | 156,714 | 174,115 | 163,200 | 167,000 | 2.33% |
| TRANSFERS IN | - | - | 55,000 | - | -100.00% |
| 10100 GENERAL FUND REVENUES | $ 24,098,620 | $ 13,650,995 | $ 23,358,890 | $ 24,668,973 | 5.61% |

# Council Regular Meeting

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Dr. Reginald Edwards, City Manager

SUBJECT: Emergency Ordinance 2021-02 Sunset

**Requested Council Action:**

- *Tonight the City Council is being asked to either:*
  1. *Take no action and let the Emergency Ordinance run out; or*
  2. *Extend Ordinance 2021-02*

**Background:**

On August 9, 2021, under Minnesota Statutes 12.29, the Mayor declared an existence of a local emergency. This local emergency was implemented due to the recent change in the pandemic with the spread of the Delta Variant. This emergency was effective for three days unless extended.

At the August 9, 2021, City Council meeting, the City Council approved Resolution 2021-95, Resolution Enacted Pursuant to Minnesota Statutes, Section 12.29 Extending the Period of a Mayor-Declared Local Emergency.

In addition, at the August 9, 2021, City Council meeting, the City Council approved Emergency Ordinance 2021-01; An Emergency Ordinance Requiring the Use of Face Coverings in Public Buildings within the City. The emergency ordinance had a duration timeline of sixty-one (61) days after its effective date, or October 9, 2021. The Emergency Ordinance was subsequently amended but this amendment did not affect the duration date.

Tonight the City Council is being asked to either:
1. Take no action and let the Emergency Ordinance run out; or
2. Extend Ordinance 2021-02

Attached for your reference are the:
Mayor's Declaration of a Local Emergency;
Resolution 2021-95; Extending the Period of a Mayor-Declared Local Emergency;
Emergency Ordinance 2021-01; Requiring the Use of Face Coverings in Public Buildings within the City; and
Emergency Ordinance 2021-02; Amending Emergency Ordinance 2021-01 Providing Additional Exemptions to the Face Covering Requirement in Public Buildings within the City

**Budget Issues:**

None

**Inclusive Community Engagement:**

Information regarding the original implementation of these ordinances were communicated through Social Media and a press release. If the Emergency Ordinance is extended, staff will implement the same notifications as the original Ordinance

**Antiracist/Equity Policy Effect:**

**Strategic Priorities and Values:**

Safe, Secure, Stable Community, Customer Intimacy , Operational Excellence

**ATTACHMENTS:**

| Description | Upload Date | Type |
|---|---|---|
| Declaration of a Local Emergency | 9/23/2021 | Backup Material |
| Resolution 2021-95 | 9/23/2021 | Backup Material |
| Emergency Ordinance 2021-01 | 9/23/2021 | Backup Material |
| Emergency Ordinance 2021-02 | 9/23/2021 | Backup Material |

**CITY OF BROOKLYN CENTER, MINNESOTA**
**MAYORAL DECLARATION OF A LOCAL EMERGENCY**

WHEREAS, the Mayor of the City of Brooklyn Center, Minnesota ("Mayor") finds that the following local health emergency exists in the City of Brooklyn Center, Minnesota ("City"):

1. On March 11, 2020, the World Health Organization determined the COVID-19 outbreak constitutes a pandemic, which was followed by federal and state declarations of emergency;

2. On March 17, 2020, I declared a local emergency due to the pandemic and the City Council acted by resolution the same day to extend the declaration;

3. The subsequent development and distribution of vaccines resulted in a significant reduction in the number of cases, hospitalizations, and deaths from COVID-19;

4. The continued success in combating the virus resulted in a phased reduction in the state-imposed health mandates and on July 1, 2021 the Governor's peacetime emergency declaration ended as part of negotiations with the Legislature that continued certain emergency programs and activities through a budget bill;

5. The City Council acted on July 12, 2021 to adopt a resolution ending the original local emergency declaration effective as of August 1, 2021;

6. In the time since the adoption of the resolution, infections from the Delta Variant of the virus have spiked and research has shown those who are fully vaccinated may become infected with the variant and may pass it others;

7. This recent change has prompted both the CDC and the Minnesota Department of Health to recommend those in areas with substantial or high transmission rates to wear masks in public indoor settings regardless of vaccination status;

8. Hennepin County very recently went from a substantial transmission rate designation to a high transmission rate designation;

9. The recent spread of the variant among both the vaccinated and unvaccinated has resulted in an abrupt and concerning change in the fight against the pandemic; and

10. The health concerns associated with the variant among those within the City are significant and raise many of the same uncertainties that existed at the start of the pandemic.

WHEREAS, Minnesota Statutes, section 12.29 authorizes the Mayor to declare the existence of a local emergency; and

WHEREAS, the Mayor finds this recent change in the pandemic was sudden and could not have been anticipated; and

WHEREAS, the Mayor finds that the spread of the Delta Variant, and other potential

breakthrough variants, threatens the health, safety, and welfare of the residents of the City.

NOW, THEREFORE, I, Mike Elliott, Mayor of the City of Brooklyn Center, Minnesota, do hereby declare as follows:

1. A local health emergency exists effective immediately on this 9th day of August 2021 in the City of Brooklyn Center, Minnesota.

2. By statute, this Emergency Declaration ends in three days unless the City Council acts by resolution to extend it.

Dated: August 9, 2021.

Mike Elliott, Mayor

Member Ryan introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-95

CITY OF BROOKLYN CENTER, MINNESOTA

A RESOLUTION ENACTED PURSUANT TO MINNESOTA STATUTES, SECTION 12.29 EXTENDING THE PERIOD OF A MAYOR-DECLARED LOCAL EMERGENCY

WHEREAS, the Mayor of the City of Brooklyn Center, Minnesota declared the existence of a local health emergency for the City effective as of August 9, 2021; and

WHEREAS, the City Council of the City of Brooklyn Center agrees with the Mayor's determination and further finds that the local emergency will last for more than three days and that immediate action to respond to the local emergency is needed in order to protect the health, safety and welfare of the City and the community; and

WHEREAS, the Council finds the rapid spread of the Delta Variant of the COVID-19 virus, even among those who have been vaccinated, poses an enhanced risk to public health beyond what had been a downward trend in cases; and

WHEREAS, Minnesota Statutes, sections 12.29 and 12.37 authorize the actions taken in this Resolution.

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

1. The City Council supports the Mayor's Declaration of a local emergency and hereby extends it until the City Council acts by resolution to repeal it upon a determination that the public health risk no longer warrants maintaining the emergency declaration.

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

August 9, 2021
Date

Mayor

ATTEST:
City Clerk

BR291-4-739978.v1

The motion for the adoption of the foregoing resolution was duly seconded by member
Butler
and upon vote being taken thereon, the following voted in favor thereof:
Butler, Elliott, Ryan
and the following voted against the same:
Graves, Lawrence-Anderson
whereupon said resolution was declared duly passed and adopted.

CITY OF BROOKLYN CENTER

ORDINANCE NO. 2021-01

AN EMERGENCY ORDINANCE REQUIRING THE USE OF FACE COVERINGS IN PUBLIC BUILDINGS WITHIN THE CITY

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

**ARTICLE I**. Preamble. The City of Brooklyn Center, like the nation and the world, has been struggling with the COVID-19 pandemic. The development and distribution of vaccines has greatly reduced the numbers of infections, serious illnesses, and deaths from the virus. As a result of these outcomes, Governor Walz ended the state's emergency declaration on July 1, 2021 and the City Council acted to end the City's local emergency declaration effective August 1, 2021. However, the recent and rapid spread in the Delta Variant has caused the number of cases to spike and resulted in the CDC and the Minnesota Department of Health recommending the wearing of masks in certain indoor public settings, even by those who are fully vaccinated. The Minnesota Department of Health has gone further to also recommended local governments consider imposing mask mandates since the state's emergency order is no longer in effect. In response to the recent increase in cases, the Mayor declared a local health emergency on August 9, 2021 and the City Council determines it necessary to require the wearing of face coverings in public buildings in order to protect the public health, safety, and welfare from this highly transmissible form of the virus.

**ARTICLE II**. Legislative Findings. The Brooklyn Center City Council hereby finds and determines as follows:

(a) As a result of the spread of the Delta Variant, the CDC and the Minnesota Department of Health have recommended that face coverings be worn in public, indoor settings in those areas where the spread of the virus is classified as having substantial or high transmission regardless of vaccination status.

(b) Hennepin County recently moved from a substantial transmission area to a high transmission area, and so is subject to the face covering recommendations.

(c) There are those within the community with underlying health conditions that are particularly at risk from the virus and this recent variant.

(d) Date collected by the state shows that communities of color are testing positive, being hospitalized, and are being placed in ICUs due to the virus at greater rates compared to the overall population.

(e) The Delta Variant of the virus presents a serious health risk to the residents of Brooklyn Center as it is highly transmissible and can infect and be transmitted by those who have been fully vaccinated.

(f) Following the recommendations of federal and state health authorities is appropriate in this new stage of the pandemic to help reduce the spread of the virus.

(g) This emergency ordinance is enacted in accordance with Section 3.06 of the City Charter to protect the health, safety, and welfare of those within the City against the enhanced risks resulting from the Delta Variant of the COVID-19 virus.

**ARTICLE III**. Face Covering Requirement.

**Section 1**. Definition. For purposes of this ordinance, the following terms shall have the meaning given them in this section.

(a) "City" means the City of Brooklyn Center.

(b) "Face covering" means a manufactured or homemade cloth covering that fully covers an individual's nose and mouth. The terms "mask" and "face covering" are synonymous.

(c) "Public building" means any building within the City of Brooklyn Center that is:

(1) Owned by the City;

(2) A school meeting the definition of a kindergarten, elementary school, middle school, or secondary school under Minnesota Statutes, section 120A.05; or

(3) Owned or operated by a governmental entity that is subject to provisions of this ordinance.

**Section 2**. Face Covering Required. Except as exempted by Section 3 of this ordinance, during times when Hennepin County is classified as being either a substantial or high transmission area by the CDC COVID Data Tracker, all individuals, including City employees, must wear a face covering when within a public building.

**Section 3**. Exemptions. The requirement to wear a face covering in a public building does not apply to:

(a) Children younger than two (2) years of age.

(b) Individuals unable to wear a mask due to medical, disability, or developmental reasons, including those who have trouble breathing.

(c) Individuals unable to remove their face covering without assistance.

(d) Individuals speaking to someone who is deaf or hard of hearing, if the mouth must be visible to communicate effectively.

CITY OF BROOKLYN CENTER

ORDINANCE NO. 2021-02

AN EMERGENCY ORDINANCE AMENDING EMERGENCY ORDINANCE 2021-01 PROVIDING ADDITIONAL EXEMPTIONS TO THE FACE COVERING REQUIREMENT IN PUBLIC BUILDINGS WITHIN THE CITY

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

**ARTICLE I**. Exemptions. Article III, Section 3 of the City of Brooklyn Center Emergency Ordinance No. 2021-01 is hereby amended as follows:

**Section 3**. Exemptions. The requirement to wear a face covering in a public building does not apply to:

(a) Children younger than two (2) years of age.

(b) Individuals unable to wear a mask due to medical, disability, or developmental reasons, including those who have trouble breathing.

(c) Individuals unable to remove their face covering without assistance.

(d) Individuals speaking to someone who is deaf or hard of hearing, if the mouth must be visible to communicate effectively.

(e) In a situation where it is not reasonably feasible, or potentially dangerous, to wear a face covering, such as when eating, drinking, swimming, engaging in strenuous physical activity, or when presenting at a meeting or other gathering.

When people gather indoors in situations where face coverings are not required under one of the exemptions, social distancing or other safety measures shall be utilized to the greatest extent reasonably possible to help prevent the spread of COVID-19.

**ARTICLE II**. Authority. This amendment is adopted as an emergency ordinance under Section 3.06 of the City Charter and is based on the same emergency situation and declaration noted in Emergency Ordinance No. 2021-01.

**ARTICLE III**. Effective Date. This amendment takes effect immediately upon adoption.

Adopted this 16th day of August 2021 by a unanimous vote of the council members present.

Mike Elliott, Mayor

BR291\4\741472.v4

ATTEST: _____
City Clerk

Date of Publication: August 26, 2021

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

**Council Worksession**
VIRTUAL meeting being conducted by electronic means in accordance with Minnesota Statutes, section 13D.021 Public portion available for connection via telephone Dial: 1-312-626-6799 Meeting ID: 85983453489# Passcode: 083211#
September 27, 2021

# AGENDA

The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public at http://cityofbrooklyncenter.org/.

1. **Call to Order - 5:00 p.m.**
2. **Presentation of Sales Tax Legislation for Funding Community Center Improvements and Water Park**
   a. Sales Tax Levy Discussion
3. **Questions & Next Steps**
4. **Adjournment**

# Council Worksession

DATE: 9/27/2021

TO: City Council
FROM: Dr. Reggie Edwards, Acting City Manager
THROUGH: N/A
BY: Meg Beekman, Community Development Director

SUBJECT: Sales Tax Levy Discussion

**Background:**

The City has been exploring public purpose projects which have the opportunity to provide broader regional significance. One such project has been an indoor/outdoor, year-round, regional recreation facility that could be located within the Opportunity Site master planning area. The City began exploring this concept three years ago as part of the overall master planning work, and in response to early community engagement, which called for a regional entertainment draw that could benefit both residents and the wider region, and create an attraction which would bring people to the community and anchor the Opportunity Site development area.

A feasibility study was completed on the concept, which found it to be financially viable. Staff began talks with an owner/operator of a similar facility located in Charlotte, North Carolina, and how a similar use might adapt to fit into Brooklyn Center and the Twin Cities region. The City began exploring funding concepts through various public, private, and philanthropic partners when the pandemic happened. The result was that the project was shelved and other options for the site began to be explored. The details of an ownership/operation model had not been sorted out at that point, and continued discussions would be needed to determine what the best option would be for ownership of such a facility, as well as who would be best suited to operate it.

In addition to a regional recreation facility, the City has begun a master planning process to consider a new or expanded community center. Components of that process have included identifying community needs in terms of recreation and community center facilities, as well as a broader look at the surrounding market and potential regional demand for community center space. As part of the planning process, potential partners have been identified which could be leveraged to achieve a larger, more regionally significant, community and wellness center.

The City has completed an initial analysis of the spacing needs and potential partners, and is moving into a second phase to develop fit plans and more solid cost estimates. In addition, the City has submitted an application to the state for bonding dollars to support the build out of a new community center. However, regardless of whether the project receives state bonding or not, the City will have obligations in terms of the cost of the facility.

One potential funding source that can be leveraged to support regionally significant projects, is a sales tax levy. Staff has invited Jason Aarsvold, with Ehlers, the City's public finance consultant, to present the process of leveraging a sales tax. The purpose of the presentation and discussion is to inform the Council about the sales tax option in terms of how it may be used to support the City's goals and objectives, and to

get feedback and direction from Council on whether this is a path to pursue.

In preparation for the discussion, Ehlers has prepared some estimates of the amount of revenue the City could expect to receive from a sales tax levy, which they will present at the meeting to inform the discussion.

**Budget Issues:**

There are no budget issues to consider at this time.

**Strategic Priorities and Values:**

Enhanced Community Image