

REGULAR COUNCIL MEETING – AGENDA #11

If due to a disability, you need auxiliary aids or services during a City Council Meeting, please provide the City with 72 hours' notice by calling 763-493-8141 or faxing 763-493-8391.

Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.

Our Brooklyn Park 2025 Goals:

• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader

I. ORGANIZATIONAL BUSINESS

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT AND RESPONSE 7:00 p.m. Provides an opportunity for the public to address the Council on items which are not on the agenda. Public Comment will be limited to 15 minutes (*if no one is in attendance for Public Comment, the regular meeting may begin*), and it may not be used to make personal attacks, to air personality grievances, to make political endorsements or for political campaign purposes. Individuals should limit their comments to three minutes. Council Members will not enter into a dialogue with citizens. Questions from the Council will be for clarification only. Public Comment will not be used as a time for problem solving or reacting to the comments made, but rather for hearing the citizen for informational purposes only.

2A. RESPONSE TO PRIOR PUBLIC COMMENT

2B. PUBLIC COMMENT

3A. APPROVAL OF AGENDA (Items specifically identified may be removed from Consent or added elsewhere on the agenda by request of any Council Member.)

3B. PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS
None

II. STATUTORY BUSINESS AND/OR POLICY IMPLEMENTATION

4. CONSENT (All items listed under Consent, unless removed from Consent in agenda item 3A, shall be approved by one council motion.) Consent Agenda consists of items delegated to city management or a commission but requires council action by State law, City Charter or city code. These items must conform to a council approved policy, plan, capital improvement project, ordinance or contract. In addition, meeting minutes shall be included.

4.1 Accept Bids and Award Contract for 2019 Street Reconstruction Project, CIP 4003-19

A. RESOLUTION

B. LOCATION MAP

4.2 Letters of Credit/Bond Releases, Escrow/Cash Bond Releases

4.3 Approve an Off-Sale 3.2 Percent Malt Liquor License for Knowlan's Super Markets, Inc dba Festival Foods, 8535 Edinburgh Center Drive North

4.4 Approve a Temporary On-Sale Liquor License for Brooklyn Park Lions Beer Tent at Tater Daze to be held June 14-15, 2019 in the Parking Lot of the Community Activity Center, 5600 85th Avenue North

4.5 Approve the Cooperative Agreement for the Police Mental Health Initiative

A. RESOLUTION

B. AGREEMENT

4.6 Approval of Minutes

A. CITY COUNCIL MEETING MINUTES, JANUARY 8, 2018

- B.** SPECIAL CITY COUNCIL SPECIAL MEETING MINUTES, MARCH 5, 2018
- C.** BOARD OF APPEAL AND EQUALIZATION MEETING MINUTES, APRIL 9, 2018
- D.** SPECIAL CITY COUNCIL MEETING MINUTES, APRIL 30, 2018
- E.** CITY COUNCIL MEETING MINUTES, JANUARY 14, 2019
- F.** CITY COUNCIL WORK SESSION MINUTES, FEBRUARY 4, 2019

The following items relate to the City Council's long-range policy-making responsibilities and are handled individually for appropriate debate and deliberation. (Those persons wishing to speak to any of the items listed in this section should fill out a speaker's form and give it to the City Clerk. Staff will present each item, following in which audience input is invited. Discussion will then be closed to the public and directed to the council table for action.)

5. PUBLIC HEARINGS

- 5.1** Public Hearing to Consider Ordering Improvements and Preparation of Plans and Specifications for the Construction of the Highway 169 / 101st Avenue Interchange, CIP 4042-19
 - A.** RESOLUTION
 - B.** LOCATION MAP
 - C.** FEASIBILITY REPORT

6. LAND USE ACTIONS

- 6.1** "Windchime Trail 4th Addition" (Kevin Ahlstrom) – Replat #19-103 of Current Residential Property to Add New Land Acquired from the City at 10214 Regent Avenue North
 - A.** PURCHASE AGREEMENT
 - B.** ORDINANCE – PROPERTY SALE
 - C.** RESOLUTION – PRELIMINARY PLAT
 - D.** LOCATION MAP
 - E.** PLANNING AND ZONING INFORMATION
 - F.** PLANNING COMMISSION MINUTES
 - G.** PLANS (EXHIBIT B)

7. GENERAL ACTION ITEMS

- 7.1** Appointment Correction to the Budget Advisory Commission

III. DISCUSSION – These items will be discussion items but the City Council may act upon them during the course of the meeting.

- 8. DISCUSSION ITEMS**
None

IV. VERBAL REPORTS AND ANNOUNCEMENTS

- 9A. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS**
- 9B. CITY MANAGER REPORTS AND ANNOUNCEMENTS**

V. ADJOURNMENT

Since we do not have time to discuss every point presented, it may seem that decisions are preconceived. However, background information is provided for the City Council on each agenda item in advance from city staff and appointed commissions, and decisions are based on this information and past experiences. If you are aware of information that has not been discussed, please raise your hand to be recognized. Please speak from the podium. Comments that are pertinent are appreciated. Items requiring excessive time may be continued to another meeting.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.1	Meeting Date:	March 25, 2019
Agenda Section:	Consent	Originating Department:	Operations and Maintenance Engineering Services Division
Resolution:	X	Prepared By:	Jason Ives, Senior Project Manager
Ordinance:	N/A		
Attachments:	2	Presented By:	Jesse Struve, P.E. City Engineer
Item:	Accept Bids and Award Contract for 2019 Street Reconstruction Project, CIP 4003-19		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ ACCEPTING BIDS AND AWARDING CONTRACT IN THE AMOUNT OF \$2,813,611.03 TO NORTHDAL CONSTRUCTION COMPANY, INC. OF ALBERTVILLE, MINNESOTA FOR 2019 STREET RECONSTRUCTION PROJECT, CIP 4003-19.

Overview:

Operations and Maintenance (O&M) staff rate the condition of city roadways on an annual basis. Based on these ratings, O&M has an extensive pavement rehabilitation program that utilizes seal coating, overlays, and mill and overlay methods to extend the life of the city's roads. Unfortunately, even with proper maintenance, roadways eventually need to be reconstructed.

Based on the annual street condition assessments, there is a portion of the southwest part of town in need of rehabilitation beyond the city's normal maintenance plan. The adopted 2019-2023 Capital Improvement Plan (CIP) includes a large area to be reconstructed in 2019 (see attached). The first three areas were reconstructed in 2016, 2017 and 2018.

The plans address deficiencies in existing utilities, preliminary design considerations and alternatives, and provide an estimate of probable cost. Staff held two neighborhood meetings prior to bringing the plans to the Council. The first meeting was orientated toward listening to resident concerns (drainage, sight lines, etc.) and in the second meeting staff proposed plans and impacts to properties. There are concerns throughout the project with watermain breaks and issues with tree roots in the sanitary sewer. Staff has analyzed the project and determined a full replacement of the watermain and sanitary sewer systems are necessary, cost-effective, and feasible from an engineering standpoint.

Bids were opened on March 12, 2019 with six bids received. Bids ranged from \$2,813,611.03 to a high of \$3,114,209.70. The lowest responsible bidder is Northdale Construction Company, Inc. in the amount of \$2,813,611.03. They have been a prime contractor and subcontractor on numerous city projects within the City of Brooklyn Park, most recently on CIP 4002-16. The 2019-2023 Capital Improvement Plan includes \$3,550,000.00 for the reconstruction project.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

This project is scheduled for a 2019 completion and, in accordance with City policies, these costs will be paid for utilizing the Franchise Fee Funds, Water Utility Funds, Sanitary Sewer Utility Funds and Storm Sewer Utility Funds.

Attachments:

- 4.1A RESOLUTION
- 4.1B LOCATION MAP

RESOLUTION #2019-

RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
TO NORTHDAL CONSTRUCTION COMPANY, INC. OF ALBERTVILLE, MINNESOTA
FOR 2019 STREET RECONSTRUCTION PROJECT, CIP 4003-19

WHEREAS, the City Engineer has prepared plans and specifications for the following improvements to wit:

CIP 4003-19: Street and Utility Reconstruction on Zealand Avenue N., Yukon Avenue N., Sunrise Terrace N. and Sunny Lane N. between 62nd Avenue N. and 63rd Avenue N. Sanitary sewer lining on 62nd Avenue N. between Zealand Avenue N. and Sunny Lane N., directionally bored watermain on 62nd Avenue N. between Winnetka Avenue N. and Sumter Avenue N.

Bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

<u>BIDDER</u>	<u>TOTAL AMOUNT OF BID</u>
NORTHDAL CONSTRUCTION COMPANY, INC.	\$2,813,611.03
RYAN CONTRACTING CO.	\$2,814,050.60
DOUGLAS-KERR UNDERGROUND, L.L.C.	\$2,968,707.42
S.R. WEIDEMA, INC.	\$2,976,972.60
RL LARSON EXCAVATING, INC.	\$3,041,498.58
GEISLINGER & SONS, INC.	\$3,114,209.70
Engineer's Estimate	\$2,974,563.25

and

WHEREAS, the City Manager recommends award of contract to Northdale Construction Company, Inc. of Albertville, MN as the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park.

1. The Mayor and Manager are hereby authorized and directed to enter into a contract with Northdale Construction Company, Inc. of Albertville, MN in the name of the City of Brooklyn Park for the improvements aforesaid according to the plans and specifications thereof approved by the Council and on file in the office of the Clerk.

LOCATION MAP CIP 4003-19



 PROJECT AREA

Brooklyn Park 



NO SCALE

City of Brooklyn Park Request for Council Action

Agenda Item:	4.2	Meeting Date:	March 25, 2019
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	JoAnn Millette, Development Specialist
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Cindy Sherman, Planning Director
Item:	Letters of Credit/Bond Releases, Escrow/Cash Bond Releases		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO RELEASE THE TRAVELERS SUBDIVISION PERFORMANCE BOND #106737137 (\$1,309,100), REDUCE THE CASH BOND BY \$63,900 AND REDUCE THE ENGINEERING ESCROW BY \$43,000 FOR SATISFACTORY PROGRESS OF THE "CSM BUILDING #2 – 610 COMMERCE CENTER 4TH ADDITION" PROJECT #17-103 LOCATED AT 9350 WEST BROADWAY FOR CSM CORPORATION.

The City will continue to hold a cash bond in the amount of \$5,000 and an engineering escrow in the amount of approximately \$1,600 until landscaping can be inspected and approved in the spring.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.3	Meeting Date:	March 25, 2019
Agenda Section:	Consent	Originating Department:	Rental and Business Licensing Division
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Keith Jullie, Rental and Business Licensing Manager
Item:	Approve an Off-Sale 3.2 Percent Malt Liquor License for Knowlan's Super Markets, Inc dba Festival Foods, 8535 Edinburgh Center Drive North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE AN OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR KNOWLAN'S SUPER MARKETS, INC DBA FESTIVAL FOODS, 8535 EDINBURGH CENTER DRIVE NORTH.

Overview:

This is a new Off-Sale 3.2 Percent Malt Liquor License for Knowlan's Super Markets Inc, doing business as Festival Foods located at 8535 Edinburgh Center Drive North. The Fire Department's last inspection was on August 5, 2015. The Police Department has completed their investigation of the business owners.

The Community Development Department, Fire Department and Police Department find no reason that would preclude the issuance of this license. Their reports are on file in the Business and Rental Licensing Division and are available upon request.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.4	Meeting Date:	March 25, 2019
Agenda Section:	Consent	Originating Department:	Community Development Rental and Business Licensing
Resolution:	N/A	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	N/A		
Item:	Approve a Temporary On-Sale Liquor License for Brooklyn Park Lions Beer Tent at Tater Daze to be held June 14-15, 2019 in the Parking Lot of the Community Activity Center, 5600 85 th Avenue North		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR BROOKLYN PARK LIONS BEER TENT AT TATER DAZE TO BE HELD JUNE 14-15, 2019 IN THE PARKING LOT OF THE COMMUNITY ACTIVITY CENTER, 5600 85TH AVENUE NORTH.

Overview:

The Police Department has completed their investigation of the applicant. The Community Development Department approved the application on March 18, 2019. The Police Department and the Community Development Department find no reason that would preclude the issuance of this Temporary On-Sale Liquor license. Their reports are on file in the Licensing Division and are available upon request.

The license must be approved by the State of Minnesota, Alcohol and Gambling Enforcement Division once the City of Brooklyn Park has approved the license.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park Request for Council Action

Agenda Item:	4.5	Meeting Date:	March 25, 2019
Agenda Section:	Consent	Originating Department:	Police Department
Resolution:	X	Prepared By:	Stephanie Heiberger, Administrative Assistant
Ordinance:	N/A		
Attachments:	2	Presented By:	Deputy Chief Todd Milburn
Item:	Approve the Cooperative Agreement for the Police Mental Health Initiative		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ TO APPROVE THE COOPERATIVE AGREEMENT FOR THE POLICE MENTAL HEALTH INITIATIVE.

Overview:

The mission of the Brooklyn Park Police Department is to provide a safe and orderly community through delivery of professional police services for those who live in, work in, and visit the City of Brooklyn Park. By working together on a united front with our professional partners and the community, we are most effective in our mission; and by valuing our diversity, we provide courteous, impartial service with dignity and honor.

In 2018, the Brooklyn Park Police Department conducted extensive research on the increase in mental health calls in Brooklyn Park and the traditional officer response to mental health emergencies. Through that research, and the collaboration with other law enforcement agencies locally and around the nation, an opportunity was found to provide follow-up care to prevent reoccurrences of mental health crises by embedding a licensed clinician within the Police Department.

The terms of this agreement with Hennepin County shall be from March 1, 2019 through February 29, 2021, unless terminated earlier by the participating parties in accordance with the cancellation provision of the agreement. The County agrees to provide a Senior Social Worker to the project. The City agrees to fund 60% of cost of the Senior Social Worker, not to exceed \$60,000 per year.

Primary Issues/Alternatives to Consider:

The Brooklyn Park Police Department has reallocated resources to support this work for 2019 to include assigning a detective that will lead this mental health unit. An intern will also work within this unit to help with project analysis. Without the approval of this agreement, the initiative would lack a Senior Social Worker, eliminating some of the most important elements of the project: collaboration between agencies, knowledge and understanding of mental health crises, and connections to appropriate resources.

Budgetary/Fiscal Issues:

The not-to-exceed amount of \$60,000 was approved by Council as a part of the 2019 final adopted budget.

Attachments:

- 4.5A RESOLUTION
- 4.5B AGREEMENT

RESOLUTION #2019-

RESOLUTION TO APPROVE THE COOPERATIVE AGREEMENT FOR
THE POLICE MENTAL HEALTH INITIATIVE

WHEREAS, the mission of the Brooklyn Park Police Department is to provide a safe and orderly community through delivery of professional police services for those who live in, work in, and visit the City of Brooklyn Park; and

WHEREAS, the Police Department conducted extensive research on the increase in mental health calls in Brooklyn Park and the traditional officer response to health emergencies; and

WHEREAS, an opportunity was found to provide follow-up care to prevent reoccurrences of mental health crises by imbedding a licensed clinician within the Police Department; and

WHEREAS, Hennepin County agrees to provide a Senior Social Worker to the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve the cooperative agreement for the police Mental Health Initiative.

COOPERATIVE AGREEMENT FOR POLICE MENTAL HEALTH PROGRAM

This agreement (the "Agreement") is between the COUNTY OF HENNEPIN, STATE OF MINNESOTA, A-2300 Government Center, Minneapolis, Minnesota 55487 ("COUNTY"), on behalf of the Hennepin County Human Services Department ("HSPHD"), and City of Brooklyn Park ("BROOKLYN PARK" or "CITY"), 5400 85th Avenue North, Brooklyn Park, Minnesota 55443. The parties to this Agreement may also be referred to individually as "Party" and collectively as "Parties".

WHEREAS, in 2018 the Minnetonka Police Department ("MPD") and Plymouth Police Department ("PPD") completed extensive research on the increase in mental health calls and traditional officer response to mental health emergencies. The research included an overview of best practices used to improve officer interactions with individuals experiencing mental health emergencies. This research specifically found opportunity to provide follow up care to prevent reoccurrences of emergency crises. Based on the research of other jurisdictions, a licensed clinician embedded with the police departments and shared between MPD and PPD is recommended, and

WHEREAS, the Parties desire to implement the above-stated recommendations>

NOW, THEREFORE, in consideration of the mutual undertakings and agreements hereinafter set forth, the Parties agree as follows:

1. TERM OF THE AGREEMENT

The term of the Agreement shall be from March 1, 2019, through February 29, 2021, unless terminated earlier in accordance with the Cancellation provision of this Agreement.

2. FUNDING / PAYMENT

- A. Funding provided via the City's approved budget provides for a 60% funded mental health professional (Senior Social Worker) not to exceed \$60,000 per year.
- B. The Senior Social Worker (SSW) will be hired, employed, and equipped by HSPHD and participate in supervision and training by HSPHD in accordance with local, state, federal, and professional licensure requirements.
- C. HSPHD shall within thirty (30) calendar days following the last day of each quarter submit an invoice to CITY for 60% of the cost of one position assigned to the program.
- D. CITY will make payment within thirty-five (35) days from receipt of the invoice. If the invoice is incorrect, defective, or otherwise improper, CITY will notify HSPHD within

ten (10) days of receiving the incorrect invoice. Upon receiving the corrected invoice from HSPHD, CITY will make payment within thirty-five (35) days.

3. DUTIES OF HSPHD

- A. HSPHD shall assign one Senior Social Worker who, along with a Social Work Unit Supervisor, will work with officers to develop and implement a Police-Mental Health Unit. The Senior Social Worker will remain the responsibility of and provided supervision by HSPHD. The HSPHD staff will participate with CITY in service delivery and program development as part of a team and will meet all standards for delivery of service according to professional licensure.
- B. HSPHD shall participate with CITY in program design, management of resources, program evaluation, and data collection as collectively approved by supervisors of HSPHD and CITY.
- C. A Planning Group comprised of representatives of each Party will develop and operationalize the pilot program and will be managed by police administration. Integration of mental health program design and service delivery elements with police response will be directed by HSPHD Adult Behavioral Health Program Manager. Social Work Unit Supervisor will provide direct supervision of the mental health professional/Senior Social Worker under this Agreement.
- D. A service description is outlined in EXHIBIT A: Description of Services, which is incorporated into and made part of this Agreement.

4. LIABILITY / INDEMNIFICATION / DUTY TO NOTIFY

- A. Each Party shall be liable for its own acts and the results thereof to the extent provided by law, and shall defend, indemnify, and hold harmless the other Parties (including their present and former officials, officers, agents, employees, volunteers, and subcontractors), from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorneys' fees, resulting directly or indirectly from any act or omission of the indemnifying Party, anyone directly or indirectly employed by it and/or anyone for whose acts and/or omissions it may be liable, in the performance or failure to perform its obligations under this Agreement. Each Party's liability shall be governed by the provisions of Minnesota Statutes, chapter 466 and other applicable law.
- B. Under no circumstances shall a Party be required to pay on behalf of itself and other Parties, any amounts in excess of the limits on liability established in Minnesota Statutes Chapter 466 applicable to any one Party. The limits of liability for some or all of the Parties may not be added together to determine the maximum amount of liability for any Party.

- C. Duty to Notify: Each Party shall promptly notify the other Parties of any claim, action, cause of action or litigation brought against the notifying Party, its present and former officials, officers, agents, employees, volunteers, and subcontractors which arises out of the services described in this Agreement and shall also notify the other Parties whenever there is a reasonable basis for believing that the notifying Party, its present and former officials, officers, agents, employees, volunteers or subcontractors, and one or more of the other Parties, might become the subject of a claim, action, cause of action, administrative action, criminal arrest, criminal charge or litigation arising outof/or related to the services described in this Agreement.

5. INSURANCE

Each Party warrants that it has purchased insurance or has established and funded a self- insurance program.

6. WORKERS' COMPENSATION

Each Party shall be responsible for injuries or death of its own personnel. Each Party will maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are performing activities pursuant to this Agreement. Each Party waives the right to sue any other Party for any workers' compensation benefits paid to its own employees or volunteer or their dependents, even if the injuries were caused wholly or partially by the negligence of any other Party or its officers, employees, or volunteers.

7. INDEPENDENT PARTY

- A. It is understood that the relationship between all Parties constitutes only the understandings set forth in this Agreement
- B. It is further agreed that, notwithstanding any other formal, written agreements or contracts which may exist between COUNTY and CITY, nothing is intended or should be construed in any manner as creating or establishing the relationship of partners between the Parties hereto or as constituting CITY as the agent, representative, or employee of COUNTY for any purpose or in any manner whatsoever. CITY is to be and shall remain an independent contractor with respect to all services performed under this Agreement. CITY will secure at its own expense all personnel required in performing services under this Agreement. Any personnel of CITY or other persons while engaged in the performance of any work or services required by CITY shall have no contractual relationship with COUNTY and will not be considered employees of COUNTY. COUNTY shall not be responsible for any claims related to or on behalf of any of CITY's personnel, including without limitation, claims that arise out of employment or alleged employment under the Minnesota Unemployment Insurance Law (Minnesota Statutes Chapter 268) or the Minnesota Workers' Compensation Act (Minnesota

Statutes Chapter 176), or claims of discrimination arising out of state, local, or federal law, against a CITY, its officers, agents, contractors, or employees. Such personnel or other persons shall neither require nor be entitled to any compensation, rights, or benefits of any kind from COUNTY, including, without limitation, tenure rights, medical and hospital care, sick and vacation leave, workers' compensation, unemployment compensation, disability, severance pay, and retirement benefits.

8. NONDISCRIMINATION

Each Party agrees that it shall not exclude any person from full employment rights or participation in, or the benefits of, any program, service or activity on the grounds of any protected status or class including but not limited to race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status, or national origin; and no person who is protected by applicable federal or state laws against discrimination shall be otherwise subjected to discrimination.

9. NO THIRD PARTY

Except as herein specifically provided, no other person, customer, employee, or invitee of COUNTY or CITY or any other third party shall be deemed to be a third-party beneficiary of any of the provisions herein.

10. DATA PRIVACY

Each Party and their respective officers, agents, owners, partners, employees, volunteers and subcontractors, shall abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, and all other applicable state and federal laws, rules, regulations and orders relating to data privacy, confidentiality, disclosure of medical records or other health and enrollment information, and as any of the same may be amended. The terms of this paragraph shall survive the cancellation or termination of this Agreement.

11. PROGRAM STATISTICAL INFORMATION

Each Party agrees to maintain such statistical records relating to services as shall be necessary, appropriate, and convenient for the proper administration of this Agreement.

12. MERGER, MODIFICATION, AND SEVERABILITY

- A. The entire Agreement is contained herein and supersedes all oral agreements and negotiations between the Parties relating to the subject matter. All items that are referenced or that are attached are incorporated and made a part of this Agreement. If there is any conflict between the terms of this Agreement and

referenced or attached items, the terms of this Agreement shall prevail.

- B. Any alterations, variations, or modifications of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the Parties. Except as expressly provided, the substantive legal terms contained in the Agreement including but not limited to Liability / Indemnification / Duty to Notify; Insurance; Workers' Compensation; Merger, Modification and Severability; Cancellation or Minnesota Law Governs may not be altered, varied, modified or waived by any change order, implementation plan, scope of work, development specification or other development process or document.
- C. If any provision of this Agreement is held invalid, illegal or unenforceable, the remaining provisions will not be affected.

13. **CANCELLATION**

- A. This Agreement may be canceled with or without cause by either Party upon thirty (30) days written notice.
- B. If HSPHD has reason to believe that the safety or well-being of Senior Social Worker may be endangered by actions of a CITY, its agents, and/or employees, HSPHD may terminate the Agreement immediately.

14. **SURVIVAL OF PROVISIONS**

Provisions that by their nature are intended to survive the term, cancellation or termination of this Agreement do survive such term, cancellation or termination. Such provisions include but are not limited to: INDEPENDENT PARTIES; LIABILITY / INDEMNIFICATION / DUTY TO NOTIFY; INSURANCE; WORKERS' COMPENSATION; DATA PRIVACY; MARKETING AND PROMOTIONAL LITERATURE; and MINNESOTA LAW GOVERNS.

15. **NOTICES**

Any notice or demand which must be given or made by a Party hereto under the terms of this Agreement or any statute, rule, regulation or ordinance shall be in writing, and shall be sent via registered or certified mail. Notice to HSPHD shall be sent to COUNTY Administration at the address listed in the opening paragraph of this Agreement, with a copy to HSPHD as described below. Notice to CITY shall be sent to one of the following addresses:

BROOKLYN PARK
Mark Bruley
Deputy Chief
Brooklyn Park Police Department
5400 85th Avenue North
Brooklyn Park, MN 55443

HSPHD
Leah Kaiser
Area Manager
Hennepin County
300 South 6th Street
Minneapolis, MN 55487

16. MARKETING AND PROMOTIONAL LITERATURE

CITY agrees that the term, "Hennepin County", "Human Services and Public Health Department", or any derivative thereof, shall not be utilized in any promotional literature or advertisements of any type without the express prior written consent of COUNTY.

17. MINNESOTA LAWS GOVERN

The laws of the State of Minnesota shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the Parties and their performance. The appropriate venue and jurisdiction for any litigation will be those courts located within the County of Hennepin, State of Minnesota. Litigation, however, in the federal courts involving the Parties will be in the appropriate federal court within the State of Minnesota.

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HC# A199503

HENNEPIN COUNTY ADMINISTRATOR APPROVAL RECEIVABLE AGREEMENT

The Parties hereto agree to be bound by the provisions set forth in this Agreement.

Reviewed for COUNTY by the
County Attorney's Office

Date: _____

COUNTY OF HENNEPIN
STATE OF MINNESOTA

By: _____
County Administrator

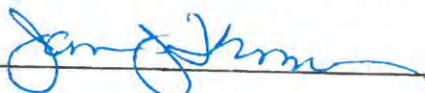
Date: _____

Reviewed by

By: _____
Director/Deputy County Administrator

Date: _____

Reviewed for CITY by the City Attorney



Date: 3/12/2019

CITY OF BROOKLYN PARK

By: _____

Title: _____

Date: _____

Exhibit A: Description of Services

The CITY and HSPHD staff will comprise a Police-Mental Health Unit.

Roles and Responsibilities of Parties

- CITY will provide office space and a desk for the Senior Social Worker (SSW).
- CITY will work with the Social Work Unit Supervisor (SWUS) to establish criteria for referrals.
- CITY will work with the SWUS to develop a referral process.
- CITY will track referrals and repeat calls.
- CITY will accompany the SSW to home visits as needed.
- HSPHD will be responsible for providing the SSW with equipment that is necessary for completing their work. This includes but is not limited to laptop computer, cell phone, and office supplies.
- The SSW will report directly to the HSPHD SWUS.
- HSPHD will be responsible for transportation/mileage expenses for the SSW. The SSW will be responsible following the HSPHD transportation/mileage reimbursement policies.
- The SSW will provide short-term assistance to clients in order to connect the individuals with internal and/or community resources to help meet their needs. Services will be provided in an ethical and culturally sensitive manner.
- After being assigned a case, the SSW will complete a file clearance of the various systems to determine if the individual is open to social services, county of financial responsibility, and public assistance programs.
- The SSW will meet the client, assess the client's needs, note formal and informal supports, and determine where gaps exist.
- The SSW will request or complete updated diagnostic assessments as needed.
- The initial assessment should include the risks to the safety and stability of the client as well as the client's ability to address such concerns. The SSW will also evaluate the need for emergency services and if needed will assist in making those connections.

Exhibit A: Description of Services

- The SSW will work with the client to develop an initial plan that addresses gaps that exist in the client's support system, and will work with the client to identify and connect with community resources. This plan will be signed by both the client and the SSW.
- The SSW will ensure that release of information forms are signed and that other paperwork is completed in a timely manner. No information will be shared with CITY without a signed release.
- If community and/or county resources are needed, the SSW will collect information needed to determine eligibility for those services. The SSW will facilitate referrals to appropriate resources.
- The SSW will collaborate with other involved parties as indicated.
- If eligible for county operated or contracted case management services, the SSW will complete the necessary paperwork to transfer the client to case management.
- The SSW will document all activities and data as requested for tracking purposes.
- Client participation is voluntary and the client has a right to refuse services.

Goals of the Police-Mental Health Unit include, but are not limited to:

- More timely engagement of SSW with individuals;
- Increased use of community resources to support individuals;
- Increased use of public assistance programs;
- Increased use of non-urgent health care systems;
- Improved engagement of current service providers;
- Ongoing collaboration and learning between HSPHD and Police Department;
- Improving the quality of life for those who suffer from mental illness and have encounters with law enforcement;
- Reducing use of force, injury or death to officers and community members;

Exhibit A: Description of Services

- Reducing rate of arrests/prosecution of persons in mental health crisis and increase the number of persons who remain in community settings with services and supports;
- Creating cost-savings through reduction of (incarceration and hospitalization) 911 calls regarding mental health crisis;
- Reducing repeat calls and visits for the same issue;
- Improving efficacy of law enforcement response to emergency and non-emergency mental health issues; and
- Increasing public satisfaction with the response to mental health emergencies and other metrics developed during the pilot utilizing key stakeholder and community input.

City of Brooklyn Park Request for Council Action

Agenda Item:	4.6	Meeting Date:	March 25, 2019
Agenda Section:	Consent	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	6	Presented By:	Devin Montero, City Clerk
Item:	Approval of Minutes		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JANUARY 8, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF MARCH 5, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK BOARD OF APPEAL AND EQUALIZATION MEETING OF APRIL 9, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK SPECIAL CITY COUNCIL MEETING OF APRIL 30, 2018, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF JANUARY 14, 2019, AS PRESENTED BY THE CITY CLERK.

MOTION _____, SECOND _____, TO APPROVE THE MINUTES OF THE BROOKLYN PARK CITY COUNCIL MEETING OF FEBRUARY 4, 2019, AS PRESENTED BY THE CITY CLERK.

Overview: N/A

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

- 4.6A CITY COUNCIL MEETING MINUTES, JANUARY 8, 2018
- 4.6B SPECIAL CITY COUNCIL SPECIAL MEETING MINUTES, MARCH 5, 2018
- 4.6C BOARD OF APPEAL AND EQUALIZATION MEETING MINUTES, APRIL 9, 2018
- 4.6D SPECIAL CITY COUNCIL MEETING MINUTES, APRIL 30, 2018
- 4.6E CITY COUNCIL MEETING MINUTES, JANUARY 14, 2019
- 4.6F CITY COUNCIL WORK SESSION MINUTES, FEBRUARY 4, 2019

REGULAR BROOKLYN PARK CITY COUNCIL WORK SESSION

Monday, January 8, 2018
6:00 p.m.

Steve Lampi Meeting Room
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Bob Mata, Terry Parks, Susan Pha, Lisa Jacobson, Mark Mata and Rich Gates; City Manager Jay Stroebel; Community Development Director Kim Berggren; Recreation and Parks Director Jody Yungers and City Clerk Devin Montero

ABSENT: None.

B. GENERAL INFORMATION

C. DISCUSSION ITEMS/GENERAL ACTION ITEMS

C.1 Bottineau Boulevard (County State Aid Highway 81) roadway Reconstruction from 71st Avenue to 83rd Ave – Project Update

City Engineer Jeff Holstein and Jason Staebell, Project Manager with Hennepin County, briefed the Council on the Bottineau Boulevard roadway reconstruction from 71st Avenue to 83rd Avenue.

Council Member Parks stated one of his concerns was if they would be putting in some type of pillar system down at the bridge.

Mr. Staebell stated that it would be in close coordination with MetroTransit because they didn't want to build the project for them to come and tear it out. They needed to see what their timing was and see if they would put their bridge pillars in at the same time as or if they would put it in.

Mayor Lunde asked if that might relieve some of the congestion on West Broadway with the six lanes or if it was just going to handle the flow that it already had better.

City Engineer Holstein stated that a lot of West Broadway was to serve as a diversion route for Highway 169. He was not sure they were getting that much of a jump on West Broadway. He stated the forecast indicated that it was still in need of it.

Mayor Lunde asked if the extension of the Crystal Bike Trail would impact the City planning.

City Engineer Holstein stated that their work on 63rd Avenue was not impacted by the trail expansion along Bottineau Boulevard.

Mayor Lunde asked if they were going to do anything along 85th Avenue, west of West Broadway with the trail connection.

Mr. Staebell thought it was in their plan to ultimately change some of those sidewalks to trails.

City Engineer Holstein stated they had nothing within the 5-year CIP to extend trails along 85th Avenue. That would be in coordination with Hennepin County at a future date.

C.2 Trunk Highway 252 Freeway Conversion Study Update

City Engineer Holstein briefed Council on the Trunk Highway 252 Freeway Conversion Study.

Mayor Lunde asked if the MN Pass would go North of I-94 onto Highway 252 all the way and if it would force people to get off and take the side streets.

City Engineer Holstein stated when they started looking at the capacity issues right now, they were between that 4-lane and the 6-lane freeway. With the MN Pass lane, it would help add additional capacity. He stated that under the basic scenario, by changing to the Mn Pass and taking out the restriction of the lights, that capacity on Highway 252 would be higher than it was today so he would not expect many people to be jumping off Highway 252 to take side streets because it would be functioning much better than it was today.

Council Member B. Mata asked what advantage would it be to the City for having a MN Pass lane versus having it open so that they could have all three lanes open all the time versus two.

City Engineer Holstein stated that one was going to be funded that would get it done sooner rather than later. He stated that from a capacity standpoint, they were not trying to push so many vehicles through the corridor, and if they could retain today's current transit levels, it would work from a mass standpoint. He stated it would be taking enough trips off the general-purpose lanes and putting them in the MN Pass lane to get a much higher number of trips in that third lane.

Council Member Parks stated that one of the selling points that was brought up at the meeting was that they would get more funding if they put it in. The concerns he was getting from his neighbors across Highway 252 was that they were now talking about opening West River Road all the way and that was going to take everyone off Highway 252 and pass their houses.

City Engineer Holstein stated there would be a little increase, but if they alleviated the congestion on Highway 252, then there would be no reason to divert.

Council Member M. Mata stated the third lane south of 73rd Avenue that was created eight years ago was supposed to alleviate the congestion to get people out of West River Road and onto Brookdale and 73rd Avenue. He asked why it was so hard to get a full lane going northbound all the way up to 85th Avenue.

City Engineer Holstein stated that it was going through the process with MN DOT and the rules had changed even now to add an additional lane.

Council Member M. Mata asked if a proposal that was presented would require bonding.

City Engineer Holstein stated they were proposing splitting the cost between the construction and Admin Fund in the EDA. He stated that for the construction on Highway 252, there would be a local cost participation. A rough estimate would put the city in the \$10 million range for the City portion to convert Highway 252, over mainly for cost participation at the major intersections. He didn't know if they would require bonding for the \$10 million. He stated there were a lot of grants they could apply for to reduce the cost and whatever they didn't get in grants the City had to figure out how to pay for it whether through existing funds or bonding.

Council Member Pha asked what was a realistic amount of funding they could get from the Corridor of Commerce?

City Engineer Holstein stated between somewhere between \$100-120 million was what they were hoping to get.

Council Member Pha stated that if they decided to do it and applied for it and didn't get the funding, could they decide not to go through with it.

City Engineer stated that was correct.

City Manager Stroebel stated that it would come back to the Council on January for a resolution of support.

C.3 Metro Blue Line Rail Transit Update Including Overview of Proposed West Broadway Fence Strategy

Community Development Director Kim Berggren briefed the Council on the Metro Blue Line Rail Transit.

Council Member Pha stated the way that the parking ramp looked it was going to make a difference how the whole project came together. She was in favor of something more interesting like the metal other than the basic mesh.

Council Member Gates stated he loved the screening by the Twins stadium.

Director Berggren stated that it was an artists screening and they kept bringing it up too in the meetings and that was why they came back with the current design because they pointed out that it had a sense of movement even if it wasn't actually moving.

At 6:40 p.m., Mayor Lunde departed the Lampi room and Mayor Pro Tem Bob Mata conducted the meeting.

D. RECESS TO THE COUNCIL CHAMBERS FOR THE REGULAR COUNCIL MEETING

At 6:54 p.m., Mayor Pro Tem Bob Mata recessed the Work Session to attend the Regular Council meeting.

E. RECONVENE THE SPECIAL COUNCIL WORK SESSION

At 9:31p.m. Mayor Lunde reconvened the Work Session.

C.5 Discussion of Trust for Public Land Parks Finance Feasibility Study

Recreation and Parks Director Jody Yungers and Linda Orel, Trust for Public Land, briefed Council on the Trust for Public Land Parks Finance Feasibility Study.

Council Member Gates asked what the average home owner paid for the Park and Recreation bonds versus how much it would cost for a new bond because the previous bond was ending and a new one would begin and will not raise taxes. He thought that was how they could put it to residents.

Director Yungers stated that Council would be making other decisions. She stated they would need to get the recommendation from bond Council regarding not raising taxes because the bonds fell off for Parks and Recreation and a new referendum for a different value would be the same.

Council Member Gates stated if he was paying \$40 before and now had to pay \$40 or how much more it would cost for the new debt, then he would like it framed that way.

Council Member M. Mata asked if they did not bond and were collecting a hypothetical \$40 a month per household, wouldn't they have \$40 per household annually because they were already taxing people. He asked if they could say they were collecting a million dollars instead of going out bonding because they already had the money.

Director Yungers stated it was an option.

Ms. Orel stated they had an option to increase the property tax levy either through the annual budget process or at the ballot. She stated that a dedicated funding source was more likely to be used for its intended purpose and there were always other pulls on the City budget that voters would think were more important and spent her living trying to create dedicated sources of funding because of that. She stated if the Council decided it was the best way to go, that's okay, but thought it would be harder to implement than the park plan because there would always be pressure on the City budget.

Director Yungers stated if they reinvested and kept the million dollars, in today's dollars, they could take the million dollars each year and get 14 million in today's dollars. If they were to just set aside the money and designate a million dollars to parks specifically, they could certainly make that decision, however, with a couple of the projects they had, they would have to collect 4 years' worth of the million dollars to do one of their smaller parks development. She stated the community had identified an aquatics facility, and was one of the things the polling could do. She stated the price tag was between \$18-22 million dollars. They would have to collect the dollars for 22 years before they could do anything to start the process to deliver it to the community. She stated bonding gave the money up front and as the community grew and developed or turned over, everyone was gaining from that investment now and was paying for it over a 20-year time frame. She stated there were many options to look at the reinvestment plan for the parks system.

Council Member M. Mata stated if they went to a bond, then they now had a government agency that had a bunch of money now to do anything within some type of plan they wanted. It didn't necessarily mean what the voters wanted. He stated if they had a million dollars to spend, maybe they didn't get to do everything, and they would have to budget just like everyone else. He understood what they were saying, he just saw a different method of getting there without doing bonds.

Council Member Pha stated she would not be in favor of something like that because when the referendum was originally put together, it was for that and if it had been paid off, they needed to be transparent to tax payers and let them know that was something new they should decide if they wanted or not. She stated she would not be in favor of continuing to collect that money because they could use it for something else and had not talked with residents about it.

Council Member Jacobson asked if there were any finance ballot measures that was newer than 2008 as presented in Appendix B.

Ms. Orel stated they had two data bases called land and park vote. There had been a lot of park votes in cities and counties and the land vote was for money specifically for large tracks of land like wild life habitat. He stated that once the statewide amendment legacy passed, there were less measured focused on conservation because of the state's source of funding. She stated there were two different kinds of ballot measures and in Brooklyn Park would be listed as a

park finance measure.

Director Yungers asked if it was Council's preference to move forward toward a referendum and they would enlist to find an outside funder to help support it so that they could refine what the community had said and they would be presenting it in the park system plan.

Mayor Lunde stated yes.

Director Yungers stated they could educate and inform the community on what was on the ballot, which was part of their job, and they were taking it to a referendum and vote. What they could not use was public funds to advocate for a yes vote.

Council Member Parks stated that a lot of people had gotten blindsided by a referendum for the Anoka School District 11 to get a new school building built. They all thought it was a great idea but didn't know they had to come and ask for another referendum because they now needed furniture and staff. His biggest concern was the wording and how it was done.

At 10:06 p.m., Council Member Bob Mata Departed.

C.4 Recreation and Parks System Plan, 10-Year Capital Reinvestment Plan Model Options

Director Yungers briefed Council on the Recreation and Parks System Plan, 10-Year Capital Reinvestment Plan Model Options.

City Manager Stroebel stated the partnership projects in the presentation were pure guesses and the Ehrler's Models didn't account for bonds that were rolling off and that was what was reflected. He stated that as mentioned earlier, bonds didn't all have to be issued upfront and could be issued over time. He stated if the City didn't have the staff capacity to do \$25 million worth of projects all at once, it was most likely that the projects would have to be staggered. He stated that as part of going out to the community, they did ask what the big picture and long-term plan was that they were asking for.

Mayor Lunde asked that staff make sure the public knew about the staggering of projects because a lot of the things they voted yes for would get new stuff and that would be many years down the road.

Director Yungers stated that it became critical being staff's capacity to manage those projects, which were very time consuming. She stated it was a 10-year implementation plan with a 20-year pay back, and therefore, the staggering of money was as it came up.

C.6 Summary of Aquatic Facilities Feasibility Studies and Other Historic Actions

Director Yungers briefed Council on the Aquatic Facilities Feasibility Studies and Other Historic Actions.

Council Member Jacobson mentioned the possibility of them doing a different kind of aquatics facility where the community got what it was looking for around swim lessons, open swim and programming in warm water for small children and seniors. She stated more of a partnership style like they were doing with other projects with a club team where they could see nationally ranked swimmers come out of the City of Brooklyn Park, which would be exciting. She stated they would host large scale swim meets on weekends that would fill up the hotels and restaurants and they would come to the table with part of the money and help the city potentially be the operators of it. She stated she would be looking at it more like a Community Development and Recreation Project.

F. ADJOURNMENT

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 10:31 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

SPECIAL BROOKLYN PARK CITY COUNCIL MEETING

Monday, March 5, 2018
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Rich Gates, Susan Pha, Terry Parks, Mark Mata, Bob Mata and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Deputy Police Chief Mark Bruley, Community Development Director Kim Berggren, and City Clerk Devin Montero.

ABSENT: None.

7.1 Recreation and Parks Director Jody Yungers briefed the Council on the bid for professional services for an aquatics feasibility study. She introduced Dave Bentz from Great Wolf who gave a presentation of the facility and some of the work that he and his organization had done around this vision and he introduced Mark Wentzel with the 292 Design Group who is part of our consulting team.

Council Member Parks stated that people had been asking for the aquatic center for as long as he could remember. He stated he was willing to vote for the feasibility study because he thought they needed to decide on it. He stated what was going to happen was that it was going to go on to a ballot and the people of Brooklyn Park got to vote on it. He stated he wanted the public to know when they did a budget, there were wants and needs and that was a big want that the people wanted, and it was going to cost money. He stated regardless if it passed on the ballot or not, it was going to cost the city money. He stated when it came to the actual vote to get the aquatics center, he would not be voting for it if they didn't have a partner on board. He stated there were so many aspects to it. They were talking about putting it in the Community Activity Center (CAC) which had hockey, banquets, the Amory and a whole lot of things there with no parking. He stated he was not sure how it was going to fit with the room they had and was not sure they had enough of the public to use it.

Council Member B. Mata stated he was confused on the presentation that was just presented because it looked like they were looking at putting in a private pool.

Director Yungers stated that if they recalled, as part of the Park System Plan, she explained last week in the presentation that they did a preference test with the community about what their interest was in an aquatic facility. She stated they provided five different options of different types of aquatic facilities and it became clear that what the community was specifically looking for was related to the family aquatic, which was a more recreational aquatic facility. She stated the partner came to the table at the post end of the conversation and was an option and needed in the community to support the competitive swimming. She stated it would be addressing the two specific needs the community had identified as a preference, which was the

recreational center and the instructional type pool. She stated it would go on to the CAC. The alternate incorporated both the leisure and recreational pool that would include the therapeutic pool and added the third component which would be the competitive swimming pool. She stated it would be a different proforma which was why they built the feasibility study the way it was to get two separate proformas done so that they as a community could determine the best approach. She stated that bringing a partnership to the table always had advantages and part of the feasibility study was to help through seeing what the partnership would look like.

Council Member M. Mata asked Mr. Bentz why they didn't build it when they had all that work done.

Dave Bentz, Great Wolf, stated he did not have enough money and his financing route was to get a small business loan because it was a special use facility. It was a \$10 million facility, and had to raise \$1.5 million. He stated at one point, he had a large investor who came in but later backed out.

Council Member B. Mata asked if the proposal they were looking at was to partner with Mr. Bentz and furnish some financing and have his group run it because he didn't know that the City should be in the business of running another business but if they had someone with the expertise he apparently had, then it might be a profit center for the city.

Director Yungers stated that part of the proforma, the business plan would address it and answered that question. She stated she didn't want to make any assumptions but there were multiple options in that area.

Council Member Jacobson stated that about the Public/Private partnership, the positive economic development impacts it would have as far as filling the city's hotels and restaurants and bring other restaurants in because the others were all doing well. She stated people would need to fill up their gas tanks to get home and at the same time providing access and options to residents with the open swim and swim lessons was a win-win. She stated they could have the real possibility of Brooklyn Park kids as swimmers in the Olympics and those things merit them to at least explore the options. She stated If they just did a family aquatics center, there was one in Maple Grove and Brooklyn Center, and would like the Council to do something a little different to give people a reason to come to the City and spend their money in a new way than they had before. She stated if they could get into a partnership where they were not alone and it was not all on the city, it was a win all around for everyone. This is why she supports us spending the money and doing the feasibility study so that they have the numbers to know what they are talking about before making a decision.

Council Member Pha stated she also supported the feasibility study. Many people in the community had expressed an interest in having an aquatics facility in the city including herself.

She thought the deciding factor was going to be what it would cost the city. She stated that was the information she would like to send out to residents because at the end of the day, they were the ones who were going to decide. She stated she would decide based on what the residents decided.

Council Member M. Mata stated he had spoken to residents as well and there had been a handful that had asked why they didn't have a pool. He stated they had also done studies in the past that had shown the need wasn't there or at least four votes at Council that didn't make it happen. He stated that even if it went to the public and they said that was something they would love to have, four votes could still say no because of the costs. He stated for that reason, he was not supporting the feasibility study. He thought they already knew some of the outcomes of it and already knew the city needed a partner and could not do it alone. He stated several cities already said it didn't make any money and in actuality, lost a lot. He stated that was putting out something that was going to have a lot of expenditures and only serviced a few people. He stated the city was surrounded by cities that had pools. He stated that when they looked at the park system, the city had baseball and softball fields, two hockey arenas, and a lot of people didn't have that. He stated each city had different things and had to weigh the pros and cons. He stated when they asked people what they wanted in surveys, they would agree to a pool because they didn't have one, but they never attached a cost and asked if they would be willing to bear the burden of it. He didn't think people would be willing to pay \$30 to go swimming, and if they paid \$5, then the city wouldn't make any money. He stated he would rather save the money and invest it in finding some partners that would build what the City wanted. He stated they already knew the answer to it and to vote for \$54,000 for it, he was a little more tax conscious and was voting no.

Mayor Lunde stated he was supporting the study because they all wanted to know how much it would cost, and they couldn't do that without the study. He thanked Mr. Bentz for presenting because it gave them all something different to think about. He stated he had always felt like the reason they had not been able to get a pool was because of the Council who would not vote on it. He stated that once they did the study and had the numbers, if residents then decided that they didn't want the pool, then he was fine with that. He thought it was a great opportunity for residents to get a chance to say something.

Council Member B. Mata stated he wanted to make sure there were numbers with this feasibility study. He stated they needed it so people could make an informed decision.

Council Member Pha stated regardless if it was a partnership or City owned, they should look at it as something that had to be cost neutral. She stated that as in any amenity that they had, as residents it was going to cost. She stated the residents decided if they wanted to pay the cost to have the amenity.

7.1 MOTION LUNDE, SECOND PARKS TO WAIVE THE READING AND ADOPT RESOLUTION #2018-

47 TO AWARD THE BID FOR AQUATIC FEASIBILITY STUDY TO 292 DESIGN GROUP IN THE AMOUNT OF \$54,420. THE MOTION PASSED. (6 TO 1) M. MATA VOTED NO.

ADJOURNMENT – Mayor Lunde adjourned the meeting at 7:46 p.m. and the Council returned to the Lampi Room to continue the Work Session.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

BOARD OF APPEAL AND EQUALIZATION MEETING

Monday, April 9, 2018
7:05 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Chair Jeffrey Lunde

PRESENT: Chair Jeffrey Lunde; Board Members Rich Gates, Susan Pha, Mark Mata, Bob Mata, Lisa Jacobson, Terry Parks; City Manager Jay Stroebel; City Assessor Marvin Anderson; Police Chief Craig Enevoldsen; and City Clerk Devin Montero.

ABSENT: None.

Chair Lunde stated students were present to participate in the Students in City Government Day and would be at the dais with the Board.

STUDENT LEADERS PRESENT: Riley Stichter, Maurice Brazelton, Matthew Seawood, Naomi Larkin, Alanna Worrall, Deon Griffin, India Bridges, Ladashia Walker, Zariel Davidson, Tremel Drake.

B. City Assessor Marvin Anderson briefed on the purpose of the Board of Appeal and Equalization and gave the Assessor's report and stated there were individuals signed up to address the Board and contest the value of their properties.

He stated the Board had been provided with applications from those appealing and had appointments made with all of those properties throughout the week.

The following individuals addressed the Board to contest their property values:

1. Junlajorm Noree, 6151 72nd Lane North.
2. Halee Vang, 7801 June Avenue North.
3. Halee Vang speaking for Phani Vajh, 3908 Sunset Road North.
4. Chau Ho and Truong Van Le, 9208 Woodhall Bay.
5. Tom Quinn, 10710 Major Avenue North.
6. Abdirahman Said, 7424 Xerxes Avenue North.
7. Nathan Battan, 4800 Impatiens Avenue North.
8. Eero Mattson, 9600 Sheridan Avenue North.
9. Emile Nguimfack, 3100 Brookdale Drive North.

The following individuals signed up to address the Board to contest their valuations but were not present: (Appointments have been scheduled)

1. Name Unavailable, 2736 Brookdale Lane.
2. Raymond Peterson, 9108 67th Ave N.
3. Colleen Shermoen, 7117-7121 65th Avenue North.
4. Colleen Shermoen, 7354 72nd Avenue North.

5. Colleen Shermoen, 8332 Brunswick Avenue North.
6. Colleen Shermoen, 8443 Brunswick Avenue North.

The following individuals addressed the Board.

1. Andreas Seawood. Stated she lived in Baltimore City and stated the community got together and came to Council and asked for a cap. Something the residents needed to think about. She stated there were people that could not afford those increases and shouldn't feel like they were being pushed out.

At 7:48 p.m. Council Member Gates stated they needed to dismiss the student leaders. He thanked Pam McBride, staff and Council Members for working on the Youth In City Government Day.

City Assessor Anderson stated letters and emails were received from the following property owners contesting their values:

1. Ravi Limkar, 9749 Thomas Avenue North; 7200 90th Avenue North; 6409 88th Avenue North; 3927 Globeflower Circle North.
2. Emile Nguimfack, 3100 Brookdale Circle North.
3. Valerie Holler, 8328 Fairfield Drive North.

He stated they also had parcels they looked at in the last 10 days and under state law, if they had been looked at in the last 10 days, and recommended value adjustments after the inspections, the Board had to approve those changes.

1. Buffi Moss, 500 82nd Avenue North.
2. Daren Coop, 9928 Oakwood Court North.
3. Ed Ampe, 5434 89th Crescent Circle North.
4. Abdalla Abikar, 7581 Dupoint Avenue North.
5. Yevi Ford, 8208 Penn Avenue North.
6. Doran 610 Partners LLC, 6705 Oak Grove Parkway.

B. MOTION LUNDE, SECOND JACOBSON TO APPROVE THOSE CHANGES AS AMENDED. MOTION PASSED UNANIMOUSLY.

City Assessor Anderson stated the Board would reconvene within 20 days and the decisions on all of the appeals would be made based on staff reports and the information submitted by the property owner.

He stated they would mail out the recommendations to the property owners.

C. MOTION LUNDE, SECOND GATES TO RECONVENE THE BOARD OF APPEAL AND EQUALIZATION MEETING ON APRIL 23, 2018. MOTION PASSED UNANIMOUSLY.

At 8:01 p.m. the Mayor and Council reconvened to the Work Session in the Lampi Room.

JEFFREY JONEAL LUNDE, CHAIR

DEVIN MONTERO, CITY CLERK

SPECIAL BROOKLYN PARK CITY COUNCIL MEETING

Monday, April 30, 2018
4:30 p.m.

Water Treatment Facility Conference Room
5100 Edinbrook Terrace

CALL TO ORDER – Mayor Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Rich Gates, Susan Pha, Terry Parks, Bob Mata and Lisa Jacobson; City Manager Jay Stroebel and Assistant City Manager Wokie Freeman-Gbogba.

ABSENT: Mark Mata (excused)

Mayor Lunde introduced representatives from the League of Minnesota Cities, Pam Whitmore, Facilitator, and Dan Greensweigh, LMCIT Administrator.

Facilitator Whitmore briefed the Council on the workshop related to the Council climate from the December 2017 workshop. The Council participated in the following workshop activities: Social Media and Body Language.

Mayor Lunde thanked the representatives from the League of Minnesota Cities.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 6:30 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL MEETING

Monday, January 14, 2019
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Tonja West-Hafner, Susan Pha, Terry Parks, Mark Mata, Wynfred Russell and Lisa Jacobson; City Manager Jay Stroebel; City Attorney Jim Thomson; Community Development Director Kim Berggren; Police Chief Craig Enevoldsen and City Clerk Devin Montero.

ABSENT: None.

Mayor Lunde opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

City Manager Stroebel stated there were two comments at the last Council meeting. Georgette Gray, OLM Executive Director, shared her concerns regarding the two pedestrian deaths on Brooklyn Boulevard. City Manager Stroebel stated staff had been working with Hennepin County of possible infrastructure changes to be considered along that stretch of road. He stated it was County road and anything they did would have to be in coordination with the County. He stated that in addition, they would reach out to Ms. Gray to see if they would be willing to partner with the city on some education outreach with the community around some efforts, beyond just infrastructure changes, to provide some additional education and insight to the community on how they could prevent that from happening again in the future.

He stated the other comment from Ms. Hempel regarding 93rd Avenue raised some questions when the city was going to make improvements to 93rd Avenue and also the belief the city had been receiving over \$40 million in the last 20 years for the MSA streets.

City Manager Stroebel stated they continued to work with the County with the 93rd Avenue and Noble intersection and with the State on 93rd Avenue. He stated that terms of the speed limit on the section of the road close to Noble, it was 30 MPH and was a temporary 40 MPH going through the construction zone. He stated they were addressing it on a temporary basis on speeding along that road. He stated that in terms of the investment, they had 50 miles of MSA roads and in recent years, they did receive \$2 million a year to keep those roads up over the last 5 years. He stated that the suggested \$40 million in the last 20 years would not be accurate. He stated the Community Development and Operations and Maintenance Departments would continue to discuss thinking in the future of what improvements would be needed on 93rd Avenue from a reconstruction stand point and when the appropriate timing on that would be. He stated it was something they would continue to discuss further with the Council and would continue to engage the County and State on the overall safety of that road.

2B PUBLIC COMMENT

1. Collette Guyott-Hempel, 9277 Trinity Gardens. 93rd Avenue. She thanked Council Members Jacobson and Parks for the last four years on the Council on making an effort to make it safe and thanked the police for their continued efforts to make that roadway safe.

She stated that on Tuesday, they started digging and the trucks were hauling, and the sign was not up saying "trucks hauling" and one of them pulled out right in front of her. On Wednesday, the sign was still not up, and on Friday, the sign was up but one of those trucks made a dead stop in the lane of traffic and was backing up at a car that was honking at them. She stated there was no place for them to go around and no escape unless they went on the wrong lane of traffic. She stated that for pedestrians and bicyclist back there, the digging had created a hole 15 feet deep for them to fall in or a car could roll down because there were no safety guards. She stated the digging back there was so loud that her house was vibrating on the other side of the 15-foot berm. She stated the approach on the other side she mentioned was still falling apart and they had homeowners in there driving on it at as of 11:00 p.m. last night. She stated that Friday night there was a road rage incident. She had stopped and clearly had the right of way and had a passenger with her driving through the intersection and then a Papa Johns driver coming from Noble area too high for the speed and did not plan to stop. She stated when she was going through she slowed down and honked at the driver because she was already in the intersection. She stated the driver rolled down their window and used profanity at her. She stated that her son called Papa Johns and the manager said she couldn't tell who the driver was because they couldn't get the license number. She stated they spent 12 minutes on the phone trying to get her to realize the seriousness and do some corrective action with that driver. She stated it was an ongoing process that had not been stopped by the Council.

3A. MOTION MATA, SECOND RUSSELL TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK. MOTION PASSED UNANIMOUSLY.

4.0 MOTION MATA, SECOND JACOBSON TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEMS:

4.1 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-8 TO SUPPORT TWIN CITIES HABITAT FOR HUMANITY TO ACQUIRE AND REHABILITATE ONE HOME IN THE CITY OF BROOKLYN PARK.

4.2 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-9 APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BID FOR 2019 MUNICIPAL STATE AID (MSA) MILL AND OVERLAY, CIP 4002-19.

4.3 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-10 TO ACCEPT BIDS AND AWARD CONTRACT FOR THE REPLACEMENT OF THE CHLORINE FEED SYSTEM AT THE WATER TREATMENT PLANT TO SHANK CONSTRUCTORS INC.

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-11 ESTABLISHING POLLING PLACES IN THE CITY OF BROOKLYN PARK FOR SPECIAL MUNICIPAL ELECTIONS HELD IN 2019.

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-12 TO AWARD CONTRACT TO INDIGITAL FOR SCANNING SERVICES.

4.6 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-13 TO AUTHORIZE

THE POLICE DEPARTMENT TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH LEAST SERVICES/COUNSELING LLC.

4.7 TO WAIVE THE READING AND ADOPT RESOLUTION #2019-14 APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BID FOR 2019 WATERMAIN REHABILITATION, CIP 3001-19A.

MOTION PASSED UNANIMOUSLY.

5.1 Rental and Business Licensing Manager Keith Jullie briefed the Council on an Off-Sale Intoxicating Liquor License for Harmony Liquor Holdings LLC dba Maddies Liquor, Located at 8521 Zane Avenue North.

5.1 Mayor Lunde opened the public hearing to consider an Off-Sale Intoxicating Liquor License for Harmony Liquor Holdings LLC dba Maddies Liquor, Located at 8521 Zane Avenue North.

5.1 The following individuals addressed the Council – None.

5.1 Mayor Lunde closed the public hearing and returned the item back to the table for consideration.

5.1 MOTION JACOBSON, SECOND PARKS TO APPROVE AN OFF-SALE INTOXICATING LIQUOR LICENSE FOR HARMONY LIQUOR HOLDINGS LLC DBA MADDIES LIQUOR, LOCATED AT 8521 ZANE AVENUE NORTH. MOTION PASSED UNANIMOUSLY.

7.1 Business Development Coordinator Daniela Lorenz briefed the Council on the Grant of \$18,000,000 of State of Minnesota General Obligation Bond Proceeds for Second Harvest Heartland's Headquarters and Approving the Execution of Related Documents. She introduced Greg Hilding, Interim CEO, SHH and David Laske, SHH Director of Facilities, and they gave an overview of the project.

7.1 MOTION PHA, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-15 TO AUTHORIZE ACCEPTING A GRANT OF \$18,000,000 OF STATE OF MINNESOTA GENERAL OBLIGATION BOND PROCEEDS FOR SECOND HARVEST HEARTLAND'S HEADQUARTERS AND APPROVING THE EXECUTION OF RELATED DOCUMENTS. MOTION PASSED UNANIMOUSLY.

7.2 Mayor Lunde briefed the Council on the appointment of a Council representative to the Brooklyn Park Development Corporation.

7.2 MOTION LUNDE, SECOND MATA TO APPOINT TERRY PARKS AS THE CITY COUNCIL REPRESENTATIVE TO THE BROOKLYN PARK DEVELOPMENT CORPORATION. (BALANCE OF A THREE-YEAR TERM TO EXPIRE DECEMBER 31, 2020) MOTION PASSED UNANIMOUSLY.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS – None.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated the follow events were coming up:

- On Thursday, from 10:00 a.m. to noon, at Hennepin Technical College, was a MLK Day of Service event.
- On Saturday, an additional service day project, to pack and deliver welcome bags, from 10:00 a.m. to 1:30 p.m. at City Hall.
- Next steps on the Council orientation, on Tuesday, Community Development Director Berggren will provide an update on EDA.
- On Thursday, January 24, Brooklyn Park Community Assembly, invited Council to meet the community.
- On Monday, January 21, City Hall will be closed in observance of MLK Day holiday.

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 7:27 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

REGULAR BROOKLYN PARK CITY COUNCIL WORK SESSION

Monday, February 4, 2019
7:09 p.m.

Council Chambers
5200 85th Avenue North

CALL TO ORDER – Mayor Jeffrey Lunde

PRESENT: Mayor Jeffrey Lunde; Council Members Wynfred Russell, Terry Parks, Susan Pha, Lisa Jacobson, Mark Mata and Tonja West-Hafner; City Manager Jay Stroebel; Community Development Director Kim Berggren; Finance Director LaTonia and City Clerk Devin Montero,

ABSENT: None.

Mayor Lunde stated that at staff's request, Item E.1 was being removed from the agenda and would be rescheduled for the February 11 Council meeting.

He also stated that Item C.5 would be held in the chambers due to the amount of people in the audience as the Lampi Room did not have enough room to accommodate them. He stated it would be held off camera and then the Council would recess to the Lampi Room to continue the Work Session.

C. DISCUSSION ITEMS/GENERAL ACTION ITEMS:

C.1 RESOLUTION URGING PROTECTION FOR LIBERIANS ON DEFERRED ENFORCED DEPARTURE

MOTION RUSSELL, SECOND JACOBSON TO WAIVE THE READING AND ADOPT RESOLUTION #2019-25 URGING PROTECTION FOR LIBERIANS ON DEFERRED ENFORCED DEPARTURE (DED). MOTION PASSED. (6 TO 1) MATA ABSTAINED.

Council Member Russell stated he was very grateful to staff for working with the Council and putting the resolution together. He thanked all of the community members who provided their input in drafting the resolution, especially the Consulate General Honorable Jackson George who had been very helpful and the black immigrant collective working with them in putting it together.

He stated that as they all knew; Deferred Enforced Departure (DED) was exclusive to Liberians and it would be expiring on March 31 if nothing happened. He stated what they were trying to do was to put support behind DED to at least encourage the congressional delegation who were working with them to push through a comprehensive immigration reform and create a pathway toward citizenship for those on the DED. He stated people on DED had been on it for over 28 years and after 28 years, of course, was not temporary anymore.

He stated it came about for a temporary solution to a crisis in Liberia, the civil conflict, as they all knew that conflict had since ended but the country was still not in the position to return all of the people who were displaced as the result of the civil war. He stated that sending them back to Liberia after planting their roots in the city, many of felt that it was a wise thing to do and it would impact the City of Brooklyn Park significantly. He stated Minnesota had the largest concentration of Liberians outside of the country and Brooklyn Park was the epicenter of that community. He stated there was no question those Liberians who were made to go back home

that Brooklyn Park would be impacted economically, socially and morally in a very big way. He stated it was incumbent on the Council as leaders of the city to try to take a position in support of their neighbors, in support of their friends in the City of Brooklyn Park.

Council Member Mata stated he asked a question last week when it was brought to the Council before, if they knew how many were Brooklyn Park residents.

City Manager Stroebel stated he didn't have a specific number they were aware of on the DED status and didn't know if Council Member Russell had some estimates or anything he could share with the Council. He stated that question was posed to Consulate General Jackson George last week and he wasn't able to come up with a specific number.

Council Member Mata stated he would be abstaining from the vote. He stated it was politics at a different level and was elected by the citizens of Brooklyn Park to deal with Brooklyn Park issues. He stated he asked before how many were residents of Brooklyn Park and didn't have the number and it could be none. He stated they didn't have those facts and someone could estimate it. He stated it was a political deal and he was going to abstain from it. He stated he knew they should speak on their "no" vote but it was no different when the City wanted to tell the Osseo School District they should change their criteria, so the City had more residents on their board and he voted no to it. He stated he would be abstaining from the vote due to the lack of information and it was not the place to make that resolution.

Council Member Pha stated she always felt that unless they had a City resolution and as Council Members represented the people in the city and stand up and tell their U.S. Senate and Congress and the President, what was important to the people that lived in the City, that was part of the state and part of the country. She asked how else they would know how to make policies that worked for people.

She stated she met with U.S. Senator Amy Klobuchar and with the former Congressman Keith Ellison last year when she was in Washington, DC. She stated she was told by them that they really depended on local elected officials like Council Member Pha to tell them what was important to the people that were in the city because they were not on the ground as much as she was and they relied on that information to make their decisions. She thought it was a perfect example of a City resolution that they could bring to their U.S. Senate and Congress and say that was what the people were needing, and the City wanted them to advocate for it and make a difference so the people in the City could live more prosperous lives and were not going to be uprooted from their families. She stated she supported the resolution and would be voting for it.

Council Member Jacobson agreed with Council Member Pha. She stated they relied on the residents of the community to voice their concerns and questions so that they could bring those forward as well. She stated those were pieces of paper and other than those pieces of paper, that they could do for the Liberian residents who are on DED, they needed to hear if there was something else they could do outside that paper She welcomed any ideas for from the community on what more they could do if anything. She stated she would be supporting the resolution.

Council Member Parks stated there had been a comment that they didn't know the numbers and they didn't and another comment was made that they were elected to protect the residents of the city. As he looked out in the audience, the many that attended, stated they were the

residents of the city and he would be supporting the resolution.

Council Member Russell stated he wanted to respond to Council Member Mata and City Manager Stroebel's comments. He stated it was a legitimate question to ask about the numbers of Liberians who lived in the city and were on DED. He stated the reality was that it was almost impossible to come up with any clear cut number as to how many people in the city were on DED.

He stated they couldn't get that number from the Department of Homeland Security when they were in DC and had been to Washington, DC more than 10 times since 2017 and worked directly with government officials, the embassy and with the consulate in the city. He stated it was difficult because there was a stigma around the whole immigration status of DED, TPS and all those different issues. He stated many people didn't like to talk about it because ICE targeted people. He stated the Consulate General said the last time he spoke to them on the number of Liberians who were in jail, the number of immigrants who had been picked up by ICE, and people didn't like to talk about the immigration situation. He stated it made it difficult plus it was a very fluid issue because many people get married, change their status and the immigration situation changes from time to time and difficult to keep track of. He stated the number that they received the last time they spoke ICE officials in Washington, DC was 4,000 and out of that 4,000, the majority of them lived in Brooklyn Park. He stated to do a head count was almost impossible. He stated it was a common sense and very pragmatic resolution and benefited everyone because those people were here whether they knew the addresses or where they were. He stated they knew they were in the city and were contributing to the local economy. The kids were in schools, they worked in various health facilities, they were pastors, doctors, nurses and teachers. They were neighbors and friends and needed to show strong support for them. He stated they needed to show the officials in Congress that they had people in the city, the Council had their backs and were going to protect them and support them and that was what it was all about.

Council Member West-Hafner stated she agreed with everyone and didn't think she could put it as eloquently as it was already done. She stated that she met quite a few people during the campaign and one is too many and even one family that was sent back was just too many. She thought the resolution was the least the Council could do to support people who were in the city and were residents. She stated they were in the city already and why would the Council want them to leave. She stated she would be supporting it and agree with Council Member Jacobson that if there was anything else they think the Council could do to let them know. She stated it was a resolution that showed support from the whole city as a group.

Mayor Lunde stated he would be supporting that resolution. He stated he respected the move to abstain because they didn't have all of the information and Council had that right to do it to say without full information they didn't feel they could cast a vote and it applied to all resolutions that came before the Council.

He stated he followed the local Liberian pages and applaud them for not falling into the trap at yelling at one side or the other because at end of day they needed both parties in Washington, DC to work together to get it done. He stated the only way the DED issue would get done was Congress, which was split, passed legislation that fixed it or President Trump extended it. He stated he wanted to applaud both Liberian communities for being mature and serious about the issue and realizing if they both didn't approach it as both parties were the solution nothing would

get done and was he felt confident in supporting the resolution.

C.1 THE VOTE ON THE MOTION PASSED. (6 TO1) MATA ABSTAINED.

C.5 Excell Academy

Senior Project Manager Jennifer Jordan briefed the Council on the Excell Academy Tax Exempt Bond Financing. She introduced Sabrina Williams, Excell Academy and Paul Donovan, Cushman Wakefield and they briefed the Council on Excell Academy.

They briefed on: Who Are Excell Academy's Students; Excell Academy and Brooklyn Park; Reducing the Achievement Gap at Excell: English Learners; Reducing the Achievement Gap at Excell: Black Students; 2018 English Learners at Excell Academy and the Osseo School District; 2018 Black Students at Excell Academy and the Osseo School District; 2018 Black Students at Excell Academy vs. Schools in the Osseo School District; 2018 Black Students at Excell Academy vs. North View Middle School; Reading Proficiency by Years at Excell Academy; 2018 All Students at Excell Academy vs. Schools in the Osseo School District; High Quality Instruction at Excell Academy; What does Environmental Education Looks Like at Excell Academy; Environmental Education Goals at Excell; Additional Programs at Excell Academy; and Excell Academy and Brooklyn Park 2025.

Council Member Jacobson stated she was in favor of it. She stated she spent time at Excell Academy and the things the Council was hearing that it was different from the other schools was correct. She stated that the fact they had been in the city for 17 years, they didn't ask for it a long time ago and asking for it now after establishing themselves with 450 students and 78 employees. She stated the fact they were out performing the surrounding schools and the State with closing the achievement gap. She stated that for all of the things the Council stood for as a Council, the school was doing the hard work to get to those numbers and couldn't make them up. She stated their families were rating the school over 90 percent satisfaction and that was with a 92 percent free reduced lunch count. She stated the EL students were outperforming in math, and reading, their black student groups were out-performing the State's black students in reading and math. She stated it should be easy for the \$100,000 to go to the students and teachers at Excell Academy. She stated she had been questioning the changing of a business to a tax exempt status when they did it for Second Harvest, but for the Academy she had zero questions as to why we would not do this.

Mayor Lunde asked if the issuance of bonds required a public hearing.

Senior Project Manager Jordan stated it required a public hearing and thought it would be best if the Council didn't say if they supported it or didn't support it because there would be a public hearing and the community would be invited to speak.

Council Member Pha thought they could support the preliminary approval to proceed and she would support the preliminary approval to proceed. She believed that having options for education for children was very important and appreciated the public charter schools and having that as an option besides the school districts. She stated she was impressed by the numbers and thanked the Academy staff for doing an excellent job educating or children in the city. She asked if there were other tenants that resided at that building now.

Senior Project Manager Jordan stated Excell Academy had the entire property and was the only tenant.

Council Member Pha stated they had 412 students there and asked what the maximum capacity for students with the current square footage.

Sabrina Williams, Excell Academy, stated the maximum capacity was 500 students and they also had an employee daycare and other program. She stated the 412 was actually over 550 if they added those programs but had the capacity for 500 students depending on the grade level.

Council Member Pha asked if they were granted the bond, were they looking to expand the square footage of the facility or just to renovate the current square footage of the building.

Ms. Williams stated they were looking to expand the current facility and acquire additional property and the city park so we could expand at that location. She stated they currently had a middle school program and was limited to one class room each and needed to expand the middle school to at least two classrooms per grade level.

Council Member Parks stated the numbers presented were impressive. He stated that since he had been on the Council, he had been passionate about the youth in the city and Council decided a few years back they were going to invest in youth and what that had done was brought the crime down in the city. He stated they had given the youth a voice and thought the Academy was a fantastic place to put those young people to work and be future leaders when they were done. He stated with what he was reading, the city didn't lose anything, was not going to cost anything by doing it, didn't put the city in debt, but gain a great partner they had for 17 years.

Council Member West-Hafner asked if they had to ask permission from the County to become tax exempt or just because the City issued the bonds then they were good to go, because the taxes came to the city, county, school district.

Senior Project Manager Jordan stated that in purchasing the property and recording it, it had a change in status much like if someone purchased a house and changed it into a rental and was recorded as such. She stated there were other taxing jurisdiction that would not receive taxes from the property and didn't believe they had to seek approval from those entities. She stated that was something they would be exploring as they went forward through the process.

Council Member West-Hafner asked what they had planned to do with the additional funds. Was it going to be expansion of the building and or expansion of staff if they had \$100,000 more in operating funds.

Mr. Craig Kempler, law firm, representing Excell Academy, stated in Minnesota, the property tax exemption statute contained 99 subdivisions and was complicated. He stated the way the statute was written there was only one small subset of any kind of school anywhere in Minnesota that paid property tax. He stated every private academy didn't pay any property tax, even for-profit private academies didn't pay property taxes, every parochial school, every district school. He stated there was a small subset of charters that did pay property taxes, charters who do leased property from for profit landlords.

He stated there had been a bill in front of the legislature for a couple of years that would close that loophole and exempt all properties. He stated there was a chance it would pass this year. The question would be if that would occur that in the case of Excell, under the current statute, once the property was acquired, then there was a filing at the County level but it was not discretionary, was not a request and filed to establish they were a tax exempt organization and the tax exemption is granted; charters are underfunded compared to traditional school districts by a substantial degree, about 54 cents on the dollar; that impacts every aspect of charter operations. Currently right now to produce the high results Excell produced, it operated with an extremely tight belt. For another \$100,000 and a budget of several million dollars a year, it might be able to loosen that belt by a tenth of a notch, might be able to supply another teacher or two to a classroom, or might go directly to a classroom.

Council Member West-Hafner stated the numbers were amazing and was impressed with the numbers they were getting and the people they served. She asked where they decided where the kids went to a high school and if they went to the high schools in the area.

Ms. Williams stated they had several private high schools who visited the school such as Blake, Breck and DeLasalle; otherwise, most of the students went to the schools in the Osseo School district or in Brooklyn Park.

Council Member West-Hafner asked if they were expanding the building would they have to come back through the planning process and would they be asking to give up park land.

Ms. Williams stated the students didn't have a playground. For 17 years, Fair Oaks had graciously shared their playground with them. She stated that most of the times the students didn't have the opportunity to use the playground because of scheduling. She stated that one of the priorities of the students was to have their own playground and needed some of the city's park space for a playground and willing to share with the city and the surrounding neighborhoods. She stated that many of the students lived right in the communities.

Council Member Mata stated Ms. Jordan said there was no financial aspect there but there was a financial aspect and that was \$17,000 a year.

He stated that when it said parcels of land in the study and compared it to other cities, it didn't work for him. He stated it didn't work because they had three school districts inside the city's borders. He stated the public schools were big buildings and when presenting the Council with numbers they should present with the percentage of acreage of land. He stated the Excell Academy footprint was very small relative to Champlin Park High School's footprint. He stated the Academy fit inside the football field and when they were talking about how much the City was losing, per Champlin Park High School and how much they would lose for Excell Academy and if they counted them each as one and one, it made zero sense to him. He stated he didn't know what he was comparing against when saying percentage of buildings or percentage of parcels when Champlin Park High School had many more acres than the building they were being presented. He stated he was not really comparing apples to apples of what he was going to lose.

Council Member Mata stated the numbers and statistics of the success of the students showed that a business, and he considered Excell Academy a business, they could out-perform much larger entities that were funded by the government meaning the public-school system. He stated

he would personally like the government to change that if someone wanted to send a child to a school like Excell Academy, they get a voucher from the State and the money didn't go to the public school system, it went to Excell Academy to pay for the building, pay for the infrastructure and for the lunches. He stated he was very proud of what they were accomplishing with the numbers and could be a success with those numbers in the school systems and be a feeder program rather than going outside schools. He stated someone should take their concept and figure out why they couldn't do it to the schools around the city.

He stated he was not comparing apples to apples but land size when the building came off the tax rolls. He stated that was a question of whether or not they allowed a school in that building because of the potential to happen and what it looked like in the area of the city. He stated he would be more than happy to sell off the park that was behind there because he didn't think it was used and had other parks in the area. He stated they wouldn't hear it very often from him to take something off the tax rolls because he was not voted in by businesses, buildings, or schools; he was voted in by people. He stated the bedroom community that lived in the city was the one to face the burden of paying the difference because it was going to go somewhere and not the residents who lived in another city. He stated he would encourage them to come forward and ask for the land for the park because school kids needed a place to kick a ball.

Mayor Lunde asked about the permitted use if a building flips from a zoned commercial industrial, and a charter school moved in, if the city had control where they went by usage.

Senior Project Manager Jordan stated Excell Academy came a couple of different times to the Council. The first was to seek a Conditional Use Permit to allow a charter school to operate in the building and that was successful. At a later time, they came with a Conditional Use Permit to expand and that was how it was currently handled in the zoning code.

Mayor Lunde asked if the Conditional Use was with Excell Academy or the property. He stated that if the Academy continued to get things right and moved to a new location now, they had a building that was being zoned for a charter school and that was not acceptable and wanted to make sure he understood it.

Senior Project Manager Jordan stated that in terms of the Conditional Use Permit, they had not changed the underlining zoning and deferred to Planning Director Sherman if they purchased the building whether they would seek rezoning to allow it to be without a Conditional Use Permit.

Planning Director Sherman stated currently the school had all sorts of Conditional Use Permits in place but since that time they had changed the zoning in the ordinance and they no longer allowed schools in the BP Zoning District. She stated she would advise them if they moved forward to rezone the property to Public Institution, which was the same as the adjacent public school, and that made it straight with the zoning ordinance and any modifications they wanted to make to the building.

Mayor Lunde stated he just wanted to know if they were successful and they moved because the city had charter schools that started off, moved out and moved back in. He stated the Noble Academy was here, then moved to Minneapolis, moved back in and then they built a place. He stated he wanted to understand how that land went because he thought the tax value was important.

He stated later this year the Council was going to have a discussion about the tax value which was 70% residential and anything they took out of commercial went back onto the residential.

Mr. Kempler stated that with the financing of the school, it was a 30-year financing and they weren't going anywhere for 30 years. It was a big investment, and in addition to the financing, the practicality of a successful school like Excell Academy, the success became married to the location. He stated that moving the school was a risk in terms of losing that success and the school would be a community partner for a long time.

Mayor Lunde asked staff how many charter schools the city had and thought they had a much higher percentage than reflected. He stated that most of the charters were focused on needs, especially demographics. He stated the Noble Academy they focused on Hmong and Asian and applauded them because they were providing a resource to the students that standard schools weren't providing and the numbers proved it. He stated it would be nice if the Council could get the values because the parcels were not the same. He stated he was comfortable that the Council moved it through. He stated they had issued bonds and had done it with another city with another project. He stated he liked the work of the Excell Academy.

He asked if a separate group owned Athlos Academy while they operated there. He thought they did something different where there was a national group that came in to finance the building and owning the facility whether they paid taxes or non.

Planning Director Sherman stated Athlos was owned by a different entity but they were exempt and was just how they structured their ownership.

Mayor Lunde stated he saw the benefits and loved the results. He stated it played into their work with the Cities United My Brother's Keeper about providing opportunities for young black males of various backgrounds that too often didn't see those opportunities.

He stated he would now recess to the Lampi Room to continue the Council Work Session.

At 8:19 p.m., the Council recessed to the Lampi Room to continue the Council Work Session. Mayor Lunde stated the Council would adjourn from the Lampi Room.

At 8:26 p.m., Mayor Lunde reconvened the Work Session. Council Member Mata returned at 8:44 p.m.

C.2 Bottineau Boulevard Roadway Reconstruction From 71st Avenue to 83rd Avenue Update

Civil Engineer Mitch Robinson briefed the Council and introduced Kelly Agosto, Hennepin County Project Manager, and she briefed the Council on the Bottineau Boulevard Roadway Reconstruction project.

She briefed on the following:

Bottineau Boulevard construction staging; Project Scope; Proposed Construction at-a-glance; 2019 Construction; 2020 Construction (anticipated); Full Closure Benefits; Traffic Analysis; Public Outreach Summary; January 2019 Mailing; Sample Future Public Outreach Ideas; Information Resources During Reconstruction, and County Resources for Businesses.

Traffic Analysis

Ms. Agosto stated that based on trip origins and destinations around the project location that it would be beneficial to provide a more regional detour as well. Looking at an option to also have a detour like the one shown where they could get some traffic from Bottineau Boulevard to I-694 and Highway 169 to 85th Avenue and back to Highway 81 and still have local detour options of 71st to West Broadway to 85th Avenue to get around project.

Council Member Parks stated that with the way the traffic was going to be diverted, and there were a lot of businesses that would be impacted and the traffic would go around them, asked if the businesses had any input on it and how would they get people to their businesses.

Council Member West-Hafner asked if that was another option in addition to the local routes detoured.

Ms. Agosto stated they would probably have that detour as well as the local detour routes based on what the traffic analysis was showing in that area.

Public Outreach

Ms. Agosto stated they had done a couple of open houses in 2017-2018 and also had multiple outreach efforts with the various property owners. In January, they had staff that went out to about 20 businesses to talk with managers of businesses and pass out the materials and it was also mailed afterward just to give them the information of their plans for construction starting this year and get what feedback they had initially. She stated the most common questions were how it impacted how they got to work and there was some confusion differentiating the project from the work with the light rail project. She stated there were questions if it was related to the wall project and believed those questions were related to the noise wall voting held late last year. She stated they sent letters to businesses and residents with an information sheet to the targeted areas and attempted to select areas right near the project construction and areas along the proposed local detour routes. She stated that as of late January, they received a couple of inquires, a phone call, and an email from the store manager of Walmart. She stated the phone call was positive and about the same as the question of how it would impact how they got to work and how their customers got to their business and was a similar question from Walmart.

She stated what they were planning now was to continue the conversations leading up to construction to hold another open house type event, or during office hours to go to a business in the area like Cub Foods or Walmart and have an information table in their entryways for customers going in to provide information about the project and plans for construction. She stated they would do more coordinated email communication between the City and Hennepin County GovDelivery lists. She stated they would be working with businesses on construction access signage and providing detoured access maps for businesses to distribute to their customers and their employees. She stated they would have information resources during the construction as well, with the Hennepin County project website and updated regularly during the project and would be able to send out email updates. She stated they would put together a social media package for the city to use and would have direct project access and contact information to the construction engineer who would be assigned to the project. She stated they would have communications staff assigned to the project to help with inquires and getting information out to businesses and residents on the project.

Council Member Parks stated he was trying to figure out where that line was on 71st

Avenue. He stated they were going to redo highway 81, and then later on if the light rail came through, they would have to redo that section, yet again to get the bridge over.

Ms. Agosto stated it was closer to 73rd Avenue and there would be a portion redone. She stated they were attempting to coordinate that with the light rail if the project had been under construction at the same time, but unfortunately, they won't be starting construction at the same time. She stated it was harder to know how to coordinate getting those bridge footings and they didn't know if any of it would be built right away.

Mayor Lunde asked about the map on the zone for mailing, if there was a way they could get to the people in the middle of that zone. He stated he understood the why part, but those people in the College Park would be dumped in that area and that was the only exit. He asked if they did another mailing to include them. He asked if there were any changes to the buses or stops.

Ms. Agosto stated they were working with metro transit to make sure they coordinated the routes they had on Brooklyn Boulevard that went to the Starlite Transit Center off of Brooklyn Boulevard to make sure they would be able to serve that area. She didn't think they had routes that crossed Highway 81 on Brooklyn Boulevard.

Council Member Russell asked who served the Hennepin Technical College.

Mayor Lunde stated there was a bus that crossed Brooklyn Boulevard and come into the parking lot. He stated most students came from the city and came from the southeast part of the city and was sure the bus went east and west and was a metro transit bus. He stated he was worried about the routes too because when they had the hearing with the Congressman at the North Hennepin Community College, some students took an hour and half bus ride to get to school. He stated that any changes to the routes would affect them.

Council Member Pha asked about the businesses along Highway 81 and if they had analyzed it to make sure there would be access to every single business on that construction roadway besides Highway 81.

Ms. Agosto stated they put together a bigger plan, and once they had a contractor awarded with the project, they would definitely look at more details on getting to each business during construction and making sure they had access.

Council Member Pha asked what happened if they had one that didn't have access and what happened to the plan.

Ms. Agosto stated they would have to look at how they were constructing the roadway by that business to see what needed to change to accommodate them.

Council Member Pha asked if there ever would be a time when a business would not have access at all for a certain period of time.

Ms. Agosto stated that the only reason a business should have an access completely closed was because they were reconstructing their driveway to their business or there was utility work occurring across the access to their business. She stated that Jolly Lane across Brooklyn

Boulevard was going to be kept open as much as possible during construction.

Council Member Mata asked if they were they burying all of the power lines where the roads were going to be redone.

Ms. Agosto stated between the southside of Brooklyn Boulevard and between Highway 81 and West Broadway was the location they were looking at undergrounding and not the entire length of the project.

Council Member Mata asked why they didn't bury all of them. He stated it had been a fact that overhead powerlines caused problems and they had the ability to bury them. He stated it was also in the City Council's vision many years ago that all overhead powerlines, when the road was being redone, were going to be buried. He stated they were at the next level tearing up the road and were not burying them when they were getting involved with a higher level of government and thought they would be able to bury the power lines.

Community Development Director Berggren stated the strategy they had been using, and certainly could use whatever strategy the Council wants them to use, they were burying them strategically. She stated they were prioritizing burying them at West Broadway because the Council said to bury them and talked about burying at Brooklyn Boulevard but they hadn't prioritized County Road 81. She stated her understanding of the cost structure was that the County would pay 33 percent of the utility burial upon request and didn't know if it was automatically granted or would consider the request. She stated the way the structure was set up was that the city would pay for 66 percent and looking at burial costs estimated at \$1 million per mile.

Mayor Lunde asked if the lights were going to be adjusted when they did the redirects and traffic getting off Highway 169 and take a left on Brooklyn Boulevard.

Ms. Agosto stated the timing was something they could look at once they could see how the traffic patterns changed and those could be adjusted.

Mayor Lunde stated they needed to address that because he thought of the college students at North Hennepin Community College was about 10,000 and Hennepin Technical College at about 4,000 students and a lot of cars. He stated the activity is going to get impacted. He stated when Highway 169 was not adjusted, there was a mile of traffic backed up and would be worth at least asking about it.

Mayor Lunde asked staff if they allowed during the construction any kind of allowances for signs for businesses where a sign was permitted now but it was blocked off because of traffic. He asked what they did to help out because those signs were worth nothing because traffic was being rerouted somewhere else but they still wanted to let people know they were open for business.

Traffic Engineer Jeff Holstein stated there would be some construction signage available and would be working with the County to provide construction signage for all of the businesses as needed.

Mayor Lunde asked about Wyoming and 93rd Avenue, if they could to take out the temporary

lights there that had been there for 20 years. He stated he spent 20 minutes to get through the lights because trucks that were going east bound on 93rd Avenue, and going southbound on Wyoming could not turn until all the traffic dumped out and the other lane was empty because they had to crossover because the four light poles were right at the corners. He stated that meant at every light one semitruck went and the next one would go and people would back up going north on Wyoming and that meant they couldn't turn. He asked if they could get the County to take out the temporary lights that were there because it caused the backups to Highway 169, if those four semis needed to go southbound, all of the cars stacked up behind it.

City Engineer Holstein stated when that industrial area went in to the south, the City asked the County for that temporary light and was why it went in as a temporary light. He stated they used to have pedestrian lights but were knocked off by the mirrors on the trucks. He stated that light would be going away as part of the LRT project and they were also working with the County to upgrade that piece of County Road 30. He stated right now that was the plan, and unfortunately in the interim period, they never got enough of right of way and had enough money to relocate those poles further back.

Mayor Lunde stated that back then the city didn't have Design Ready Control, Tesla, Wirth Adams, Takeda, and all the people in the north with significant traffic, the hotels, and lots of other things going in that use that road.

City Engineer Holstein stated County Road 30 would eventually get upgraded at some point in time even if the light rail didn't happen. He stated it was supposed to be temporary that when TH610 got constructed and West Broadway got extended, that signal was supposed to go away and it was supposed to be an all way stop but they could certainly go back to an all way stop condition possibly but was not sure they wanted to do that with the amount of traffic that was coming out of there now.

C.4 City Hall Remodel

Operations and Maintenance Director Dan Ruiz briefed the Council on the City Hall remodel. He introduced John McNamara, Wold, and he briefed the Council on the City Hall remodel. He briefed on the following:

City Hall Deficiencies: Main Level, Upper Level, DMV, Conference, Administration, IT, HR, Front Counter, Community Development, Finance, Engineering, Exterior, Budget and Schedule.

Council Member Russell asked if the building will be LEED certified once all of the work was done and was that something they were pushing for.

Operations and Maintenance Director Ruiz stated it wouldn't be LEED certified and was something they could still look into. He stated he didn't know what other elements would have to be included to become LEED certified.

Mr. McNamara stated it would be one that they could pursue and might take a broader scope in order to be LEED certified. He stated there was a LEED certification for existing buildings that they would have to dig further into. He stated they were not intending to replace all mechanical systems for the building to get to the level of energy performance that LEED required. It would

take a deeper dive into the existing infrastructure of the building that wasn't part of the original project that was contemplated for it.

Council Member Russell asked if there was a reason why it was not considered.

Operations and Maintenance Director Ruiz stated they didn't feel it was a Council priority at the time when the project was being developed. He stated the project came out of a space study done in 2012 and at the time it was kind of a vision of three or more phases that were being considered. Only one of those phases was completed and that was redoing the Lampi Conference Room to be a work session location for the Council. He stated the other phases were not completed and by the time the project picked up some more steam in 2015, no one who participated in the 2012 study remained in City Hall, but they took the blueprints of what was being proposed to do the remodel and that was what they started moving forward with. He stated that in all discussions with the Council, LEED certification hadn't come up as a priority.

Council Member West-Hafner asked if LEED certification would require replacing all the lighting, the mechanicals and all of the windows to a LEED level they wanted to get.

Mr. McNamara stated it would require a much deeper look at it and where they got the most of the points for use of the building would be an energy performance and got points for the reuse of the building, daylighting and office environment.

Council Member Russell asked if there would be some significant savings.

Mr. McNamara stated the systems in the building right now were not in that bad of shape. They would get the level of energy performance increase that warranted the pay back on the system. He stated most of the lighting in the building now had been retrofitted but just not LED lighting but was high performance lighting. He stated to put LED lighting in the building was cost effective now and wouldn't get the pay back to take out lights that were in good shape now and replace them with LED lights.

Council Member Russell asked to what extent had the community been involved in the planning of the project and had they sought any community input.

Operations and Maintenance Director Ruiz stated the community input they did was working with Hennepin County on a process called human centered design. The staff sat in a two-day workshop and went through a blue print of how they could gather information of all of the customers coming into the building regarding what were they doing well, what were they failing at, what could they do better, and how could they do that better. He stated staff interviewed residents coming in to City Hall and that was what helped steer them toward a one counter solution if they possibly could. He stated that by separating off the DMV in that separate wing, people didn't have to come in and walk through people standing in the hall way or a mass in chairs to do other business and was the separating of those two functions and keeping everything centralized and as close to the front door as possible. He stated that was the community input that led them to that.

Council Member Russell asked what their plans were to ensure that local contractors, Brooklyn Park based minority contractors, were involved in that work or get some of that work.

Mr. McNamara stated it would be a publicly bid project and any contractor could bid on it. He stated they did call general contractors and trade contractors to generate interest on the project to make sure they got good participation from interested contractors. He stated they would make a round of calls to the contractors once the project was out on the street to make sure that people knew the project was out there and they had to look in the local paper to figure out what was going on.

Council Member Pha stated she was in support of the window replacements and perimeter radiation. She stated she had a concern with the small heaters being used for safety concerns. She believed adequate heat was required for best performance and if there was not adequate heat, or comfortable temperature, there was loss in productivity with staff and that would have been a priority.

Council Member West-Hafner asked about the DMV area in the diagram that looks like a wall and asked if that was a video monitor because it seemed like it should be open.

Mr. McNamara stated that was the exterior wall of the existing building. He stated there was a structural frame in there that gave it structural stability across that wall and they couldn't take it out and curve into the office area. He stated there were structural columns there to carry the lateral load of the wall and couldn't take them out and were trying to be creative in the waiting space to separate it into two areas.

Council Member Parks asked if there was any chance that they would get any part of the building in solar panels.

Operations and Maintenance Director Ruiz stated they looked at solar possibilities for City Hall and based on the electrical usage, it would only get a return on investment if it was what was used to be the Made in Minnesota Solar grants for a 40kw system. He stated the load share they had with Xcel and energy consideration, what their consultants said was that solar was not going to make sense there now and that was why City Hall was the only building to not have solar panels. He stated with the upgrades in certain areas with part of the project, he didn't know if the electrical needs would go up much or decrease much and they would get efficient in some areas but would be adding an addition. He stated that was something they would continue to reevaluate with all of our facilities if they were able to take on solar, look at wind energy and other sustainable energy sources.

Council Member Parks stated that the city was sitting at 80,000 residents and would not be long before hit 100,000. He asked if they were going to have to come back later and rebuild again because they needed more room or staff. He asked if the building was going to be set up for 100,000 residents.

Operations and Maintenance Director Ruiz stated they believed they would be and asked each department director to meet with their staff and look at future considerations and all future considerations were incorporated into the designs.

Council Member Parks stated he wanted to make sure they had enough outlets and more heat and didn't want to see any kind of small heaters used at all.

Council Member Jacobson asked how many conference rooms did City Hall currently have for

meeting rooms and how many total would there be with the new design.

Operations and Maintenance Director Ruiz stated they looked at how much square footage of conference room space they had before and after. He stated there were currently 6 existing room and would have 8 plus 2 smaller ones for a total of 10 meeting rooms.

Council Member Jacobson asked about the Council meeting room that was temporarily set up if it was being used.

City Manager Stroebel stated it was rarely used.

Council Member Pha stated she used it once in a while but not as often as she thought she would. She thought it was still important to have a dedicated space for the Council and Mayor. She stated that it might not work for them but didn't mean it wouldn't work for the future Councils and should at least have one dedicated small space for the Council.

Operations and Maintenance Director Ruiz stated it was a flexible small space and might get used for other things rather than being dedicated for the Council and wouldn't be a wasted space.

Council Member Mata stated that in the Lampi there was a window with mold and had been there for several years. He would like it taken care of before the Council met in that room again. On the space heaters used in city, he asked the city manager to send him something from the fire marshal whether those were legal or not. He stated if businesses in the city were getting written up for it and city staff were using them, statutes didn't have an exception for them the space heaters should go.

Council Member Mata stated that until they figured out the DMV, he would say no to the project because they wanted to increase expenses due to a DMV situation that they really didn't know what was going to happen. He stated they were creating an outlet for Hennepin County instead of people going to the Shingle Creek building and it was a waste of tax payers dollars to sit in City Hall and do all of their services. He stated there were people from Coon Rapids, Osseo, Champlin and Brooklyn Center who come to City Hall because the wait lines are shorter. He stated that unless they started taking information from everyone who did transactions at City Hall on where they lived and compiling that information and figure out if they were 100 percent Brooklyn Park residents then they were helping the residents. He stated they were creating a facility saving the County wait times in their lobby. He stated the County should reimburse the City for that or they should stop it and send it back to the County. He stated they were taxing the citizens extra to help people in Hennepin County for those transactions.

He asked what the shelf life of the building was and remembered what the shelf life of the roof was. He stated the building footprint would have more problems with it and if the building was under done then they should budget for a new building and hold on to things for a few more years and then build a brand-new building. He stated the building looked ugly with all brick compared to other cities. He stated they should figure out what it was and build a new building because they were going to replace things and a lot of it was mechanical. He stated they were putting paint on something that was molding already and were going to find out below the building that there was a lot worse going on there.

City Manager Stroebel stated that in terms of the DMV, that was a matter for the Council to decide if they wanted to provide that service at City Hall. He stated there was benefit to our residents and no question to the other residents from the other communities who take advantage of it. He stated if the Council chose not to continue that service, then they needed to make that decision soon because a lot of the design was predicated in continuing that service. He stated that in terms of the costs, Mr. McNamara would have to describe how long he would envision this building use and thought it was somewhere along the process and would describe it at the mid-year in terms of its overall life span. He stated it was very similar to what was done at police station a few years ago that rather than tearing down and build new from scratch to invest a significant amount of money to continue the life span out for at least the next 15-20 plus years.

Operations and Maintenance Director Ruiz stated the metal roof was a minimum 50-year roof and was replaced 10 years ago. He stated the building was 29 years old and needed a refresh, was brick outside and thought it was still a nice-looking building.

City Manager Stroebel stated they were trying to come up with cost efficient ways of improving and updating the space for staff and customers coming to city hall. He stated it was showing its age and the amenities and bathrooms needed improvements.

Mayor Lunde stated he would like to pass on that the employees working at the front desk were doing an awesome job. He stated they were the front and center for people coming to City Hall and how key it was to have people who looked friendly, outgoing and looked approachable and that customers could feel that they could go up to them and ask questions. He stated he had received feedback from people talking about that and when they called that out, it was a spot that was key. He stated he wanted to pass on those comments how important it was.

He asked if there were any plans to celebrate the court yard because moving the DMV would take a lot of the waiting room away from there. He thought it was wasted space whether it was public art or just the fact had an area that was sheltering the sun, was peaceful and no one used it. He stated something needed to be there, whether it was a garden or something and seemed to be some space that even it could be an outdoor meeting space.

Operations and Maintenance Director Ruiz stated they had discussions about it and looked at what they could do as part of the project versus what they could do with some operational money too. He stated they talked about putting simple crushed aggregate paths with benches in the court yard and looked at different plantings of shrubs. He stated the bigger piece they talked about was punching through another door somewhere either off the multipurpose room to go outside or around the corner, and maybe it was phased in, but develop something with screening to be used as outdoor space. He stated that might be more directed toward staff where people were meeting, having lunch outside, where with the general court idea could be for people that just wanted to go outside sit and wait while doing business at City Hall.

Mayor Lunde stated that former Council Member Heng asked about that and it was a good idea with the crushed rock but didn't have to be extravagant with pavement. He stated it was the idea to have a public meeting space outside that people could use and was there if people wanted to use it when city hall was closed on a Sunday. They could come and use the space and thought it was easy to do and could put some tables and chairs out there.

He asked if they were going to change out the signs when they did the project if they changed some of the designs and things like that. He stated it was an opportunity to do it while they had some construction, especially with all of the signage and the branding elements he assumed would be added. He stated it was like the rusting Police Department signs that were still there. He asked if they were going to do the exterior and if there were signs to be replaced.

He asked about the digital signage in the interior at the ability to share information with residents while they sat and waited.

Operations and Maintenance Director Ruiz stated the digital signage options were not specifically called out in the project and had a little flexibility with the furniture, fixtures and equipment. He stated the project would be over a two-year period. After they got the bids, they would know the price tag and hopefully move forward with all of the elements they were recommending. He stated they might need to phase in some additional technology throughout the building.

C.3 Traffic Operation Modifications at Monroe Elementary School

Planning Director Cindy Sherman and Transportation Engineer Jeff Holstein briefed the Council on the traffic operation modifications at Monroe Elementary School. She stated that Transportation Engineer Holstein would give a history on the access.

Transportation Engineer Holstein stated the school had been there for some time where students used to walk to school. Now people drive kids to school and they had buses. He stated there were 600 kids at the school, 480 come via 20 buses, 10 large and 10 small busses and about 80 of the kids were dropped off by their parents. He stated it was a STEM school and kids were coming from all over the metro. He stated that 20 kids came via cab and all of the access was off Brookdale and didn't have much frontage on Brookdale. He stated the problems they were having now was the pickup and drop offs in front and it was limited to the buses and those 80 parental pickups/drops offs. He stated a lot of parents dropped kids off on the north side of Brookdale and they or the City put in the pedestrian crossing to get kids across safely. He stated the site was tight and because of that, they came forward with a proposal.

Planning Director Sherman stated the other thing they were going to address was parking for staff too because they were also short on parking for staff. She stated what they were proposing to do was create a bus route that would have bus parking and a bus turnaround off of Meadowood Drive. She stated traffic would come in off Humboldt and come down Meadowood drive. She stated it was going to be a change for the people there who weren't used to it.

Transportation Engineer Holstein stated they did a count on Meadowood Drive as a local roadway and it kind of acted like a collector for some of the streets on Freemont Drive and brings them up to Humboldt. He stated they did a count and speed study last fall, with speeds of 27 MPH average and the count was 700 vehicles a day. He stated that even if they put those 20 buses to and from the school twice a day on there and a little teacher traffic, it would probably add about 100 trips per day and would be about 800 vehicle trips a day. He stated it was still well within the norm for a local residential roadway, obviously didn't like to put traffic on a residential roadway but because they had greater issues on Brookdale, it would be advantageous to have that connection.

Planning Director Sherman stated the thinking too was that it would be easier to control the bus traffic versus cabs and parents.

Transportation Engineer Holstein stated it also related to the Highway 252 study, that it was likely to get an interchange at Brookdale, and Humboldt and 73rd Avenue could be closed, which meant they were going to get more traffic on Brookdale and Brookdale could go easily to a three or four lane roadway between Humboldt and Highway 252 and would rather not have the kids crossing that if they didn't need to.

Council Member Jacobson stated that she asked at the last Highway 252 meeting if the bus stops on Highway 252 were now going to move into neighborhood somehow because they couldn't be on Highway 252 if it was a freeway. She stated they also had to take that into consideration as far as where they were located on Highway 252 and would cause more traffic wherever that was going.

Planning Director Sherman stated the reason they were bringing it to the Council was that the school district was going to start to do outreach and the CEI staff helped develop a communications plan and was going to do door knocking and outreach to inform neighbors. She stated that other than that, they were not expecting Council action. She stated it was more for informing the Council if they started getting calls on what their concerns were. She stated the action would be the right of way permit through the engineering group to create that new access.

Council Member Jacobson asked when they were doing the outreach, would it also have the information on the Highway 252 changes as it related to the interchange on Brookdale Drive.

Transportation Engineer Holstein stated he didn't think so because the timing would not match up. He stated people had the opportunity to go to the Highway 252 open house and recently had one in December and was also on the website. He stated that independently they could compare the two and would get an idea which way they were leaning, either option 1 or 2, most people voted on the Highway 252 study which had the interchange full or half at Brookdale.

Council Member Jacobson stated when doing the outreach and education asked if they were telling the neighbors about what Highway 252 and the interchange at Brookdale.

Transportation Engineer Holstein stated they couldn't jump ahead of themselves as it was on a federal highway that they could have a problem with and they couldn't tell them it was for sure going to happen.

Council Member Jacobson stated she did not want residents calling her and Council Member Parks saying they were for the project but now the other project was happening and that would have affected them saying whether they were for it or against it.

Council Member Parks asked if they were taking out the entire playground or moving it.

Planning Director Sherman stated it was being moved to another location. She stated they were still trying to determine what was going to happen with the ball field. She stated one plan initially showed two softball fields going away and being replaced by an all access kind of field. She

stated they were talking with the Recreation and Parks group about Monroe Park and they did share some of the facilities there.

Mayor Lunde suggested if they were working with the school district to tackle that question. He stated the city didn't suffer from too many ball fields, maybe softball and baseball, but soccer and other to maybe work with them to get access to it. He stated that was one of the challenges to be able to do programming there when they were not meeting.

Planning Director Sherman stated that was why they were communicating with the Recreation and Parks group because they did all that coordination on those facilities.

D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS – None.

D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS

City Manager Stroebel stated the Townhall meeting for the West District was scheduled for February 21, and was working on the Central and East dates once they figure out the date for the Council/Staff Leadership retreat in March.

He stated that on Wednesday, there was the Police Department Awards Ceremony, from 5 to 7 p.m. at the Community Activity Center. On Friday, there was a Cities United 4th Annual Black History event held at the North Hennepin Community College, from 9 a.m. to 1:00 p.m. On Saturday, there was the Legislative Breakfast in Crystal starting at 9:30 a.m.

E. ADJOURNMENT

ADJOURNMENT – With consensus of the Council, Mayor Lunde adjourned the meeting at 10:09 p.m.

JEFFREY JONEAL LUNDE, MAYOR

DEVIN MONTERO, CITY CLERK

City of Brooklyn Park Request for Council Action

Agenda Item:	5.1	Meeting Date:	March 25, 2019
Agenda Section:	Public Hearings	Originating Department:	Operations and Maintenance Engineering Services Division
Resolution:	X	Prepared By:	Jesse Struve, City Engineer and Jeff Holstein, City Transportation Engineer
Ordinance:	N/A		
Attachments:	3	Presented By:	Jesse Struve, City Engineer
Item:	Public Hearing to Consider Ordering Improvements and Preparation of Plans and Specifications for the Construction of the Highway 169 / 101 st Avenue Interchange, CIP 4042-19		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ ORDERING IMPROVEMENTS AND PREPARATION OF PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE HIGHWAY 169 / 101ST AVENUE INTERCHANGE, CIP 4042-19.

Overview:

On February 25, 2019, the City Council adopted Resolution #2019-36 accepting the Feasibility Report for the Highway 169 / 101st Avenue Interchange Project and setting the public hearing for March 25, 2019. The Feasibility Report was prepared by the city's consultant (SRF Consulting Group, Inc.) and documented the analyses undertaken to develop, evaluate and identify a preferred alternative. The report also outlined the major components of the project including preliminary cost estimates, and methodology used to determine the proposed special assessments.

The City's past practice has been to require new development to assist in funding infrastructure improvements needed as development occurs. In this instance, the northwest area of the City needs the interchange in place prior to development so it can reach the desired development potential. To collect funds from the benefitting properties, the City is required to go through a MN State Statue 429 special assessment process. Other metro area cities (including Lino Lakes) have recently assessed for interchanges, and others (Dayton) are currently expected to do so. Some of the assessments were challenged in court and the courts ruled in favor of the City. SRF used the same methodology upheld in court to determine the special assessment amounts in the feasibility report (see attached).

The City retained the SRF Consulting Group, Inc., (SRF) to prepare an interchange benefit study to determine reasonable assessments for a primary property benefit area. SRF prepared the study for Lino Lakes and is working on the Dayton study. The primary benefit area is bounded by 109th Avenue to the north, Highway 610 to the south, the City's western boundary to the west and CSAH 103 (Winnetka Avenue / West Broadway Avenue) to the east. Staff and SRF held a public meeting with these landowners on August 29, 2018 to discuss the potential interchange assessment process. Staff and SRF presented the benefit study process to the City Council at the September 4, 2018 Work Session and the Council directed staff to proceed with the Benefit Study.

SRF completed the Benefit Study and incorporated the recommended assessments for each parcel into the Feasibility Report for the interchange project. It was determined the maximum amount that could be reasonably assessed to the benefitting properties was approximately \$4.64 million. Currently, there is approximately a \$3.9 million gap in funding, but there is uncertainty in costs to purchase the required right of way. Therefore, it was recommended to assess 75% of the maximum amount for a total amount of \$3.5 million.

Ultimately, if the cost to purchase required right of way and bids for the construction of the interchange are lower than estimated, the amount of special assessments will be reduced accordingly.

Primary Issues/Alternatives to Consider:

As part of the public hearing, the City Council will consider whether to move forward with the project and if special assessments should be part of the financing plan. On February 19, 2019, the City EDA committed to using TIF 3 funds to complete the project's funding package. This was approved so the City could show a full funding package and allow the city to begin to use grants awarded to the project. While the Council could utilize the TIF funds to fully fund the remaining balance, the intent was to move forward with special assessments against benefitting properties to fund a portion of the remaining balance.

Due to the uncertainty with potential right of way costs, staff is recommending moving forward with special assessments in the amount of \$3.5 million. This number can be reduced at the assessment hearing if right of way and construction costs become lower than estimated.

Budgetary/Fiscal Issues:

The construction of the interchange is included in the approved 2019-2023 Capital Improvement Plan (CIP). The City Comprehensive Plan also recommends the construction of the interchange. City funding sources for the project include the EDA TIF 3 funds and Special Assessments if approved by Council.

Attachments:

- 5.1A RESOLUTION
- 5.1B LOCATION MAP
- 5.1C FEASIBILITY REPORT

RESOLUTION #2019-

RESOLUTION ORDERING IMPROVEMENTS AND PREPARATION OF PLANS AND SPECIFICATIONS FOR
THE CONSTRUCTION OF THE HIGHWAY 169 / 101ST AVENUE INTERCHANGE, CIP 4042-19

WHEREAS, the City Council initiated the Highway 169 / 101st Avenue public improvement project by including said project in its 2019-2023 Capital Improvement Plan and retaining consultants for design and right of way acquisition purposes; and

WHEREAS, Resolution #2019-36 of the City Council adopted on February 25, 2019, fixed a date for a public hearing on the following proposed improvements; and

WHEREAS, a Feasibility Report has been given by the City Engineer to the City Council on February 25, 2019, recommending the following improvements to wit:

CIP 4042-19: Construction of a new full access interchange at the Highway 169 / 101st Avenue junction, with auxiliary lanes along Highway 169 between Highway 610 and 101st Avenue and reconstruction of 101st Avenue from Jefferson Highway to the Xylon Avenue alignment, to serve a primary area bounded by 109th Avenue, Highway 610, the city's west corporate boundary and Winnetka / West Broadway Avenue.

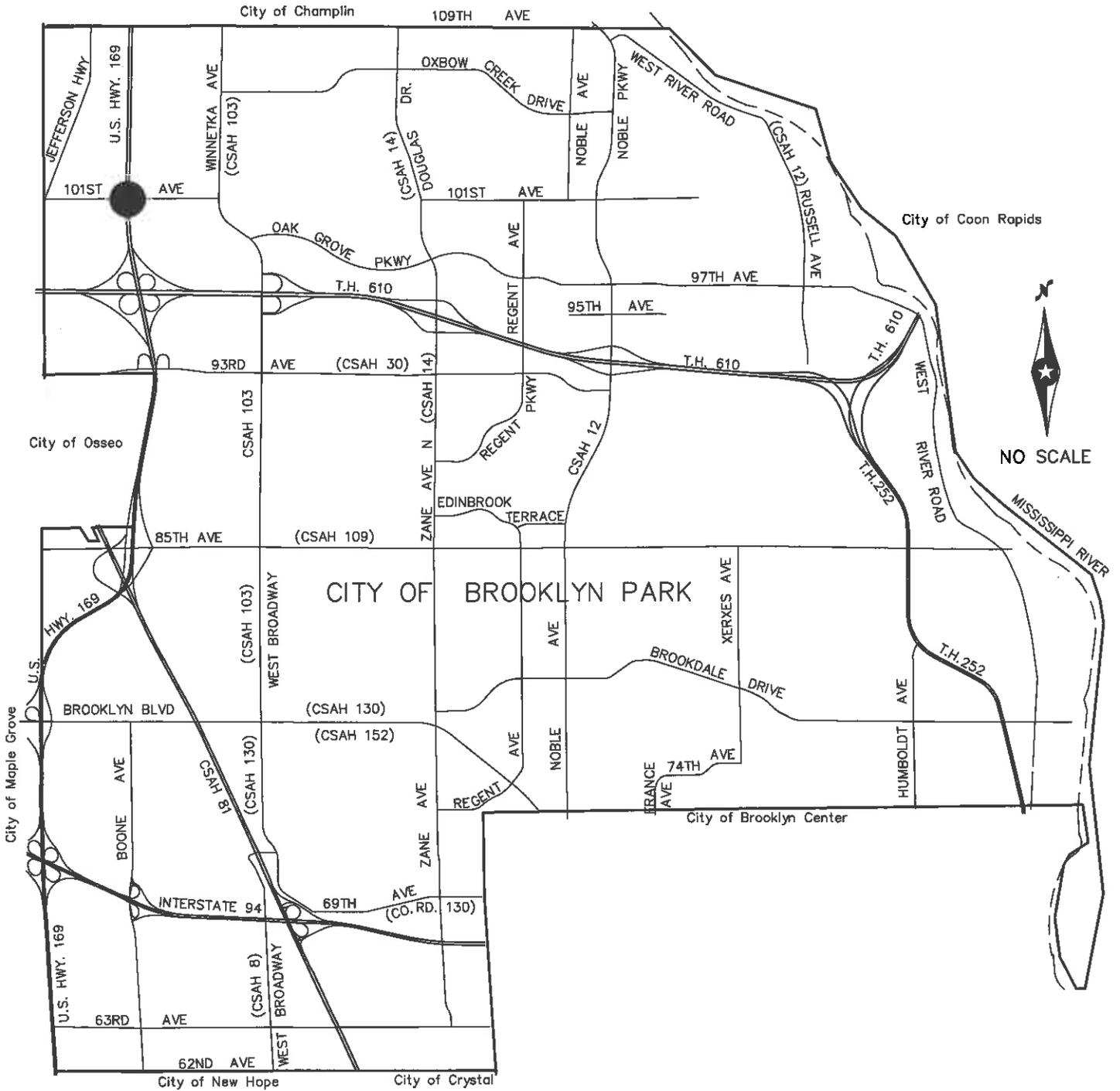
WHEREAS, all property owners whose property is liable to be assessed for the making of these improvements were given ten days mailed notice and two weeks published notice of the Council hearing and the hearing was held and all persons desiring to be heard were given an opportunity to be heard on the 25th day of March 2019.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park.

1. Such improvements as described above are necessary, cost-effective, and feasible as detailed in the Feasibility Report.
2. Such improvements are set out in Council Resolution of March 25, 2019, and as above indicated are hereby ordered.
3. The City Engineer is hereby designated as the Engineer for this project and is hereby authorized to retain consultants to prepare plans and specifications and coordinate right of way and easement acquisitions for the making of such improvements.

LOCATION MAP

TH 169/101ST AVE INTERCHANGE PROJECT CIP #4042



● PROPOSED PROJECT



City of Brooklyn Park

Feasibility Report for Construction of a new US Highway 169 & 101st Avenue North Interchange and associated improvements

**SP No. 110-129-006, City CIP No.
4042-19**

Prepared by:



Date: February 2019

SRF No. 11431

Certification

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

A handwritten signature in blue ink that reads "Kevin Jullie". The signature is written in a cursive style with a large, stylized 'J'.

Kevin Jullie, PE 26755

This report presents the feasibility of a new full access interchange located at US Highway 169 and 101st Ave. N along with associated improvements along 101st Ave. and auxiliary lanes along US 169 connecting to TH 610.

This report was prepared by:

Kevin Jullie, Principal
SRF Consulting Group, Inc.
1 Carlson Parkway
Plymouth, MN
55447

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I. Introduction

This project includes the construction of an interchange at US 169 and 101st Avenue; construction of auxiliary lanes on US 169 from 101st Avenue to TH 610; reconstruction of 0.7 miles of 101st Avenue; construction of 0.7 miles of multi-use trail.

The purpose of the project is to improve access to US 169 to accommodate planned growth and development in northwest Brooklyn Park. The existing access to US 169 is inadequate to serve forecast travel demand. Additional considerations that guide the project development process include the Rush Creek Regional Trail corridor and the METRO Blue Line Light Rail Transit (LRT) Extension.

Several Alternatives were developed and studied to determine the most cost-effective solution. Those alternatives included:

The No Build Alternative

These included maintaining the existing access to US 169 in the northwest Brooklyn Park growth area. The No Build Alternative assumes that the US 169/101st Avenue intersection would remain as a right-in/right-out intersection; local roadway improvements east of US 169 identified as part of the METRO Blue Line LRT Extension Project would be constructed; and other local road improvements to accommodate planned development in the northwest Brooklyn Park growth area also would be constructed.

The No Build Alternative was dismissed from consideration because it would not address the vehicle mobility needs for the project. Trips from the northwest Brooklyn Park growth area would experience significant delays and congestion using the US 169/109th Avenue intersection, the TH 610/West Broadway Avenue interchange and westbound TH 610 to access southbound US 169. The No Build Alternative is used as the basis for comparison of social, economic, and environmental impacts of the preferred alternative.

Build Alternative

Several alternatives were studied including seven concepts identified between TH 610 and 109th Avenue. All seven were evaluated using a screening process that included eight criteria to measure the project cost effectiveness.

Preferred Alternative

The folded diamond interchange at US 169 and 101st Avenue was identified as the preferred alternative.

- The preferred alternative addresses the need for the project. The folded diamond interchange at 101st Avenue improves access to US 169 to serve planned growth in northwest Brooklyn Park and accommodates the primary travel demand pattern of to and from the south.
- The preferred alternative avoids the Rush Creek Regional Trail bridge over US 169. The interchange ramps to and from the north would be constructed under the trail bridge in existing highway right of way.
- The preferred alternative would not preclude METRO Blue Line Extension LRT improvements. The preferred alternative would not impact the operations and maintenance facility (OMF) on the north side of 101st Avenue at Xylon Avenue. 101st Avenue connects to the future Oak Grove Parkway alignment at Xylon Avenue. Oak Grove Parkway is a local road improvement south of the existing 101st Avenue alignment that will be constructed as part of the METRO Blue Line LRT extension.
- The preferred alternative diverts approximately 9,000 vehicles per day (vpd) from US 169/109th Avenue and TH 610/West Broadway Avenue, improving intersection operations at these locations.
- The preferred alternative improves traffic operations on southbound US 169 during the a.m. peak hour and northbound US 169 during the p.m. peak hour compared to the 2040 No Build Alternative. Auxiliary lanes would be constructed on US 169 between 101st Avenue and TH 610 to accommodate weaving.
- The preferred alternative improves traffic operations on westbound TH 610 east of US 169 during peak hours, and would alleviate queuing on westbound TH 610 compared to the 2040 No Build Alternative.
- The preferred alternative reduces VMT and VHT compared to the 2040 No Build Alternative, indicating that the transportation system is operating more efficiently.
- The preferred alternative avoids new development in the NorthPark Business Center north of the Rush Creek Regional Trail and accommodates future development south of 101st Avenue.

See Figure 1 for project location

II. Summary and Recommendations

The US 169 / 101st Avenue Interchange, as outlined herein, is feasible from an engineering standpoint. The total cost of the project, excluding right of way acquisition costs and capitalized interest is estimated to be \$28,200,000.

The estimate total overall project costs are as follows:

	Estimated Cost
Preliminary Engineering and Studies	800,000
Final Design & ROW professional services	1,000,000
Right of Way Acquisition (estimated)	7,000,000
Roadway & Grading Construction	15,000,000
Bridge	3,000,000
Construction Management services (inspection, surveying, materials testing, etc.)	1,400,000
Total Estimated Cost	\$28,200,000

The following comments and recommendations are presented for the Council's consideration:

1. It is recommended the City Council approve this Feasibility Report and schedule a public improvement hearing for the proposed construction of the US 169/101st Avenue Interchange.
2. It is recommended the City review this Feasibility Report pursuant to its authority under the Minnesota Wetlands Conservation Act of 1991. There are no anticipated wetland impacts or requirements for this proposed project.
3. It is recommended the City enter into an interagency agreement with MnDOT and acquire necessary permits from the State for work on US 169.
4. It is recommended the City initiate negotiations with owners of parcels adjacent to the US 169 / 101st Avenue project area regarding financial participation, right of way and easements.

Based on the study for this report, City Improvement Project (CIP) 4042-19 is necessary, feasible and cost effective and the resulting benefit will equal or exceed the proposed assessments to the surrounding properties. It is therefore recommended the Brooklyn Park City Council proceed with the project.

III. Project Description

A. Street Improvements

Street improvements include a new grade separated interchange along Trunk Highway 169 at 101st Ave. in Brooklyn Park. 101st Ave. will be improved to a three-lane roadway west of US 169 and four-lane roadway across and east of US 169 to where it connects into existing 101st. US 169 will receive additional auxiliary lanes from TH 610 to the folded loops on north of 101st to accommodate traffic along US 169.

The interchange configuration is a folded diamond which provides full access to US 169 to/from 101st with 101st bridged over US 169. Other than auxiliary lanes along US 169 and ramps, there is no mainline US 169 work included in the project.

B. Bridge Construction

Project includes a new 4-lane bridge (#27W46) over US 169 along 101st Ave. The new bridge is two-span concrete girder bridge with a center pier located in the existing US 169 median. New bridge will meet/exceed the vertical clearance standard of 16'4".

C. Traffic Signal Improvements

New traffic signals and pedestrian crossings will be installed at both the ramp/loop terminal intersections along 101st Ave. An existing traffic signal is at Jefferson Highway and 101st Avenue. The project does not impact this traffic signal. There is no traffic signal at US 169 and 101st Avenue. The existing US 169 and 101st Avenue intersection operates as separate northbound and southbound right-in/right-out intersections. These will be removed with the project.

D. Drainage Improvements

Stormwater runoff will be conveyed by curb and gutter, storm sewer, and ditches. The existing stormwater basin in the southeast quadrant of 101st Avenue and Jefferson Highway will be expanded, and stormwater basins will be constructed in the US 169/101st Avenue interchange area to provide treatment, rate control, and volume control for stormwater runoff generated by the project.

The project will increase the total amount of impervious surface area by approximately seven acres compared to existing conditions. Stormwater best

management practices (BMPs) will be designed and constructed to meet NPDES and WMWMC requirements.

E.Trails/Sidewalks/Shared Use Paths

The proposed US 169/101st Avenue interchange will provide safe access across US 169 for the northwest growth area of Brooklyn Park. Off-road multi-use trails will provide a safe route for non-motorized users separate from vehicular traffic on 101st Avenue. A continuous paved trail will be provided along the south side of 101st Ave. The trail along the north side of 101st Ave. will be installed as development along the north side of 101st occurs. The project design is set to accommodate the future trail including adequate bridge width and grading within the interchange area.

F.Sanitary Sewer Improvements

The project is does include some sanitary sewer under Xylon Ave to avoid future reconstruction costs when sewer and water services are extended throughout the project area.

G.Water Main Improvements

There are no watermain utility improvements included with the project.

IV. Right of Way and Easements

The majority of right of way needed for the proposed project is currently in place. The required right of way corridor is a minimum of 85 feet wide for the typical roadway sections for the 101st Avenue roadway. The existing corridor will contain the improvements along US 169 except where the new ramps will be placed which will require additional permanent right of way.

The City will need to acquire permanent right of way for the interchange, ramps and loops, and the 101st Avenue Roadway. Temporary easements will be required for construction purposes along all the proposed roadways. These temporary easements will vary and may be relatively wide at locations where large cuts and fills occur. The anticipated right of way and temporary easement areas needed are 15.18 and 5.35 acres respectively and are shown on Figure 2.

In addition, the City should secure permanent easements over sedimentation basins provided for this project. The proposed sedimentation basins are currently located on private property but within MnDOT right of way. The City should pursue an agreement with MnDOT addressing ultimate ownership and maintenance responsibilities for these basins.

The anticipated cost for right of way for the project is estimated at \$7,000,000.

See Figure 2 for project right of way impacts.

V. Wetland Issues and Permits

The project area includes wetland sites on the west side of US 169. An inspection of the project area indicated that there are no wetlands impacted by the project.

The U.S. Army Corps of Engineers, pursuant to Section 404 of the Clean Water Act, requires compliance with the 404(b)(1) guidelines for wetland filling or excavation activities. These guidelines first require avoiding impacts through the selection of the least environmentally damaging practicable alternative; second, taking appropriate steps to minimize impacts; and lastly, compensating for any remaining impacts which are unavoidable.

At the State level, the Minnesota Wetland Conservation Act of 1991 (WCA) requires permitting from the local governing unit. If the project will impact a public water's wetland, a permit from the Minnesota Department of Natural Resources will also be required. The WCA and the DNR also require a sequenced evaluation of impacts, similar to that found under the Federal guidelines.

A summary of the wetland assessment is presented:

- AVOIDING WETLAND IMPACTS

The proposed US 169 / 101st Avenue project avoids wetlands to the greatest extent possible consistent with safe roadway design. The construction of pathways and their location has been configured specifically to minimize impacts.

Roadway alignment shifts to avoid wetland impacts have been weighted against factors such as public safety, economics and property acquisition. The proposed alignments provide the most practicable balance between these factors.

- MINIMIZING IMPACTS

Roadway profile grades will be kept as low as possible, and embankment side slopes will be kept as steep as possible, consistent with safe roadway design standards or to match existing conditions. These methods minimize the width of the roadway corridor and therefore also minimize wetland impacts.

- On-Site wetland mitigation is not proposed for all unavoidable wetland impacts.

The WCA and DNR require that wetland lost due to roadway construction be replaced at a minimum ratio of two acres per acre impacted. Compensation will be achieved in coordination with the Board of Water and Soil Restoration (BOWSR). This agency provides wetland banking for roadway construction projects, which are intended to improve safety, but not capacity issues.

A level 2 field delineation was completed on June 15, 2018 and July 2, 2018 to identify wetland resources and determine impacts from the proposed project. The project will include non-

significant wetland encroachment. The provisions of Executive Order 11990 have been complied with.

Summary of Wetland Permits of Certifications Required

Agency	Authorization
U.S. Army Corps of Engineers	Section 404, Clean Water Act
MN Pollution Control Agency	Section 401, Clean Water Act
	MN Wetland Conservation Act

VI. Estimate Costs and Participation

Project funding is proposed to be accomplished through participation for the following:

- City of Brooklyn Park (Lead Agency)
- State Bonding (General Obligation bonds)
- State grant (Transportation for Economic Development) TED
- State grant (Transportation Economic Development Infrastructure) TEDI
- MnDOT Construction
- Federal Regional Funding

The proposed cost participation would be determined based on the Cooperative Agreement currently being developed. The City will be using a combination of State, Federal, and local resources for a portion of the project Costs. MnDOT will fund Trunk Highway improvements for its portion of the project cost specifically addressing operations along US 169. The difference in construction costs for the proposed project would be funded through a combination of Municipal State Aid, and/or City, local, and other funds.

	Estimated Cost
Preliminary Engineering and Studies	800,000
Final Design & ROW professional services	1,000,000
Right of Way Acquisition (estimated)	7,000,000
Roadway & Grading Construction	15,000,000
Bridge	3,000,000
Construction Management services (inspection, surveying, materials testing)	1,400,000
Total Estimated Cost	\$28,200,000

Costs shown are based on preliminary construction cost estimates and also include an allowance for contingencies (10 percent).

See Table 1 for detailed summary of project cost estimate.

Assessments

It is proposed to assess a portion of the total cost of SP 110-129-006 to the benefiting parcels on an area basis. Each parcel in the immediate vicinity benefiting from the proposed interchange improvements is assumed to be one assessment unit and is mapped in Figure 3. Assessments are summarized in Table 2.

Costs were allocated to the appropriate parcel based on future land use projections contained in the City of Brooklyn Park 2040 Comprehensive Plan as well as the total trips generated by the transportation analysis zones (TAZ) under year 2040 conditions that are expected to use the interchange (either to enter/exit US 169 via the future interchange or to use the future interchange as an overpass). These trips were calculated using the Met Council's activity-based travel demand model. This is consistent with the traffic forecasts used for the Brooklyn Park 2040 Transportation Plan, which is part of the Brooklyn Park 2040 Comprehensive Plan.

Four land use types are included within the study area based on the proposed land use plan within the Brooklyn Park 2040 Comprehensive Plan: Employment Center (EC), Institutional (IN), Mixed-Use (MX) and Park (P). Parcels with a land use designation of park were assumed to generate no vehicle trips; except for parcel #22 which was identified as an active park and generated trips in the travel demand model. There were three (3) TAZs in the study area that have parcels within the TAZ boundary with different land use types. For these three TAZs a trip rate was identified for the land use types using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, to account for trip rate differences between parcels designated as Employment Center, Institutional, or Mixed-Use land use types.

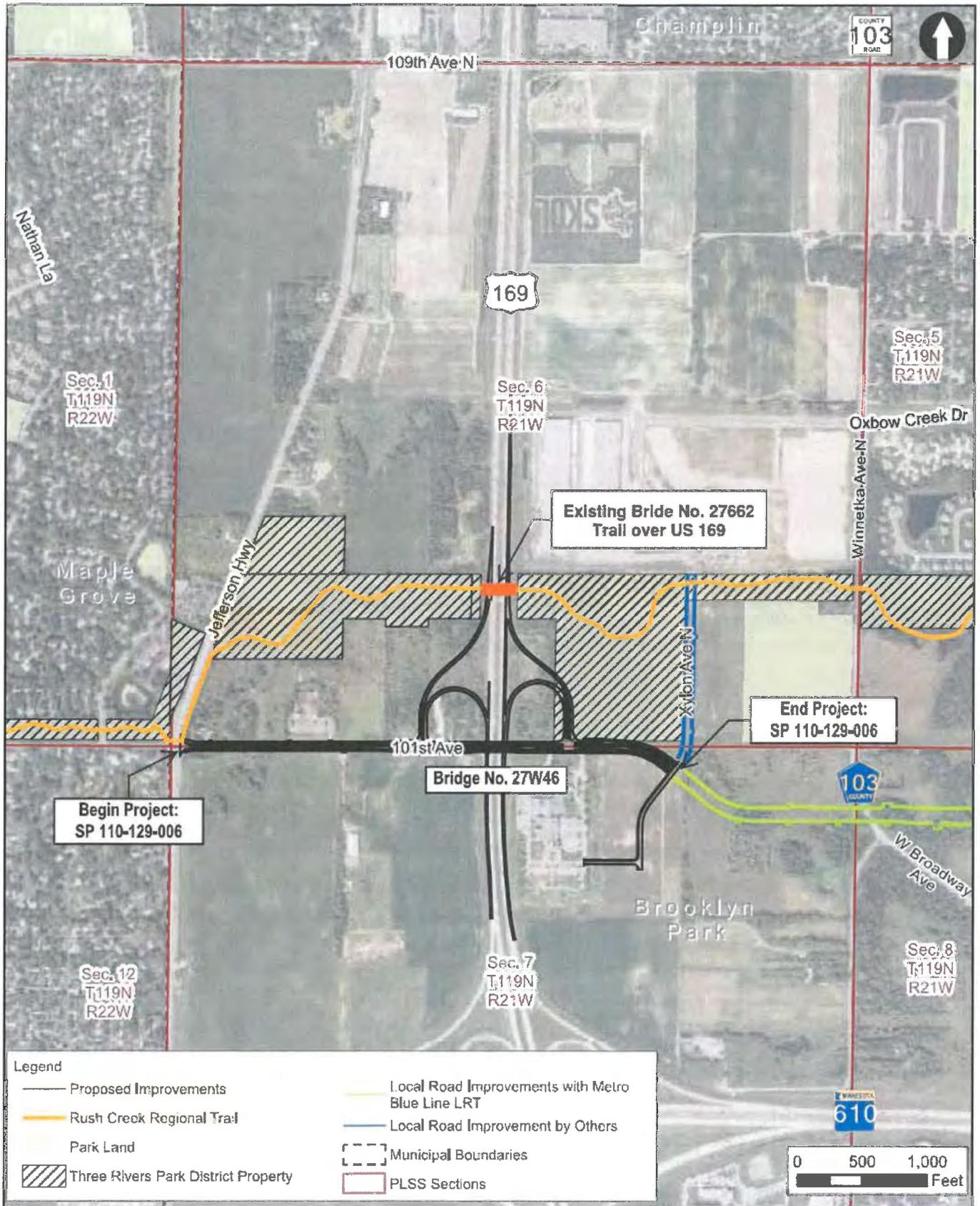
The size of each parcel is known. Wetland areas, planned interchange right-of-way, and BLRT project area needs were subtracted out to determine the developable acres. The TAZ trips using the interchange was apportioned to each parcel based on the percent of developable acreage of the TAZ.

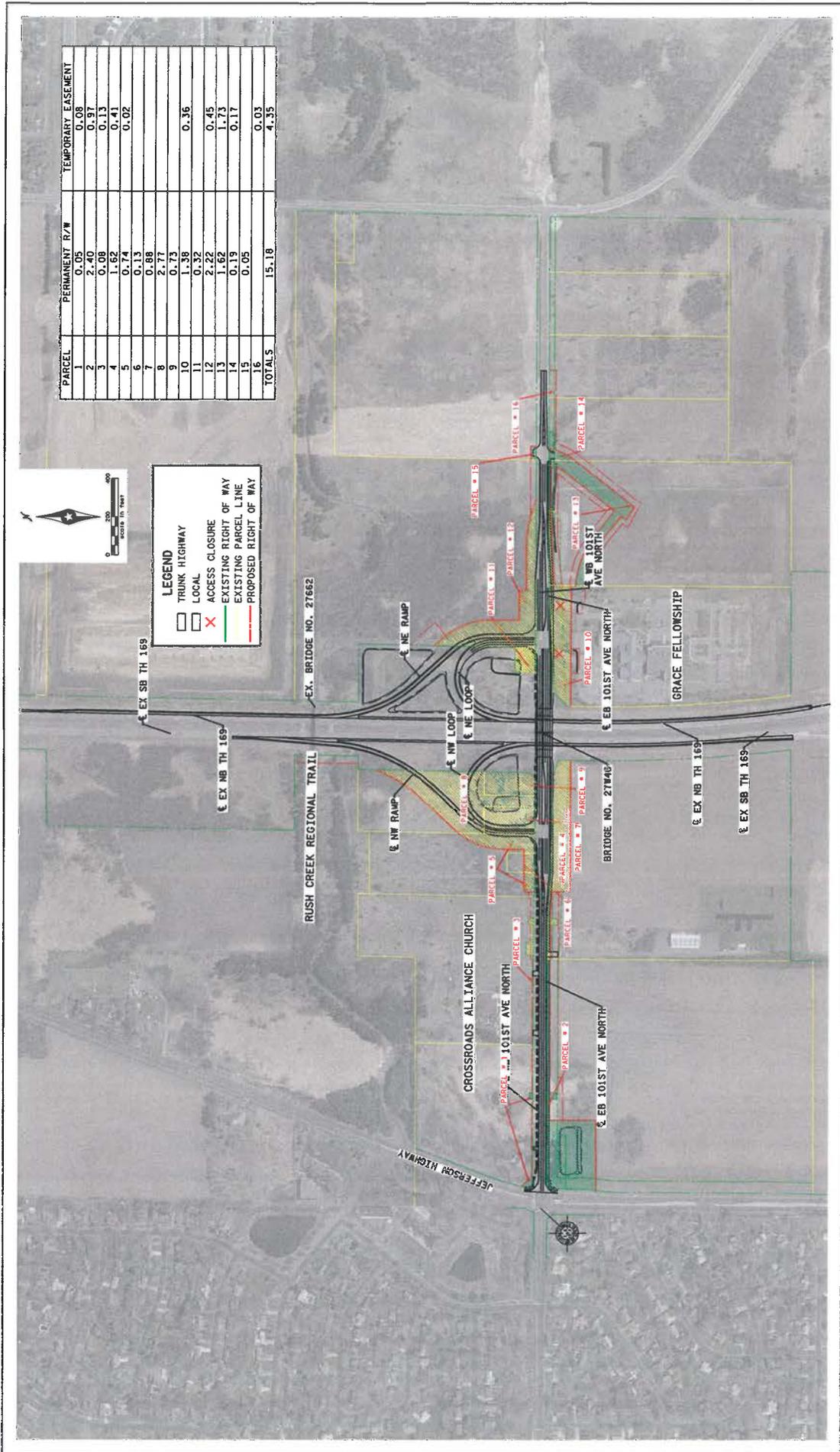
Furthermore, the parcels were prorated based on their potential to develop due to City utility staging plans. The City of Brooklyn Park has identified when City services will be eligible for extension into areas for future development (see Figure 4). This will impact the ability of these areas to develop, and as such may impact value. Therefore, parcels located closer to the proposed improvement and provided with utility service sooner will have more value and pay a higher portion of assessment. To account for this, a utility factor was applied to parcels based on when City services will be eligible for extension.

Since the completion of the year 2040 traffic forecasts for the Year 2040 Transportation Plan, the land use type/size has been updated for the NorthPark AUAR area (which includes map ID 66, 67, 68, 69, 651, 652, and 653). The AUAR study developed an updated directional distribution (percent of trips expected to use the interchange) and updated employee numbers for the study area. Since the AUAR is an updated, detailed review of the proposed site, the trip information was updated for the NorthPark AUAR area in the assessment study to be consistent with the AUAR study. Note that at the time of this feasibility study, parcels within the NorthPark AUAR area were the only parcels within the study area to have had a study completed with updated traffic information.

Using the above information, the individual parcel trips using the interchange were used to determine the percent share by parcel. A cost per square foot value was determined for each parcel based on the impact the parcel will have on the adjacent roadway network, resulting in the need for the proposed interchange improvement. A real estate appraisal firm was engaged to confirm the assessment methodology and to review the proposed special assessment amounts for the properties based on their potential for market value increases resulting from the project. Lake State Realty Services, Inc. reviewed the property assessment values and confirmed their validity.

The Lake State data indicated a total maximum amount of \$4,639,399.39 could be reasonably assessed to the area shown in Figure 3. The city has decided to assess a portion (\$3,497,569) of this amount. The proposed assessments by parcel for the approximate \$3.5M total are documented in Table 2.

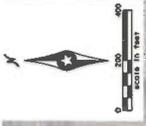


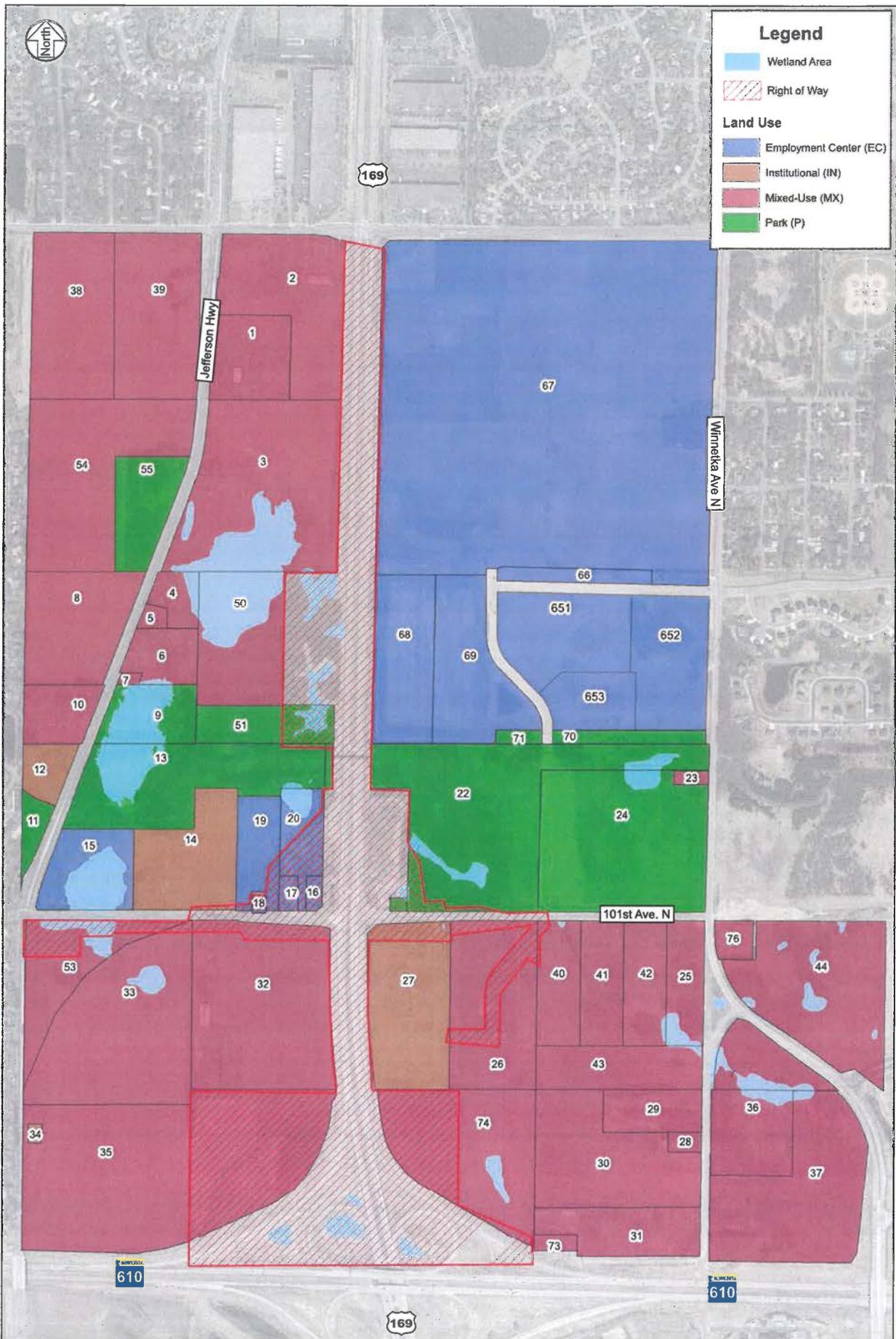


PARCEL	PERMANENT R/W	TEMPORARY EASEMENT
1	0.05	0.08
2	2.40	0.97
3	0.08	0.13
4	1.62	0.41
5	0.74	0.02
6	0.13	
7	0.88	
8	2.77	
9	0.73	
10	1.38	0.36
11	0.32	
12	2.22	0.45
13	1.62	1.73
14	0.19	0.17
15	0.05	
16		0.03
TOTALS	15.18	4.35

LEGEND

- TRUNK HIGHWAY
- LOCAL
- ACCESS CLOSURE
- EXISTING RIGHT OF WAY
- EXISTING PARCEL LINE
- PROPOSED RIGHT OF WAY







TH 169/101st Ave. North Interchange

Concept Cost Estimate (based upon 2018 bid price information)

Prepared By: SRF Consulting Group, Inc., February 6th, 2019

ITEM DESCRIPTION	UNIT	UNIT PRICE	TED (SP 2750-19/SP 110-129-006)		MNDOT (SP 2750-19)		CITY OF BROOKLYN PARK (SP 110-129-006)		CITY OF BROOKLYN PARK (NON-PARTICIPATING)		TOTAL	
			EST. QUANTITY	EST. AMOUNT	EST. QUANTITY	EST. AMOUNT	EST. QUANTITY	EST. AMOUNT	EST. QUANTITY	EST. AMOUNT	EST. QUANTITY	EST. AMOUNT
PAVING AND GRADING COSTS												
1 210R Excavation - Common & Subgrade	cu. yd.	\$7.00	141,080	\$987,420	31,710	\$221,970	15,560	\$108,920			188,330	\$1,318,310
2 210R Common Embankment (CV)	cu. yd.	\$10.00	134,940	\$1,079,520	3,217	\$25,736	108,680	\$889,280			246,817	\$1,974,536
3 210R Granular Subgrade (GV)	sq. yd.	\$18.00	17,850	\$280,800	10,430	\$175,280	1,780	\$188,630			20,170	\$384,720
4 Mainline Pavement	(4)	\$25.00			6,530	\$163,750					6,530	\$163,750
5 Mainline Shoulder Pavement	(2)	\$25.00			4,325	\$108,125					4,325	\$108,125
6 Ramp Pavement	(1)	\$25.00	7,700	\$231,000							7,700	\$231,000
7 Ramp Shoulder Pavement	(2)	\$25.00	2,430	\$60,750							2,430	\$60,750
8 Local Road Pavement	(1)	\$25.00	10,020	\$300,600			15,430	\$462,900			25,450	\$763,500
9 Local Road Shoulder Pavement	(2)	\$25.00					1,990	\$49,750			1,990	\$49,750
10 Driveway Pavement	(2)	\$25.00					410	\$10,250			410	\$10,250
11 Concrete Walk / Median	(3)	\$25.00	3,700	\$166,500			2,900	\$130,500			6,600	\$297,000
12 ADA Pedestrian Curb Ramp	each	\$150.00					4	\$4,500			4	\$4,500
13 Concrete Curb and Gutter	lin. ft.	\$20.00	7,410	\$148,200			2,740	\$54,800			10,150	\$203,000
14 Pavement Edge Drains	lin. ft.	\$12.00	9,420	\$113,040			8,400	\$100,800			17,820	\$213,840
15 Removals - Pavement	sq. yd.	\$12.00	6,980	\$83,760	10,740	\$128,880	8,350	\$100,200			25,870	\$312,840
16 Removals - Concrete Curb and Gutter	lin. ft.	\$4.20	820	\$3,444	100	\$420	280	\$1,176			1,200	\$5,040
17 Removals - Drainage Apron	each	\$200.00	6	\$1,200			4	\$800			10	\$2,000
18 Removals - Drainage Culvert/Pipe	lin. ft.	\$70.00	305	\$21,350			270	\$18,900			575	\$40,250
19 Removals - Signs	l.s.	\$20.00										\$10,000
SUBTOTAL PAVING AND GRADING COSTS:				\$3,417,330		\$1,392,436		\$2,074,425				\$6,884,191
DRAINAGE, UTILITIES AND EROSION CONTROL												
1 Local Utilities - Sanitary Sewers	l.s.								548,640			\$48,640
2 Local Utilities - Watermains	lin. ft.	\$80							455	\$36,372	455	\$36,372
3 Water Quality Ponds	l.s.			\$1,313,000				\$152,800				\$1,465,800
4 Drainage	l.s.			\$2,350		\$10,200		\$28,000				\$38,550
5 Erod. Establishment & Erosion Control	10%			\$342,000		\$140,000		\$208,000				\$690,000
6 Landscaping	2%			\$89,000		\$28,000		\$22,000				\$139,000
SUBTOTAL DRAINAGE, UTILITIES AND EROSION CONTROL:				\$1,993,320		\$178,200		\$701,830		\$85,212		\$2,958,562
BRIDGE COSTS												
1 Bridge - 27W46	(6)	l.s.		\$2,620,000								\$2,620,000
SUBTOTAL BRIDGE COSTS:				\$2,620,000								\$2,620,000
SIGNAL AND LIGHTING COSTS												
1 Signals (permanent)	l.s.			\$410,000								\$410,000
2 Mainline Signing (permanent)	l.s.			\$420,000		\$121,485						\$163,585
SUBTOTAL SIGNAL AND LIGHTING COSTS:				\$452,070		\$121,485						\$573,555
SIGNING & STRIPING COSTS												
1 Mainline Signing	(5)	l.s.		\$15,000		\$205,000		\$10,000				\$230,000
2 Mainline Striping	l.s.			\$5,000		\$10,000		\$5,000				\$20,000
SUBTOTAL SIGNING & STRIPING COSTS:				\$20,000		\$215,000		\$15,000				\$250,000
SUBTOTAL CONSTRUCTION COSTS:				\$8,502,720		\$1,907,121		\$2,791,255		\$85,212		\$13,286,308
MISCELLANEOUS COSTS												
1 Mobilization				\$425,000		\$50,000		\$120,000		\$5,000		\$600,000
2 Non Quantified Minor Items				\$1,276,000		\$26,000		\$219,000		\$1,000		\$1,526,000
3 Temporary Pavement & Drainage						\$58,000		\$120,000		\$5,000		\$143,000
4 Traffic Control				\$256,000		\$58,000		\$84,000		\$3,000		\$301,000
SUBTOTAL MISCELLANEOUS COSTS:				\$1,958,000		\$441,000		\$783,000		\$26,000		\$3,208,000
ESTIMATED TOTAL CONSTRUCTION COSTS without Contingency:				\$10,460,720		\$2,348,121		\$3,574,255		\$111,212		\$16,494,308
1 Contingency or "risk"		10%		\$1,047,000		\$235,000		\$358,000		\$12,000		\$1,652,000
ESTIMATED TOTAL CONSTRUCTION COSTS PLUS CONTINGENCY:				\$11,507,720		\$2,583,121		\$3,932,255		\$123,212		\$18,146,308

NOTE (1) Assumes 6" Bituminous and 12" Aggregate Base.
 (2) Assumes 4" Bituminous and 14" Aggregate Base.
 (3) Includes Aggregate Base Class 5.
 (4) Assumes 8" Concrete and 10" Aggregate Base.
 (5) Includes OH Signs on TH 169.
 (6) Bridge Lump Sum Includes Required Excavation and Fill, Bridge Foundation is Spread Footing.

Parcel Code	Owner	PIN	Developable Area (Acres)	FLU 2040	Est. Utility Year	W.S.F. (trip analysis) \$3.50	Assessment
1	MARWAY FAMILY FARM LLLP	0611921210001	8.72	MX	5-10 years	\$0.00	\$971
2	MARWAY FAMILY FARM LLLP	0611921210002	19.30	MX	5-10 years	\$0.00	\$2,151
3	MARWAY FAMILY FARM LLLP	0611921240002	27.20	MX	5-10 years	\$0.00	\$3,031
4	RONALD E GARDINIER	0611921320001	2.48	MX	5-10 years	\$0.07	\$7,465
5	M & A TIMM	0611921320002	0.82	MX	5-10 years	\$0.07	\$2,472
6	BERNARD K GILVIN	0611921320003	4.79	MX	5-10 years	\$0.07	\$14,430
7	City of Brooklyn Park	0611921320004	0.32	MX	5-10 years	\$0.07	\$959
8	SPUDSTERS LLC	0611921320006	14.93	MX	10-15 years	\$0.05	\$35,333
9	THREE RIVERS PARK DISTRICT	0611921320007	0.00	P	10-15 years	\$0.00	\$0
10	D B HASNER & D H HASNER	0611921320008	5.44	MX	10-15 years	\$0.05	\$12,878
11	THREE RIVERS PARK DISTRICT	0611921330005	0.00	P	10-15 years	\$0.00	\$0
12	ANJUMAN-E-ASGHARI	0611921330006	3.39	IN	10-15 years	\$0.01	\$2,006
13	THREE RIVERS PARK DISTRICT	0611921330007	0.00	P	10-15 years	\$0.00	\$0
14	CROSSROADS ALIANCE CHURCH	0611921330008	13.14	IN	0-5 years	\$0.11	\$60,118
15	D & B STROOTMAN	0611921330009	5.44	EC	0-5 years	\$0.21	\$49,752
16	R A SIMONS ETAL	0611921340002	0.00	EC	0-5 years	\$0.00	\$0
17	KEVIN THURS	0611921340003	0.00	EC	0-5 years	\$0.00	\$0
18	KEVIN THURS	0611921340004	0.20	EC	0-5 years	\$0.21	\$1,819
19	BEVERLY A GLOR	0611921340006	5.40	EC	0-5 years	\$0.21	\$49,450
20	KEVIN A THURS	0611921340007	1.60	EC	0-5 years	\$0.21	\$14,669
21	City of Brooklyn Park	0611921430002	0.00	P	Current	\$0.00	\$0
22	THREE RIVERS PARK DISTRICT	0611921430006	0.00	P	Current	\$0.00	\$0
23	Target Corporation	0611921440001	0.61	MX	Current	\$0.56	\$14,926
24	City of Brooklyn Park	0611921440003	11.46	P	Current	\$0.13	\$62,757
25	Target Corporation	0711921110005	3.30	MX	0-5 years	\$0.43	\$61,267
26	Target Corporation	0711921120001	15.76	MX	0-5 years	\$0.69	\$470,827
27	GRACE FELLOWSHIP	0711921120004	16.30	IN	0-5 years	\$0.17	\$121,768
28	Target Corporation	0711921140001	0.88	MX	5-10 years	\$0.05	\$1,929
29	Target Corporation	0711921140002	5.74	MX	5-10 years	\$0.05	\$12,630
30	Target Corporation	0711921140005	19.69	MX	5-10 years	\$0.05	\$43,356
31	Target Corporation	0711921140006	9.57	MX	5-10 years	\$0.05	\$21,083
32	FIVE SONS/TWO DAUGHTERS LLC	0711921210001	29.02	MX	0-5 years	\$0.13	\$169,418
33	DALE PROPERTIES LLC	0711921220003	28.52	MX	0-5 years	\$0.04	\$51,362
34	METROPOLITAN COUNCIL	0711921230001	0.00	IN	0-5 years	\$0.00	\$0
35	PADDOCK PROPERTIES LTD PTSHP	0711921230002	32.17	MX	0-5 years	\$0.04	\$59,047
36	Target Corporation	0811921230002	8.59	MX	0-5 years	\$0.04	\$14,830
37	Target Corporation	0811921230004	21.05	MX	0-5 years	\$0.04	\$36,335
38	THE CH OF ST STEPHEN/ANOKA	0811921220001	18.25	MX	10-15 years	\$0.00	\$314
39	THE CH OF ST STEPHEN/ANOKA	0811921220001	18.86	MX	10-15 years	\$0.00	\$324
40	Target Corporation	0711921110002	4.57	MX	0-5 years	\$0.35	\$70,319
41	Target Corporation	0711921110003	4.86	MX	0-5 years	\$0.37	\$79,033
42	Target Corporation	0711921110004	4.61	MX	0-5 years	\$0.42	\$84,010
43	Target Corporation	0711921110006	9.51	MX	5-10 years	\$0.24	\$98,255
44	Target Corporation	0811921220002	12.59	MX	Current	\$0.14	\$79,381
50	JAMES H BARTHEL	0611921310002	8.89	MX	5-10 years	\$0.07	\$26,795
51	JAMES H BARTHEL	0611921310002	4.35	P	10-15 years	\$0.04	\$7,154
53	Dale Properties Llc	0711921220003	7.10	MX	0-5 years	\$0.04	\$12,780
54	SPUDSTERS LLC	0611921230002	25.79	MX	10-15 years	\$0.00	\$443
55	SPUDSTERS LLC	0611921230002	0.00	P	10-15 years	\$0.00	\$0
66	Scannell Properties #258 Llc	0611921410003	3.00	EC	Current	\$0.06	\$7,848
67	Brooklyn Holdings Lp Et Al	0611921110002	147.17	EC	Current	\$0.21	\$1,347,913
68	Scannell Properties #259 Llc	0611921420002	13.63	EC	Current	\$0.10	\$60,555
69	Scannell Properties #285 Llc	0611921420003	15.23	EC	Current	\$0.10	\$67,646
70	City of Brooklyn Park	0611921410005	0.00	P	Current	\$0.00	\$0
71	City of Brooklyn Park	0611921420004	0.00	P	Current	\$0.00	\$0
73	Target Corporation	0711921140006	0.97	MX	5-10 years	\$0.05	\$2,134
74	City of Brooklyn Park		12.95	MX	5-10 years	\$0.04	\$25,223
76	Target Corporation	0811921220001	1.60	MX	Current	\$0.14	\$10,105
651	SCANNELL PROPERTIES #258	0611921410009	14.38	EC	Current	\$0.08	\$49,233
652	SCANNELL PROPERTIES #258	0611921410008	13.48	EC	Current	\$0.08	\$46,073
653	NOTT CO-RUBBER FABRICATION	0611921410006	6.72	EC	Current	\$0.08	\$22,991



Property Assessment Roll

TH 169 & 101st Avenue Interchange
City of Brooklyn Park, MN

City of Brooklyn Park Request for Council Action

Agenda Item:	6.1	Meeting Date:	March 25, 2019
Agenda Section:	Land Use Actions	Originating Department:	Community Development
Resolution:	X	Prepared By:	Todd A. Larson, Senior Planner
Ordinance:	FIRST READING		
Attachments:	7	Presented By:	Cindy Sherman, Planning Director
Item:	"Windchime Trail 4 th Addition" (Kevin Ahlstrom) – Replat #19-103 of Current Residential Property to Add New Land Acquired from the City at 10214 Regent Avenue North		

City Manager's Proposed Actions:

MOTION _____, SECOND _____, TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT FOR SALE OF CITY PROPERTY ADJACENT TO 10214 REGENT AVENUE NORTH.

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CITY OWNED PROPERTY.

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ APPROVING PRELIMINARY PLAT OF "WINDCHIME TRAIL 4TH ADDITION" SUBDIVIDING 1.6 ACRES INTO ONE SINGLE-FAMILY LOT AND ONE OUTLOT AT 10214 REGENT AVENUE NORTH.

Planning Commission Recommendation:

At its meeting on March 13, 2019, the Planning Commission unanimously (7-0) recommended approval of the plat.

Recreation and Parks Advisory Commission Recommendation:

At its meeting on November 14, 2018, the RPAC recommended pursuing the sale of a portion of the park property.

Overview:

In 2003, the City Council approved the plats of Windchime Trail and Sanctuary Estates north of 101st Avenue at Regent Avenue. With each of those plats, land was dedicated at the northern terminus of Regent Avenue to provide a connection to Three Rivers Park District's Rush Creek Regional Trail. The location was desired as Regent Avenue is a collector roadway that crosses Highway 610 and makes an easy route for many Brooklyn Park Residents to access the Trail.

Most of the land is wooded, but the eastern portion adjacent to 10214 Regent Avenue is not. Over the years, the owners of that house have encroached upon the unwooded portion of the City property and installed a permanent fire ring and patio. The house was recently for sale and the buyer, who discovered the encroachment, would like to purchase that unwooded portion of the property, approximately 5,300 square feet, from the City so that he can install a swimming pool.

The City Council authorized staff to proceed with the sale of the property on November 11, 2018. The proposed plat creates one residential lot and an outlot that will remain parkland. Once the final plat is approved, the sale will occur, and the plat will be recorded.

The purchase agreement is a necessary step for the buyer's title company to issue a title commitment.

Associated with this application is a vacation of a drainage and utility easement. The hearing for this vacation will be on April 8, 2019, along with the final plat review (including re-establishing easements) and second reading of the sale ordinance.

Budgetary/Fiscal Issues:

The sale of the land is not expected to add any significant value to the adjacent property for tax purposes. The intended use of the land for a swimming pool will add minimal value to the property.

The land was given to satisfy a portion of the developer's park dedication requirements in 2003. The 10,128 square-foot parcel was collected in lieu of \$12,249.68 of park dedication (\$1.21/ft²). Sale proceeds must be placed into the Open Space Land Acquisition and Development (OSLAD) fund. The City Assessing Division has the property valued at \$2.50 per square foot, which would reflect today's value versus 2003. The \$2.50 per square foot value is what the buyer will pay for the property.

Alternatives to consider:

1. Approve the first reading of the conveyance ordinance and preliminary plat as recommended by the Recreation and Parks Advisory Commission and Planning Commission.
2. Deny the plat and sale based on certain findings.

Attachments:

- 6.1A PURCHASE AGREEMENT
- 6.1B ORDINANCE – PROPERTY SALE
- 6.1C RESOLUTION – PRELIMINARY PLAT
- 6.1D LOCATION MAP
- 6.1E PLANNING AND ZONING INFORMATION
- 6.1F PLANNING COMMISSION MINUTES
- 6.1G PLANS (EXHIBIT B)

PURCHASE AGREEMENT

1. **PARTIES.** This Purchase Agreement (“Agreement”) is made on this _____ day of March, 2019 (the “Effective Date”), by and between the City of Brooklyn Park, a Minnesota municipal corporation (“Seller”) and Kevin Ahlstrom and Jean Ahlstrom, husband and wife (“Buyer”, and, taken together with Seller, the “Parties”).

2. **SUBJECT PROPERTY.** Seller is the owner of that certain real estate located in the City of Brooklyn Park, Minnesota, legally described as Outlot B, Windchime Trail (the “City Property”), a portion of which, as described on the attached Exhibit A (the “Property”), Seller desires to sell to Buyer, and Buyer wishes to buy and combine with the Buyer’s current property located adjacent thereto and legally described as Lot 1, Block 1, Windchime Trail (the “Ahlstrom Property”). Together, the Parties intend to replat the City Property and the Ahlstrom Property as shown on Exhibit B attached hereto, after the recording of which the Parties will exchange quitclaim deeds, with the Seller deeding Lot 1, Block 1, Windchime Trail 4th Addition to the Buyer, and the Buyer deeding Outlot A, Windchime Trail 4th Addition to the Seller. The conveyance from Seller to Buyer of Lot 1, Block 1, Windchime Trail 4th Addition will effectuate the sale of the Property.

3. **OFFER/ACCEPTANCE.** In consideration of the mutual agreements herein contained, Buyer offers to purchase the Property from Seller and Seller agrees to sell the Property to Buyer.

4. **CONTINGENCIES.** This Agreement is subject to the following contingencies:

- A. Approval of this Agreement by Seller’s governing body. Nothing in this Agreement limits or restricts the discretion of the Seller’s governing body to grant or withhold approval of this Agreement. This contingency may not be waived by either party.
- B. Buyer having determined that it is satisfied with the result of and matters disclosed by Buyer’s investigations, surveys, soil tests, engineering inspections, hazardous substance, and environmental reviews of the Property, if any.
- C. Title having been found acceptable to Buyer or been made acceptable to Buyer in accordance with section 12 of this Agreement.

If the contingencies above are satisfied in a timely manner, then Buyer and Seller shall proceed to close the transaction as contemplated herein. If, however, either of the contingencies at subsections A or B above is not satisfied, this Agreement shall thereupon be void, Seller shall return the Earnest Money to Buyer, and Buyer and Seller shall execute and deliver to each other a termination of this Agreement. As a contingent purchase agreement, the termination of this Agreement is not required pursuant to Minnesota Statutes Section 559.21, et seq.

5. **EXCLUDED PERSONAL PROPERTY.** There are no personal property, trade fixtures or equipment, including but not limited to, any above ground or underground storage tanks, included in the sale of the Property.

6. **PURCHASE PRICE AND TERMS.** At Closing, Buyer shall pay Seller Thirteen Thousand, Two Hundred Forty and 00/100 Dollars (\$13,240.00) for the Property (the “Purchase Price”).

7. **PROJECT FUNDS.** Seller is holding funds of the Buyer to pay for certain anticipated City costs associated with the platting of the properties (e.g., staffs cost, legal fees and engineering fees) that would be incurred to fulfill certain preconditions to the sale of the Property as well as to negotiate and prepare this agreement and prepare for closing (the “Project Funds”). The initial balance of the Project Funds was Two

Thousand and 00/100 Dollars (\$2,000.00). As of the date of the execution of this Agreement, the total Project Funds is _____ (\$_____).

Buyer acknowledges that the City has properly used the Project Funds as reimbursements for the costs that it has incurred to date related to the above-described tasks.

Buyer further authorizes the use of the remaining Project Funds as proceeds to pay for the Purchase Price and Buyer's obligations under this agreement and, at closing, assigns its interest in the Project Funds to Seller. If necessary, Seller shall provide Buyer and Title Company with an updated balance of the Project Funds at Closing.

8. CLOSING. The closing of the sale of the Property (the "Closing") shall take place on or before _____ (the "Closing Date"), unless the Seller approves of an extension. The parties contemplate that the Closing will be conducted via escrow instructions given to the Title Company or at such other place and time as may be acceptable to Seller and Buyer.

9. DOCUMENTS TO BE DELIVERED AT CLOSING.

Seller agrees to deliver the following documents to Buyer at Closing:

- A. A duly recordable quitclaim deed conveying fee simple title to the Property to Buyer;
- B. Affidavit of Seller confirming that Seller is not a foreign person within the meaning of Section 1445 of the Internal Revenue Code;
- C. A standard owner's affidavit as may be required by the Title Company to issue the Buyer's title insurance policy;
- D. A completed Minnesota Well Disclosure Certificate or a statement that Seller is not aware of any wells on the Property;
- E. Any notices, certificates, and affidavits regarding any private sewage systems, underground storage tanks, and environmental conditions as may be required by Minnesota statutes, rules or ordinances; and
- F. Plat mylars.

10. CLOSING COSTS AND RELATED ITEMS. Buyer agrees to pay all fees and costs associated with the transaction including, without limitation, the Seller's attorneys' fees as provided under paragraph 20 of this Agreement.

11. REAL ESTATE TAXES AND SPECIAL ASSESSMENTS. The Property is currently exempt from real estate taxes and special assessments. Buyer shall be responsible for all real estate taxes and special assessment that become due and payable after the Closing.

12. TITLE EXAMINATION. Buyer has examined title and acknowledges that the Property may be encumbered by certain easements and encumbrances. Notwithstanding any language to the contrary in this Agreement, the Seller makes no representations or warranties regarding the condition of title and sells the property with any and all title defects that may be present, except for the representations and warranties in paragraph 15 A - H herein.

13. SELLER'S REPRESENTATIONS. Seller hereby represents to Buyer as of the Closing Date that:

- A. Authority. Seller is a municipal corporation under the laws of Minnesota; Seller has the requisite power and authority to enter into and perform this Agreement and those closing documents signed by it.
- B. Legal Proceedings. There is no action, litigation, investigation, condemnation or proceeding of any kind pending or, to the best of Seller's knowledge without investigation, threatened against Seller or any portion of the Property, and Seller has no actual knowledge that any such action is contemplated.
- C. Wells. There are not any wells located on the Property.
- D. Individual Sewage Treatment Systems. There are no individual sewage treatment systems located on the Property.
- E. Methamphetamine Production. To the best of Seller's knowledge, methamphetamine production has not occurred on the Property.
- F. Foreign Status. Seller is not a "foreign person" as such term is defined in the Internal Revenue Code.
- G. Legal Compliance and Use of the Property. Seller has complied with all applicable laws, ordinances, regulations, statutes, rules and restrictions pertaining to and affecting the Property and Seller shall continue to comply with such laws, ordinances, regulations, statutes, rules and restrictions. To the best knowledge of Seller, the Property does not violate any federal, state, local or other governmental building, zoning, health, safety, platting, subdivision or other law or regulation, or any applicable private restriction.
- H. Taxes and Assessments. To the best knowledge of Seller, the Property is currently exempt from real estate taxes and there are no assessments pending or levied against the Property.

14. "AS IS, WHERE IS." Buyer represents that it either has inspected or will have the opportunity to inspect the Property and agrees to accept the Property "AS IS" with no right of set off or reduction in the Purchase Price. Such sale shall be without representation of warranties, express or implied, either oral or written (except for the representations and warranties in paragraph 15 A - H herein), made by Seller or any official, employee or agent of Seller with respect to the physical condition of the Property, including but not limited to, the existence or absence of petroleum, hazardous substances, pollutants or contaminants in, on, or under, or affecting the Property or with respect to the compliance of the Property or its operation with any laws, ordinances, or regulations of any government or other body, except as stated above. Except for the representations and warranties in paragraph 15 A - H herein, Buyer acknowledges and agrees that Seller has not made and does not make any representations, warranties, or covenants of any kind or character whatsoever, whether expressed or implied, with respect to warranty of income potential, operating expenses, uses, access, habitability, tenant ability, or suitability for any purpose, merchantability, or fitness of the Property for a particular purpose, all of which warranties Seller hereby expressly disclaims.

15. BROKER COMMISSIONS. Seller and Buyer represent and warrant to each other that they have not dealt with any other brokers in connection with the transaction contemplated by this Agreement. Each party agrees to indemnify, defend and hold each other harmless from the claims of any broker, or real estate agent.

16. REMEDIES. Time is of the essence of this Agreement. If Buyer defaults in performance of its obligations under this Agreement, as its sole and exclusive remedies, Seller shall have the right to terminate this Agreement in the manner provided by Minn. Stat. Sec. 559.21 and to retain the Earnest Money and a portion of the Project Funds necessary to cover the Seller's fees and costs actually incurred with respect to negotiating

this Agreement and working in good faith towards Closing. Upon Seller's request, Buyer shall execute a cancellation agreement within ten (10) days of presentation, barring any reasonable objection of the Buyer, which the parties shall work in good faith to resolve.

Except for Seller's right to retain the Earnest Money and all fees and costs actually incurred with respect to negotiating this agreement and proceeding in good faith towards Closing, Seller waives all other rights and remedies including the right to recover damages and the right to seek specific performance.

If Seller defaults in performance of its obligations under this Agreement, as its sole and exclusive remedies, Buyer shall have the right to either: (a) terminate this Agreement by written notice delivered to Seller, in which event the Earnest Money and all of the remaining Project Funds will be refunded to Buyer; or b) seek specific performance of this Agreement.

17. ATTORNEYS' FEES. Unless Seller defaults under this Agreement, Buyer shall pay for the Seller's fees and costs actually incurred with respect to negotiating this Agreement and working in good faith towards Closing.

18. AMENDMENT AND MODIFICATION. No amendment, modification or waiver of any condition, provision or term of this Purchase Agreement shall be valid or have any effect unless made in writing, is signed by the party to be bound and specifies with particularity the extent and nature of such amendment, modification or waiver. Any waiver by either party of any default by the other party shall not affect or impair any right arising from any previous or subsequent default.

19. BINDING EFFECT. This Agreement binds and benefits the parties and their successors and assigns.

20. NO PARTNERSHIP OR JOINT VENTURE. Nothing in this Agreement shall be construed or interpreted as creating a partnership or joint venture between Seller and Buyer relative to the Property.

21. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties and no other agreement prior to this Agreement or contemporaneous herewith shall be effective except as expressly set forth or incorporated herein.

22. CONTROLLING LAW. This Agreement has been made under the substantive laws of the State of Minnesota, and such laws shall control its interpretation.

23. TIME IS OF THE ESSENCE. Time is of the essence to this Agreement.

(The balance of this page left blank intentionally.)

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

SELLER

CITY OF BROOKLYN PARK

By: _____
Jeffrey Joneal Lunde

Its Mayor

By: _____
Jay Stroebel

Its City Manager

BUYER

KEVIN AHLSTROM AND JEAN AHLSTROM

By: _____
Kevin Ahlstrom

By: _____
Jean Ahlstrom

EXHIBIT A
Legal Description of Property

All that part of Outlot B, Windchime Trail, Hennepin County, Minnesota, lying east of the following described line:

Beginning at the Northeast corner of said Outlot, thence West along the North line of said Outlot for a distance of 76.40 feet to the point of beginning of the line to be described; thence South 5 degrees 33 minutes 23 seconds West for a distance of 103.62 feet to its intersection with the South line of said Outlot and there terminating.

EXHIBIT B
Plat of City Property and Ahlstrom Property
Windchime Trail 4th Addition

[See attached]

ORDINANCE #2019-

ORDINANCE AUTHORIZING THE CONVEYANCE OF CITY
OWNED PROPERTY

The City of Brooklyn Park Does Ordain:

The City of Brooklyn Park, as trustee for the public, holds a dedicated interest in and to that certain parcel of real property located north of Regent Avenue adjacent to 10214 Regent Avenue North and legally described as: Outlot B, Windchime Trail, Hennepin County, Minnesota ("Property"). The City finds it is in the public interest to convey 5,296 square feet of the eastern portion of the Property to Kevin Ahlstrom and Jean Ahlstrom, husband and wife, so that the Property can be added their property at 10214 Regent Avenue North. The net proceeds from the sale of the Property shall be paid to the Open Space Land Acquisition and Development (OSLAD) account of the City.

The Mayor and City Manager are authorized and directed to convey the Property to Kevin Ahlstrom and Jean Ahlstrom. City staff and consultants are authorized and directed to take all necessary and convenient steps to accomplish the intent of this Ordinance, including replatting both parcels.

All actions shall be pursuant to Section 14.06 of the City Charter. The City Council finds that the conveyance of the Property has no relationship or impact on the City's comprehensive plan and therefore there is no need for the City's Planning Commission to review and comment on the proposed conveyance.

RESOLUTION #2019-

RESOLUTION APPROVING PRELIMINARY PLAT OF
“WINDCHIME TRAIL 4TH ADDITION”
SUBDIVIDING 1.6 ACRES INTO ONE SINGLE-FAMILY LOT AND ONE OUTLOT
AT 10214 REGENT AVENUE NORTH

Planning Commission File #19-103

WHEREAS, the plat of “Windchime Trail 4th Addition” has been submitted in the manner required for platting of land under the Brooklyn Park Codes and under Chapter 462 of the Minnesota Statutes and all proceedings have been duly had thereunder; and

WHEREAS, said plat is consistent with the Comprehensive Plan and the regulations and requirements of the laws of the State of Minnesota and codes of the City of Brooklyn Park, Chapters 151 and 152.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park, Preliminary and Final Plat Request #19-103 “Windchime Trail 4th Addition” shall be approved subject to the following conditions:

I. PRELIMINARY PLAT

1.00 DRAWINGS

- 1.01 Preliminary plans on file in the City Clerk’s office dated 02-15-2018 for three lots upon compliance with the following requirements:

2.00 BONDS, ESCROWS AND DIRECT PAYMENTS

- 2.01 Payment of \$13,240 as purchase price of the property.
- 2.03 Payment of any special assessments on the property.

3.00 REQUIRED DOCUMENTS

- 3.01 Approval of Title by the City Attorney.
- 3.02 Approval of the West Mississippi Watershed Management Organizations and all conditions therein, if applicable.
- 3.03 A resolution vacating the drainage and utility easements of the existing lot must recorded with this plat.

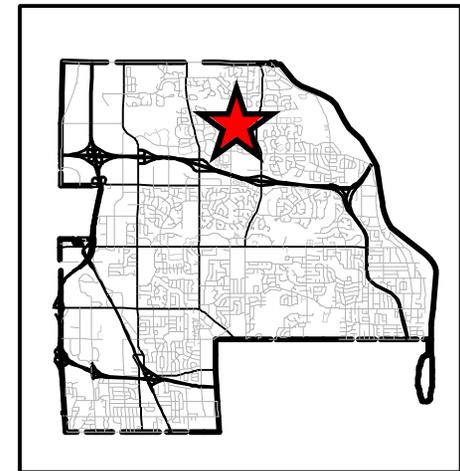
4.00 GENERAL CONDITIONS

- 4.00 It shall be the developer's responsibility to keep active and up to date the developer's contract and financial surety (Letter of Credit, bonds, etc.). These documents must remain active until the developer has been released from any further obligation by City Council motion received in writing from the Engineering Department.

**Plat #19-103 10214 Regent Ave. N.
Windchime Trail 4th Addition**



Spring 2016 Air Photo.



Map Date February 14, 2019

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Land Use Plan	Low Density Residential and Parks and Open Space	
Current Zoning	Detached Single-Family Residential District (R2B) (house) Conservancy District (CD) (park property)	
Surrounding Zoning	North – Conservancy District (CD) South, East, and West – Detached Single-Family Residential District (R2B)	
Neighborhood	Founders	
Lot Areas	Existing	Proposed
Residential Lot	21,791 ft ²	27,088 ft ²
Park Lot	9,560 ft ²	4,263 ft ²
Conforms to:	Land Use Plan – Yes Zoning Code – Yes Variances Needed – None	
Notification	53 Mailed Notices 1 Proposed Development Sign SunPost Legal Notices	

UNAPPROVED MINUTES
MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting - March 13, 2019

1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Hanson, Herbers, Husain, Kiekow, Kisch, Mersereau, Mohamed, Vosberg; Senior City Planner Larson; Planning Director Sherman; Council Member Liaison West-Hafner. Those not present were: Commissioner Morton-Spears.

6. PUBLIC HEARING

- A. “Windchime Trail 4th Addition” (Kevin Ahlstrom) – Replat #19-103 of current residential property to add new land acquired from the City at 10214 Regent Avenue North.**

Senior Planner Larson introduced the application for the site of a single-family house located at the northern edge of Regent Avenue, north of 101st Avenue. He pointed to a sliver of land, directly next to the site, originally set aside as park dedication from the two plats in the immediate area. He stated there is a trail that connects Regent Ave with the Rush Creek Regional Trail Corridor. He explained that Regent Ave, a collector roadway, has a bridge over Highway 610 that was created so residents to the north could easily access the trail from Regent Ave. He described the park land as wooded except for the eastern corner that was clear of trees when it was platted. He stated the previous owners of the single-family house thought said eastern corner was a part of their property. He noted the previous owner built a fire pit patio ring in that area. He stated the house recently went on the market, and the new property owner wanted to install a swimming pool which led to the discovery of the encroachment. He explained that both the Recreation and Parks Advisory Committee and City Council reviewed the request in 2018 and agreed to sell the cleared portion of the park land, but the trail and most of the wooded portion would be retained. He added this would allow the new property owner to install a swimming pool. He explained the Planning Commission is to review the plat that shifts the property line of the single-family home parcel to the west. Staff recommends approval.

Kevin Ahlstrom, the applicant, introduced himself as a new resident of Brooklyn Park. He noted his family is excited to move forward with their plans. He offered to answer any questions.

Commissioner Chair Hanson opened the public hearing.

Seeing no one approach the podium, Commissioner Chair Hanson closed the public hearing.

Commissioner Mersereau asked for the distance between the edge of the trail and the proposed property line. Senior Planner Larson answered the distance is 40 feet, give or take since the trail isn't straight.

Commissioner Mohamed stated he is satisfied with the distance from the trail.

MOTION MOHAMED, SECOND MERSEREAU TO RECOMMEND APPROVAL OF PLAT #19-103 FOR “WINDCHIME TRAIL 4TH ADDITION” AT 10214 REGENT AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

Commissioner Kiekow asked if a privacy fence will be allowed along the pathway when the swimming pool is constructed.

Senior Planner Larson answered a fence is required with a pool, and a property owner can fence anywhere on their yard. He explained the fence will not be on the park property.

Commissioner Kiekow asked for clarification that the fence could be a tall privacy fence.

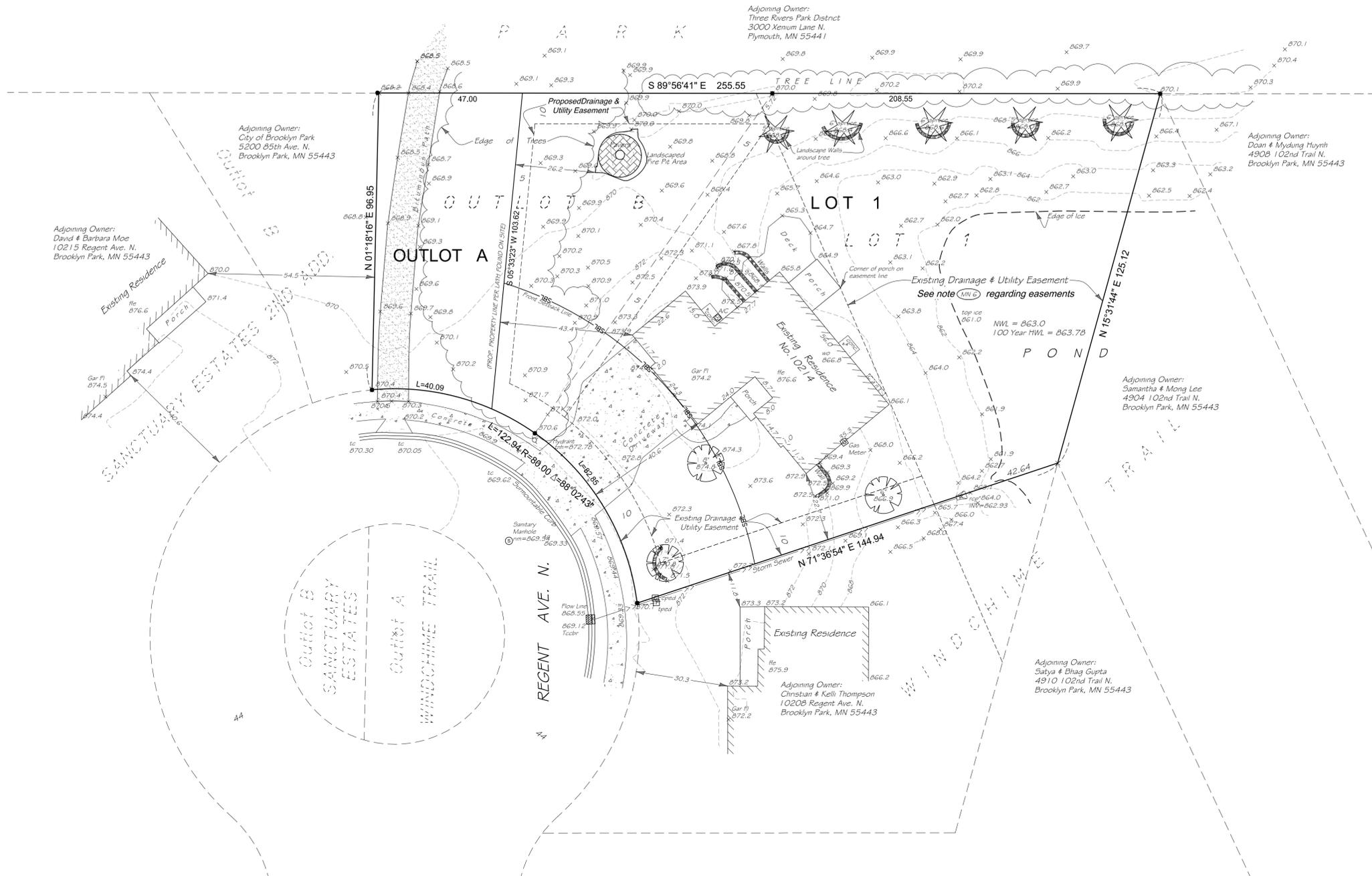
Senior Planner Larson confirmed yes.

MOTION CARRIED UNANIMOUSLY.

Planning Director Sherman stated this application would be reviewed by City Council on Mar. 25.

Commissioner Mohamed, Commissioner Chair Hanson and Commissioner Mersereau welcomed Mr. Ahlstrom to Brooklyn Park.

PRELIMINARY PLAT PREPARED FOR:
KEVIN AHLSTROM
 9832 Rosemill Circle, Champlin, MN



Legend of Symbols and Abbreviations

- Denotes Found Iron Monument
- Denotes Iron Monument Set
- ⊗ Bollard
- ⊛ Light
- ⊕ Power Pole
- Manhole
- ⊙ Catch Basin
- Denotes Existing Contours

Legal Description

Lot 1, Block 1 and Outlot B, WINDCHIME TRAIL, Hennepin County, Minnesota.
 (both parcels are abstract property)

Zoning & Development Information

ZONING CLASSIFICATION AND STANDARDS:
 Current and Proposed Zoning - R-2B, Detached Single-Family Residential District
 Setback Requirements per Zoning Ordinance:
 Main Structure Only
 Front - 40 feet (with sidewalk)
 Interior Side - 7.5 feet
 Rear - 30 feet
 (refer to City Code for more specifics)
 Minimum Lot Requirements:
 Lot Area - 11,475 sq.ft
 Lot Width - 85 feet
 Lot Depth - not listed
 Building Height - 3 stories or 40 feet.

PROPOSED LOT INFORMATION

Proposed Number of Lots = 2
 Area of Lot 1, Block 1 = 27088 sq.ft
 Area of Outlot A = 4283 sq.ft

Personnel & Contact Information

Current Owners: Outlot B, Windchime Trail: City of Brooklyn Park	Developer: Kevin Ahlstrom 9832 Rosemill Circle Champlin, MN phone 612-327-8790 kkaahlstrom@comcast.net	Prepared By: Demarc Land Surveying & Engineering 7601 73rd Avenue N. Brooklyn Park, MN 55428 phone 763-560-3093 gregprasch@demarcinc.com
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Miscellaneous Notes

- (MN 1) Title commitment showing property description and encumbrances of record not provided.
- (MN 2) Address: Lot 1, Blk 1, Windchime Trail: 10214 Regent Ave. N. PID No. 04.119.21.44.0042
 Address: Outlot B, Windchime Trail: Address unassigned PID No. 04.119.21.44.0060
- (MN 3) Total Area of Parcels = 31351 sq.ft
- (MN 4) Benchmark: Top nut of hydrant located at end of cul de sac on Regent Ave. N.
 Elevation = 672.76 feet
- (MN 5) Property is in Flood Zone "X" (an area of minimal flooding per FEMA Map No. 27053C088F, dated November 4, 2016).
- (MN 6) All Current drainage and utility easements to be vacated and rededicated on final plat, refer to final plat for new locations.
- (MN 7) Dimensions shown subject to change with approval of final survey.
- (MN 8) No new construction or earth moving work is proposed at this time.
- (MN 9) Area of Existing Outlot B going to Proposed Lot 1 = 5296 sq.ft

PRELIMINARY PLAT

WINDCHIME TRAIL 4TH ADDITION

I certify that this plan, specification, or report 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.
 Prepared January 18, 2019.
 Revised 2/14/19 City comments



Signed *Gregory R. Prasch*
 Gregory R. Prasch, Minn. Reg. No. 24992

City of Brooklyn Park Request for Council Action

Agenda Item:	7.1	Meeting Date:	March 25, 2019
Agenda Section:	General Action Items	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Marlene Kryder, Program Assistant
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Mayor Jeffrey Lunde
Item:	Appointment Correction to the Budget Advisory Commission		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO APPOINT TRELAWNY GRANT TO THE BUDGET ADVISORY COMMISSION REPRESENTING THE EAST DISTRICT EFFECTIVE APRIL 1, 2019 FOR A THREE-YEAR TERM TO EXPIRE APRIL 1, 2022. (Replacing Sandra Stearn)

Overview:

After reviewing the voting sheets for the commission appointments, it was discovered that an error was made on the East District appointment for the Budget Advisory Commission. This action corrects that appointment.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments: N/A