

REGULAR COUNCIL MEETING – AGENDA #17

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

3B.1 Mayor's Proclamation of April 22, 2019 as "Youth in Government Day"

A. PROCLAMATION

3B.2 Dr. Katherine Meerse / Brooklyn Avenues Update

3B.3 Mayor's Proclamation of April 25, 2019 as "From Statistics to Solutions Day"

A. PROCLAMATION

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 CIP3001-19 Sanitary Sewer Lining

A. RESOLUTION

B. LOCATION MAP

4.2 Approve No Parking Resolution for Both Sides of 101st Avenue North between Jefferson Highway and Future Xylon Avenue; CIP 4042-19

A. RESOLUTION

B. LOCATION MAP

4.3 Authorize Approval of Appraised Values, Offers for Compensation, and Acquisition by Eminent Domain for CIP 4042-19, TH 169/101st Avenue Interchange

A. RESOLUTION

- B. LOCATION MAP
 - C. PARCEL MAP
- 4.4 Approval the Removal of the Administrative Fee Portion of the Lease-use Agreement between the City, the State, and Second Harvest Heartland and Approve an Alternative Fee Agreement
 - A. RESOLUTION
 - B. PAYMENT IN LIEU OF TAXES AGREEMENT
- 4.5 "Samara Circle" (Josh and John Ahlquist) – Time Extension for Preliminary Plat #18-104 to Subdivide Two Residential Lots into Five Lots at 7630 and 7646 Riverdale Drive
 - A. RESOLUTION
 - B. LOCATION MAP
 - C. LETTER FROM APPLICANT
- 4.6 Approval of Leave Donation Policy
 - A. RESOLUTION
 - B. 7.07 LEAVE DONATION POLICY
- 4.7 Approve the Issuance of a Lawful Gambling Premises Permit for Champlin Park Youth Hockey Association at Pear Two Inc dba Roasted Pear, 9690 Colorado Lane North, Brooklyn Park
 - A. RESOLUTION
- 4.8 Authorize the Renewal of the Microsoft Enterprise Agreement
 - A. RESOLUTION

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

None

6. LAND USE ACTIONS

- 6.1 Broadway Square (CMFG/Mohagen Hansen Architecture | Interiors) – Conditional Use Permit #19-104 for a Drive-Thru at 8479 West Broadway Avenue
 - A. RESOLUTION
 - B. LOCATION MAP
 - C. PLANNING AND ZONING INFORMATION
 - D. PHOTOS
 - E. PLANNING COMMISSION MINUTES
 - F. LETTER FROM PUBLIC
 - G. LETTER FROM APPLICANT
 - H. PLANS
- 6.2 City of Brooklyn Park – Code Amendment #19-105 for Veterinary Clinics
 - A. ORDINANCE
 - B. PLANNING COMMISSION MINUTES
- 6.3 Property Conveyance to MNDOT for the Highway 169/101st Avenue Interchange
 - A. ORDINANCE
 - B. LOCATION MAP

7. GENERAL ACTION ITEMS

- 7.1 Approve Supplemental Letter of Agreement No. 24 with SRF Consulting Group, Inc. to Provide Environmental Consulting Services for the Trunk Highway 169 / 101st Avenue Interchange; CIP 4042-19
 - A. RESOLUTION
 - B. SUPPLEMENTAL LETTER AGREEMENT NO. 24
 - C. PARCEL TAKINGS MAP

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

- 8.1 Presentation and Discussion of Cities United Youth Tobacco Prevention Project Report
 - A. BROOKLYN PARK YOUTH TOBACCO PREVENTION PROJECT EXECUTIVE SUMMARY

- B.** CITY OF BROOKLYN PARK DEMOGRAPHICS & CHRONIC DISEASE DATA –
SEPTEMBER 2018
- C.** BROOKLYN PARK TOBACCO ORDINANCE REVIEW – MAY 2018
- D.** CITIES UNITED YOUTH TOBACCO PREVENTION REPORT
- E.** BYC – CITY OF BROOKLYN PARK TOBACCO POLICY RECOMMENDATIONS

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:	3B.1	Meeting Date:	April 22, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Recreation and Parks
Resolution:	N/A	Prepared By:	Pam McBride, Youth Services Coordinator
Ordinance:	N/A		
Attachments:	1	Presented By:	Council Member Pha and Pam McBride
Item:	Mayor's Proclamation of April 22, 2019 as "Youth in City Government Day"		

City Manager's Proposed Action:

The Mayor shall proclaim April 22, 2019, as "Youth in City Government Day" by one of the following:

1. "I, Jeffrey Lunde, Mayor of the City of Brooklyn Park, Minnesota do hereby proclaim April 22, 2019, to be "Youth in City Government Day" in the City of Brooklyn Park.

OR

2. By reading the proclamation.

Overview:

Youth represent a significant population in the City of Brooklyn Park and their voices, opinions and participation are instrumental and valuable to the government process. The City of Brooklyn Park recognizes that public policies and decisions impact the lives of youth every day and that there is a continued and evolving need to identify strategies that add to the quality of life for youth and families in our community.

Recognizing youth's contributions to the community, a special day for their engagement was inspired by cities across the nation called "Youth in City Government Day" (YICGD). Started in Brooklyn Center and Brooklyn Park through the initiative of former Brooklyn Park City Council Member Rich Gates, this event was created to welcome young people into the processes and structure of local government, whose work directly impacts their lives every day. By equipping young people with the understanding of how their communities work and how decisions are made, the City hopes to cultivate and equip young people to become engaged, active and informed citizens. The City recognizes that the best way to learn the processes and systems of the City is to experience them.

Specifically, YICGD offers young people the opportunity to get an inside look into how cities operate, and a chance to be paired with an elected official or decision maker to actively learn about local government and participate in a public City Council meeting. Young people will be paired with a mentor, such as a Department Director or an elected representative (Mayor or City Council Member), to learn more about their role and function within the city. The young people will engage in facilitated conversations bringing questions to decision makers and, in return, an opportunity for decision makers to ask young people questions will be provided. The youth are given a tour of City Hall, Community Activity Center, Fire or Police Departments, Operations and Maintenance and Water Treatment Facilities.

By allowing students a fun and unique opportunity to actively participate in the government process and by providing them with an experiential understanding of how decisions are made, the City of Brooklyn Park hopes

to cultivate and equip young people to become engaged, active and informed residents and future leaders of the community.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.1A PROCLAMATION

Youth in City Government Day

PROCLAMATION

DECLARING APRIL 22, 2019 AS “YOUTH IN CITY GOVERNMENT DAY” IN BROOKLYN PARK, MINNESOTA

WHEREAS, youth represent a significant population in the City of Brooklyn Park and their voices, opinions and participation are instrumental and valuable to the government process; and

WHEREAS, the City of Brooklyn Park recognizes that public policies and decisions impact the lives of youth every day and that there is a continued and evolving need to identify strategies that meet the identified needs of youth and families in our community; and

WHEREAS, by allowing students a fun and unique opportunity to actively participate in the government process and by providing them with an experiential understanding of how decisions are made, the City of Brooklyn Park hopes to cultivate and equip young people to become engaged, active and informed residents and future leaders of the community.

NOW, THEREFORE, I, Jeffrey Lunde, Mayor of the City of Brooklyn Park, Minnesota, do hereby proclaim Monday, April 22, 2019 as “Youth in City Government Day” in the City of Brooklyn Park.

Jeffrey Joneal Lunde, Mayor



5200 85th Avenue North
Brooklyn Park, MN 55443

City of Brooklyn Park

Request for Council Action

Agenda Item:	3B.2	Meeting Date:	April 22, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	John Kinara, Housing and Redevelopment Specialist
Ordinance:	N/A		
Attachments:	N/A	Presented By:	Kim Berggren, Community Development Director
Item:	Dr. Katherine Meerse / Brooklyn Avenues Update		

City Manager's Proposed Action:

Avenues for Homeless Youth Executive Director Dr. Katherine Meerse will present her annual update for Brooklyn Avenues Youth Shelter located at 7210 76th Avenue North, Brooklyn Park, and highlight specific accomplishments for the organization over the past four years.

Dr. Katherine Meerse joined Avenues for Homeless Youth as Executive Director in December 2017. Her previous work includes founding and leading Hennepin County's Better Together Hennepin teen pregnancy prevention initiative. The initiative focused on the eight cities in Hennepin County with the highest teen birth rates, which at that time included Brooklyn Park, Brooklyn Center, and Robbinsdale. In her nine years with Better Together Hennepin, the teen birth rate in Hennepin County dropped by 66%. Ms. Meerse subsequently led Hennepin County's efforts to reduce education disparities for youth receiving county services, working closely with several school districts including the Osseo, Anoka-Hennepin, and Robbinsdale districts. She has previously served on the leadership team of the Brooklyn Bridge Alliance for Youth. Katherine Meerse holds a Ph. D from the University of Minnesota and Bachelor of Arts from Allegheny College.

Overview:

Brooklyn Avenues is a 12-bed transitional housing program for homeless youth located in the City of Brooklyn Park. The building was constructed by the City of Brooklyn Park and leased to Avenues for Homeless Youth for \$1 per year. The actual program operations kicked off on February 6, 2015. The program provides a safe and stable shelter as well as transitional housing with intensive support services for homeless youth ages 16 through 21 from the northwestern suburbs.

Since 2015 to date, about 133 youth aged 16 through 21 have successfully lived and participated at the Brooklyn Avenues program. In addition, 202 youth accessed the emergency bed only. The data outcomes indicate that upon exiting this program, about 90% of the youth moved to stable housing by rejoining their families or finding their own housing.

Primary Issues/Alternatives to Consider:

- **What is the role of Avenues for Homeless Youth?**

Avenues signed a 10-year lease to operate the facility as a youth shelter and a transitional housing program. In this regard, Avenues also delivers directly or coordinates the delivery of supportive services to the youth. These services include the provision of basic needs, intensive case management, health and wellness care education, independent living skills training, as well as employment and education. In order to meet the legal requirements to operate the facility, Avenues maintains the necessary licenses from the state and city. In addition, Avenues manages the facility, including paying for utilities, general overhead costs as well as repairs. And finally, Avenues will manage capital improvement plans for the facility that may arise.

- **What is the role of EDA?**

The Brooklyn Park EDA maintains ownership of the facility. The facility provides space for offices, programming needs, meal preparation, sleeping beds and common space for the youth. Brooklyn Park EDA may also consider requests from Avenues for financial assistance with major capital improvements as they may arise.

Budgetary/Fiscal Issues: N/A

Attachments: N/A

City of Brooklyn Park

Request for Council Action

Agenda Item:	3B.3	Meeting Date:	April 22, 2019
Agenda Section:	Public Presentations/ Proclamations/Receipt of General Communications	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	N/A		
Attachments:	1	Presented By:	Jeffrey Lunde, Mayor
Item:	Mayor's Proclamation of April 25, 2019 as "From Statistics To Solutions Day"		

City Manager's Proposed Action:

The Mayor shall proclaim April 25, 2019 as "From Statistics To Solutions Day" by one of the following:

1. "I, Jeffrey Lunde, Mayor of the City of Brooklyn Park, Minnesota do hereby proclaim April 25, 2019 to be "From Statistics to Solutions Day" in the City of Brooklyn Park.

OR

2. By reading the proclamation.

Overview:

According to a survey conducted by the National Center on Addiction and Substance Abuse (CASA), 90 percent of Americans who meet the medical criteria for addiction started smoking, drinking or using other drugs before age 18.

A conference for social workers, drug and alcohol counselors, professional clinical counselors, nurses, educators, parents, law enforcement professionals and government officials will be held at the Hennepin Technical College.

This day-long conference on April 25 will address the underlying issues of youth substance use by collaborating with multiple different organizations.

Rose McKinney and Tracee Anderson from Know the Truth / MN Adult & Teen Challenge will be in attendance.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

3B.3A PROCLAMATION

PROCLAMATION

DECLARING APRIL 25, 2019 AS “FROM STATISTICS TO SOLUTIONS DAY”

WHEREAS, ninety percent of people who meet the medical criteria for addiction began using tobacco, alcohol and drugs including marijuana before age 18; and

WHEREAS, young people may have experienced consequences from drug and alcohol use; and

WHEREAS, young people need family and community support in their sobriety; and

WHEREAS, families can have a positive impact on a young person's recovery from addiction; and

WHEREAS, the community in Minnesota is focusing on solutions including prevention, treatment and recovery specific to young people; and

WHEREAS, Know the Truth, the substance abuse prevention program of Minnesota Adult and Teen Challenge, has conducted more than 12,000 presentations and connected with more than 400,000 students since it started in 2006. Each year, Know the Truth visits more than 160 high schools and middle schools throughout Minnesota; and

WHEREAS, Our Young Addicts annually connects with thousands of parents and addiction-treatment professionals through community events and online platforms to share experiences, resources and hope; and

WHEREAS, Know the Truth and Our Young Addicts have partnered together to co-host the fourth annual From Statistics to Solutions conference, in Brooklyn Park, Minnesota, to address the underlying issues of youth substance use and the effective treatment solutions for young people; and

WHEREAS, hundreds of licensed alcohol and drug counselors, social workers, school nurses, teachers, law-enforcement officers, government officials, parents and community leaders will convene in Brooklyn Park on April 25, 2019 to discuss and develop solutions.

NOW, THEREFORE, I, Jeffrey Lunde, Mayor of Brooklyn Park, Minnesota, do hereby proclaim that Thursday, April 25, 2019 shall be observed as “From Statistics to Solutions Day.”

Jeffrey Joneal Lunde, Mayor



5200 85th Avenue North
Brooklyn Park, MN 55443

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.1	Meeting Date:	April 22, 2019
Agenda Section:	Consent	Originating Department:	Operations and Maintenance Engineering Services Division
Resolution:	X	Prepared By:	Craig Runnakko, P.E., Construction Engineer
Ordinance:	N/A		
Attachments:	2	Presented By:	Jesse Struve, P.E. City Engineer
Item:	Accept Bids and Award Contract for CIP 3001-19 Sanitary Sewer Lining		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ ACCEPTING BIDS AND AWARDING CONTRACT TO MICHELS CORPORATION OF BROWNSVILLE, WISCONSIN FOR 2019 SANITARY SEWER CIPP LINING, CIP 3001-19.

Overview:

Project 3001-19 is a sanitary sewer and storm sewer lining project that will rehabilitate 16,733 feet of sanitary sewer and 1,238 feet of storm sewer in various locations in the city. The segments were constructed in the 1960s and 1970s and sanitary sewer pipes carry sewage to the Metropolitan Council Environmental Services (MCES) Brooklyn Park Interceptor pipe, and the storm sewer to various ponding areas or ditches. The pipes were recently inspected and the segments deemed in fair to poor condition, and the streets above are scheduled for bituminous overlay in the next five years. Like some of the more recent MCES sewer projects in the vicinity, this project will require a pumping bypass (conveyance) cut into and over the street in several areas. Therefore, a sewer rehabilitation project was planned so as to repair the utility lines before the street overlay. This sanitary and storm sewer lining is recommended to ensure the reliability of the sewer system in the southern part of the city.

Bids were opened on April 16, 2019, with three bids received. Bids ranged from \$733,902.50 to a high of \$1,561,773.00. Michels Corporation regularly works in the City of Brooklyn Park as a contractor for several different utilities. City staff recommends the City Council award the contract to Michels Corporation.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

The project is included in the adopted 2019-2023 Capital Improvement Plan (CIP) for a scheduled 2019 completion as project CIP 3001-19 and CIP 3708-19 with an estimated cost of \$1,500,000.00.

Attachments:

- 4.1A RESOLUTION
- 4.1B LOCATION MAP

RESOLUTION #2019-

RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
TO MICHELS CORPORATION FOR 2019 SANITARY SEWER CIPP LINING,
CIP 3001-19

WHEREAS, pursuant to an advertisement for bids for the following improvements, to wit:

CIP NO. 3001-19 – Sanitary Sewer CIPP Lining

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 + ALTERNATE</u>
MICHELS CORPORATION	\$ 733,902.50
INSITUFORM TECHNOLOGIES USA, LLC	\$ 823,156.40
LAMETTI AND SONS, INC.	\$1,561,773.00
Engineer's Estimate	\$1,014,165.75

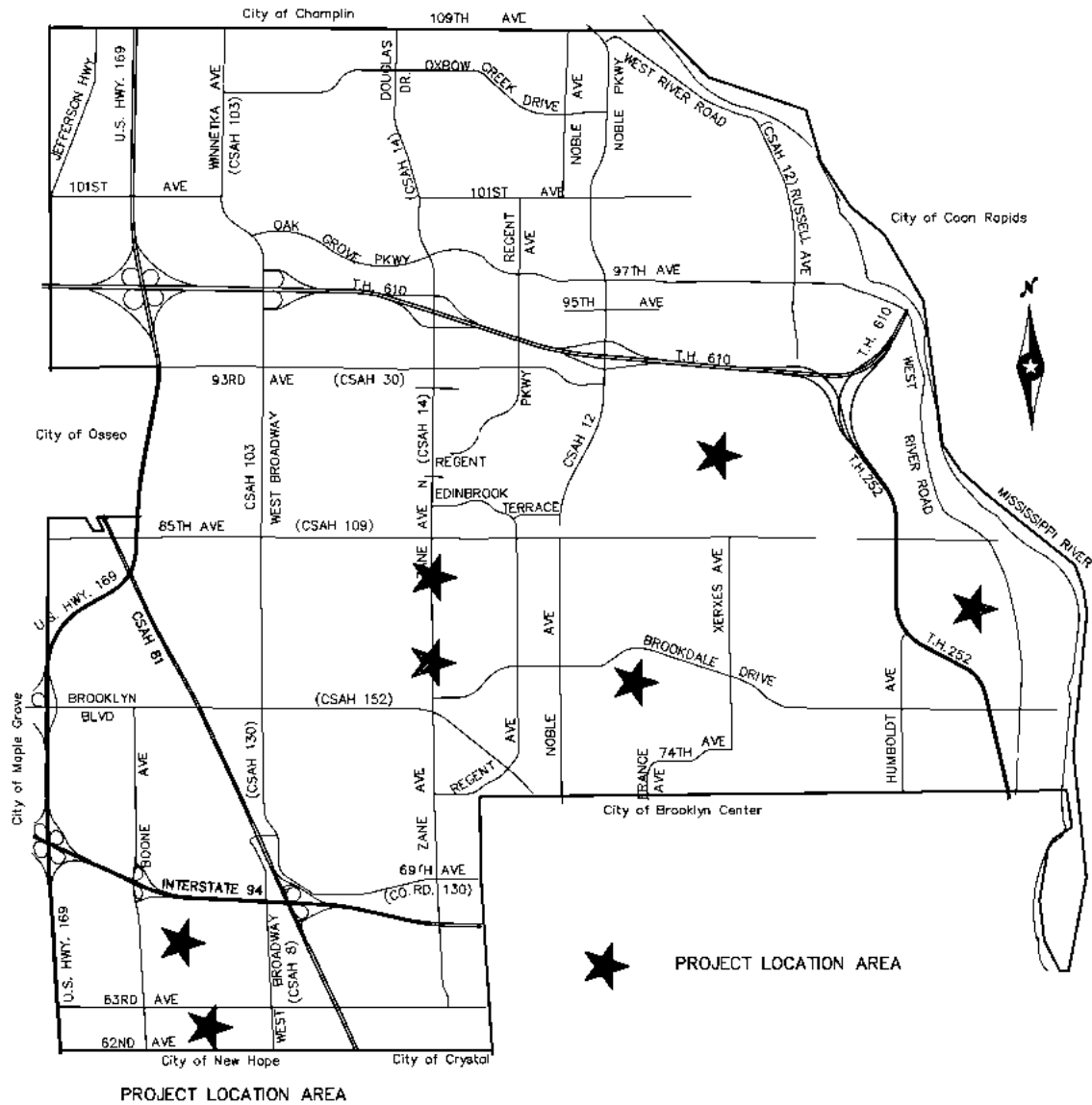
and

WHEREAS, the City Manager recommends award of contract to Michels Corporation of Brownsville, WI 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 Michels Corporation of Brownsville, WI 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.

CAPITAL IMPROVEMENT 3001-19 SANITARY SEWER LINING



Brooklyn Park

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City of Brooklyn Park

Request for Council Action

Agenda Item:	4.2	Meeting Date:	April 22, 2019
Agenda Section:	Consent	Originating Department:	Operations and Maintenance – Engineering Services Division
Resolution:	X	Prepared By:	Jeff Holstein, P.E., P.T.O.E. City Transportation Engineer
Ordinance:	N/A		
Attachments:	2	Presented By:	Jesse Struve, P.E., City Engineer
Item:	Approve No Parking Resolution for Both Sides of 101 st Avenue North between Jefferson Highway and Future Xylon Avenue; CIP 4042-19		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ APPROVING NO PARKING ALONG BOTH SIDES OF 101ST AVENUE NORTH BETWEEN JEFFERSON HIGHWAY AND FUTURE XYLON AVENUE; CIP 4042-19.

Overview:

The City is progressing toward the construction of a new interchange at the Highway 169 / 101st Avenue North junction. The design plans will also upgrade 101st Avenue North between Jefferson Highway and future Xylon Avenue to a multi-lane urban roadway with curb and gutter and pedestrian accommodations.

The project segment of 101st Avenue North is a Municipal State Aid (MSA) Roadway and an "A Minor Arterial" within the city's roadway system. Since the roadway is MSA, MnDOT requires the roadway to be constructed to a specific minimum width to accommodate on street parking. The proposed design does not provide adequate width to meet MSA standards and allow on street parking along 101st Avenue North between Jefferson Highway and future Xylon Avenue. This is consistent with the City's desire and classification of 101st Avenue. Thus, staff supports having both sides of the roadway designated for no parking.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

The City will not receive plan approval from MnDOT State Aid without the no parking resolution on this segment of 101st Avenue North. The City will also not be able to apply for Municipal State Aid funds for the construction or future maintenance of this roadway segment.

Attachments:

- 4.2A RESOLUTION
- 4.2B LOCATION MAP

RESOLUTION #2019-

RESOLUTION APPROVING NO PARKING ALONG BOTH SIDES OF 101ST AVENUE NORTH
BETWEEN JEFFERSON HIGHWAY AND FUTURE XYLON AVENUE; CIP 4042-19

WHEREAS, the Municipal Corporation of the City of Brooklyn Park, Minnesota, shall hereinafter be called the "City"; and

WHEREAS, the City has planned the improvement of a new interchange at the US Highway 169 / 101st Avenue junction and the upgrading of 101st Avenue North to a multi-lane urban roadway between Jefferson Highway and future Xylon Avenue in the City; and

WHEREAS, 101st Avenue North is a Municipal State Aid roadway (MSAS #129) and MSA funds may be expended on the improvements of this street; and

WHEREAS, this improvement does not provide adequate width for parking on both sides of the roadway and approval of the proposed construction as a Municipal State Aid Roadway project must therefore be conditioned upon certain parking restrictions.

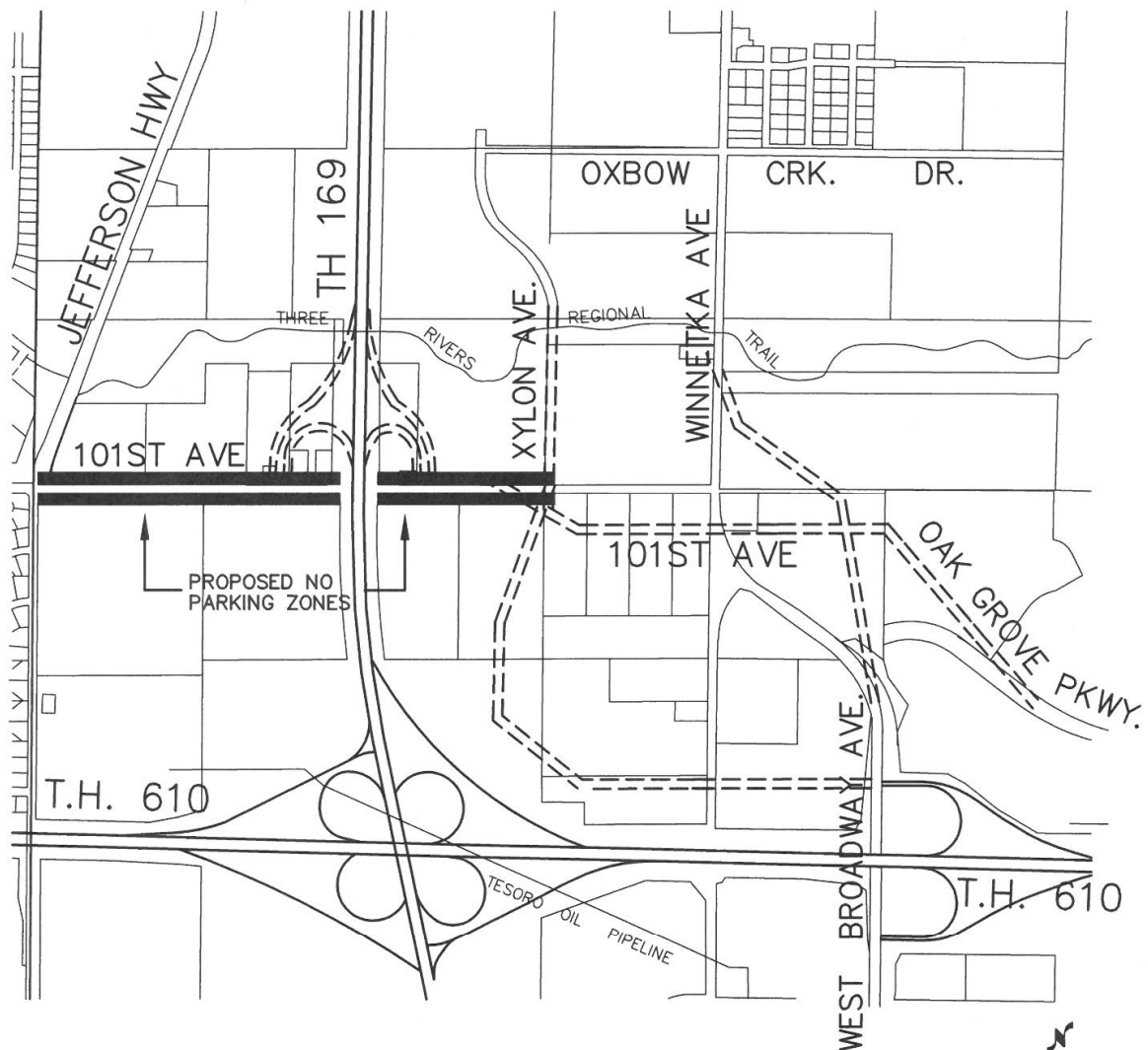
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park.

1. The Mayor and Manager are hereby authorized and directed to establish a no parking zone along both sides of 101st Avenue North between Jefferson Highway and future Xylon Avenue.

LOCATION MAP

PROHIBITION OF ON STREET

PARKING ALONG 101ST AVE. NORTH



- ==** - PROPOSED NO PARKING ZONES
- - FUTURE PLANNED ROADWAYS



NO SCALE

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.3	Meeting Date:	April 22, 2019
Agenda Section:	Consent	Originating Department:	Operations and Maintenance - Engineering Services Division
Resolution:	X	Prepared By:	Jeff Holstein, P.E., P.T.O.E. City Transportation Engineer
Ordinance:	N/A		
Attachments:	3	Presented By:	Jesse Struve, City Engineer
Item:	Authorize Approval of Appraised Values, Offers for Compensation, and Acquisition by Eminent Domain for CIP 4042-19, TH 169/101 st Avenue Interchange		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ AUTHORIZING APPROVAL OF APPRAISED VALUES, OFFERS FOR COMPENSATION, AND ACQUISITION BY EMINENT DOMAIN FOR CIP 4042-19, TH 169/101ST AVENUE INTERCHANGE.

Overview:

Starting in 2013, the City Council has taken several actions confirming Brooklyn Park's participation in the construction and right of way (ROW) acquisition of an interchange on TH 169 at 101st Avenue. In July 2018, the City Council approved retaining consultants to prepare final design plans and specifications and to provide right of way acquisition services for the interchange project.

The City will soon be receiving the final appraisals for the required right of way needs of the project. Once the appraisals are finalized, the consultant hired for right of way acquisition (WSB) will use the appraisals to make initial offers to the affected properties. These offers will be based on the independent appraisals for the fair market value of the property including severance damages (where required). Staff anticipates formal offers to be sent out in late May. During this time, staff will engage with the property owners who expressed interest in having the City fully purchase their properties.

Staff is hopeful to reach negotiated settlements with all property owners to obtain the right of way needed for the project. If the City cannot reach agreements with all affected parties, the City may need to use condemnation to obtain the required right of way to maintain the project schedule. Due to project time constraints, staff is requesting the Council to approve the attached resolution allowing staff and consultants to make initial offers and proceed with eminent domain proceedings if a reasonable negotiated settlement cannot be reached with each property owner.

Condemnation will only be used as a last resort and can only be used to obtain the right of way needed for the project. The expenditure of funds in the form of settlement payments to individual property owners will require future City Council action.

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues:

Project No. 4042-19 is included in the City's 2019-2023 Capital Improvement Plan. Funding is planned to come from the City's EDA, special assessments and grants.

Attachments:

- 4.3A RESOLUTION
- 4.3B LOCATION MAP
- 4.3C PARCEL MAP

RESOLUTION #2019-

RESOLUTION AUTHORIZING APPROVAL OF APPRAISED VALUES,
OFFERS FOR COMPENSATION, AND ACQUISITION BY
EMINENT DOMAIN FOR CIP 4042-19, TH 169/101ST AVENUE INTERCHANGE

WHEREAS, the City of Brooklyn Park is a municipal corporation organized and operating under Minnesota law, and is authorized by Section 11.01 of its City Charter, and by Minnesota Statutes Section 465.01, to acquire private property for an authorized public purpose, using the procedure prescribed by Minnesota Statutes, Chapter 117; and

WHEREAS, in cooperation with the Minnesota Department of Transportation ("MnDOT"), the City has undertaken a project known as the Trunk Highway 169/101st Avenue Interchange Project, City Project CIP 4042-19 (the "Project") and by Resolution #2019-49, the City Council approved proceeding with the Project; and

WHEREAS, the Project involves the construction of an interchange at Trunk Highway ("TH") 169 and 101st Avenue; and

WHEREAS, the City is responsible for obtaining the necessary right of way for the Project; and

WHEREAS, the City and MnDOT agree that the current northbound and southbound right in/right out access at the Project location needs to be removed and that the ultimate design of this junction should be a full movement folded diamond type interchange with auxiliary lanes along TH 169 between TH 610 and 101st Avenue; and

WHEREAS, the interchange is included in the City's 2019-2023 Capital Improvement Plan, the City's Comprehensive Plan and the State Transportation Improvement Plan; and

WHEREAS, the need for the interchange is significant for safety and congestion reduction reasons and is expected to become an even greater need following the development of the northwest area of Brooklyn Park; and

WHEREAS, it is necessary to acquire real property interests, as described in Exhibit A, attached hereto, in furtherance of the Project (collectively the "Real Property Interests"); and

WHEREAS, the City Council finds that it is reasonably necessary, proper, and convenient, and in the interest of the general welfare that the City acquire title to and possession of the Real Property Interests in furtherance of the Project; and

WHEREAS, the City has engaged an independent real estate appraiser to provide the City with the appraiser's opinion of damages caused by the City's acquisition of the Real Property Interests needed for the Project; and

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

WHEREAS, the City needs to acquire the Real Property Interests before bids can be let for the construction of the Project; and

WHEREAS, the Project is scheduled to commence construction during the 2019 construction season.

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

1. That the acquisition by the City of the Real Property Interests described on Exhibit A is necessary and for a public purpose in furtherance of the Project;
2. That the proper City officers and agents are authorized and directed to acquire the Real Property Interests needed for the Project by voluntary negotiation and, if necessary, through the exercise of the power of eminent domain;
3. That the City Engineer is authorized to approve the appraised value for the Real Property Interests if the City Engineer determines that the independent appraisals adequately reflect the fair market value thereof for the purposes of Minn. Stat. § 117.042;
4. That the proper City officers and agents are authorized and directed to extend offers of compensation to the respective landowners for the Real Property Interests needed for the Project consistent with the independent appraisals, and to attempt to negotiate the voluntary acquisition of the Real Property Interests;
5. That the City Council deems it necessary in order to meet the anticipated construction schedule for the Project to acquire title to and possession of the Real Property Interests before the filing of a final report of commissioners;
6. That the law firm of Kennedy & Graven, Chartered is authorized and directed to take all steps necessary on behalf of the City to acquire the Real Property Interests through eminent domain, pursuant to Minn. Stat. Chapter 117, if not timely acquired by voluntary negotiation, including filing an action in eminent domain and using the quick take procedure under Minn. Stat. § 117.042;
7. That the City Attorney and city staff are further authorized to take all actions necessary and desirable to carry out the purposes of this resolution, and the Mayor and City Manager are authorized to execute rights of entry agreements as necessary for obtaining survey, appraisal and geotechnical information for the Project.

EXHIBIT A

Owner: David & Bridget Strootman
Location: City of Brooklyn Park
Address: 9024 101st Avenue North
PID No: 06-119-21-33-0009
Parcel No: 1
Project No: 012336-000
Date: March 1, 2019

Landowner's Property

That part of the South 660 feet of that part of the Southwest Quarter of the Southwest Quarter, Section 6, Township 119, Range 21 lying Easterly of the Westerly right of way line of United States Highway No. 52, according to the Government Survey thereof.

Which lies West of the following described line:

Commencing at the Southwest corner of said Section 6, thence on an assumed bearing of North 89 degrees 07 minutes 55 seconds East along the South line of the Southwest Quarter of said Section 6 a distance of 858.31 feet to the point of beginning of the line to be described; thence North 00 degrees 07 minutes 53 seconds East a distance of 660.10 feet to the North line of the South 660 feet of the Southwest Quarter of said Section 6 and there terminating, Hennepin County, Minnesota.

Description of Highway Right-of-Way (Permanent Easement)

Right-of-way (permanent easement) for highway purposes over, under, and across a portion of the Landowner's Property, lying southwesterly of the following described line:

Commencing at the southwest corner of said Section 6; thence North 89 degrees 58 minutes 16 seconds East, assumed bearing, along the south line of said Section 6, 169.95 feet; thence North 00 degrees 01 minutes 44 seconds West, 40.00 feet to the northerly right of way line of 101st Avenue North and the point of beginning of the line to be described; thence North 41 degrees 30 minutes 40 seconds West, 75.93 feet to the easterly right of way line of Jefferson Highway North, said line there terminating.

Description of Permanent Drainage and Utility Easement

Commencing at the southwest corner of said Section 6; thence North 89 degrees 58 minutes 16 seconds East, assumed bearing, along the south line of said Section 6, 169.95 feet; thence North 00 degrees 01 minutes 44 seconds West, 40.00 feet to the northerly right of way line of 101st Avenue North; thence North 89 degrees 58 minutes 16 seconds East, 405.15 feet along said northerly right of way line to the point of beginning of the land to be described; thence North 00 degrees 01 minutes 44 seconds West, 18.00 feet; thence North 89 degree 58 minutes 16 seconds East, 32.00 feet; thence South 00 degrees 01 minutes 44 seconds East, 18.00 feet to said northerly right of way line; thence South 89 degrees 58 minutes 16 seconds West, 32.00 feet along said northerly right of way line to the point of beginning.

Description of Temporary Grading Easement

Commencing at the southwest corner of said Section 6; thence North 89 degrees 58 minutes 16 seconds East, assumed bearing, along the south line of said Section 6, 169.95 feet; thence North 00 degrees 01 minutes 44 seconds West, 40.00 feet to the northerly right of way line of 101st Avenue North and the point of beginning; thence North 41 degrees 30 minutes 40 seconds West, 6.67 feet; thence North 89 degrees 58 minutes 16 seconds East, 693.66 feet; thence South 00 degrees 58 minutes 14 seconds West, 5.00 feet

to said northerly right of way line; thence South 89 degrees 58 minutes 16 seconds West, along said northerly line, 689.06 feet to the point of beginning.

Owner: Dale Properties LLC
Location: City of Brooklyn Park
Address: Address Unassigned
PID No: 07-119-21-22-0003
Parcel No: 2
Project No: 012336-000
Date: March 22, 2019

Landowner's Property

The Northwest Quarter of the Northwest Quarter and the North 118.10 feet of the Southwest Quarter of the Northwest Quarter of Section 7, Township 119, Range 21, Hennepin County, Minnesota.

Description of Highway Right-of-Way (Permanent Easement)

Right-of-way (permanent easement) for highway purposes over, under, and across a portion of the Landowner's Property, lying northerly and westerly of the following described line:

Beginning at the northwest corner of said Northwest Quarter of the Northwest Quarter; thence South 00 degrees 23 minutes 41 seconds West, assumed bearing, along the west line of said Northwest Quarter of the Northwest Quarter, 289.01 feet; thence North 89 degrees 58 minutes 16 seconds East, 95.80 feet to the easterly right of way line of Jefferson Highway North; thence continuing North 89 degrees 58 minutes 16 seconds East, 369.04 feet; thence North 00 degrees 01 minutes 44 seconds West, 243.61 feet; thence North 89 degrees 56 minutes 53 seconds East, 846.24 feet to the east line of said Northwest Quarter of the Northwest Quarter; thence North 00 degrees 20 minutes 24 seconds East along said east line 45.05 feet to the north line of said Northwest Quarter of Northwest Quarter; thence South 89 degrees 58 minutes 16 seconds West along said north line 1309.23 feet to the point of beginning.

Description of Permanent Drainage and Utility Easement

Commencing at the northwest corner of said Northwest Quarter of the Northwest Quarter; thence North 89 degrees 58 minutes 16 seconds East, assumed bearing, along the north line of said Northwest Quarter of the Northwest Quarter 574.58 feet; thence South 00 degrees 01 minutes 44 seconds East, 45.35 feet to the point of beginning of the land to be described; thence South 00 degrees 15 minutes 19 seconds West, 38.00 feet; thence North 89 degrees 56 minutes 53 seconds East, 32.00 feet; thence North 00 degrees 15 minutes 19 seconds East 38.00 feet; thence South 89 degrees 56 minutes 53 seconds West, 32.00 feet to the point of beginning.

Description of Temporary Grading Easement

All that part of the landowner's property described as follows:

Commencing at the northwest corner of said Northwest Quarter of the Northwest Quarter; thence South 00 degrees 23 minutes 41 seconds West, assumed bearing, along the west line of said Northwest Quarter of the Northwest Quarter, 289.01 feet; thence North 89 degrees 58 minutes 16 seconds East, 95.80 feet to the easterly right of way line of Jefferson Highway North; thence continuing North 89 degrees 58 minutes 16 seconds East, 369.04 feet; thence North 00 degrees 01 minutes 44 seconds West, 174.00 feet to the point of beginning of the land to be described; thence continuing North 00 degrees 01 minutes 44 seconds West, 69.61 feet; thence North 89 degrees 56 minutes 53 seconds East, 846.24 feet to the east line of said

Northwest Quarter of the Northwest Quarter; thence South 00 degrees 20 minutes 24 seconds along said east line, 44.95 feet; thence South 89 degrees 58 minutes 16 seconds West, 618.47 feet; thence South 00 degrees 01 minutes 44 seconds East, 25.00 feet; thence South 89 degrees 58 minutes 16 seconds West, 227.47 feet to the point of beginning.

Owner: Crossroads Alliance Church

Location: City of Brooklyn Park

Address: 9000 101st Avenue North

PID No: 06-119-21-33-0008

Parcel No: 3

Project No: 012336-000

Date: March 1, 2019

Landowner's Property

Par 1: The South 660 feet of that part of the Southwest Quarter of the Southwest Quarter, Section 6, Township 119, Range 21 lying Easterly of the following described line:

Commencing at the Southwest corner of said Section 6, thence on an assumed bearing of North 89 degrees 07 minutes 55 seconds East along the South line of the Southwest Quarter of said Section 6, a distance of 858.31 feet to the point of beginning of the line to be described; thence North 00 degrees 07 minutes 53 seconds East a distance of 660.10 feet to the North line of the South 660 feet of the Southwest Quarter of said Section 6 and there terminating.

Par 2: The West Half of the West Half of the Southeast Quarter of the Southwest Quarter, except the North 340 feet thereof, Section 6, Township 119, Range 21, and excepting road, all according to the United States Government Survey thereof.

Description of Permanent Drainage and Utility Easement

That part of the Landowner's Property described as follows:

The north 38.00 feet of the south 78.00 feet of the east 70.00 feet of the west 89.70 feet of said West Half of the West Half of the Southeast Quarter of the Southwest Quarter.

Together with:

The north 25.00 feet of the south 65.00 feet of the west 30.00 feet of the east 143.21 feet of said West Half of the West Half of the Southeast Quarter of the Southwest Quarter.

Description of Temporary Grading Easement

The north 15.00 feet of the south 55.00 feet of said West Half of the West Half of the Southeast Quarter of the Southwest Quarter, together with the north 5.00 feet of the south 45.00 feet of the south 660 feet of that part of the Southwest Quarter of the Southwest Quarter of said Section 6 lying easterly of the following described line:

Commencing at the southwest corner of said Section 6, thence on an assumed bearing of North 89 degrees 07 minutes 55 seconds East, along the south line of the Southwest Quarter of said Section 6, 858.31 feet to the point of beginning of the line to be described; thence North 00 degrees 07 minutes 53 seconds East, 660.10 feet to the north line of the south 660.00 feet of the Southwest Quarter of said Section 6 and there terminating.

Owner: Five Sons / Two Daughters LLC
Location: City of Brooklyn Park
Address: 8901 101st Avenue North
PID No: 07-119-21-21-0001
Parcel No: 4
Project No: 012336-000
Date: March 1, 2019

Landowner's Property

The Northeast Quarter of the Northwest Quarter of Section 7, Township 119, Range 21, Hennepin County, Minnesota, except that part thereof described as follows:

All that part of the following described tract: The East Quarter of the Northeast Quarter of the Northwest Quarter of Section 7, Township 119, Range 21 West; which lies easterly of a line run parallel with and distant 184 feet westerly of the following described line:

Beginning at a point on the north line of said section 7, distant 75.02 feet west of the north Quarter corner thereof; thence run southerly at an angle of 88 degrees 52 minutes 30 seconds with said north section line (when measured from west to south) for 218.91 feet; thence deflect to the left on a 0 degree 45 minute curve (Delta angle 12 degrees 48 minutes 35 seconds) for 1,707.96 feet and there terminating.

EXCEPT

That part of Tract A described below:

Tract A. That part of the Northeast Quarter of the Northwest Quarter of Section 7, Township 119 North, Range 21 West, Hennepin County, Minnesota, which lies westerly of the westerly right of way line of Trunk Highway No. 169 as now located and established, and southerly of the southerly right of way line of the public road running along the north line of said Section 7; which lies northerly of Line 1 described below:

Line 1. From a point on Line 2 described below, distant 92.50 feet southerly of its point of beginning, run westerly at right angles to said Line 2 for 184 feet to the point of beginning of Line 1 to be described; thence run northwesterly to a point distant 70 feet southerly (measured at right angles) of a point on the north line of said Section 7, distant 325.02 feet westerly of the north quarter corner thereof; thence run westerly to a point distant 40 feet southerly (measured at right angles) of a point on the north line of said Section 7, distant 975.02 feet west of the north quarter corner thereof; thence run northerly to a point on the north line of said Section 7, distant 975.02 feet west of the north quarter corner thereof and there terminating;

Line 2. Beginning at a point on the north line of said Section 7, distant 75.02 feet west of the north quarter corner thereof; thence run southerly at an angle of 88 degrees 52 minutes 30 seconds from said north section line (measured from west to south) for 200 feet and there terminating.

Description of Highway Right-of-Way (Fee Acquired)

Right-of-way (fee acquired) for highway purposes over, under, and across a portion of the Landowner's Property, lying northerly and easterly of the following described line:

Commencing at the northeast corner of said Northeast Quarter of the Northwest Quarter; thence South 00 degrees 17 minutes 06 seconds West, assumed bearing, along the east line of said Northeast Quarter of the Northwest Quarter, 150.00 feet; thence South 89 degrees 58 minutes 16 seconds West, 261.32 feet to the westerly right of way line of United States Trunk Highway 169 and the point of beginning of the line to be described; thence continuing South 89 degrees 58 minutes 16 seconds West, 687.96 feet; thence North 00 degrees 03 minutes 07 seconds West, 92.57 feet; thence North 85 degrees 11 minutes 24 seconds West, 112.29 feet; thence South 89 degrees 56 minutes 53 seconds West, 247.51 feet to the west line of said Northeast Quarter of the Northwest Quarter and said line there terminating.

Description of Permanent Drainage and Utility Easement

Permanent Easement for Drainage and Utility purposes over, under, and across a portion of the Landowner's Property described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Northwest Quarter; thence South 89 degrees 58 minutes 16 seconds West, assumed bearing, along the north line of said Northeast Quarter of the Northwest Quarter, 1128.62 feet; thence South 00 degrees 01 minutes 44 seconds East, 47.98 feet to the point of beginning of the land to be described; thence South 00 degrees 03 minutes 07 seconds East, 36.00 feet; thence North 89 degrees 56 minutes 53 seconds East, 32.00 feet; thence North 00 degrees 03 minutes 07 seconds West 36.00 feet; thence South 89 degrees 56 minutes 53 seconds West, 32.00 feet to the point of beginning.

Description of Temporary Grading Easement

All that part of the landowner's property described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Northwest Quarter; thence South 00 degrees 17 minutes 06 seconds West, assumed bearing, along the east line of said Northeast Quarter of the Northwest Quarter, 150.00 feet; thence South 89 degrees 58 minutes 16 seconds West, 261.32 feet to the westerly right of way line of United States Trunk Highway 169; thence continuing South 89 degrees 58 minutes 16 seconds West, 687.96 feet; thence North 00 degrees 03 minutes 07 seconds West, 60.00 feet to the point of beginning of the land to be described; thence continuing North 00 degrees 03 minutes 07 seconds West, 32.57 feet; thence North 85 degrees 11 minutes 24 seconds West, 112.29 feet; thence South 89 degrees 56 minutes 53 seconds West, 247.51 feet to the west line of said Northeast Quarter of the Northwest Quarter; thence South 00 degrees 20 minutes 24 seconds along said west line, 41.95 feet; thence South 89 degrees 58 minutes 16 seconds West, 359.68 feet to the point of beginning.

Owner: Beverly Goerisch

Location: City of Brooklyn Park

Address: 8832 101st Avenue North

PID No: 06-119-21-34-0006

Parcel No: 5

Project No: 012336-000

Date: March 1, 2019

Landowner's Property

The East Half of the West Half of the Southeast Quarter of the Southwest Quarter except the South 178 feet of the West 100 feet of the East 200 feet thereof, and except the North 400 feet thereof, Section 6, Township 119, Range 21, Hennepin County, Minnesota.

Description of Highway Right-of-Way (Fee Acquired)

Right-of-way (fee acquired) for highway purposes over, under, and across a portion of the Landowner's Property, lying easterly, southerly, and southeasterly of the following described line:

Commencing at the southeast corner of Southeast Quarter of the Southwest Quarter; thence South 89 degrees 58 minutes 16 seconds West, assumed bearing, along the south line of said Southeast Quarter of the Southwest Quarter, 951.92 feet; thence North 01 degrees 00 minutes 27 seconds East, 33.01 feet to the northerly right of way line of 101st Avenue North and the beginning of the line to be described; thence North 01 degrees 00 minutes 27 seconds East, 58.01 feet; thence North 89 degrees 58 minutes 16 seconds East, 221.07 feet; thence North 00 degrees 03 minutes 07 seconds West, 102.93 feet; thence northerly, 256.92 feet along a tangential curve concave to the east, having a radius of 384.00 feet and a central angle of 38 degrees 20 minutes 05 seconds to the east line of the said East Half of the West Half of the Southeast Quarter of the Southwest Quarter and there terminating.

Description of Temporary Grading Easement

All that part of the landowner's property lying westerly and southerly of the following described line:

Commencing at the southeast corner of Southeast Quarter of the Southwest Quarter; thence South 89 degrees 58 minutes 16 seconds West, assumed bearing, along the south line of said Southeast Quarter of the Southwest Quarter, 951.92 feet; thence North 01 degrees 00 minutes 27 seconds East, 33.01 feet to the northerly right of way line of 101st Avenue North and the beginning of the line to be described; thence continuing North 01 degrees 00 minutes 27 seconds East, 32.01 feet; thence South 89 degrees 58 minutes 16 seconds West, 30.00 feet to the west line of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter and there terminating.

Owner: Kevin Thurs

Location: City of Brooklyn Park

Address: Address Unassigned

PID No: 06-119-21-34-0004

Parcel No: 6

Project No: 012336-000

Date: November 26, 2018

Landowner's Property

The South 178.00 feet of the West 100.00 feet of the East 200.00 feet of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter of Section 6, Township 119, Range 21.

Description of Highway Right-of-Way (Fee Acquired)

Right-of-way (fee acquired) for highway purposes over, under, and across a portion of the Landowner's Property, described as follows:

The north 58.00 feet of the South 91.00 feet of said south 178.00 feet of the west 100.00 feet of the east 200.00 feet of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter of said Section 6.

Owner: Kevin Thurs
Location: City of Brooklyn Park
Address: Address Unassigned
PID No: 06-119-21-34-0003
Parcel No: 7
Project No: 012336-000
Date: November 26, 2018

Landowner's Property

The West 144 feet of the South 300 feet of West Half of the East Half of the Southeast Quarter of the Southwest Quarter in Section 6, Township 119, Range 21, Hennepin County, Minnesota

Description of Highway Right-of-Way (Fee Acquired)

Right-of-way (fee acquired) for highway purposes over, under, and across all of the Landowner's Property, described as follows:

The west 144.00 feet of the south 300.00 feet of West Half of the East Half of the Southeast Quarter of the Southwest Quarter in Section 6, Township 119, Range 21, Hennepin County, Minnesota

Owner: Kevin Thurs
Location: City of Brooklyn Park
Address: 8808 101st Avenue North
PID No: 06-119-21-34-0007
Parcel No: 8
Project No: 012336-000
Date: March 1, 2019

Landowner's Property

Par 1: The West half of the East half of the Southeast Quarter of the Southwest Quarter, Section 6, Township 119, Range 21, excepting road, and except the North 340 feet thereof, and except the West 144 feet of the South 300 feet of said West half of the East half of the Southeast Quarter of the Southwest Quarter; and except the South 300 feet of the East 132 feet of said West half of the East half of the Southeast Quarter of the Southwest Quarter as measured along the East and South lines thereof;

Par 2: The West 9.0 feet of the following described tract: Commencing at the Southeast corner of the West half of the East half of the Southeast Quarter of the Southwest Quarter in Section 6, Township 119, Range 21; thence North 300 feet along the East line of said West half of the East half of the Southeast Quarter of the Southwest Quarter; thence West 132 feet parallel with South line of said tract; thence South 300 feet parallel with East line of said tract; thence East 132 feet along the South line of said tract to point of beginning, except road;

Description of Highway Right-of-Way (Fee Acquired)

Right-of-way (fee acquired) for highway purposes over, under, and across a portion of the Landowner's Property, lying southeasterly of the following described line:

Commencing at the southeast corner of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 58 minutes 16 seconds West, assumed bearing, along the south line of said Southeast Quarter of the Southwest Quarter, 654.62 feet to the west line of the West Half of the East Half of said Southeast Quarter of the Southwest Quarter; thence North 01 degrees 02 minutes 26 seconds East, along said west line 432.21 feet to the beginning of the line to be described; thence northeasterly, 31.22 feet along a non-tangential curve concave to the southeast, having a radius of 384.00 feet, a central angle of 04 degrees 39 minutes 31 seconds, and a chord bearing North 40 degrees 36 minutes 44 seconds East ; thence North 42 degrees 56 minutes 29 seconds East, tangent to last described curve, 236.72 feet; thence northeasterly, 286.39 feet along a tangential curve concave to the northwest, having a radius of 764.83 feet and a central angle of 21 degrees 27 minutes 17 seconds to the westerly right of way line of United States Trunk Highway 169 and there terminating.

Owner: R A Simons Etal
Location: City of Brooklyn Park
Address: 8800 101st Avenue North
PID No: 06-119-21-34-0002
Parcel No: 9
Project No: 012336-000
Date: November 26, 2018

Landowner's Property

That part of the following described tract lying East of the West 9.0 feet thereof:

Commencing at the Southeast corner of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter in Section 6, Township 119, Range 21, thence North 300 feet along the East line of said West Half of the East Half of the Southeast Quarter of the Southwest Quarter, thence West 132 feet parallel with South line of said tract, thence South 300 ft parallel with East line of said tract, thence East 132 feet along the South line of said tract to point of beginning, excepting road, except that part lying Southeasterly of the following described line:

Beginning at a point on a line run parallel with and distant 33 feet North of the South line of said Section 6, distant 100 feet Westerly of its intersection with a line run parallel with and distant 184 feet Westerly of Line A, described below; thence Run Northeasterly to a point on said 184 foot parallel line, distant 100 feet Northerly of said intersection and there terminating Line A. Beginning at a point in the South line of said Section 6, distant 2542.9 feet East of the Southwest corner thereof; thence run Northerly at an angle of 88 degrees 52 minutes 30 seconds with said South section line (measured from East to North) for 200 feet and there terminating; Hennepin County, Minnesota.

Description of Highway Right-of-Way (Fee Acquired)

Right-of-way (fee acquired) for highway purposes over, under, and across all of the Landowner's Property, described as follows:

That part of the following described tract lying east of the west 9.0 feet thereof:

Commencing at the southeast corner of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter in Section 6, Township 119, Range 21, thence North 300 feet along the east line of said West Half of the East Half of the Southeast Quarter of the Southwest Quarter, thence West 132 feet parallel with south line of said tract, thence South 300 ft parallel with east line of said tract, thence East 132 feet along the south line of said tract to point of beginning, excepting road, except that part lying southeasterly of the following described line:

Beginning at a point on a line run parallel with and distant 33 feet north of the south line of said Section 6, distant 100 feet westerly of its intersection with a line run parallel with and distant 184 feet westerly of Line A, described below; thence run northeasterly to a point on said 184 foot parallel line, distant 100 feet northerly of said intersection and there terminating Line A. Beginning at a point in the South line of said Section 6, distant 2542.9 feet East of the southwest corner thereof; thence run northerly at an angle of 88 degrees 52 minutes 30 seconds with said south section line (measured from east to north) for 200 feet and there terminating; Hennepin County, Minnesota.

Owner: Grace Fellowship
Location: City of Brooklyn Park
Address: 8601 101st Avenue North
PID No: 07-119-21-12-0004
Parcel No: 10
Project No: 012336-000
Date: March 1, 2019

Landowner's Property

That part of the West half of the Northwest Quarter of the Northeast Quarter of Section 7, Township 119, Range 21, lying Easterly of a line run parallel with and distant 100 feet Easterly of the of the following described line:

Beginning at a point on the North line of said Section 7, distant 75.02 feet West of the North Quarter corner thereof; thence run Southerly at an angle of 88 degrees 52 minutes 30 seconds with said North section line (when measured from West to south) for 218.91 feet; thence deflect to the left on a 00 degree 45 minutes 00 second curve (delta angle 12 degrees 48 minutes 35 seconds) for 1707.96 feet and there terminating;

Except a triangular tract adjoining and Easterly of the above described strip and Northwesterly of the following described line:

Beginning at a point on the Easterly boundary of the above described strip, distant 100 feet Southerly of its intersection with a line run parallel with and distant 33 feet South of the North line of said Section 7; thence run Northeasterly to a point on said 33 foot parallel line, distant 100 feet Easterly of said intersection; thence continue to the North line of said Section 7;

And except that part thereof which lies southerly of the Southerly right-of-way line of the public road running along the North line of said Section 7 and Northerly of Line 1 described below:

Line 1. Beginning at a point on the North line of said Section 7, distant 794.98 feet East of the North Quarter corner thereof; thence run Southerly at right angles to said North section line for 33 feet; thence run Westerly to a point distant 50 feet Southerly (measured at right angles) of a point on said North section line, distant 424.98 feet East of the North Quarter corner thereof; thence run Westerly to a point distant 60 feet Southerly (measured at right angles) of a point on said North section line, distant 124.98 feet East of the North Quarter corner thereof; thence run Westerly parallel with said North section line to its intersection with the West line of the first tract described above and there terminating; Hennepin County, Minnesota.

Description of Highway Right-of-Way (Fee Acquired)

Right-of-way (fee acquired) for highway purposes over, under, and across a portion of the Landowner's Property lying within the north 150.00 feet of the West Half of the Northwest Quarter of the Northeast Quarter.

Description of Temporary Grading Easement

A temporary easement for construction purposes over, under, and across a portion of the Landowner's Property described as follows:

Commencing at the northwest corner of the West Half of the Northwest Quarter of the Northeast Quarter of said Section 7; thence South 00 degrees 17 minutes 06 seconds West, assumed bearing, along the west line of said West Half, 150.00 feet; thence South 89 degrees 56 minutes 01 seconds East, 196.45 feet to point "A" and the point of beginning of the land to be described; thence South 00 degrees 00 minutes 00 seconds East, 45.00 feet; thence South 89 degrees 56 minutes 01 seconds East 129.60 feet; thence North 00 degrees 00 minutes 00 seconds East, 45.00 feet; thence North 89 degrees 56 minutes 01 seconds West, 129.60 feet to the point of beginning.

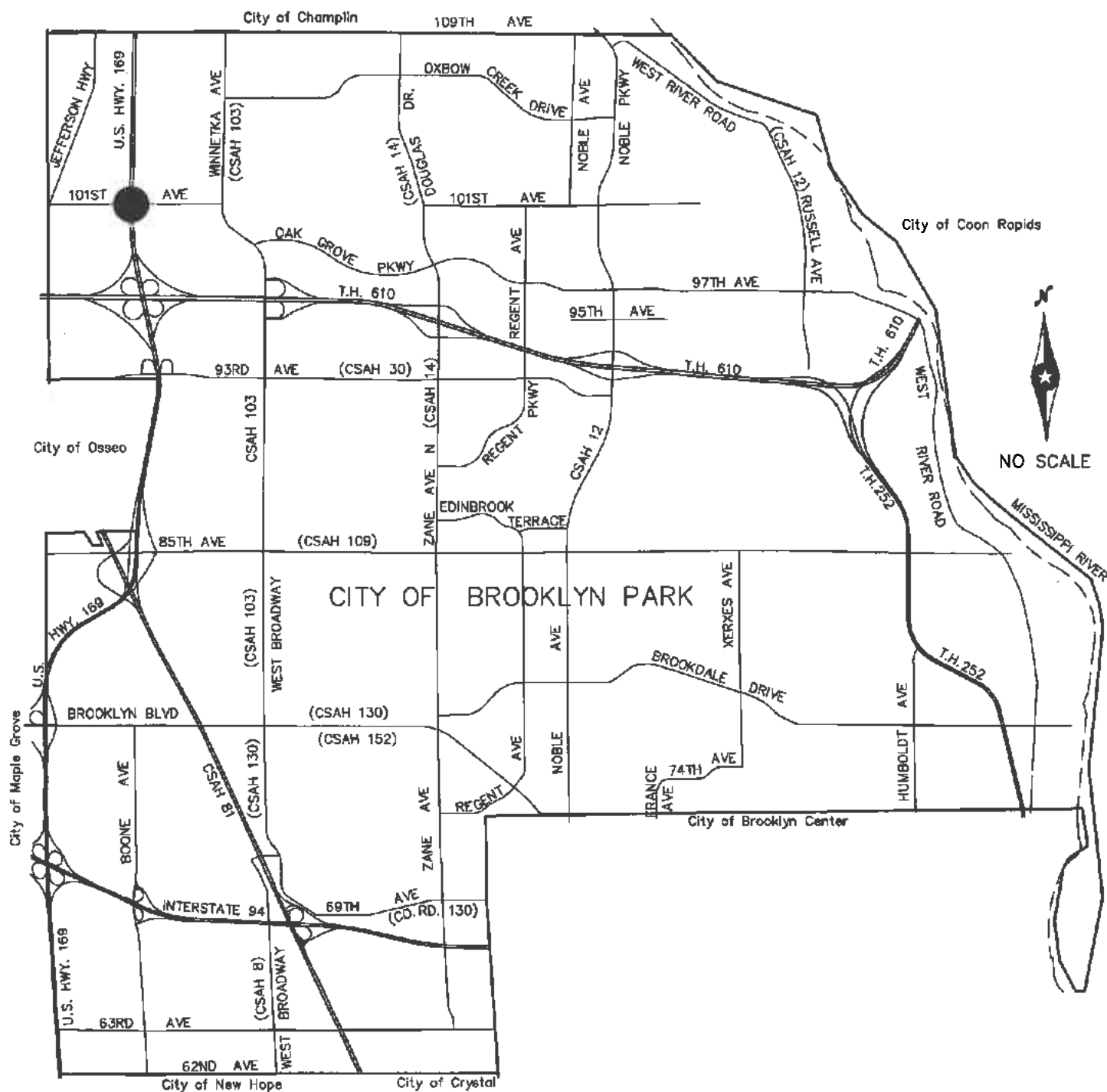
Together with:

Commencing at said point "A"; thence South 89 degrees 56 minutes 01 seconds East, 314.73 feet to the point of beginning; thence South 00 degrees 24 minutes 29 seconds East, 60.00 feet; thence South 89 degrees 56 minutes 01 seconds East, 54.82 feet; thence South 00 degrees 23 minutes 11 seconds West, 15.00 feet; thence South 89 degrees 56 minutes 01 seconds East, 90.00 feet to the east line of said West Half of the Northwest Quarter of the Northeast Quarter; thence North 00 degrees 23 minutes 11 seconds East along said east line, 75.00 feet; thence North 89 degrees 56 minutes 01 seconds West, 145.65 feet to the point of beginning.

LOCATION MAP

TH 169/101ST AVE INTERCHANGE PROJECT

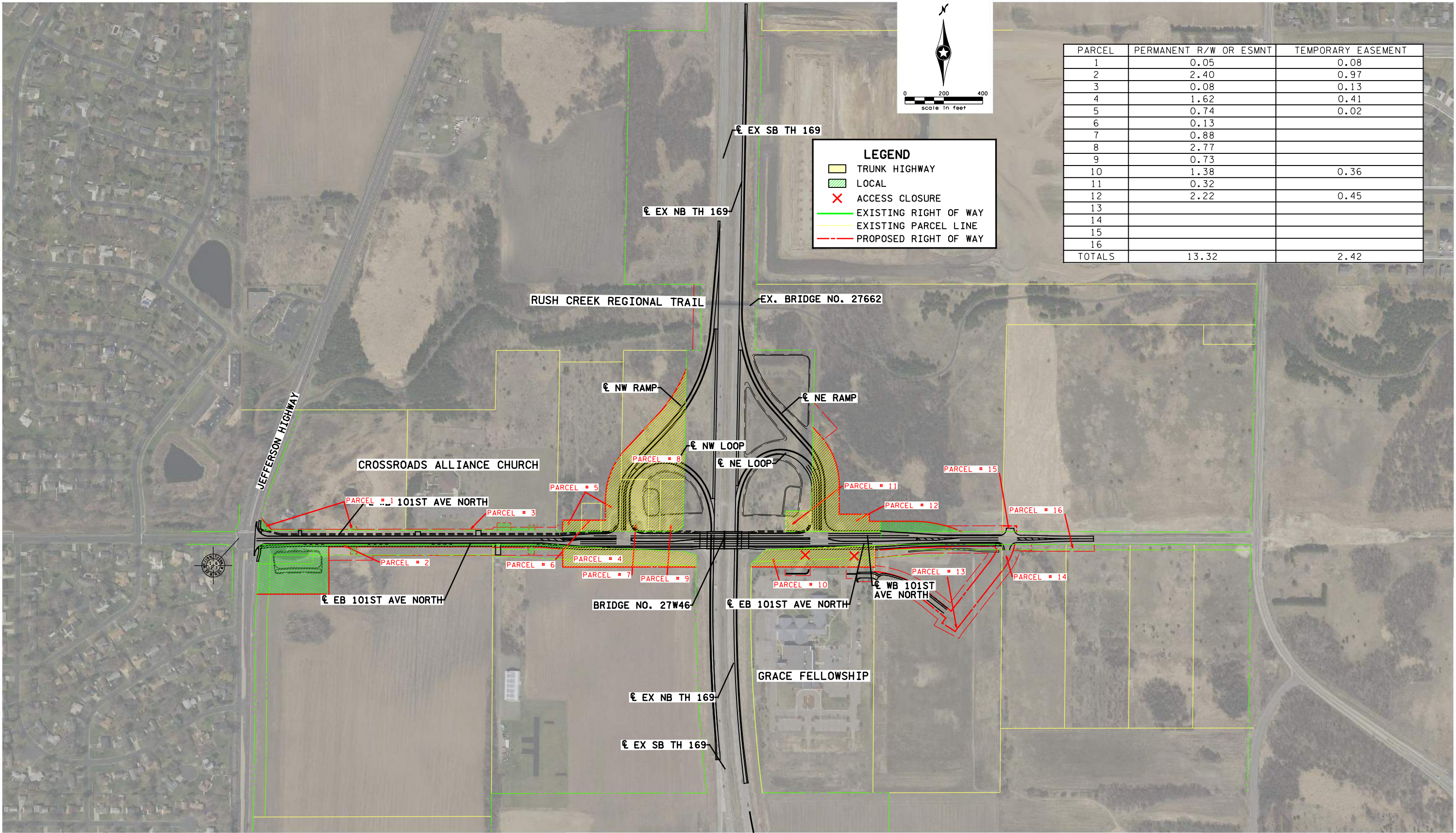
CIP #4042



PROPOSED PROJECT

Brooklyn Park

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City of Brooklyn Park Request for Council Action

Agenda Item:	4.4	Meeting Date:	April 22, 2019
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	X	Prepared By:	Daniela Lorenz, Business Development Coordinator
Ordinance:	N/A		
Attachments:	2	Presented By:	Daniela Lorenz
Item:	Approval the Removal of the Administrative Fee Portion of the Lease-use Agreement between the City, the State, and Second Harvest Heartland and Approve an Alternative Fee Agreement		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ TO APPROVE THE REMOVAL OF THE ADMINISTRATIVE FEE PORTION OF THE LEASE-USE AGREEMENT BETWEEN THE CITY, THE STATE, AND SECOND HARVEST HEARTLAND AND APPROVING AN ALTERNATIVE FEE AGREEMENT.

Overview:

On January 14, 2019, the Brooklyn Park City Council approved a resolution authorizing the execution of agreements related to the \$18 million grant from the State of the Minnesota in the form of general obligation bond proceeds awarded to Second Harvest Heartland for the purchase and construction of its new facility in Brooklyn Park. The agreements that were executed include:

- A grant agreement between the State of Minnesota Department of Employment and Economic Development (DEED), City of Brooklyn Park, and Second Harvest Heartland detailing the grant obligations
- A ground lease between Second Harvest Heartland and the City of Brooklyn Park, which gives the City qualified interest in the property making it eligible for State bond funds
- A disbursement agreement between the City and Second Harvest detailing the flow of funds once the bond funds can be drawn on
- A lease-use agreement between the City and Second Harvest which makes the City Second Harvest's landlord and obligates Second Harvest to complete the bond funded project and run day-to-day operations

The lease-use agreement also included a section that details the collection of an administrative fee that Second Harvest will pay to the City as part of on-going work related to this project and the operations of the new facility. Minnesota Management and Budget (MMB), the State agency that coordinates state finances, accounting, and budgeting processes, reviewed the lease-use agreement and notified the City that the administrative fee provision was not permitted as currently structured. In order to collect equivalent payments for the City's service to the Second Harvest facility, the City of Brooklyn Park and Second Harvest Heartland agreed to an alternative fee agreement structured as a payment in lieu of taxes ("PILOT") agreement. The PILOT agreement sets out a fee schedule that Second Harvest would pay over the 20-year life of the bond and is equal to the amount the City would have collected if the lease-use agreement would have not been amended.

Staff is requesting that Council approve the removal of the administrative fee language from the lease-use agreement between the State of Minnesota, Second Harvest Heartland, and the City of Brooklyn and approve the alternative fee agreement in the form of a Payment in Lieu of Taxes agreement to procure the equivalent payment for services and expenses.

Primary Issues/Alternatives to Consider:

How is the PILOT agreement structured?

Per the PILOT agreement between the City of Brooklyn Park and Second Harvest Heartland, Second Harvest Heartland will pay an upfront cost of \$90,000 to the City and then an annual payment of \$10,573 over the course of the 20-year life of the bond.

Second Harvest is a non-profit and is therefore exempt from paying local property taxes. The payments outlined in the agreement will cover the costs associated with the administration of the \$18 million State of Minnesota bond proceeds and offsets the costs of services (fire, police, sanitation, road maintenance, and other City services) as they relate to Second Harvest's property.

How is this different from the original agreement?

The original administrative fee provision was part of the larger lease-use agreement, which obligated Second Harvest Heartland to complete the construction project and undertake day-to-day operations of the food bank facility. The structure followed the City's conduit debt policy, which would be an upfront payment of one half percent (.05%) of the principal amount of the bond (\$18,000,000) and an annual payment one-tenth percent (.01%) of the average amount of the outstanding principal amount of the bond.

The new agreement follows a similar structure but instead spreads the annual payments evenly over 20 years. This agreement is simpler to track and calculate as the payment would be made on the same date for the same amount annually.

Does the amendment change the lease-use agreement?

The administrative fee provision is the only amendment to the agreement. The lease-use agreement still serves the function of obligating Second Harvest Heartland to complete the construction project and run the day-to-day operations of the facility. The agreement still transfers the obligations and risks in the ground lease agreement and the grant agreement from the City to Second Harvest Heartland. The amendment does not increase the City's obligations as they relate to this project.

The City will still be responsible for submitting annual reports about the project to DEED. Second Harvest is obligated to complete the project as it was presented to the State and the ongoing operations of the facility once construction is complete.

How does the PILOT agreement work with the other agreements related to this project?

The PILOT agreement is related to this project but works outside of the ground lease, lease-use, and grant agreement associated with this project. The PILOT agreement is only between the City of Brooklyn Park and Second Harvest Heartland. This agreement does not unduly interfere with any of the previous agreements.

Budgetary/Fiscal Issues:

The City will receive payments annually in the amounts and according to the schedule below. These payments will cover the costs associated with the services for police, fire, sanitation, road maintenance, and other City public services and expenses related to the Second Harvest's facility.

<u>Payment Date</u>	<u>PILOT Amount</u>
June 1, 2019	\$90,000
May 15, 2020	\$10,573
May 15, 2021	\$10,573
May 15, 2022	\$10,573
May 15, 2023	\$10,573
May 15, 2024	\$10,573
May 15, 2025	\$10,573
May 15, 2026	\$10,573
May 15, 2027	\$10,573
May 15, 2028	\$10,573
May 15, 2029	\$10,573
May 15, 2030	\$10,573
May 15, 2031	\$10,573
May 15, 2032	\$10,573
May 15, 2033	\$10,573
May 15, 2034	\$10,573
May 15, 2035	\$10,573
May 15, 2036	\$10,573
May 15, 2037	\$10,573
May 15, 2038	\$10,573
May 15, 2039	\$10,573

Attachments:

- 4.4A RESOLUTION
- 4.4B PAYMENT IN LIEU OF TAXES AGREEMENT

RESOLUTION #2019-

RESOLUTION APPROVING THE REMOVAL OF THE ADMINISTRATIVE FEE PORTION OF THE LEASE-
USE AGREEMENT BETWEEN THE CITY, THE STATE, AND SECOND HARVEST HEARTLAND AND
APPROVING AN ALTERNATIVE FEE AGREEMENT

WHEREAS, Second Harvest Heartland ("Second Harvest") is a nonprofit organization that houses and distributes food for those in need in the region and the State; and

WHEREAS, Second Harvest operates a facility (the "Facility") in the City of Brooklyn Park (the "City") that is exempt from property taxes under the Minnesota Constitution and Section 272.02 of the Minnesota Statutes; and

WHEREAS, City staff have negotiated the terms and conditions of a Lease/Use Agreement (the "Lease Agreement") and other documents approved pursuant to Resolution 19-15 (collectively, the "Lease Documents" and the "State Grant Documents") related to a general obligation bond funded grant from the State of Minnesota (the "State") in the amount of \$18,000,000 (the "Grant") for improvements to the Facility and this resolution supplements Resolution #2019-15; and

WHEREAS, Second Harvest, in recognition of substantial city services provided to the Facility, agrees to make certain payments in lieu of city property taxes to the City for a period of 20 years as further set forth in that certain Payment in Lieu of Taxes Agreement between the City and Developer (the "PILOT Agreement").

NOW, THEREFORE, BE IT RESOLVED BY the City Council (the "Council") of the City of Brooklyn Park, Minnesota as follows:

1. As required by the State, the Council hereby agrees to remove Section 6(b) (the "Administrative Fee") from the Lease/Use Agreement.
2. The Council hereby agrees to accept annual payments in lieu of taxes ("PILOT"), and approves the PILOT Agreement, the Lease Documents and the State Grant Documents, in substantially the forms submitted, together with such amendments and other related documents, including but not limited to subordination and/or recognition and non-disturbance agreements, as may be necessary, consistent with this resolution and not detrimental to the City's interests and approved by the City Attorney and the Director of Community Development; and the Mayor and City Manager of the City are hereby authorized and directed to execute the PILOT Agreement, the Lease Documents and the State Grant Documents.
3. The approval hereby given to the PILOT Agreement, the Lease Documents and the State Grant Documents includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by legal counsel to the City and by the officers authorized herein to execute said documents prior to their execution; and said officers are hereby authorized to approve said changes on behalf of the City. The execution of any instrument by the appropriate officers of the City herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the officers, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the Council by any duly designated acting official, or by such other officer or officers of the Council as, in the opinion of legal counsel to the City, may act in their behalf.
4. City staff, officials, consultants and legal counsel for the City are further directed and authorized to take all actions necessary to implement this Resolution and to carry out, on behalf of the City, the City's obligations under the PILOT Agreement, the Lease Documents and the State Grant Documents.

PAYMENT IN LIEU OF TAXES AGREEMENT
(Second Harvest Heartland)

This PAYMENT IN LIEU OF TAXES AGREEMENT (the "Agreement") is entered into as of the ____ day of April, 2019, by and between Second Harvest Heartland, a Minnesota nonprofit corporation ("Second Harvest"), and the City of Brooklyn Park, Minnesota (the "City").

WHEREAS, Second Harvest is a nonprofit organization that houses and distributes food for those in need in the region and the State;

WHEREAS, Second Harvest operates a facility (the "Facility") in the City that is exempt from property taxes under the Minnesota Constitution and Section 272.02 of the Minnesota Statutes; and

WHEREAS, Second Harvest, in recognition of substantial city services provided to the Second Harvest Facility, agrees to make certain payments in lieu of city property taxes to the City for a period of 20 years as further set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Payment in Lieu of Taxes. Second Harvest agrees that it shall pay to the City annual payments in lieu of taxes ("PILOT") in an amount not to exceed the amount of real property taxes that the City would have assessed against the Facility for the provision of services for police, fire, sanitation road maintenance, and other City public services, had the Facility been subject to City property taxes. The City has calculated the amounts payable to the City in lieu of City property taxes with respect to the Facility, as set forth in **Exhibit B**. Second Harvest agrees to pay directly to the City the PILOT amounts set forth in **Exhibit B** annually on the dates set forth therein. Charges for City services included in the PILOT amounts shall only include services paid from general ad valorem property taxes and shall not include fees and services billed separately to the Facility or Second Harvest.

2. Property Legal Description. The land referred to in this commitment and on which the Facility is located is described in the attached Exhibit A (the "Real Property").

3. Termination. This Agreement shall continue in effect until the earlier of:

- (a) The final PILOT amount is paid to the City in accordance with **Exhibit B**; or
- (b) such time as the Facility is no longer exempt from real property taxation pursuant to Minnesota law.

4. Governing Law; Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Minnesota. Any disputes, controversies, or claims arising out of this Agreement shall be heard in the state or federal courts of Minnesota, and all parties to this Agreement waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.

5. Notices. All notices, reports or other communications relating to this Agreement shall be sent to the parties at the following addresses, unless otherwise provided by one party to the other party in writing:

To Second Harvest: Second Harvest Heartland
7101 Winnetka Avenue North
Brooklyn Park, MN 55428
Attn: Chief Financial Officer

To the City: The City of Brooklyn Park
5200 85th Avenue North
Brooklyn Park, Minnesota, 55443
Attn: Executive Director

6. Provisions Not Merged With Deed. None of the provisions of this Agreement are intended to or shall be merged by reason of any deed transferring any interest in the Real Property and any such deed shall not be deemed to affect or impair the provisions and covenants of this Agreement.

7. Titles of Articles and Sections. Any titles of the several parts, Articles, and Sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

8. Counterparts; Modifications. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument. This Agreement may not be modified, waived, or otherwise amended except by a writing signed by Second Harvest and the City.

9. Attorney Fees. Whenever any Event of Default occurs and if the City shall employ attorneys or incur other expenses for the collection of payments due or to become due, or for the enforcement of performance or observance of any obligation or agreement on the part of Second Harvest under this Agreement, Second Harvest agrees that it shall, within 10 days of written demand by the City, pay to the City the reasonable fees of such attorneys and such other expenses so incurred by the City.

10. Continuation of Certain Obligations. Nothing in this Agreement shall act to modify, amend, or otherwise relieve Second Harvest of its obligations and undertakings as stated in any other agreement to which Second Harvest and the City are parties.

11. Effect of Termination of Agreement. Upon termination of this Agreement, no party hereto shall have any obligation or rights hereunder and this Agreement shall be of no further force and effect, except as such provisions herein are expressly stated to survive such termination.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first written above.

CITY OF BROOKLYN PARK

By _____
Its Mayor

Attest:

By _____
Its City Clerk

SECOND HARVEST HEARTLAND

By _____
Its Chief Executive Officer

EXHIBIT A

LEGAL DESCRIPTION OF THE REAL PROPERTY

The land referred to in this Commitment is situated in the City of Brooklyn Park, County of Hennepin, State of Minnesota, and is described as follows:

PARCEL 1:

The South 133 feet of the East 230 feet of Lot 22, Brooklyn Gardens, according to the recorded plat thereof, Hennepin County, Minnesota.

PARCEL 2:

The East 208 feet of the North 100 feet of Lot 23, Brooklyn Gardens, according to the recorded plat thereof, Hennepin County, Minnesota.

PARCEL 3:

The East 265 feet of the West 1/2 of Lot 22, Brooklyn Gardens, and all of the East 1/2 of Lot 22, Brooklyn Gardens EXCEPT the East 230 feet of the South 133 feet thereof, all according to the recorded plat thereof, Hennepin County, Minnesota.

AND

That part of the East 3/4 of Lot 23 lying South of the North 100 feet thereof, and that part of the North 100 feet of the East 3/4 of Lot 23 lying West of the East 208 feet thereof, Brooklyn Gardens, according to the recorded plat thereof, Hennepin County, Minnesota.

All abstract property.

EXHIBIT B

PILOT PAYMENTS SCHEDULE

<u>Payment Date</u>	<u>PILOT Amount</u>
June 1, 2019	\$90,000
May 15, 2020	\$10,573
May 15, 2021	\$10,573
May 15, 2022	\$10,573
May 15, 2023	\$10,573
May 15, 2024	\$10,573
May 15, 2025	\$10,573
May 15, 2026	\$10,573
May 15, 2027	\$10,573
May 15, 2028	\$10,573
May 15, 2029	\$10,573
May 15, 2030	\$10,573
May 15, 2031	\$10,573
May 15, 2032	\$10,573
May 15, 2033	\$10,573
May 15, 2034	\$10,573
May 15, 2035	\$10,573
May 15, 2036	\$10,573
May 15, 2037	\$10,573
May 15, 2038	\$10,573
May 15, 2039	\$10,573

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.5	Meeting Date:	April 22, 2019
Agenda Section:	Consent	Originating Department:	Community Development
Resolution:	X		
Ordinance:	N/A		
Attachments:	3	Prepared By:	Todd A. Larson, Senior Planner
		Presented By:	Cindy Sherman, Planning Director
Item:	“Samara Circle” (Josh and John Ahlquist) – Time Extension for Preliminary Plat #18-104 to Subdivide Two Residential Lots into Five Lots at 7630 and 7646 Riverdale Drive		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ APPROVING A TIME EXTENSION FOR THE PRELIMINARY PLAT OF "SAMARA CIRCLE."

Planning Commission Recommendation:

At its meeting on April 10, 2019, the Planning Commission unanimously (8-0) recommended approval of the time extension on its consent agenda.

Overview:

In April of 2018, the Ahlquist family received preliminary plat approval to subdivide two lots on Riverdale Drive into five lots. The existing homes will remain on new lots while adding a cul-de-sac to Brooklyn Park Drive in the rear of the properties for three lots for new single-family home construction. Approvals are good for one year and will be expiring this month. The applicants are anticipating construction commencing this summer. A one-time one-year extension can be granted. The draft final plat is currently being reviewed by staff and the City Attorney's office. Council review of it is expected in May, but after the preliminary plat would have expired.

Budgetary/Fiscal Issues: N/A

Alternatives to consider:

1. Approve the time extension as recommended by the Planning Commission.
2. Deny the time extension based on certain findings.

Attachments:

- 4.5A RESOLUTION
- 4.5B LOCATION MAP
- 4.5C LETTER FROM APPLICANT

RESOLUTION #2019-

RESOLUTION APPROVING A TIME EXTENSION FOR THE PRELIMINARY PLAT OF
"SAMARA CIRCLE"

Planning Commission File #18-104

WHEREAS, the City Council granted approval of a preliminary plat for "Samara Circle" on April 23, 2018, with the approval of Resolution #2018-69; and

WHEREAS, construction has not commenced on the utilities, streets, or grading; and

WHEREAS, final plat approval is still required; and

WHEREAS, the preliminary plat expires one year from the date of approval, April 23, 2019, unless construction has commenced; and

WHEREAS, the City Council may grant a one-time one-year extension; and

WHEREAS, the property owners have each indicated that they would like extensions for construction anticipated in the summer or fall of 2019.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that the preliminary plat approvals for the above-described project shall be extended for one year now expiring on April 23, 2020.

Plat #18-104 Samara Circle
7630 and 7646 Riverdale Dr. N.



Spring 2015 Air Photo.

100 Feet



Map Date April 17, 2018

March 22, 2019

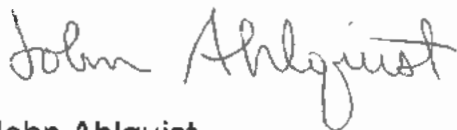
City Council of Brooklyn Park
5200 85th Ave North
Brooklyn Park, Minnesota
55443

Dear City Council Members

I am writing this on behalf of Josh Ahlquist and JA Construction. Last April 2018 our Preliminary Plat Request #18-104 "Samara Circle" was approved by the City council subject to a number of conditions. We have been working on those requirements but we are going to need some more time to complete them and "break ground" on our project. We anticipate breaking ground this spring/summer. With this letter, we hereby request a one year extension to satisfy the requirements listed in our Preliminary Plat in order to get it released for recording and then construction.

Thank you for your kind attention to this request.

Sincerely,

A handwritten signature in cursive script that reads "John Ahlquist".

John Ahlquist
Vice President JA Construction

cc Josh Ahlquist
Todd A. Larson
Cindy Sherman

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.6	Meeting Date:	April 22, 2019		
Agenda Section:	Consent	Originating Department:	Administration		
Resolution:	X				
Ordinance:	N/A			Prepared By:	Beth Toal, HR Manager
Attachments:	2			Presented By:	Beth Toal
Item:	Approval of Leave Donation Policy				

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ APPROVING REVISIONS OF THE EMPLOYEE HANDBOOK SECTION 7.07 – LEAVE DONATION POLICY.

Overview:

In the fall of 2018, the City conducted its second Employee Engagement Survey. Based on the results of this survey, it was identified that the City's employee benefits were an area for improvement.

The City of Brooklyn Park recognizes that a catastrophic illness of an employee or immediate family member may deplete an employee's paid vacation and sick leave. This policy provides employees with an option to assist fellow employees at such a time. The revisions outlined below allow for easier administration of the process, clarity on the policy intent and additional benefits for qualified employees.

- Increase donation amount from 160 to 480 hours (or 80 to 240 for PT)
- Limit donations to sick leave only
- Allow for the receiver to bank 40 hours of vacation (match FMLA)
- Allow donors to donate as often as people need (once per event but no limit on how many events)
- Add a definition of catastrophic illness (match ADA)
- Add a definition of immediate family member (match FMLA)
- Clarify:
 - Hours will be donated on an hour for hour exchange
 - Donated time will stay with the receiver and will be paid out per city policy
 - Deadlines for receiving and giving donations and who they are from
 - Confidential process

Primary Issues/Alternatives to Consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.6A RESOLUTION
4.6B 7.07 LEAVE DONATION POLICY

RESOLUTION #2019-

RESOLUTION APPROVING REVISIONS
OF THE EMPLOYEE HANDBOOK SECTION 7.07 – LEAVE DONATION POLICY

WHEREAS, the employee handbook is a living document that is revised from time to time as the need arises; and

WHEREAS, such revisions are needed to ensure the employee handbook complies with changes to state statutes and federal employment laws; and

WHEREAS, changes to Section 7.07 positions the organization to attract and retain a high-quality workforce able to meet the service delivery demands of our community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve the revisions to the employee handbook Section 7.07 – Leave Donation Policy, effective April 22, 2019.

7.07 LEAVE DONATION POLICY

The City of Brooklyn Park recognizes that a catastrophic illness of an employee or immediate family member may deplete an employee's paid vacation and sick leave. This policy provides employees with an option to assist fellow employees at such a time.

A. Policy

Employees may donate a portion of accrued ~~vacation or sick leave~~ to a qualifying fellow employee who experiences a ~~life threatening event~~ **catastrophic illness** ~~or to care for a spouse or legal dependent who experiences a life threatening event.~~ **A catastrophic illness is defined as an illness that hinders an employee's or immediate family member's major life activities as defined by Section 504 of the American's with Disabilities Act. An immediate family member is defined as a qualifying family member under the Family Medical Leave Act. A life threatening event **catastrophic illness** is an illness or medical condition defined by a physician's diagnosis.**

The donation of leave shall be subject to the following terms and conditions.

B. Administration

1. Donated leave is considered a gift and at no time shall an employee be obligated or pressured to donate.
2. Donated leave is considered wages and taxable income for the recipient, subject to all applicable state and federal tax withholding.
3. Upon approval, ~~Finance (payroll)~~ **Human Resources** will deduct donor **sick** leave (in hours) and credit the requesting employee's **sick** leave. **Any unused donated sick leave will remain in the receiver's sick leave bank and will be treated per city policy.**
4. **Hours will be donated on an hour for hour exchange.**
5. The City Manager is the program administrator and shall have the right to deny or limit the use of donated leave, to amend, alter or eliminate the program if determined to be in the best interests of the City.
6. Human Resources will calculate the maximum number of donated hours available to the recipient.
7. This program will run concurrently with FMLA.
8. **Donations will be requested for two weeks or once the maximum donation is received. Donations will be requested from the recipient's home department for the first week. Donations will be opened city-wide the second week of the donation period.**
9. **This process is confidential. Human Resources will not specify the reason for the donation or supply the recipient donor names.**
10. Only the employee or the employee's official representative may request leave for a ~~serious health condition~~ **catastrophic illness**. Requests will be made in writing to Human Resources and include certification from the attending physician or other appropriate health care provider. The *Request for Donated Leave Form* is available on the employee intranet or from Human Resources.

C. Recipient

1. An employee is eligible to use donated leave only to replace normal work hours.

2. An employee is eligible to receive donated leave effective the date of approval and after exhausting accrued sick, vacation, holiday and compensatory time. **Upon request, an employee may reserve 40 hours of vacation time.**
3. Employees are eligible to receive donated leave following one (1) year of employment and successful completion of probation.
4. ~~The recipient of donated leave will not accrue vacation or sick leave or receive City contributions for health or other insurance while using donated time unless specifically provided for under provisions of FMLA.~~
5. The recipient is not entitled to any pay allowances or benefits while receiving donated leave including, but not limited to, standby pay, specialist pay, longevity pay, vehicle allowance, cell phone allowance or high-speed internet allowance.
6. Full-time employees will not receive more than a total of ~~160~~ **480** hours per qualifying event. Part-time employees will not receive more than a total of ~~80~~ **240** hours of donated leave per qualifying event.
7. ~~Unused donated leave will not be paid out in the form of severance pay in the event of separation from City employment.~~
8. The recipient must be a benefit-eligible regular full-time or part-time employee.

D. Donor

1. An employee may donate up to twenty-four (24) hours of **sick leave per qualifying event.** ~~per calendar year for each qualifying event up to three (3) events.~~
2. Donations must be in full hour increments.
3. An employee must donate paid leave from accrued ~~vacation or~~ sick balances.
4. A donor must maintain a minimum balance of eighty (80) hours of sick leave at the time of donation and not be in probationary employment status.
5. Donations will be allocated on a first-come, first-serve basis.
6. A written request to donate leave must be submitted to Human Resources. ~~Human Resources shall submit requests to the City Manager for final approval.~~ All donations will be confidential. The *Leave Donation Authorization Form* is available on the employee intranet or from Human Resources.

Approved: August 26, 2006 Council Meeting
Approved: April 22, 2019 Council Meeting

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.7	Meeting Date:	April 22, 2019
Agenda Section:	Consent	Originating Department:	Community Development Rental and Business Licensing
Resolution:	X	Prepared By:	Megan Bookey, Program Assistant III
Ordinance:	N/A		
Attachments:	1	Presented By:	Keith Jullie, Rental and Business Licensing Manager
Item:	Approve the Issuance of a Lawful Gambling Premises Permit for Champlin Park Youth Hockey Association at Pear Two Inc dba Roasted Pear, 9690 Colorado Lane North, Brooklyn Park		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ TO APPROVE THE ISSUANCE OF A LAWFUL GAMBLING PREMISES PERMIT FOR CHAMPLIN PARK YOUTH HOCKEY ASSOCIATION AT PEAR TWO INC DBA ROASTED PEAR, 9690 COLORADO LANE NORTH, BROOKLYN PARK.

Overview:

Champlin Park Youth Hockey Association has submitted a completed application on March 19, 2019, for a Lawful Gambling Premises Permit to sell electronic pull tabs at Roasted Pear Restaurant located at 9690 Colorado Lane North.

The Gambling Control Board requires a resolution approving the application for the premises permit for the lawful gambling license. The completed application and adopted resolution will be sent to the Gambling Control Board for final action. Champlin Park Youth Hockey Association does not currently conduct lawful gambling at any locations in Brooklyn Park.

Staff has reviewed the application and location for this Lawful Gambling Premises Permit and recommends approval of the permit.

Primary issues/alternatives to consider: N/A

Budgetary/Fiscal Issues: N/A

Attachments:

4.7A RESOLUTION

RESOLUTION #2019-

RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISES
PERMIT FOR CHAMPLIN PARK YOUTH HOCKEY ASSOCIATION AT PEAR TWO INC DBA ROASTED
PEAR 9690 COLORADO LN N, BROOKLYN PARK

WHEREAS, Champlin Park Youth Hockey Association has applied to the Minnesota Charitable Gambling Control Board for a lawful gambling premises permit at Pear Two Inc dba Roasted Pear, 9690 Colorado Ln N; and

WHEREAS, Champlin Park Youth Hockey Association agrees to provide to the City of Brooklyn Park monthly copies of the monthly reports they submit to the Gambling Control Board; and

WHEREAS, Champlin Park Youth Hockey Association has a lease agreement with Pear Two Inc dba Roasted Pear to operate pull-tabs at their location; and

WHEREAS, Pear Two Inc dba Roasted Pear meets Brooklyn Park ordinance requirements to conduct lawful gambling.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that approval is granted for a lawful gambling premises permit for Champlin Park Youth Hockey Association at Pear Two Inc dba Roasted Pear, 9690 Colorado Ln N, Brooklyn Park, Minnesota.

City of Brooklyn Park

Request for Council Action

Agenda Item:	4.8	Meeting Date:	April 22, 2019
Agenda Section:	Consent	Originating Department:	Administration/ITS
Resolution:	X	Prepared By:	Keith Ehrlichman, IT Manager
Ordinance:	N/A		
Attachments:	1	Presented By:	Keith Ehrlichman
Item:	Authorize the Renewal of the Microsoft Enterprise Agreement		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ AUTHORIZING THE RENEWAL OF THE MICROSOFT ENTERPRISE AGREEMENT FOR A THREE-YEAR TERM IN THE AMOUNT OF \$150,257.80 PER YEAR FROM SOFTWARE HOUSE INTERNATIONAL THROUGH THE STATE OF MINNESOTA PURCHASING CONTRACT.

Overview:

The City standardized on Microsoft as our base software platform back in 2004 when we entered into an Enterprise Agreement (EA) with Microsoft. This agreement covers expenses related to the operating systems and office suite on all City computers as well as the server-based software required to run our core City business applications. Training, support and Microsoft hosted solutions are also included in this agreement.

The EA offers the following benefits:

- Access to Microsoft hosted solutions enabling a more mobile and connected workforce
- Tools for adhering to data retention policies and fulfillment of data practices requests
- Volume discount pricing which reduces overall costs with Microsoft
- Fixed pricing over the term of the contract
- Simplified license management through a single corporate account versus individual licensing
- Access to the most current versions of the Microsoft product suite

Primary Issues/Alternatives to Consider:

This renewal promotes the City's strategic vision of moving to more cloud-based solutions, which reduces our reliance on large capital hardware purchases. Not renewing this contract would result in an increase in licensing costs and staff hours required to maintain Microsoft licenses at an individual level.

Budgetary/Fiscal Issues:

The EA is offered to the City under the State of Minnesota's master EA contract. As a member of the State's Cooperative Purchasing Program, the City benefits from pre-negotiated pricing. Funding is allocated in the 2019 budget to cover the costs of renewing the EA agreement.

Attachments:

4.8A RESOLUTION

RESOLUTION #2019-

RESOLUTION AUTHORIZING THE RENEWAL OF THE MICROSOFT ENTERPRISE AGREEMENT FOR A
THREE-YEAR TERM IN THE AMOUNT OF \$150,257.80 PER YEAR FROM SOFTWARE HOUSE
INTERNATIONAL THROUGH THE STATE OF MINNESOTA PURCHASING CONTRACT

WHEREAS, the City has standardized on Microsoft technologies; and

WHEREAS, the City recognizes the need to stay current on technology platforms to meet business objectives; and

WHEREAS, the City Council approved the 2019 budget with funding allocated to renew the Microsoft Enterprise Agreement; and

WHEREAS, the ITS Division recommends the renewal of the Microsoft Enterprise Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to authorize the renewal of the Microsoft Enterprise Agreement for a three-year term in the amount of \$150,257.80 per year from Software House International through the State of Minnesota Purchasing Contract.

City of Brooklyn Park

Request for Council Action

Agenda Item:	6.1	Meeting Date:	April 22, 2019
Agenda Section:	Land Use Actions	Originating Department:	Community Development
Resolution:	X	Prepared By:	Todd A. Larson, Senior Planner
Ordinance:	N/A		
Attachments:	8	Presented By:	Cindy Sherman, Planning Director
Item:	Broadway Square (CMFG/Mohagen Hansen Architecture Interiors) – Conditional Use Permit #19-104 for a Drive-Thru at 8479 West Broadway Avenue		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-_____ APPROVING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU AT 8479 WEST BROADWAY.

Planning Commission Recommendation:

At its meeting on April 10, 2019, the Planning Commission recommended approval (7-1) of the conditional use permit with several conditions that are listed in the attached resolution. During the applicant's presentation, he agreed with the staff recommendation and suggested adding a second patio area along the north side of the building. Subsequently, the applicant was able to provide an updated site plan, but the landscaping and civil plans have not been updated.

Overview:

The Broadway Square shopping center has been at the southwest corner of 85th Avenue and West Broadway since 1984. A small building near the corner of those roadways has had several uses over the years: a gas station and convenience store, a veterinary clinic and a dance studio. The current proposal is for a coffee shop and bakery with a drive-thru. The restaurant use is permitted, but the addition of the drive-thru is conditional; therefore, a conditional use permit (CUP) is required.

CMFG has submitted a CUP application to add a drive-thru to the building located at 8479 West Broadway Avenue. CMFG contends that its property is regulated by the B2 zoning provisions and not by the TOD Ordinance provisions that the City Council adopted in July of last year. The City disagrees with CMFG's contention. Nevertheless, as a result of a meeting between the city attorney and City Council on February 11, 2019, CMFG is being allowed to submit a CUP application. The CUP application is being processed on the assumption that the B2 zoning regulations apply. The B2 regulations allow a drive-thru as a conditional use.

Budgetary/Fiscal Issues: N/A

Alternatives to consider:

1. Approve the CUP as recommended by the Planning Commission.
2. Approve the CUP with modifications.
3. Deny the CUP based on certain findings.

Attachments:

- 6.1A RESOLUTION
- 6.1B LOCATION MAP
- 6.1C PLANNING AND ZONING INFORMATION
- 6.1D PHOTOS
- 6.1E PLANNING COMMISSION MINUTES
- 6.1F LETTER FROM PUBLIC
- 6.1G LETTER FROM APPLICANT
- 6.1H PLANS

RESOLUTION #2019-

RESOLUTION APPROVING A CONDITIONAL USE PERMIT
FOR A DRIVE-THRU AT 8479 WEST BROADWAY

Planning Commission File #19-104

WHEREAS, an application has been made by Mohagen Hansen Architecture | Interiors on behalf of their client CMFG Life Insurance Company, the property owner of Broadway Square Shopping Center, for a Conditional Use Permit under the provisions of the City Code on property legally described as:

Outlot A subject to road, College Park, Hennepin County, Minnesota

WHEREAS, the Broadway Square shopping center has been in operation for many years; and

WHEREAS, the proposed drive-thru is a retrofit of one of the buildings in the existing shopping center;
and

WHEREAS, the effect of the proposed use upon the health, safety, and welfare of surrounding lands, existing and anticipated traffic conditions, and its effect on the neighborhood have been considered; and

WHEREAS, the matter has been referred to the Planning Commission who held the public hearing on April 10, 2019; and

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

The Conditional Use Permit for a drive-thru is hereby approved with the following conditions:

1.00 DRAWINGS

- 1.01 Architectural site plan dated 03-27-2019 showing a patio seating area on the north side of the building is hereby approved.
- 1.02 Site, utility, landscaping, and grading plans on file in the City Clerk's office dated 03-27-2019 is approved, subject to conformance with the above-described architectural site plan and modifications listed below.
- 1.03 Architectural plans dated 03-27-2019 are approved to proceed to building permit, subject to conditions listed below.

2.00 BONDS, ESCROWS AND DIRECT PAYMENTS

- 2.01 A Development Contract and bonding shall be required as a development bond or letter of credit in the amount of **\$81,200.00**, a cash bond in the amount of **\$4,200.00**, and a developer's escrow in the amount of **\$2,500.00** as required by Chapter 152. The developer's escrow must be posted with the City to cover engineering, legal and administrative costs incurred by the City. If this account becomes deficient, it shall be the developer's responsibility to deposit additional funds. This must be done before final bonding obligations are complete.

3.00 REQUIRED DOCUMENTS

- 3.01 All utility construction, drainage, grading and development plans must be approved by the City Engineer prior to receiving a building permit.

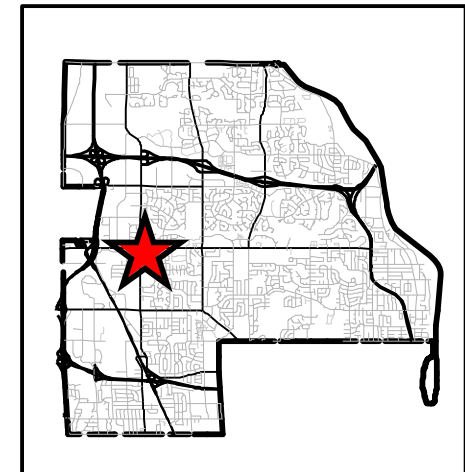
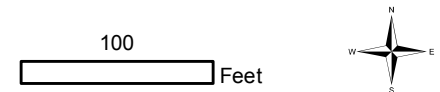
4.00 GENERAL CONDITIONS

- 4.01 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.
- 4.02 Before final bonding obligations are released, a certificate signed by a registered engineer must be provided. This certificate will state that all final lot and building grades are in conformance to drainage development plan(s) approved by the City Engineer.
- 4.03 No burying of construction debris shall be permitted on the site.
- 4.04 Dust control measures must be in place to prevent for dust and erosion including, but not limited to, daily watering, silt fences, and seeding. The City Engineer may impose measures to reduce dust.
- 4.05 Adequate dumpsters must be on site during construction. When full, they must be emptied immediately or replaced with an empty dumpster.
- 4.06 The pedestrian connection steps must include bicycle grooves.
- 4.07 All lighting must meet City Code requirements.
- A. The lighting plan must be updated prior to building permit so that parking and pedestrian areas meet 1.0 foot-candle light levels in the vicinity of the proposed waste enclosure. Additional 15-foot lights may be necessary to achieve this requirement.
 - B. All existing wall-mounted lights must be replaced with conforming downcast fixtures.
- 4.08 All signage must conform to City Code requirements and obtain a permit prior to construction. Only two walls are permitted to have signage (per tenant) due to the presence of an area identification sign.
- 4.09 The paved area north of the building must be removed and be replaced with greenspace and concrete curbing. A patio may be installed for a seating area in conformance with the architectural site plan.
- 4.10 Rooftop equipment must be screened by an architectural means such as raising parapets.
- 4.11 ADA-compliant ramps must be provided to all existing accessible parking provided on-site.
- 4.12 A bicycle rack accommodating at least two bicycles is required per 152.146(A).

Conditional Use Permit #19-104 Broadway Square
8479 West Broadway



Spring 2015 Air Photo.



Map Date March 7, 2019

Land Use Plan	Neighborhood Commercial
Current Zoning	Neighborhood Retail Business District (B2)
Surrounding Zoning	West and South – Detached Single- and Attached Two-Family Residential (R4) <i>College Park</i> North – Detached Single- and Attached Two-Family Residential (R4) <i>Maplebrook Townhomes</i> East – Public Institution (PI)
Neighborhood	College Park
Site Area	5.15 acres (entire Broadway Square shopping center)
Conforms to:	
	Land Use Plan – Yes
	Zoning Code – Yes to the B2 standards
	Variances Needed – None
Notification	116 Mailed Notices Sun Post Legal Notices Neighborhood Update Email – College Park and Tessman

Building Modifications

The existing building is constructed out of rock-face block with some windows. There is a varied roofline stepping up toward the corner. A corrugated metal awning wraps around most of the building.

The applicant is proposing to bump out a portion of the east side of the building to accommodate a drive-thru window. A new parapet will be added to match the height of the mid-level parapet in order to screen the rooftop equipment anticipated for a restaurant user.

The south end of the building has an existing trash enclosure that will be removed. That area and the adjacent parking lot endcap will be converted to a patio area with tables and chairs installed.

Drive-Thru Lane and Parking Lot Modifications

The existing parking area on the north and east sides of the building consists of a two-way drive with a single row of parking to the east. The entire row of 23 parking spaces north of the West Broadway driveway will be removed. In the main parking lot, three more parking spaces will be removed to accommodate a waste enclosure. Along the northwest corner of the building, two parking spaces will be added so that the drive-thru exit will align with the northern drive aisle of the parking lot. The overall loss of 24 spaces will not affect the site negatively based on observations of the parking lot.

The two-way drive will be converted to a drive-thru lane. The applicant has requested a bypass lane around the window but has shown the lane extending well past it. It is recommended that the bypass lane taper into the main lane just after the window to eliminate unnecessary pavement. Also, there is an excessive amount of pavement between the north side of the building and the drive-thru lane. This pavement should be removed as it could become an unsanctioned parking area interfering with drive-thru traffic. The applicant was able to update the architectural site plan showing the Planning Commission's recommendation, but there was not enough time to update the other civil plans.

Drive-thru queues are required to provide stacking space for six cars. Three can fit along the east side of the building. The other three spaces will be provided by widening out the drive aisle along the east side of the parking lot. This stacking area must be delineated with striping.

Pedestrian Connections

The site sits below the adjacent roadways. A direct pedestrian connection to the front door is not feasible without a long ramp or stairs. The applicant is proposing a sets of steps to access the sidewalk along 85th Avenue. Another set of steps is shown as “future walk by others.” The reconstruction of West Broadway will include the installation of a multi-use path along the property line, but the project designs do not show making this connection. It is recommended that the steps be installed at this time to make sure the connection is made in the future. Additionally, it is recommended that both sets of steps include a bicycle tire groove so that bikers can walk the bikes easily up and down the steps (this was installed at the Athlos Charter School development at the trail along Noble Parkway). A bike rack will be required to be installed along the front of the building.

Signage

The plans submitted show three areas of *potential* signage on the walls. City Code Section 150.28(A) limits this user to two walls for signage because there is an area identification sign on the site. If the area identification sign were removed, then the user could have three walls with signage.

Lighting

The site has non-conforming lighting. The existing poles exceed the 15-foot height limit due to the proximity of residential uses. In previous CUP and Site Plan Review requests, improvements have been made to the main building’s wall lighting. All wall-mounted lighting on the 8479 building will need to be replaced with downcast and shielded lighting. Additionally, the parking lot has flood lighting mounted on the poles. These lights will need to be adjusted so that they are angled downward to prevent glare.

The lighting plan provided did not include measurements of the three existing pole lights. The plan shows no light from the building-mounted lights meeting the waste enclosure. It is recommended that these calculations be made for the building permit and if the light levels are below the 1.0 fc required for parking areas that a new 15-foot pole light be installed.

Landscaping and Screening

The site sits lower than the adjacent roadways and the grade change should block the headlights of the vehicles in the drive-thru from spilling off site. Additional trees and shrubs are proposed for general aesthetics on the site. With the removal of the excess pavement along the north side of the building noted earlier, that area should be converted to green space planted with shrubs, ornamental trees, and/or perennials.

West Broadway

West Broadway will be reconstructed in the next few years to include a new roadway, light rail transit, multi-use trails, and streetscaping. Reconstruction is expected to disrupt traffic patterns as construction occurs in the area. The applicant was provided plans of the roadway to assist in site development. After reconstruction, there will be no left turns to and from West Broadway.



Photo 1. The south end of the building where the proposed coffee shop and bakery is proposed (04-01-2019).



Photo 2. The east side of the building (right) where the drive-thru window will be constructed (04-01-2019).



Photo 3. The north side of the building (04-01-2019). This is the area where staff recommends conversion to greenspace.



Photo 4. The parking lot light with the angled light (04-01-2019).

**UNAPPROVED PLANNING COMMISSION MINUTES
April 10, 2019 Regular Meeting**

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

B. Broadway Square (Mohagen Hansen Architecture | Interiors) – Conditional Use Permit #19-104 for a drive-thru at 8479 West Broadway Avenue.

Senior Planner Larson described the site of the Broadway Square shopping center that sits upon 5 acres at the southwest corner of West Broadway Ave and 85th Ave N. He indicated there are two buildings on in the center, a large strip center and a stand-alone building. He provided background that the City has seen several uses in the large strip center, the Commission most recently reviewing a religious institution. He stated the stand-alone building has also seen several uses over the years. Currently, it is a dance studio which is a permitted use, but it has also a veterinary clinic and a gas-station convenience store which were both conditional uses. He explained the current proposal would change the building from a retail office building to a restaurant with a drive-thru. He noted that a restaurant is a permitted use, but the drive-thru is conditional. He stated the restaurant would take up about half the building. He said the current waste enclosure would be removed and would be filled in along with the rock landscaped area to allow for patio seating. He stated the drive-thru window would be bumped out along the east side of the building. He explained the parking edge near the drive-thru window would be converted to the drive that would meet the city code requirement of stacking space next to the window to allow for at least 6 cars at one time. He pointed out that the plans reflect space for three cars just next to the building, followed by the drive-thru menu, and more parking would be removed in addition to a shift over in the curb line to make space for the additional 3 car spaces. He stated the building will not be changed a great deal minus the rooftop screening areas for the anticipated restaurant equipment. He said the plans show three signage areas, however the B2 zoning code only allows for two signs since there is also a freestanding sign on the corner. He indicated a new waste enclosure replace some parking spaces. He discussed the lighting plan noting that some light levels are unknown especially regarding the waste enclosure, and there is a concern for the safety of employees when taking out the trash at night. He explained the minimum lighting level should be 1 foot-candle, so City Staff is recommending the lighting plan be recalculated at the time of the building permit application. In the event the level 1 fc standard is not met, then the recommendation would be to add a new light in the island. He pointed to an example of the proposed lights that have both a downcast and angled light, but the angled light doesn't meet city code as it needs to be tilted down at a horizontal to reduce glare. He discussed another recommendation change listed in the proposed resolution to better define the drive-thru route and accompanying bypass lane, so it is not confused with a parking lot. Staff is recommending approval with the conditions outlined in the draft resolution.

Eric Mikkonen, Mohagen-Hansen Architecture, the applicant, stated that after speaking with the involved parties, they do not wish to challenge any of the City Staff recommendations.

Peter Beck, representing the applicant, reiterated recommendations are good suggestions, but the owner does think some of that area could be used for additional patio seating. He stated they have not yet had a chance to work that up, but if it was received as a good idea by Commission and Staff, they would be happy to draw up a concept plan.

Eric Mikkonen clarified there would still be grade separation between the drive-thru lane and the outdoor seating.

Peter Beck confirmed they will comply with the lighting and sign requirements as well as any other conditions. Commissioner Chair Hanson opened the public hearing.

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

Commissioner Kisch asked City Staff for a better understanding of the rezoning process as the City updates the comprehensive plan. He noted the proposed site is currently zoned as B2 and asked if the TOD zoning that was approved doesn't yet apply since it still needs to be brought in alignment with the comprehensive plan.

Planning Director Sherman stated this isn't exactly the situation. She explained City Staff holds the position that they went through the proper procedures to rezone this parcel as a TOD zoning district, but an exception is being made for this proposal. She confirmed the application is being reviewed based the B2 zoning regulations. She confirmed the proposal is in alignment with the comprehensive plan which shows the site as a potential residential redevelopment or some other use, ideally a mixed-use.

Commissioner Kisch asked for clarification that the site is currently rezoned to the implemented TOD districts, but the proposal is being considered as B2.

Planning Director Sherman confirmed that is a good summary.

Commissioner Kisch stated since they have rezoned the area, there is an understanding of the intent for the area, but this is being evaluated under a grandfathered situation. He stated that from a conditional use permit standpoint, he is going to be conscious that any of the conditions aren't keeping with the TOD zoning as the proposed use wouldn't be permitted under the current zoning. He said that he personally doesn't want a drive-thru in an area rezoned under TOD, but he understands that the Commission is to look at this as if it is B2 zoning. He moved on to state he does have a concern on the south side of the site where the drive aisle and the queueing area starts align with the primary paths of travel for the overall parking lot. He believes further separation between the queueing lane and the rest of the parking lot such as a small raised median would be beneficial to avoid conflict. He thinks the separation and buffer could be added with some reconfiguration with the possible loss of roughly 4 parking stalls which shouldn't be an issue since a submitted letter noted there is currently excess parking.

Senior Planner Larson stated this was discussed, and the Staff recommendation is to include striping. He explained the thought the striping would help provide guidance for cars to go over instead of blocking the parking lot drive aisle. He agreed a concrete median may work for people coming from the south, but it may make a U-turn difficult for someone coming from the north which may potentially tie up the drive lane longer. He explained City Staff did look at other examples in town, and most of the McDonald's use striping just a little outside of their menu board areas.

Commissioner Kisch asked if there is a way to soften the edge from a landscaping perspective to provide a walkable pedestrian environment to align with the goals of the TOD zoning.

Planning Director Sherman assured the Commission that special attention was paid to the future when reviewing the application, so the recommendations are factoring in the LRT and reconstruction of Broadway. She noted the architect received and incorporated the road plan for West Broadway into the design in addition to the requested pedestrian connections both along the existing trail along 85th Ave N and the future trail along West Broadway. She stated City Staff is satisfied with these pedestrian connections at this time. She explained it is unreasonable to require too much more just now since things may be ripped up as part of the construction. She said landscaping and other pedestrian improvements may be added through the City and County project.

Commissioner Mersereau stated a concern about the drive-thru line backing up onto Broadway or blocking traffic in the parking area since coffee shops are known to get quite busy. She addressed a resident's letter concerned with the conflict to pedestrian traffic into the main building. She wondered if there was any discussion about encouraging traffic to flow in front of the stand-alone building so there is less interference with pedestrian traffic. She provided the example of coming out of the drive-thru followed by an immediate left in order to double-back in front of the stand-alone building, or they could proceed forward on to 85th instead of Broadway which would require cars to go all the way around where there is pedestrian traffic.

Senior Planner Larson said the proposal is anticipated to be used mostly in the morning, and the only other morning user in the lot is a daycare center. He explained to get onto 85th it would be a right-in, right-out, and that will be the case for West Broadway once reconstructed. He said that it would be easier for drivers to get onto Broadway by going out on to 85th first instead of driving all the way around in front of the center. He assured the Commission City Staff doesn't anticipate a problem, but if something does come up, especially during the grand opening, it is not unusual for the police department to be hired to guide the traffic flow until things stabilize. He stated if there is a long-term stacking problem, then the City would call the shopping center management and request other solutions be analyzed.

Commissioner Vosberg asked how one would be able to go west onto 85th Ave N after going through the drive-thru.

Director Planning Sherman said one would take a right onto 85th Ave N and make a U-turn at West Broadway which is permitted.

Commissioner Vosberg pointed out that 85th Ave can get busy in the morning, and having driver's depend on fitting in a U-turn could create congestion. She asked how someone would get back to 85th once the LRT comes through causing another right-in, right-out. She said her concern is with the daycare. She said when she uses the parking lot, her instinct to get over to West Broadway was to go all the way around to avoid driving inside the parking lot.

Senior Planner Larson reiterated a few pathways available adding that one could also turn right down to Brooklyn Blvd to connect to 169.

Commissioner Vosberg asked about possible congestion once the LRT train comes through knowing that it is planned to be in the center of the roadway. She pointed out there will be pedestrians and traffic from the college in the area as well.

Senior Planner Larson said the applicants have been made aware of the access limitations of the site. He speculated that pedestrian traffic will be good for the business because right now it is difficult for pedestrians to walk across the street from the college to the shopping center for lunch.

Commissioner Vosberg agreed it is nearly impossible to get across that road. She asked if safety measures will be put in place once the path goes through.

Senior Planner Larson said the signalized intersection will have the crosswalk with the usual button for pedestrians. He said there will also be another crosswalk with flashing lights at the south end of the station. He noted the median will be blocked, and cars won't be able to cross all the way down until College Park Drive.

Planning Director Sherman added that West Broadway will look completely different in the future. The three right-turn lanes will be removed, and the lanes will narrow. She stated this area will be more pedestrian friendly in addition to having the train and improved crossing detail.

Commissioner Mohamed stated his belief that the developer and applicant have taken into account the limited access of the site when determining if this will be a viable location for their business. He agreed the U-turn will be a nightmare especially with the train, but again the developer is aware of this. He stated his belief that the limited access can be mitigated in their own terms.

MOTION MOHAMED, SECOND MERSEREAU TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR A DRIVE-THRU AT 8479 WEST BROADWAY, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

Commissioner Chair Hanson asked the applicant if they had anything to add.

Peter Beck confirmed there has been a lot of discussion in regard to the site access, and they are aware that the light-rail will reduce the car traffic in all likelihood. He said the increased pedestrian traffic will also work well with the coffee shop business model.

Commissioner Kisch asked City Staff when the application was received relative to when the new zoning was adopted.

Planning Director Sherman stated the application was submitted March 1st. She explained the contention is whether the adoption of the ordinance was addressed properly. She stated since there is debate on this, the best course of action was to review the proposal as if the zoning had not yet been put in place.

Commissioner Kisch asked for confirmation that taking action on this parcel and proposal would not set a precedent for future parcels that have been rezoned TOD.

Planning Director Sherman confirmed the City Council is completing a second reading on the ordinance once more so that there is absolute certainty that the ordinance is in place. She stated this should be finalized in the next 30 days.

Peter Beck seconded that this is a unique situation to this one property.

Commissioner Kisch said he understands the property owner's perspective that this is unique, but he is concerned about setting a precedent for a parcel at a different station down. He said he only asks because this is informing his decision, and he will be voting no because he believes the City did do proper notification around the rezoning, and this application is coming after the fact which sets a bad precedent in his opinion.

Commissioner Chair Hanson added that she doesn't see a problem with this proposal even though there is debate on the timing. She believes this will be in the best interest of the community, and she is excited to see new development in the area to spur things along in the development as the City heads forward with the light-rail.

MOTION CARRIED 7-1. COMMISSIONER KISCH VOTED NAY.

From: Nancy Abts
Sent: Wednesday, April 10, 2019 7:31 AM
To: Todd Larson
Cc: Amy Hill
Subject: Conditional Use Permit #19-104 for a drive-thru at 8479 West Broadway Avenue

Dear Planner Larson & Members of the Brooklyn Park Planning Commission,

I work in the area and my daughter attends daycare at the Step by Step Montessori school located on the property at 8401 West Broadway Avenue, sharing a parking lot with the location where the Planning Commission is considering a new Conditional Use Permit for a Drive-thru.

First--I am excited about a possible new restaurant at this location! My family frequently walks down to pick up takeout from MT Noodles on busy nights, and it will be handy to have another convenient dining option in this area.

At the same time, I'm concerned about the impacts this business might have on internal circulation for the parking lot. Vehicles exiting the drive-thru and wanting to exit onto West Broadway Avenue do not have a defined path through the parking lot, but I think it's likely they will drive in front of the Step by Step entrance. I'm worried about the dark winter mornings when parents and children are hurrying to get inside and out of the cold, and drivers are hurrying to continue on their way to work. Although I understand turning options onto West Broadway Avenue will be restricted when the road is reconstructed, the timing of those changes isn't clear.

I'm hoping there is an opportunity to better control the path of traffic leaving the drive-thru, or to improve pedestrian safety within the parking lot. As the applicant describes the parking lot as "significantly over-parked", there may be spaces to make pedestrian-oriented improvements. (I think the Brooklyn Park Hy-Vee has done a nice job with their lot.)

Unfortunately, I will not be able to attend the Public Hearing to share my comments (small children can have that effect!), but I thank you for your time and attention in reviewing this matter.

Sincerely,

Nancy Abts
4530 Penn Avenue North
Minneapolis, MN

BECK LAW OFFICE

4746 Sheridan Ave. S.
Minneapolis, MN 55410

Peter K Beck
Attorney at Law

612-991-1350
peter@peterbecklaw.com

February 28, 2019

Planning Commission
City of Brooklyn Park
5200 95th Avenue N
Brooklyn Park, MN 55443

Re: Letter of Request in Support of Drive-Through Window at Broadway Square Shopping Center

Dear Planning Commission:

CMFG Life Insurance Company, owner of the Broadway Square Shopping Center, requests approval of a conditional use permit ("CUP") to install a drive-through window in the existing freestanding building located on the northeast corner of the shopping center property, adjacent to the intersection of West Broadway and 85th Avenues. The drive-through window will make it possible to lease space in the building to a national coffee shop tenant. This tenant will have a significant positive impact on the owner's efforts to improve the tenant mix and the overall quality of the shopping center.

Although the property is proposed for rezoning to one of the new transit oriented zoning districts, the application for a CUP for the drive-through window was submitted prior to the rezoning and is being considered pursuant to the requirements and performance standards for the B-2 Zoning District. Section 152.361 of the Zoning Code allows "drive-through windows" as a conditional B-2 accessory use in the B-2 Zoning District. Section 152.362 sets forth additional standards for accessory uses, but includes no additional standards for drive-through windows. Therefore, the application for a conditional use permit is evaluated against the review standards for approval of a conditional use permit set forth in Section 152.035(D), and meets those standards, as follows:

(1) *Comprehensive Plan.* Compliance with the Comprehensive Plan, public facilities and capital improvement plans, and all sections of the City Code.

The existing B-2 zoning is consistent with the Comprehensive Plan. The proposed coffee shop is a permitted use in the B-2 zone, and the drive through window is an accessory use allowed by conditional use permit. All sections of the City code are complied with.

(2) *Traffic.* The generation and characteristics of the traffic associated with the use and its impact on the traffic volumes of and safety associated with driveway location on adjacent roads, sidewalks and trail connections.

No changes are proposed to the location of the existing building nor to the location of the existing driveway which serves the shopping center. The building has parking and driveway aisles on the west and south sides of the building. Because the drive-through window must be on the left side of customers cars pulling up to the order board and pick-up windows, traffic will move from south to north along the east side of the building and around the north side of the building exiting into the existing parking lot along the north property line. The site plan provides for stacking of seven customer automobiles, which is in excess of the City requirement of six. The site plan also shows greater pedestrian access to the site from the east and north sides of the building, to facilitate pedestrian movement from both West Broadway Avenue and 85th Avenue to the coffee shop and the shopping center. Pedestrians accessing the coffee shop from West Broadway and 85th Avenue will be able to do so without crossing the main drive aisles that serve the shopping center from West Broadway and 85th Avenue.

(3) *Parking.* The characteristics of the parking area of the use, including the number and design of parking spaces, landscaping, traffic circulation, drainage, and lighting. The city may require additional parking above that required in §§ 152.140 through 152.146.

The Broadway Square Shopping Center is significantly over-parked with excess capacity available. The proposed coffee shop is a permitted use and there is adequate parking at the shopping center for the coffee shop. The drive-through itself, which is the conditional use, will not generate any additional parking demand and, therefore, this standard is met.

(4) *City services.* The provision of adequate public facilities and services to the site where the use is proposed and the ability of the existing infrastructure to absorb the additional demand for city services.

The drive-through window will be installed in an existing building which has been leased over the years to other tenants and has adequate public facilities and services.

(5) *Screening and landscaping.* The ability to screen and buffer incompatible off-site impacts of the proposed use on adjacent property and the surrounding neighborhood. The city may require additional landscaping or screening above that required in the specific zoning district.

The proposed drive through is screened from West Broadway and 85th Avenues by an elevation drop and additional landscaping. The site plan shows additional decorative landscaping which will significantly improve the existing site and will meet the City requirements for screening and landscaping.

(6) *Architectural standards.* The degree that the site or building associated with the proposed use meets or exceed the architectural design and landscaping standards

Planning Commission
City of Brooklyn Park
February 28, 2019
Page 3

for the district in which it is located. The city may require additional architectural standards above those required in the specific zoning district.

This is an existing building, and its architectural design is established. The proposed alterations and additions to the existing building will match or be complimentary to the existing façade. In addition, the site plan shows an outdoor patio area, relocated trash enclosure, and other enhancements to the site which will be in compliance with design standards.

The repurposed building, with the drive-through window, will be a significant improvement and addition to the shopping center and the neighborhood. Therefore, CMFG Life Insurance Company requests approval of a conditional use permit to install a drive-through window in the existing building at 85th Avenue and West Broadway Avenue.

Very truly yours,

PETER K. BECK ATTORNEY AT LAW PLLC

By: Peter Beck / Tg.

GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION, (AIA DOCUMENT A201, CURRENT EDITION) IN ITS ENTIRETY, ARE PART OF THESE DOCUMENTS. ADDITIONAL NOTES WITHIN THESE DOCUMENTS ARE NOT MEANT TO OVERRIDE ANY PART OF A201. CONTACT ARCHITECT FOR A COPY OF A201, IF REQUIRED.

2. THE CONTRACT DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED PROJECT. UNLESS OTHERWISE INDICATED, THEY DO NOT INDICATE THE MEANS OR METHOD OF CONSTRUCTION.

3. THE CONTRACTOR SHALL OBTAIN SUFFICIENT LIABILITY INSURANCE TO COVER WORKMAN'S COMPENSATION, GENERAL LIABILITY AND CONTRACTUAL LIABILITY. A COPY SHALL BE FILED WITH THE OWNER.

4. THE CONTRACTOR SHALL PROVIDE ALL WORK AND MATERIALS AS REQUIRED BY THE CONSTRUCTION DOCUMENTS AND IN FULL ACCORDANCE WITH ALL APPLICABLE CODES AND ORDINANCES.

5. THE CONTRACTOR WILL MAINTAIN BUILDER'S RISK INSURANCE ON THE FORM KNOWN AS "AL RISK" OR "MULTIPLE PERIL". THE CONTRACTOR, ALL SUBCONTRACTORS, ARCHITECTS AND ENGINEERS SHALL BE INCLUDED IN EACH CAPACITY AS INSURED JOINTLY WITH THE OWNER IN ALL POLICIES.

6. THE CONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND FIELD CONDITIONS PRIOR TO ANY DEMOLITION, FABRICATION, CONSTRUCTION OR INSTALLATION & NOTIFY ARCHITECT IF CONDITIONS, MATERIALS, SIZES AND DIMENSIONS ARE DIFFERENT FROM THOSE SHOWN.

7. CROSS REFERENCE ALL DIMENSIONS AND DETAILS WITH STRUCTURAL, CIVIL, MECHANICAL, AND ELECTRICAL DRAWINGS BEFORE COMMENCING ANY FABRICATION AND/OR CONSTRUCTION.

8. CONTRACTORS SHALL INSTALL ALL MANUFACTURED ITEMS, MATERIALS AND EQUIPMENT IN STRICT ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDED SPECIFICATIONS, EXCEPT WHERE THE SPECIFICATIONS HEREIN, ARE MORE STRINGENT, AND SHALL BE COMPLIED WITH.

9. MATERIALS WHICH ARE SHOWN ON THE DRAWINGS AND WHICH MAY NOT BE SPECIFICALLY DESCRIBED IN THE SPECIFICATIONS OR DRAWINGS, SHALL BE FURNISHED BY THE CONTRACTOR AND SHALL BE SUITABLE FOR THE INTENDED USE. MATERIALS SHALL BE IN HIGHEST AVAILABLE QUALITY, AND SHALL BE SUBJECT TO REVIEW FOR CONFORMANCE WITH THE INTENT OF THE CONTRACT DOCUMENTS, WHERE INSTALLATION TECHNIQUES ARE NOT SPECIFIED, THEY SHALL BE IN ACCORDANCE WITH MANUFACTURER'S CURRENT INSTRUCTION AND INDUSTRY STANDARDS.

10. SHOP DRAWINGS PREPARED BY SUPPLIERS, SUBCONTRACTORS, ETC. SHALL BE REVIEWED, COORDINATED AND SIGNED AND STAMPED BY GENERAL CONTRACTOR PRIOR TO SUBMITTING TO THE ARCHITECT/ENGINEER.

11. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS, LICENSES AND CERTIFICATES AND PAY ALL FEES CONNECTED THEREWITH THE ABOVE REFERENCED PROJECT.

12. THE CONTRACTOR SHALL BE RESPONSIBLE TO PREPARE ALL SURFACES FOR PROPER INSTALLATION OF FINISHES. THIS IS TO INCLUDE, BUT IS NOT LIMITED TO: PATCHING, SANDING, FLOOR LEVELING, PRIMING, SEALING, SKIM COATING, ETC.

13. THE CONTRACTOR SHALL AT ALL TIMES KEEP THE PREMISES FREE FROM WASTE MATERIAL OR RUBBISH CAUSED BY THE WORK.

14. THE CONTRACTOR SHALL MINIMIZE ANY DAMAGE TO EXISTING CONSTRUCTION AND AREAS ON THE SITE OUTSIDE OF THE CONSTRUCTION LIMITS. CONTRACTOR TO CONSTRUCT TEMPORARY WALLS AND BARRIERS AS REQUIRED TO CONTAIN DUST AND DEBRIS AND TO PROVIDE SAFE PUBLIC ACCESS AND PASSAGE.

15. THE GENERAL CONTRACTOR SHALL LOCATE ALL NEW MECHANICAL UNITS OR RELOCATE ANY EXISTING UNITS OR ITEMS THAT CONFLICT WITH NEW OR EXISTING FRAMING AND FULL HEIGHT WALLS. THIS INCLUDES ACCESS FOR ALL CONTROLS, FILTERS, ETC. THIS WORK MUST BE COORDINATED AND VERIFIED PRIOR TO BIDDING.

16. THE GENERAL CONTRACTOR SHALL COORDINATE AND VERIFY WITH THE RESPECTIVE TRADES THE SIZES AND LOCATIONS OF MECHANICAL AND/OR ELECTRICAL PENETRATIONS, LOCATIONS OF FIRE TREATED BACKING/BLOCKING REQUIRED FOR MOUNTING ELECTRICAL AND/OR MECHANICAL EQUIPMENT, AS WELL AS CUTTING AND PATCHING FOR WORK REQUIRED BY MECHANICAL/ELECTRICAL.

17. WHEN WORK IS COMPLETED IN AN AREA, THOROUGHLY CLEAN THE SPACES, ITEMS & SURFACES OF SOIL, WASTE MATERIAL, SMUDGES, SPATTERS, MISAPPLIED MATERIAL, SPOTS, STAINS, AND THE LIKE, WITHOUT DAMAGING THE MATERIALS AND SURFACES INVOLVED.

18. PROVIDE SEMI RECESSED FIRE EXTINGUISHERS AS REQUIRED BY APPLICABLE CODES AND ORDINANCES UNLESS NOTED OTHERWISE.

19. ALL DOORS, FRAMES, HARDWARE, LIGHTING AND CEILING MATERIALS ARE TO FOLLOW BUILDING STANDARDS UNLESS OTHERWISE NOTED.

20. PROVIDE FIRE TREATED BLOCKING IN WALLS AS REQUIRED FOR INSTALLATION OF MILLWORK, FURNITURE AND ACCESSORIES.

21. THE GENERAL CONTRACTOR IS TO VERIFY BUILDING STANDARDS WITH BUILDING MANAGER. ALL HARDWARE SETS AND KEYING TO BE COORDINATED WITH BUILDING MANAGERS.

22. ALL INTERIOR GLASS MUST COMPLY W/ APPLICABLE CODES FOR DESIGN LOADS & SAFETY GLAZING.

23. ALL MATERIALS USED IN PLENUM AREAS MUST BE NON-COMBUSTIBLE AND / OR LISTED FOR PLENUM USE AS DEFINED BY THE STATE & LOCAL CODES. IT WILL BE THE CONTRACTORS RESPONSIBILITY TO ADHERE TO THESE REQUIREMENTS.

24. THE GENERAL CONTRACTOR WILL BE RESPONSIBLE TO FIRE CAULK ALL NEW AND EXISTING PENETRATIONS WITHIN WALL PARTITIONS, ABOVE THE CEILING, AS INDICATED BY THE APPLICABLE CODES.

25. DEFERRED SUBMITTALS: DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE SUBMITTED TO THE ARCHITECT OF RECORD AND WILL BE REVIEWED FOR GENERAL CONFORMANCE WITH THE DESIGN OF THE BUILDING. SUBMITTALS FOUND TO BE IN CONFORMANCE WITH THE DESIGN INTENT WILL BE STAMPED AS REVIEWED AND FORWARDED TO THE AUTHORITY HAVING JURISDICTION IN KEEPING WITH MIA CODE SECTION 1300.013 SUBSECTION 9B. SUBMITTALS NOT FOUND IN CONFORMANCE WITH THE DESIGN INTENT WILL BE RETURNED TO THE CONTRACTOR FOR REVISION AND RESUBMITTAL. REVISED DOCUMENTATION WILL BE REVIEWED BY THE ARCHITECT OF RECORD PRIOR TO ACCEPTANCE AND SUBMISSION TO THE AUTHORITY HAVING JURISDICTION.

DEFERRED SUBMITTALS INCLUDE THE FOLLOWING:

A. MECHANICAL DRAWINGS (PREPARED BY DESIGN-BUILD CONTRACTOR)

B. ELECTRICAL DRAWINGS (PREPARED BY DESIGN-BUILD CONTRACTOR)

C. STRUCTURAL STEEL

D. FIRE SUPPRESSION DRAWINGS (PREPARED BY DESIGN-BUILD CONTRACTOR)

E. STRUCTURAL STEEL

1. THE CONTRACTOR SHALL PATCH AND REPAIR ANY AND ALL FLOORS, WALLS, CEILINGS, ETC. IN A WORKSMANSHIP-LIKE MANNER TO MATCH THE SURROUNDING SURFACE AREAS. SURFACES OR MATERIALS DAMAGED BY DEMOLITION OR CONSTRUCTION SHALL BE REPAIRED, RESTORED AND FINISHED TO MATCH THE EXISTING, UNLESS NOTED OR SPECIFIED OTHERWISE. IN ADDITION THOSE EXISTING SURFACES OR MATERIALS (SERVING AS A SUBSTRATE FOR NEW MATERIALS OR FINISHES) WHICH HAVE BEEN DAMAGED FROM ANY CAUSE, SHALL BE REPAIRED, RESTORED, PROPERLY PREPARED AND CLEANED TO RECEIVE THE NEW MATERIALS AND FINISH WORK. ALL NEW MATERIALS & FINISH WORK TO BE FREE FROM FLAWS & DEFECTS.
2. PATCH AND REPAIR EXISTING FLOOR SLAB AS REQUIRED FOR A SMOOTH AND LEVEL SURFACE FREE OF DEFECTS. FILL ALL CRACKS AND HOLES AND LEVEL DEPRESSIONS WITH PATCH MATERIALS COMPATIBLE WITH THE FLOOR AND SLAB AS RECOMMENDED BY THE FLOORING MANUFACTURER.
3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING LEAD TIMES OF ALL MATERIALS SUCH THAT MATERIALS ARE ON SITE WHEN REQUIRED FOR INSTALLATION.
4. ALL PREPARATION, STORING, INSTALLATION AND CLEANUP OF FINISHES TO CONFORM TO MANUFACTURER'S SPECIFICATIONS.
5. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR TESTING THE CONCRETE SUBFLOOR FOR MOISTURE PRIOR TO FLOORING INSTALLATION. THE FLOORING SUBCONTRACTOR IS RESPONSIBLE FOR APPROVING MOISTURE TEST RESULTS AND INSTALLING FLOORING PER MANUFACTURER'S SPECIFICATIONS.

MECHANICAL

1. THE MECHANICAL CONTRACTOR IS TO DESIGN ALL MECHANICAL SYSTEMS AND OBTAIN NECESSARY PERMITS. MECHANICAL DOCUMENTS ARE TO BE PROVIDED BY THE MECHANICAL CONTRACTOR AND SIGNED BY A PROFESSIONAL ENGINEER AS REQUIRED BY CODE. THE MECHANICAL DESIGN IS TO BE COORDINATED WITH THE ATTACHED ARCHITECTURAL CONSTRUCTION DOCUMENTS. THE DESIGN IS TO BE REVIEWED BY THE TENANT PRIOR TO IMPLEMENTATION.
2. THE MECHANICAL CONTRACTOR IS RESPONSIBLE TO PROVIDE ALL NECESSARY MECHANICAL EQUIPMENT AND CONTROLS TO COMPLETE THE JOB. THE MECHANICAL CONTRACTOR IS TO COORDINATE WITH THE ELECTRICAL CONTRACTOR ALL THE NECESSARY WIRING TO COMPLETE THE JOB. THE WIRING IS TO BE COMPLETED BY THE ELECTRICAL CONTRACTOR.
3. PROVIDE BUILDING STANDARD SPRINKLER HEADS @ ALL ACT. CEILING AND @ ALL GYP. CEILING AS REQUIRED BY APPLICABLE CODES AND ORDINANCES.
4. VERIFY LOCATION AND SIZES OF ALL OPENINGS WITH GENERAL CONTRACTOR PRIOR TO COMMENCING WORK. THE GENERAL CONTRACTOR IS RESPONSIBLE TO CUT & PATCH OR ADD STRUCTURAL REINFORCING AS REQ'D FOR THE INSTALLATION OF MECHANICAL ROOFTOP EQUIPMENT.
5. ALL SINKS SHALL HAVE HOT AND COLD WATER WITH BELOW COUNTER PIPE INSULATION WRAP ON EXPOSED PIPING PER ADA GUIDELINES.
6. PROVIDE AND INSTALL AN APPROPRIATE SIZED WATER HEATER AS REQUIRED.
7. THE PLUMBING CONTRACTOR MUST PROVIDE A CLEAN-OUT PLAN FOR REVIEW AND APPROVAL BY THE ARCHITECT BEFORE PLUMBING LINES ARE INSTALLED.

1. THE ELECTRICAL CONTRACTOR IS TO DESIGN ALL ELECTRICAL SYSTEMS AND OBTAIN NECESSARY PERMITS. THE ELECTRICAL DESIGN IS TO BE COORDINATED WITH THE ATTACHED ARCHITECTURAL CONSTRUCTION DOCUMENTS. THE ELECTRICAL DESIGN IS TO BE REVIEWED BY THE ARCHITECT OF RECORD AND TENANT PRIOR TO IMPLEMENTATION.
2. THE ELECTRICAL CONTRACTOR IS TO COORDINATE THE INSTALLATION OF ALL MECHANICAL EQUIPMENT AND TO PROVIDE DISCONNECT AND POWER WIRING FOR ALL MECHANICAL EQUIPMENT.
3. THE ELECTRICAL CONTRACTOR IS TO PROVIDE EXIT AND EMERGENCY LIGHTS AS REQUIRED BY APPLICABLE CODES AND ORDINANCES.
4. THE ELECTRICAL CONTRACTOR IS TO PROVIDE SMOKE DETECTION AND ALARM DEVICES AND WIRING OF THE SPACE AS REQUIRED BY APPLICABLE CODES AND ORDINANCES FOR THE INTERIOR BUILD-OUT SPACE.
5. THE ELECTRICAL CONTRACTOR SHALL INSTALL JUNCTION BOXES W/ PULL STRING FOR ALL VOICE / DATA AND PHONE LOCATIONS. THE TENANT IS TO COORDINATE & PROVIDE ALL LOW VOLTAGE CABLING AND COVER PLATES AS REQUIRED.
6. THE ELECTRICAL CONTRACTOR IS RESPONSIBLE TO VERIFY THE FIXTURE TYPE, APPROPRIATE FOOTCANDLES AND VOLTAGE REQUIREMENTS OF ALL LIGHT FIXTURES IN ASSOCIATION W/ THE SPECIFIC SITE CONDITIONS AND PROVIDE SHOP DRAWINGS FOR REVIEW & APPROVAL PRIOR TO THE ORDERING OR INSTALLATION OF ANY FIXTURES.

TODD MOHAGEN, AIA, NCARB
REGISTRATION NUMBER: 18074

INTERNATIONAL BUILDING CODE (IBC)	2012
AMENDMENTS IN MSBC: CHAPTER 1300	2015
AMENDMENTS IN MSBC: CHAPTER 1341	2015
AMENDMENTS IN MSBC: CHAPTER 1307	2015
INTERNATIONAL FIRE CODE (IFC)	2012
INTERNATIONAL MECHANICAL AND FUEL GAS CODE	2012
AMENDMENTS IN MSBC: CHAPTER 1346	2015
STATE BUILDING CODE (MSBC)	2015
MN PLUMBING CODE	2015
MN ENERGY CODE	2015
ASHRAE 90.1-2010 COMPLIANCE PATH	
NATIONAL ELECTRICAL CODE	2015
MN STATE FIRE CODE	2015

FIRE SPRINKLER PROTECTION:	FULLY SPRINKLED
TYPE OF CONSTRUCTION:	II-B
BUILDING OCCUPANCY:	B, A-2

BUILDING USE	TYPE	SQ. FEET	OCC. FACTOR	OCC. LOAD	2 EXITS REQ'D
BUSINESS AREA	B	1,101	100	11.01	NO
SEATING AREA	B	180	15	12.00	NO
KITCHEN AREA	B	740	200	3.70	NO
TOTAL		2,021.00		26.71	NO

CLASSIFICATION	OCC.	OCC. LOAD/2	WATER CLOSETS				LAVATORIES			
			REQ'D W'	PROV. M	REQ'D W'	PROV. W	REQ'D M	PROV. M	REQ'D W'	PROV. W
OFFICE	B	13.5	1/25<50	1	1/25<50	1	1/40<80	1	1/40<80	1
			0.54		0.54		0.34		0.34	
			1/50>50		1/50>50		1/80>80		1/80>80	
			0.00		0.00		0.00		0.00	
FACTORY & INDUSTRIAL	F	0	1/100	-	1/100	-	1/100	-	1/100	-
			0.00	-	0.00	-	0.00	-	0.00	-
MERCANTILE	M	0	1/500	-	1/500	-	1/750	-	1/750	-
			0.00	-	0.00	-	0.00	-	0.00	-
STORAGE	S	0	1/100	-	1/100	-	1/100	-	1/100	-
			0.00	-	0.00	-	0.00	-	0.00	-
TOTAL			0.54	1	0.54	1	0.34	1	0.34	1

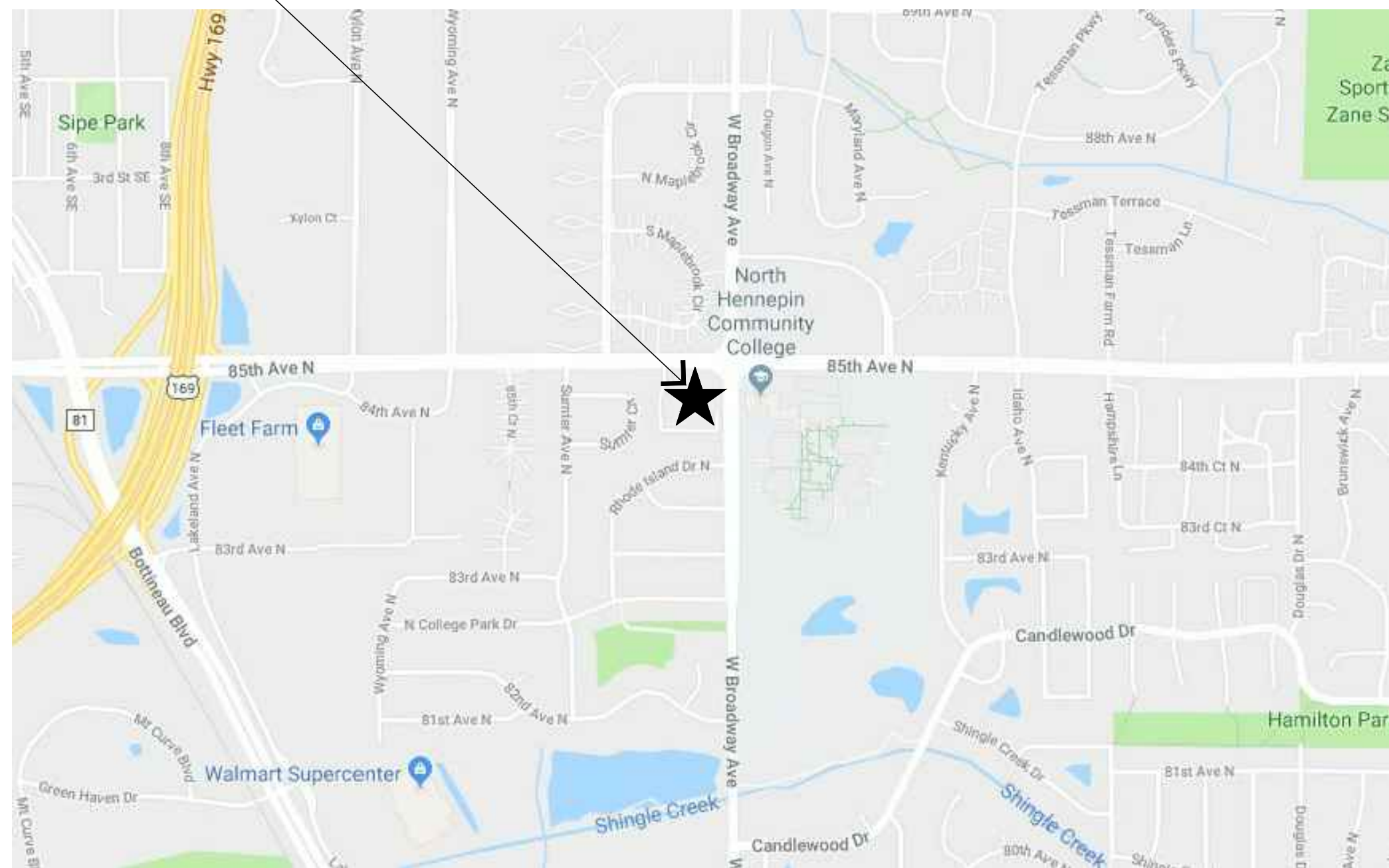
I ACCEPT AND APPROVE THE INFORMATION PRESENTED IN THIS DRAWING SET AS A REPRESENTATION OF OUR DESIGN INTENT. SHOULD OWNER INITIATE CHANGES THAT RESULT IN REVISIONS AND/OR MODIFICATIONS ADDITIONAL DESIGN SERVICE FEES WILL BE CHARGED.

TITLE:

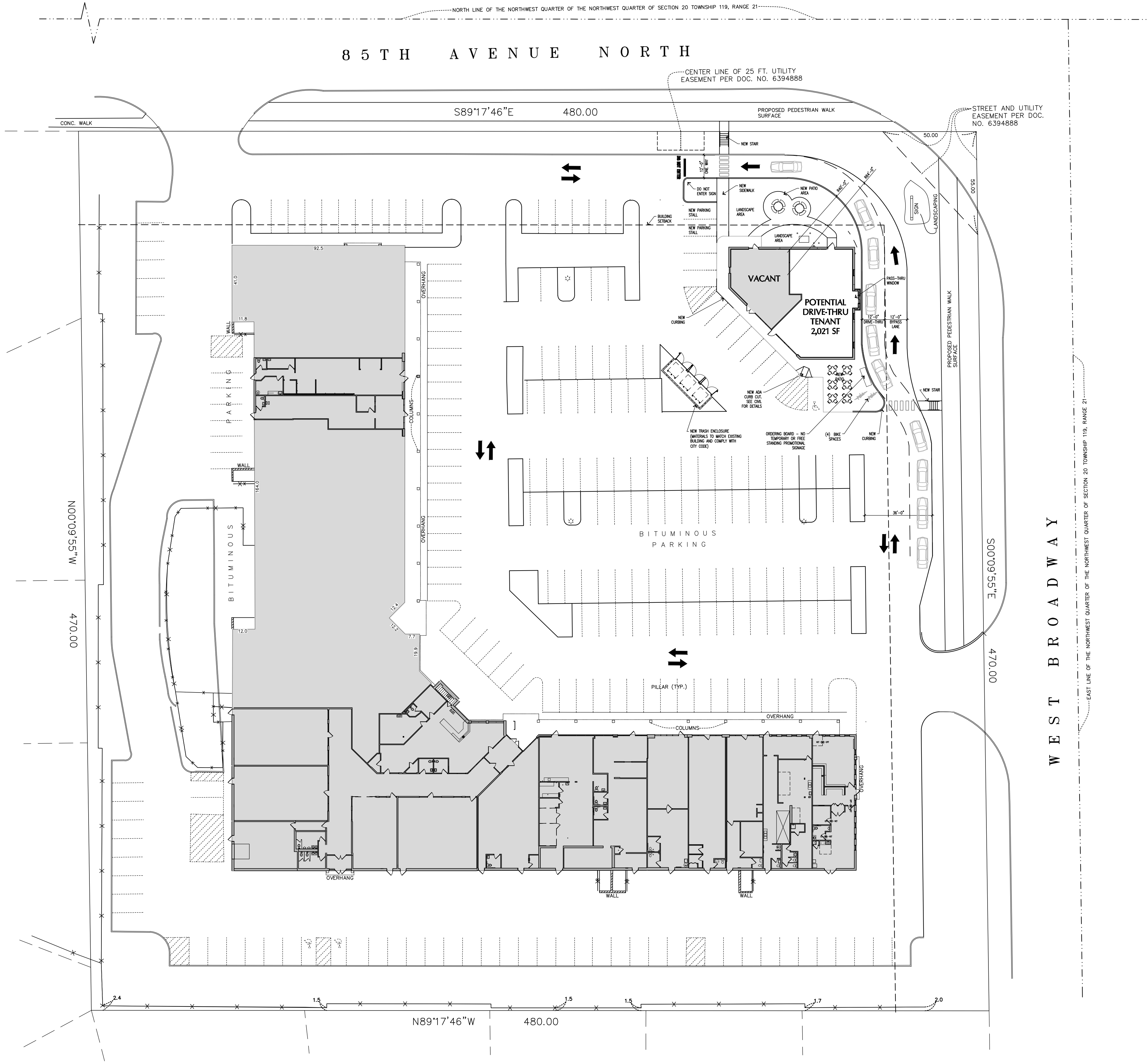
■ 30" X 42" ● 24" X 36" ▲ 11" X 17" △ 8 1/2" X 11"

[illegible]

SITE LOCATION



K:\Jobs\Broadway_SQ\Tenants\Donuts_18141\05_Dwg\Coffee Shop Conditional Use Permit\Sheets\18141-A001_ARCHITECTURAL SITE PLAN.dwg



1 **ARCHITECTURAL SITE PLAN**
A001 1:30 ARCH_XREF

**DRIVE-THRU
WINDOW
MODIFICATION**

**BROADWAY SQUARE
8479 WEST
BROADWAY
BROOKLYN PARK, MN
55445**

ARCHITECT
MH 1000 Twelve Oaks Center Dr.
Suite 200
Wayzata MN 55391
Tel 952.426.7400
Fax 952.426.7440
MORAGEN HANSEN
Architecture | Interiors

I HEREBY CERTIFY THAT THIS PLAN,
SPECIFICATION OR REPORT WAS PREPARED BY
ME OR UNDER MY DIRECT SUPERVISION, AND
THAT I AM A DULY LICENSED ARCHITECT UNDER
THE LAWS OF THE STATE OF MINNESOTA.

JODD MORAGEN, AIA, NCARB
REGISTRATION NUMBER: 18074

THE ARCHITECT SHALL BE DEEMED THE
AUTHORS AND OWNERS OF THEIR RESPECTIVE
INSTRUMENTS OF SERVICE AND SHALL RETAIN
ALL COMMON LAW, STATUTORY AND OTHER
RESERVED RIGHTS, INCLUDING COPYRIGHTS OF
THE ATTACHED DOCUMENTS.

CivilSite
GROUP

NO.	DESCRIPTION	DATE
1	CUP SUBMITTAL	6-29-2018
2	PERMIT DOCUMENTS	12-7-2018
3	REVISED CUP SUBMITTAL	03-01-2019
4	REVISED CUP SUBMITTAL	03-27-2019

**NOT FOR
CONSTRUCTION**

PROJECT NUMBER: 18141.OCUS
DRAWN BY: E. MIKKONEN
CHECKED BY: E. MIKKONEN
DATE: 03-27-2019
COMPUTER DIRECTORY:
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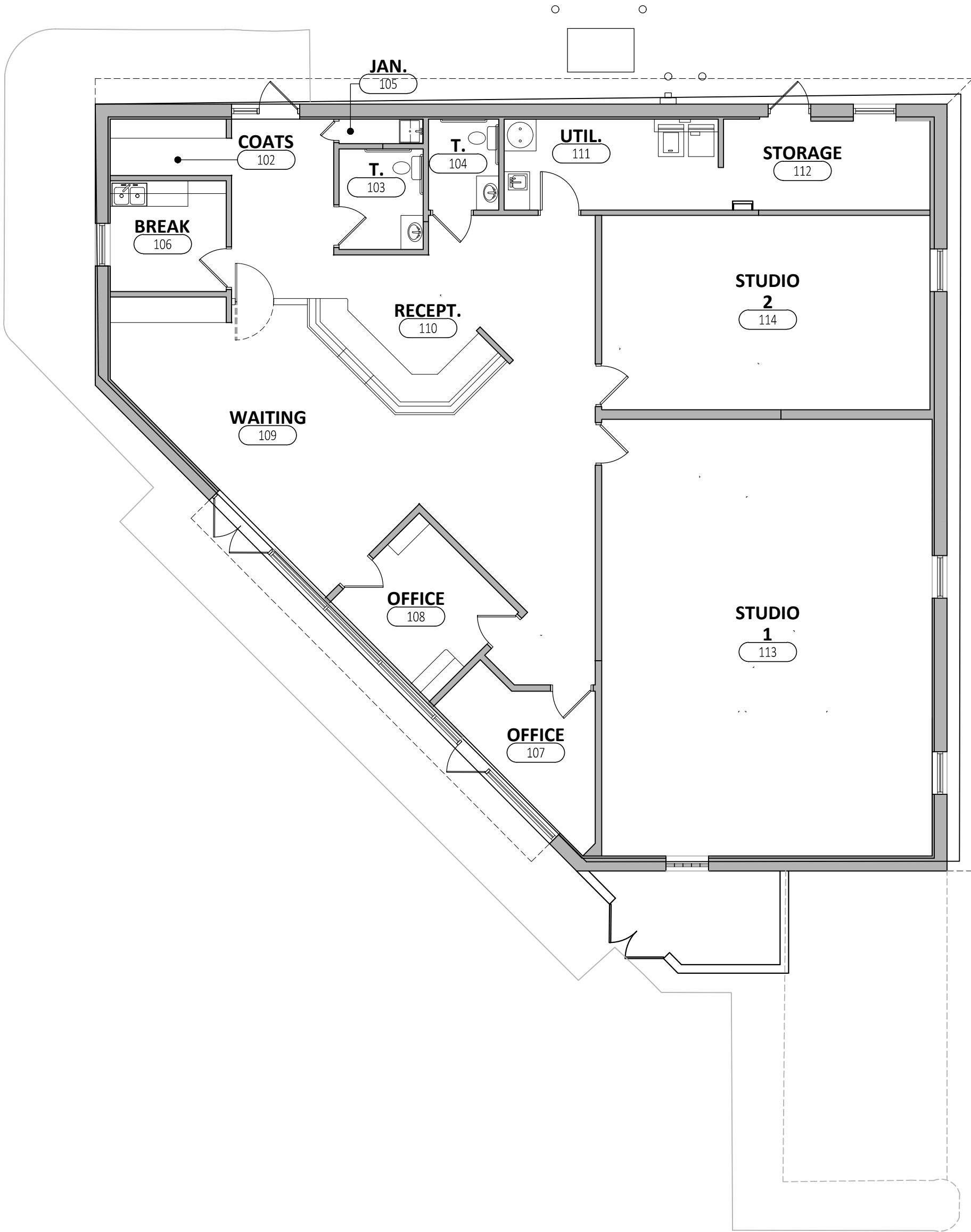
**ARCHITECTURAL
SITE PLAN**

PERMIT DOCUMENTS

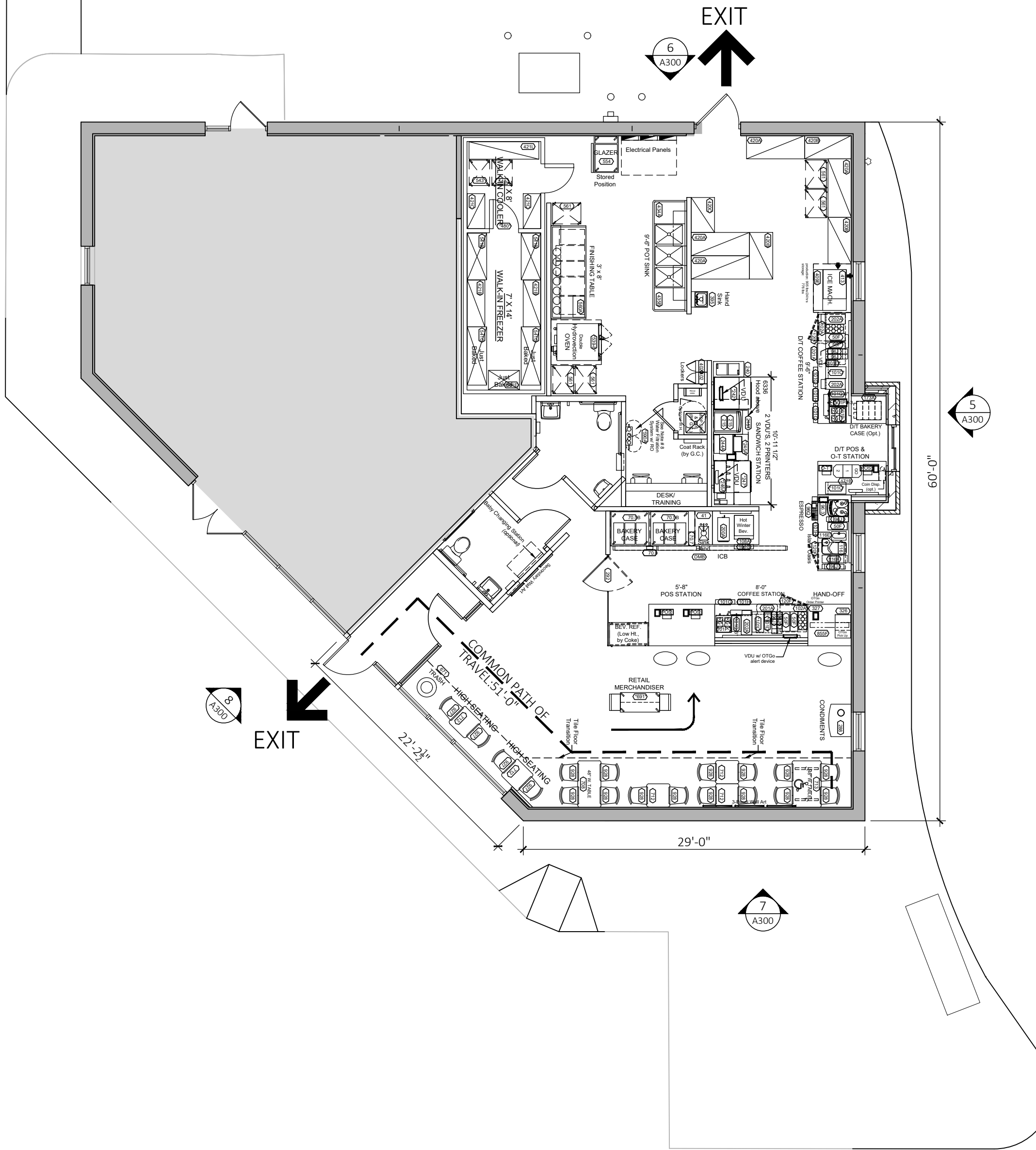
A001

K:\Jobs\Broadway_SQ\Tenants\Donuts_18141\05_Dwg\Coffee Shop Conditional Use Permit\Sheets\A100 EXISTING & PROPOSED FLOOR PLANS.dwg

1
A100 **EXISTING FLOOR PLAN**
1/8" = 1'-0"



2
A100 **PROPOSED FLOOR PLAN**
1/8" = 1'-0"



**DRIVE-THRU
WINDOW
MODIFICATION**

**BROADWAY SQUARE
8479 WEST
BROADWAY
BROOKLYN PARK, MN
55445**

ARCHITECT
MH
MORAGEN HANSEN
Architecture | Interiors
1000 Twelve Oaks Center Dr.
Suite 200
Wayzata MN 55391
Tel 952.426.7400
Fax 952.426.7440

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4	REVISED CUP SUBMITTAL	03-27-2019

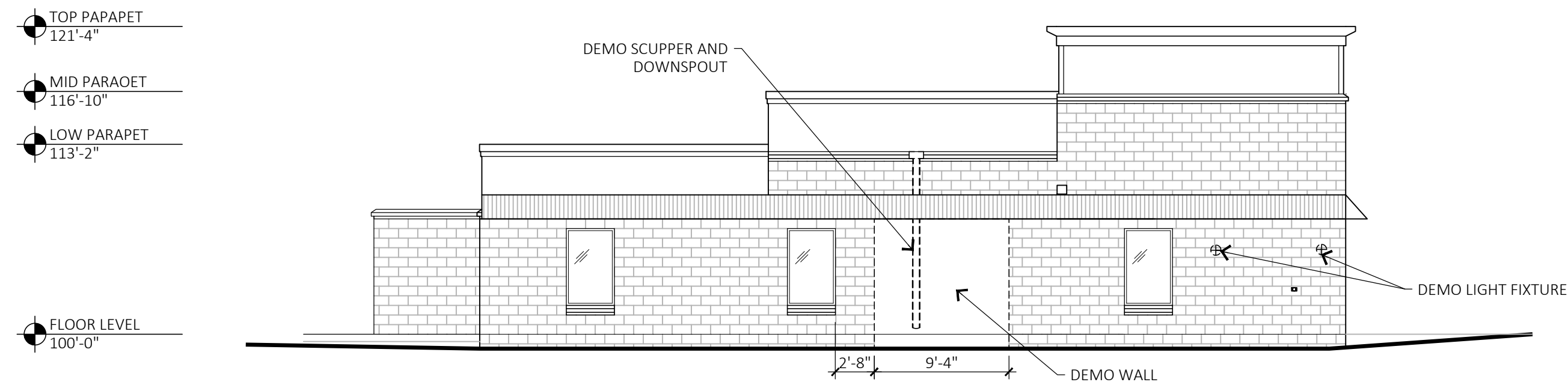
**NOT FOR
CONSTRUCTION**

PROJECT NUMBER:	18141.OCUS
DRAWN BY:	E. MIKKONEN
CHECKED BY:	E. MIKKONEN
DATE:	03-27-2019
COMPUTER DIRECTORY:	K:\Jobs\Broadway_SQ\Tenants\18141

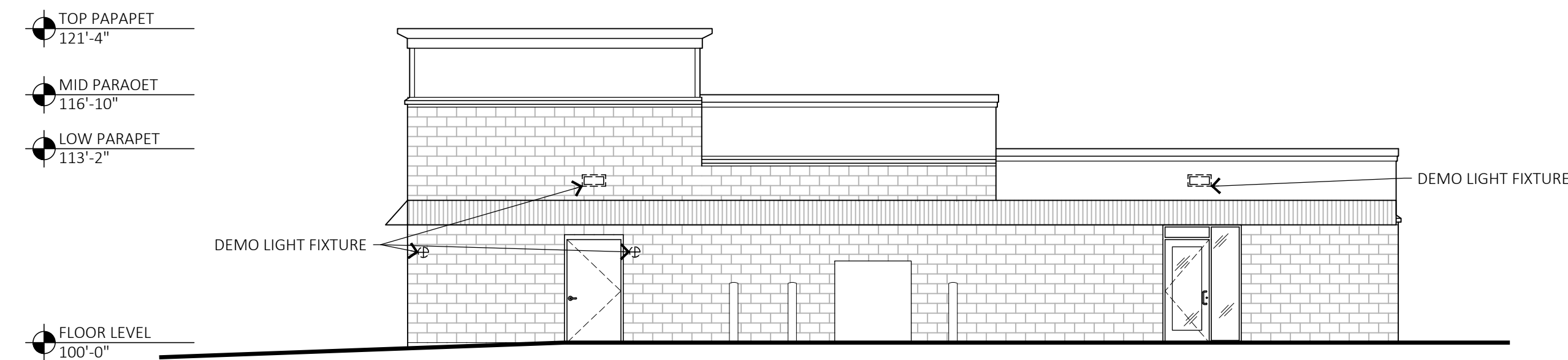
**EXISTING &
PROPOSED
FLOOR PLANS**

PERMIT DOCUMENTS

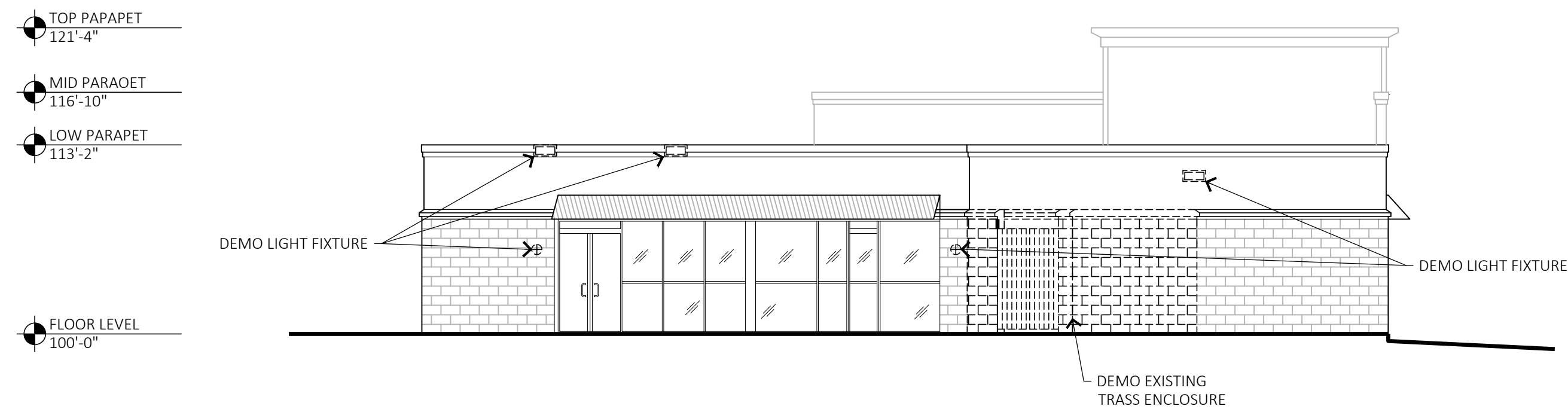
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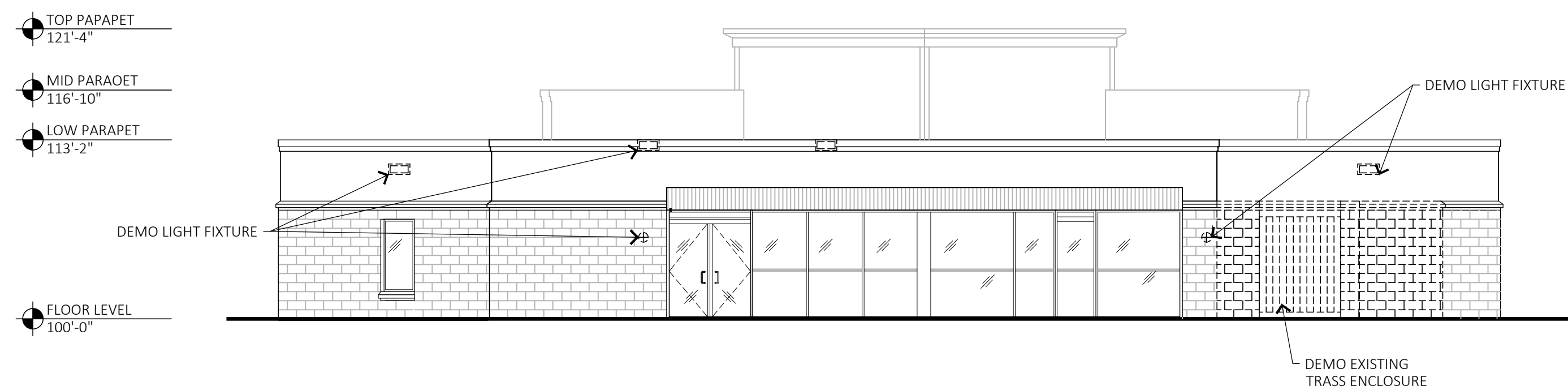
1 **EXISTING EAST ELEVATION**
A300 1/8" = 1'-0"



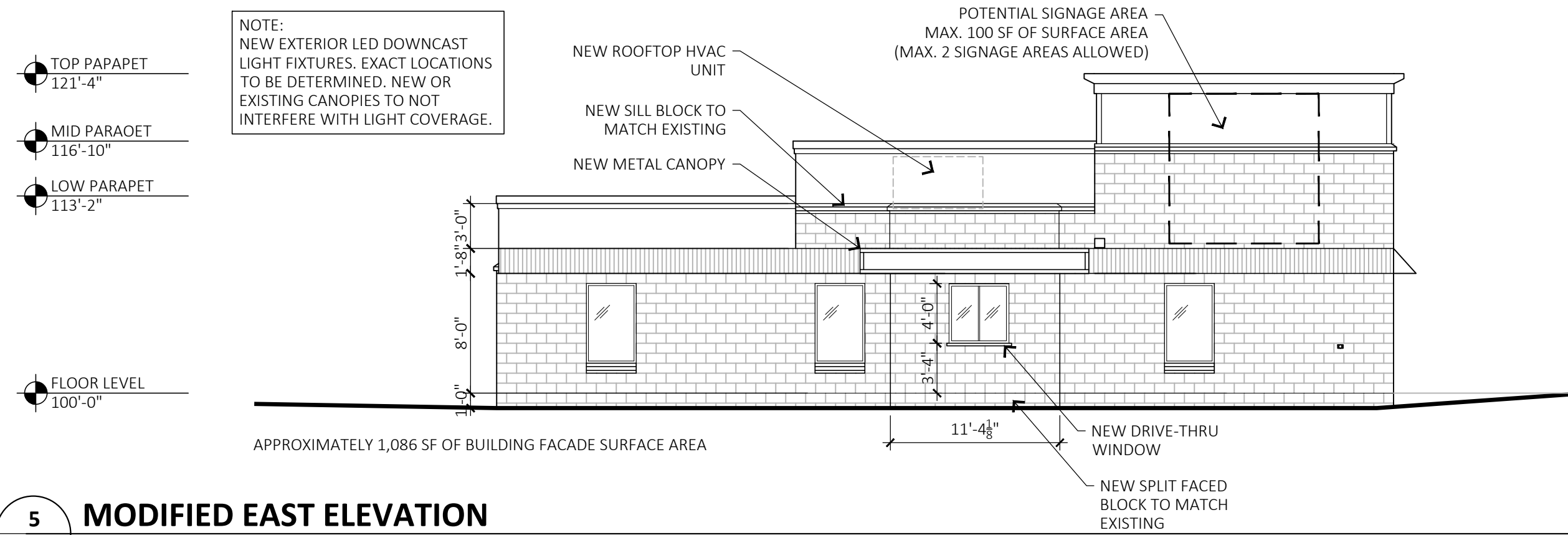
2 EXISTING NORTH ELEVATION
A300 1/8" = 1'-0"



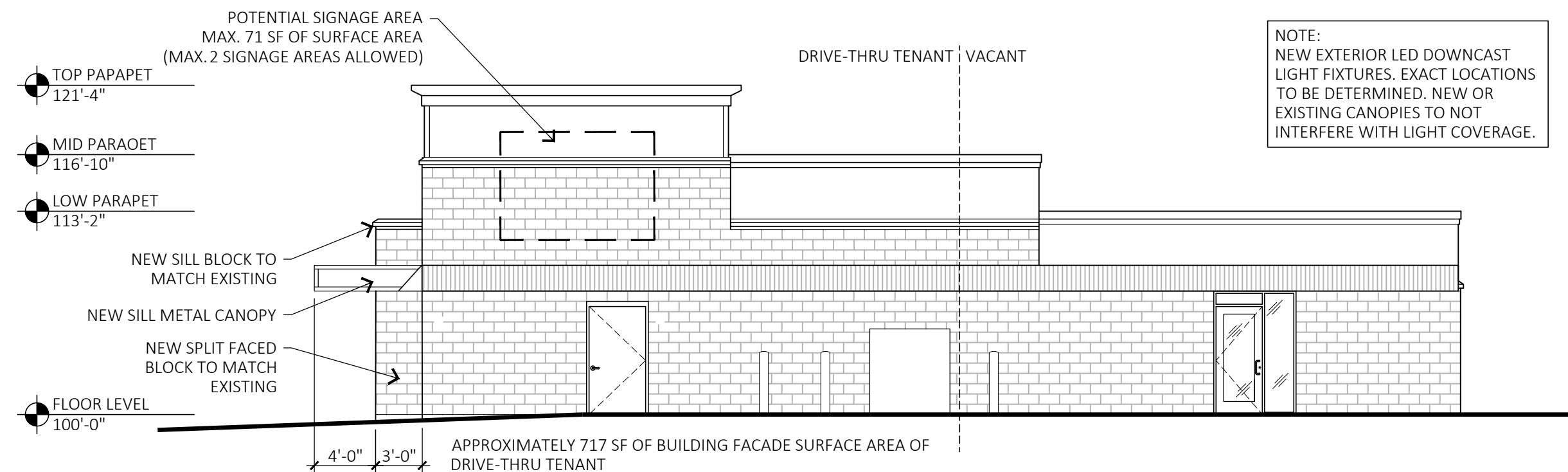
3 **EXISTING SOUTH ELEVATION**
A300 1/8" = 1'-0"



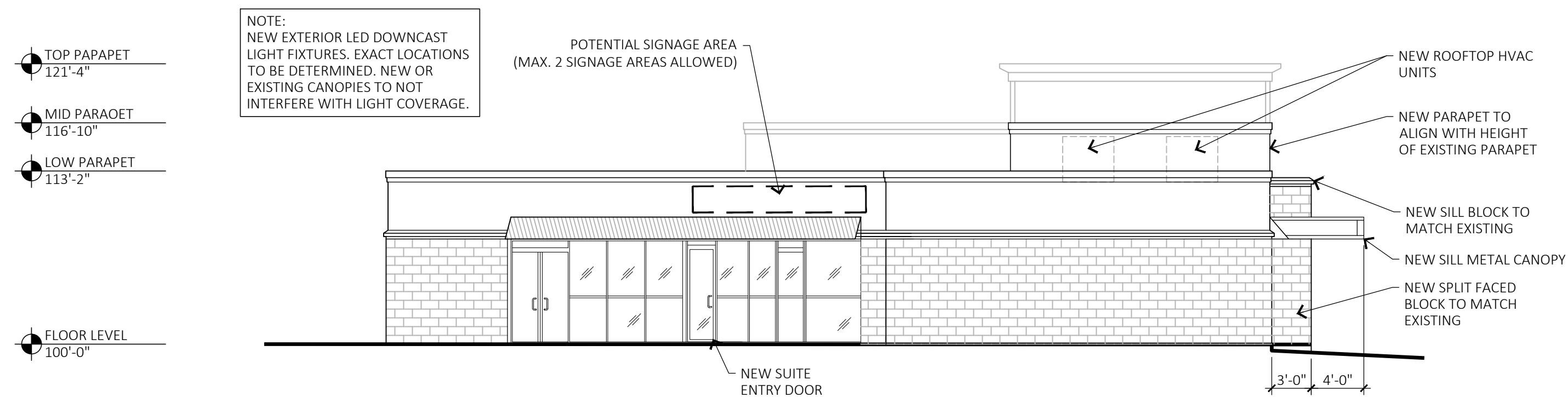
4 EXISTING SOUTHWEST ELEVATION
A300 1/8" = 1'-0"



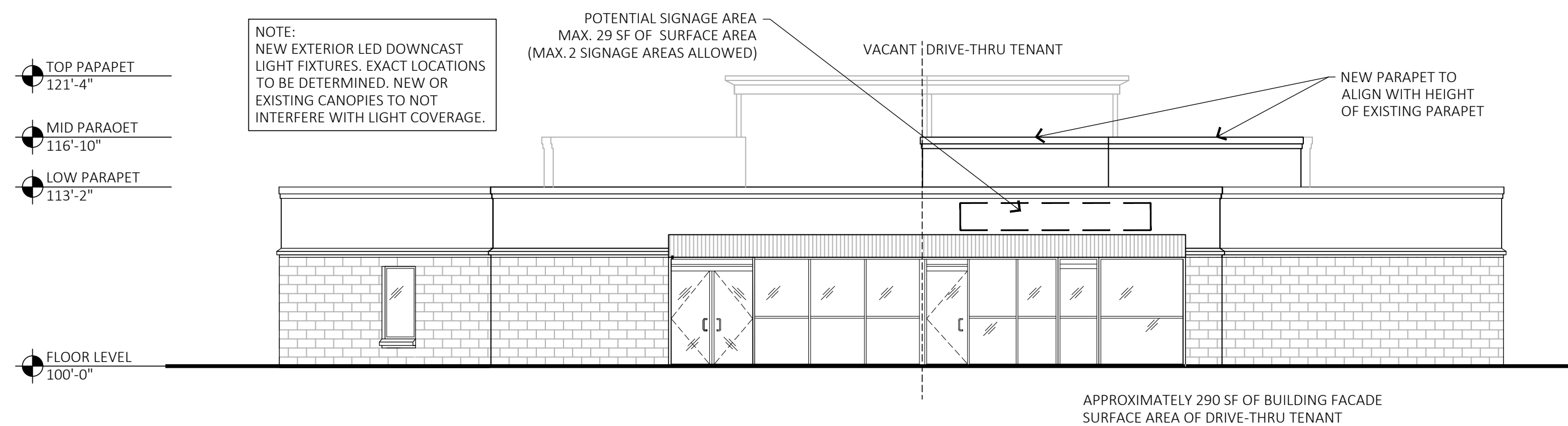
5 MODIFIED EAST ELEVATION
A300 1/8" = 1'-0"



6 MODIFIED NORTH ELEVATION
A300 1/8" = 1'-0"



7 MODIFIED SOUTH ELEVATION
A300 1/8" = 1'-0"



8 MODIFIED SOUTHWEST ELEVATION

DRIVE-THRU WINDOW MODIFICATION

**BROADWAY SQUARE
8479 WEST
BROADWAY
BROOKLYN PARK, MN
55445**

PROJECT NAME

ARCHITECT



1000 Twelve Oaks Center Dr.
Suite 200
Wayzata MN 55391
Tel 952.426.7400
Fax 952.426.7440

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REGISTRATION NUMBER: 18074

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ENGINEER

CivilSite
GROUP

NO.	DESCRIPTION	DATE
1	CUP SUBMITTAL	6-29-2018
2	PERMIT DOCUMENTS	12-7-2018
3	REVISED CUP SUBMITTAL	03-01-2019
4	REVISED CUP SUBMITTAL	03-27-2019

NOT FOR CONSTRUCTION

DRAWING INFORMATION

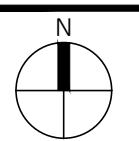
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DRAWN BY:	S. SIEWERT
CHECKED BY:	E. MIKKONEN
DATE:	03-27-2019
COMPUTER DIRECTORY: K:\jobs\Broadway_SQ\Tenants\18141	

SHEET DESCRIPTION

EXTERIOR ELEVATIONS

PHASE

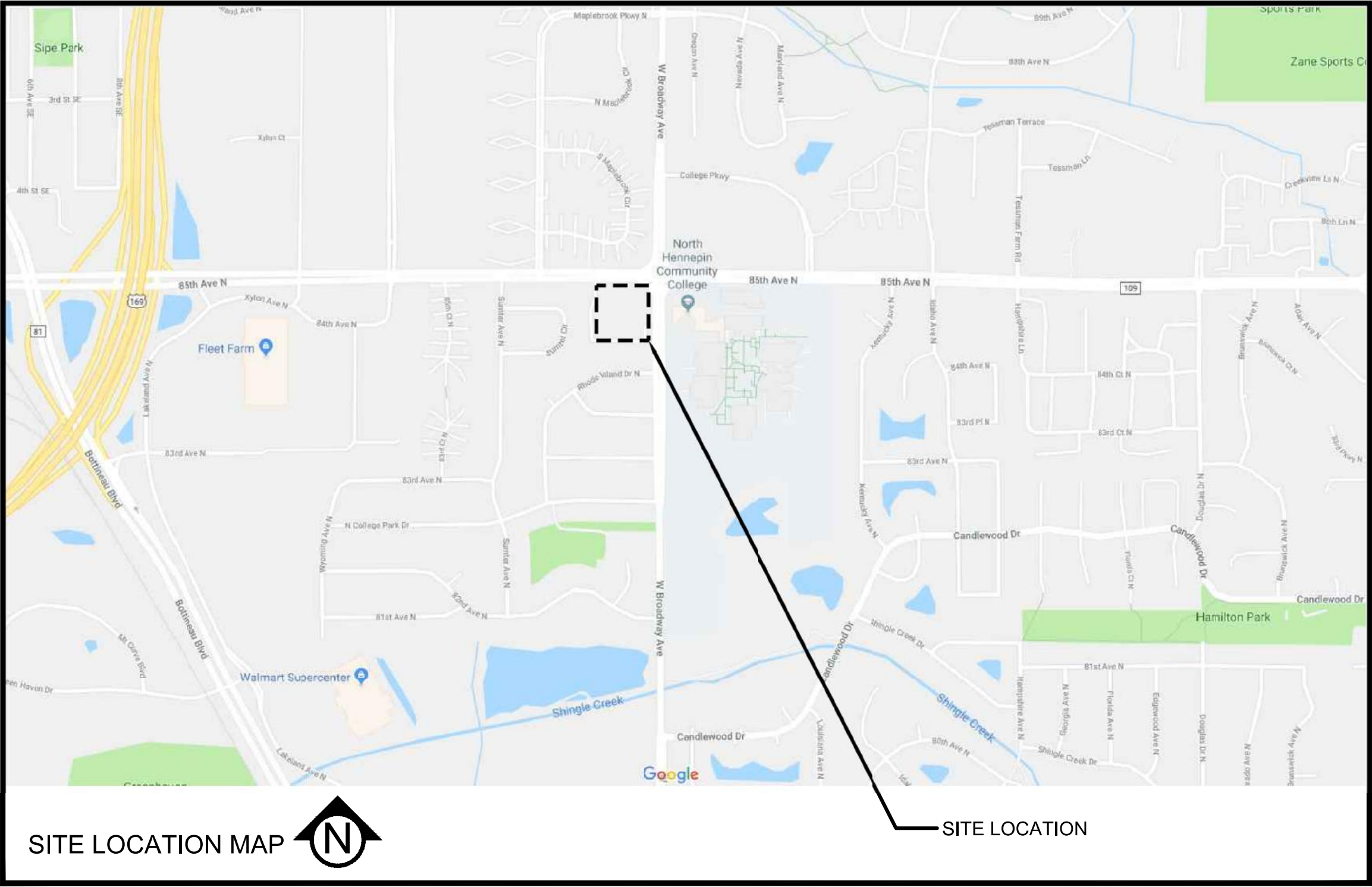
PERMIT DOCUMENTS



A300

DRIVE-THRU WINDOW MODIFICATIONS

BROOKLYN PARK, MINNESOTA
ISSUED FOR: CUP RESUBMITTAL



ARCHITECT:

MOHAGEN HANSEN ARCHITECTS
1000 TWELVE OAKS CENTER DRIVE
SUITE 200
WAYZATA, MN 55391

DEVELOPER / PROPERTY OWNER:

CMFG LIFE INSURANCE
5910 MINERAL POINT ROAD
MADISON, WI 53705

ENGINEER / LANDSCAPE ARCHITECT:

CIVIL SITE GROUP
4931 W 35TH STREET
SUITE 200
ST LOUIS PARK, MN 55416
612-615-0060





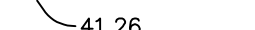


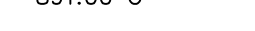
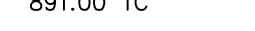
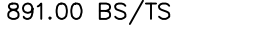
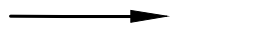


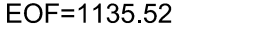

SURVEYOR:

CIVIL SITE GROUP
4931 W 35TH STREET
SUITE 200
ST LOUIS PARK, MN 55416
612-615-0060

GEOTECHNICAL ENGINEER:

TBD

MASTER LEGEND:

	EX. 1' CONTOUR ELEVATION INTERVAL
	EXISTING SPOT GRADE ELEVATION
	1.0' CONTOUR ELEVATION INTERVAL
	SPOT GRADE ELEVATION (GUTTER/FLOW LINE UNLESS OTHERWISE NOTED)
	SPOT GRADE ELEVATION TOP OF CURB (GUTTER TOP)
	SPOT GRADE ELEVATION TOP OF WALL
	SPOT GRADE ELEVATION BOTTOM OF WALL
	DRAINAGE ARROW
	EMERGENCY OVERFLOW
	
	SILT FENCE / BIOROLL - GRADING LIMIT
	INLET PROTECTION
	STABILIZED CONSTRUCTION ENTRANCE
	SOIL BORING LOCATION
	CURB AND GUTTER (T.O = TIP OUT)

	PROPOSED MANHOLE STORM
	PROPOSED CATCH BASIN OR CATCH BASIN MANHOLE STORM
	PROPOSED GATE VALVE
	PROPOSED FIRE HYDRANT
	PROPOSED MANHOLE SANITARY
	PROPOSED SIGN
	PROPOSED LIGHT
	PROPOSED SANITARY SEWER
	PROPOSED STORM SEWER
	PROPOSED WATER MAIN
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING WATER MAIN
	EXISTING GAS MAIN
	EXISTING UNDERGROUND ELECTRIC
	EXISTING UNDERGROUND CABLE
	EXISTING MANHOLE
	EXISTING CATCH BASIN
	EXISTING HYDRANT
	EXISTING STOPBOX
	EXISTING GATE VALVE
	EXISTING ELECTRIC BOX
	EXISTING LIGHT
	EXISTING SIGN

PROPOSED MANHOLE STORM

PROPOSED CATCH BASIN OR CATCH BASIN MANHOLE STORM

PROPOSED GATE VALVE

PROPOSED FIRE HYDRANT

PROPOSED MANHOLE SANITARY

PROPOSED SIGN

PROPOSED LIGHT

PROPOSED SANITARY SEWER

PROPOSED STORM SEWER

PROPOSED WATER MAIN

EXISTING SANITARY SEWER


EXISTING STORM SEWER


EXISTING WATER MAIN


EXISTING GAS MAIN




EXISTING UNDERGROUND ELECTRIC

EXISTING UNDERGROUND CABLE

 EXISTING STOPBOX

 EXISTING GATE VALVE

 EXISTING ELECTRIC BOX

-  EXISTING LIGHT
-  EXISTING GAS METER
-  EXISTING GAS VALVE

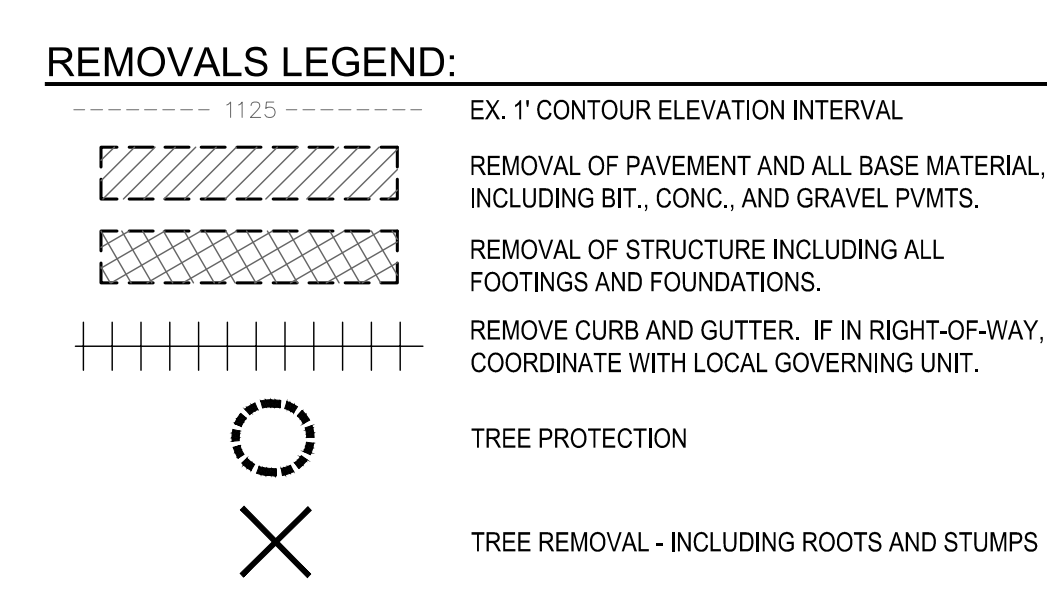
GOPHER STATE ONE CALL
WWW.GOPHERSTATEONECALL.ORG
(800) 252-1166 TOLL FREE
(651) 454-0002 LOCAL

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TITLE SHEET

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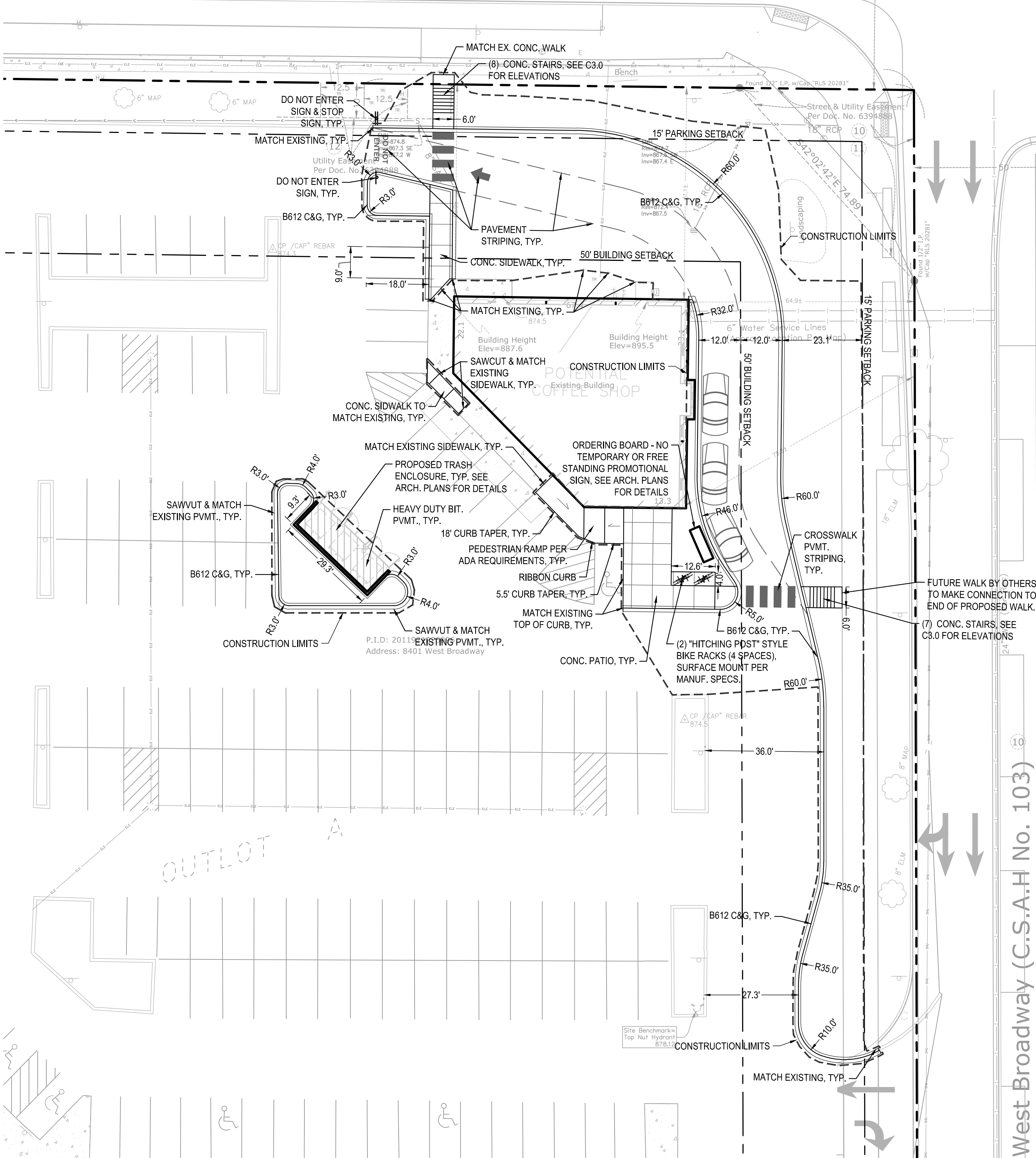


1. RESERVED FOR CITY SPECIFIC REMOVAL NOTES.

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TRUE NORTH (C.S.A.H. NO. 103) (1)

(A Public R/W)



SITE LAYOUT NOTES:

1. CONTRACTOR SHALL VERIFY LOCATIONS AND LAYOUT OF ALL SITE ELEMENTS PRIOR TO BEGINNING CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, LOCATIONS OF EXISTING AND PROPOSED PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES, BUILDINGS AND PAVEMENTS. CONTRACTOR IS RESPONSIBLE FOR FINAL LOCATIONS OF ALL ELEMENTS FOR THE SITE. ANY REVISIONS REQUIRED AFTER COMMENCEMENT OF CONSTRUCTION, DUE TO LOCATIONAL ADJUSTMENTS SHALL BE CORRECTED AT NO ADDITIONAL COST TO OWNER. ADJUSTMENTS TO THE LAYOUT SHALL BE APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF MATERIALS. STAKE LAYOUT FOR APPROVAL.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION, INCLUDING A RIGHT-OF-WAY AND STREET OPENING PERMIT.
3. THE CONTRACTOR SHALL VERIFY RECOMMENDATIONS NOTED IN THE GEO TECHNICAL REPORT PRIOR TO INSTALLATION OF SITE IMPROVEMENT MATERIALS.
4. CONTRACTOR SHALL FIELD VERIFY COORDINATES AND LOCATION DIMENSIONS OF THE BUILDING AND STAKE FOR REVIEW AND APPROVAL BY THE OWNERS REPRESENTATIVE PRIOR TO INSTALLATION OF FOOTING MATERIALS.
5. LOCATIONS OF STRUCTURES, ROADWAY PAVEMENTS, CURBS AND GUTTERS, BOLLARDS, AND WALKS ARE APPROXIMATE AND SHALL BE STAKED IN THE FIELD, PRIOR TO INSTALLATION, FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT.
6. CURB DIMENSIONS SHOWN ARE TO FACE OF CURB. BUILDING DIMENSIONS ARE TO FACE OF CONCRETE FOUNDATION. LOCATION OF BUILDING IS TO BUILDING FOUNDATION AND SHALL BE AS SHOWN ON THE DRAWINGS.
7. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OR SAMPLES AS SPECIFIED FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO FABRICATION FOR ALL PREFABRICATED SITE IMPROVEMENT MATERIALS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING, FURNISHINGS, PAVEMENTS, WALLS, RAILINGS, BENCHES, FLAGPOLES, LANDING PADS FOR CURB RAMPS, AND LIGHT AND POLES. THE OWNER RESERVES THE RIGHT TO REJECT INSTALLED MATERIALS NOT PREVIOUSLY APPROVED.
8. PEDESTRIAN CURB RAMPS SHALL BE CONSTRUCTED WITH TRUNCATED DOME LANDING AREAS IN ACCORDANCE WITH A.D.A. REQUIREMENTS-SEE DETAIL.
9. CROSSWALK STRIPING SHALL BE 24" WIDE WHITE PAINTED LINE, SPACED 48" ON CENTER PERPENDICULAR TO THE FLOW OF TRAFFIC. WIDTH OF CROSSWALK SHALL BE 5' WIDE. ALL OTHER PAVEMENT MARKINGS SHALL BE WHITE IN COLOR UNLESS OTHERWISE NOTED OR REQUIRED BY ADA OR LOCAL GOVERNING BODIES.
10. SEE SITE PLAN FOR CURB AND GUTTER TYPE. TAPER BETWEEN CURB TYPES-SEE DETAIL.
11. ALL CURB RADII ARE MINIMUM 3' UNLESS OTHERWISE NOTED.
12. CONTRACTOR SHALL REFER TO FINAL PLAT FOR LOT BOUNDARIES, NUMBERS, AREAS AND DIMENSIONS PRIOR TO SITE IMPROVEMENTS.
13. FIELD VERIFY ALL EXISTING SITE CONDITIONS, DIMENSIONS.
14. PARKING IS TO BE SET PARALLEL OR PERPENDICULAR TO EXISTING BUILDING UNLESS NOTED OTHERWISE.
15. ALL PARKING LOT PAINT STRIPPING TO BE WHITE, 4" WIDE TYP.
16. BITUMINOUS PAVING TO BE "LIGHT DUTY" UNLESS OTHERWISE NOTED. SEE DETAIL SHEETS FOR PAVEMENT SECTIONS.
17. ALL TREES THAT ARE TO REMAIN ARE TO BE PROTECTED FROM DAMAGE WITH A CONSTRUCTION FENCE AT THE DRIP LINE. SEE LANDSCAPE DOCUMENTS.

CITY OF BROOKLYN PARK SITE SPECIFIC NOTES:

1. WEST BROADWAY WILL BE RECONSTRUCTED IN THE NEXT FEW YEARS TO ACCOMMODATE A NEW ROAD SURFACE, LIGHT RAIL TRANSIT, AND MULTI-USE PATHS. CONSTRUCTION IS ANTICIPATED TO CLOSE WEST BROADWAY COMPLETELY AND 85TH AVENUE WILL HAVE LANE CLOSURES. THE WEST BROADWAY DRIVEWAY WILL BE LIMITED TO RIGHT-IN-RIGHT-OUT TRAFFIC ONLY ONCE RE-OPENED. IF YOU HAVE ANY QUESTIONS ON THE FINALIZED PLANS, PLEASE CONTACT NICK LANDWER AT THE BLUE LINE EXTENSION PROJECT OFFICE AT 612-373-5372

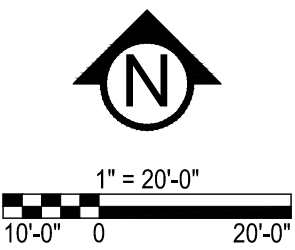
SITE AREA TABLE:

SITE AREA CALCULATIONS		EXISTING CONDITION		PROPOSED CONDITION	
BUILDING COVERAGE		90 SF	0.6%	0 SF	0.0%
ALL PAVEMENTS		13,093 SF	91.6%	8,483 SF	59.3%
ALL NON-PAVEMENTS		1,111 SF	7.8%	5,811 SF	40.7%
DISTURBED AREA		14,294 SF	100.0%	14,294 SF	100.0%
IMPERVIOUS SURFACE					
EXISTING CONDITION		13,183 SF	92.2%		
PROPOSED CONDITION		3,483 SF	59.3%		
DIFFERENCE (EX. VS PROP.)		-4,700 SF	-32.9%		

SITE PLAN LEGEND:

- HEAVY DUTY BITUMINOUS PAVEMENT. SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & WEAR COURSE DEPTH, SEE DETAIL.
- LIGHT DUTY BITUMINOUS PAVEMENT. SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & WEAR COURSE DEPTH, SEE DETAIL.
- CONCRETE PAVEMENT AS SPECIFIED (PAD OR WALK) SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & CONCRETE DEPTHS, SEE DETAIL.
- PROPERTY LINE
- CONSTRUCTION LIMITS
- CURB AND GUTTER-SEE NOTES (T.O.) TIP OUT GUTTER WHERE APPLICABLE-SEE PLAN
- TRAFFIC DIRECTIONAL ARROW PAVEMENT MARKINGS
- SIGN AND POST ASSEMBLY. SHOP DRAWINGS REQUIRED.
HC = ACCESSIBLE SIGN
NP = NO PARKING FIRE LANE
ST = STOP
CP = COMPACT CAR PARKING ONLY

GOPHER STATE ONE CALL
WWW.GOPHERSTATEONECALL.ORG
(800) 252-1166 TOLL FREE
(651) 454-0002 LOCAL



DRIVE-THRU WINDOW
MODIFICATION
8479 WEST BROADWAY, BROOKLYN PARK, MN 55445
MOHAGEN HANSEN ARCHITECTS

PROJECT

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew R. Pavak
DATE 03/27/19 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION
06/29/18	CUP SUBMITTAL
12/07/18	PERMIT DOCUMENTS
03/01/19	REVISED CUP SUBMITTAL
03/27/19	CUP RESUBMITTAL

REVISION SUMMARY

DATE	DESCRIPTION

PROJECT NO.: 18178

SITE PLAN

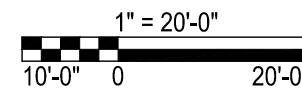
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1. RESERVED FOR CITY SPECIFIC GRADING NOTES.

1. SEE SITE PLAN FOR HORIZONTAL LAYOUT & GENERAL GRADING NOTES.
2. THE CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION (INCLUDING BUT NOT LIMITED TO SITE PREPARATION, SOIL CORRECTION, EXCAVATION, EMBANKMENT, ETC.) IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
3. GRADING AND EXCAVATION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS & PERMIT REQUIREMENTS OF THE CITY.
4. PROPOSED SPOT GRADES ARE FLOW-LINE FINISHED GRADE ELEVATIONS, UNLESS OTHERWISE NOTED.
5. GRADES OF WALKS SHALL BE INSTALLED WITH 5% MAX. LONGITUDINAL SLOPE AND 1% MIN. AND 2% MAX. CROSS SLOPE, UNLESS OTHERWISE NOTED.
6. PROPOSED SLOPES SHALL NOT EXCEED 3:1 UNLESS INDICATED OTHERWISE ON THE DRAWINGS. MAXIMUM SLOPES IN MAINTAINED AREAS IS 4:1
7. PROPOSED RETAINING WALLS, FREESTANDING WALLS, OR COMBINATION OF WALL TYPES GREATER THAN 4' IN HEIGHT SHALL BE DESIGNED AND ENGINEERED BY A REGISTERED RETAINING WALL ENGINEER. DESIGN DRAWINGS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF GRADE STAKES THROUGHOUT THE DURATION OF CONSTRUCTION TO ESTABLISH PROPER GRADES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR A FINAL FIELD CHECK OF FINISHED GRADES ACCEPTABLE TO THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO TOPSOIL AND SODDING ACTIVITIES.
9. IF EXCESS OR SHORTAGE OF SOIL MATERIAL EXISTS, THE CONTRACTOR SHALL TRANSPORT ALL EXCESS SOIL MATERIAL OFF THE SITE TO AN AREA SELECTED BY THE CONTRACTOR, OR IMPORT SUITABLE MATERIAL TO THE SITE.
10. EXCAVATE TOPSOIL FROM AREAS TO BE FURTHER EXCAVATED OR REGRADED AND STOCKPILE IN AREAS DESIGNATED ON THE SITE. THE CONTRACTOR SHALL SALVAGE ENOUGH TOPSOIL FOR RESPREADING ON THE SITE AS SPECIFIED. EXCESS TOPSOIL SHALL BE PLACED IN EMBANKMENT AREAS, OUTSIDE OF BUILDING PADDS, ROADWAYS AND PARKING AREAS. THE CONTRACTOR SHALL SUBCUT AREAS, WHERE TURF IS TO BE ESTABLISHED, TO A DEPTH OF 6 INCHES. RESPREAD TOPSOIL IN AREAS WHERE TURF IS TO BE ESTABLISHED TO A MINIMUM DEPTH OF 6 INCHES.
11. FINISHED GRADING SHALL BE COMPLETED. THE CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING, INCLUDING ADJACENT TRANSITION AREAS. PROVIDE A SMOOTH FINISHED SURFACE WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN, OR BETWEEN SUCH POINTS AND EXISTING GRADES. AREAS THAT HAVE BEEN FINISH GRADED SHALL BE PROTECTED FROM SUBSEQUENT CONSTRUCTION OPERATIONS, TRAFFIC AND EROSION. REPAIR ALL AREAS THAT HAVE BECOME RUTTED BY TRAFFIC OR ERODED BY WATER OR HAS SETTLED BELOW THE CORRECT GRADE. ALL AREAS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO EQUAL OR BETTER THAN ORIGINAL CONDITION OR TO THE REQUIREMENTS OF THE NEW WORK.
12. PRIOR TO PLACEMENT OF THE AGGREGATE BASE, A TEST ROLL WILL BE REQUIRED ON THE STREET AND/OR PARKING AREA SUBGRADE. THE CONTRACTOR SHALL PROVIDE A LOADED TANDEM AXLE TRUCK WITH A GROSS WEIGHT OF 25 TONS. THE TEST ROLLING SHALL BE AT THE DIRECTION OF THE SOILS ENGINEER AND SHALL BE COMPLETED IN AREAS AS DIRECTED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL DETERMINE WHICH SECTIONS OF THE STREET OR PARKING AREA ARE UNSTABLE. CORRECTION OF THE SUBGRADE SOILS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOILS ENGINEER. NO TEST ROLL SHALL OCCUR WITHIN 10' OF ANY UNDERGROUND STORM RETENTION/DETENTION SYSTEMS.
13. TOLERANCES
 - 13.1. THE BUILDING SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.30 FOOT ABOVE, OR 0.30 FOOT BELOW, THE PRESCRIBED ELEVATION AT ANY POINT WHERE MEASUREMENT IS MADE.
 - 13.2. THE STREET OR PARKING AREA SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.
 - 13.3. AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR BELOW THE REQUIRED ELEVATION, UNLESS DIRECTED OTHERWISE BY THE ENGINEER.
 - 13.4. TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/2 INCH OF THE SPECIFIED THICKNESS.
14. MAINTENANCE
 - 14.1. THE CONTRACTOR SHALL PROTECT NEWLY GRADED AREAS FROM TRAFFIC AND EROSION, AND KEEP AREA FREE OF TRASH AND DEBRIS.
 - 14.2. CONTRACTOR SHALL REPAIR AND REESTABLISH GRADES IN SETTLED, ERODED AND RUTTED AREAS TO SPECIFIED TOLERANCES. DURING THE CONSTRUCTION, IF REQUIRED, AND DURING THE WARRANTY PERIOD, ERODED AREAS WHERE TURF IS TO BE ESTABLISHED SHALL BE RESEEDED AND MULCHED.
 - 14.3. WHERE COMPLETED COMPACTED AREAS ARE DISTURBED BY SUBSEQUENT CONSTRUCTION OPERATIONS OR ADVERSE WEATHER, CONTRACTOR SHALL SCARIFY, SURFACE, RESHAPE, AND COMPACT TO REQUIRED DENSITY PRIOR TO FURTHER CONSTRUCTION.

Diagram illustrating the calculation of Elevation of Finish (EOF) for a curb and gutter. The diagram shows a profile view with elevations 1125, 1137, and 41.26. The plan view shows stationing 891.00 G, 891.00 TC, and 891.00 BS/TS. The final calculation is EOF=1135.52.



8479 WEST BROADWAY, BROOKLYN PARK, MN 55445

MOHAGEN HANSEN ARCHITECTS

1000 TWELVE OAKS CENTER DRIVE SUITE 200 WAYZATA MN 55391

PROJECT

I HEREBY CERTIFY THAT THIS PLAN,
SPECIFICATION, OR REPORT WAS
PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF
MINNESOTA.


Matthew R. Pavel
DATE 03/27/19 LICENSE NO.

ISSUE/SUBMITTAL SUMMARY

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03/01/19	REVISED CUP SUBMITTAL
03/27/19	CUP RESUBMITTAL

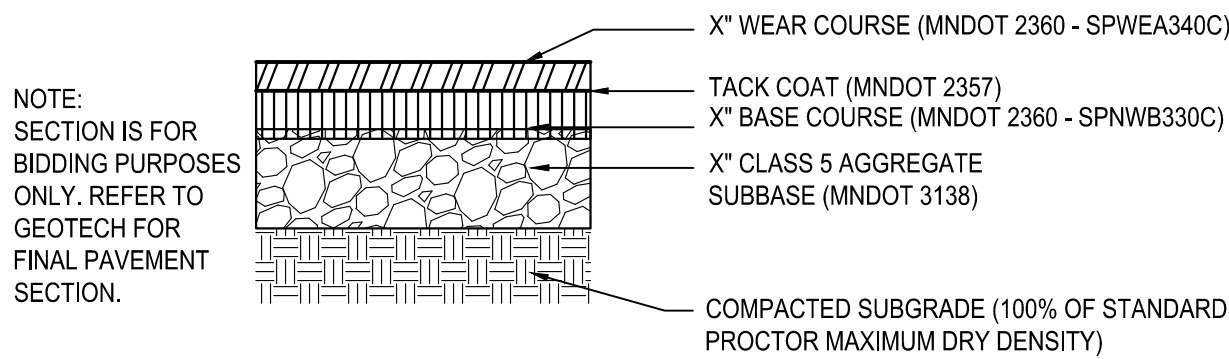
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PROJECT NO.: 18178

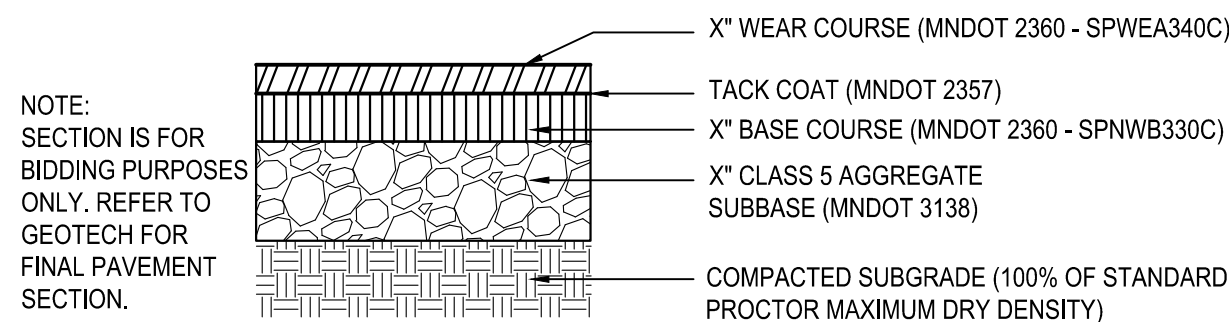
GRADING PLAN

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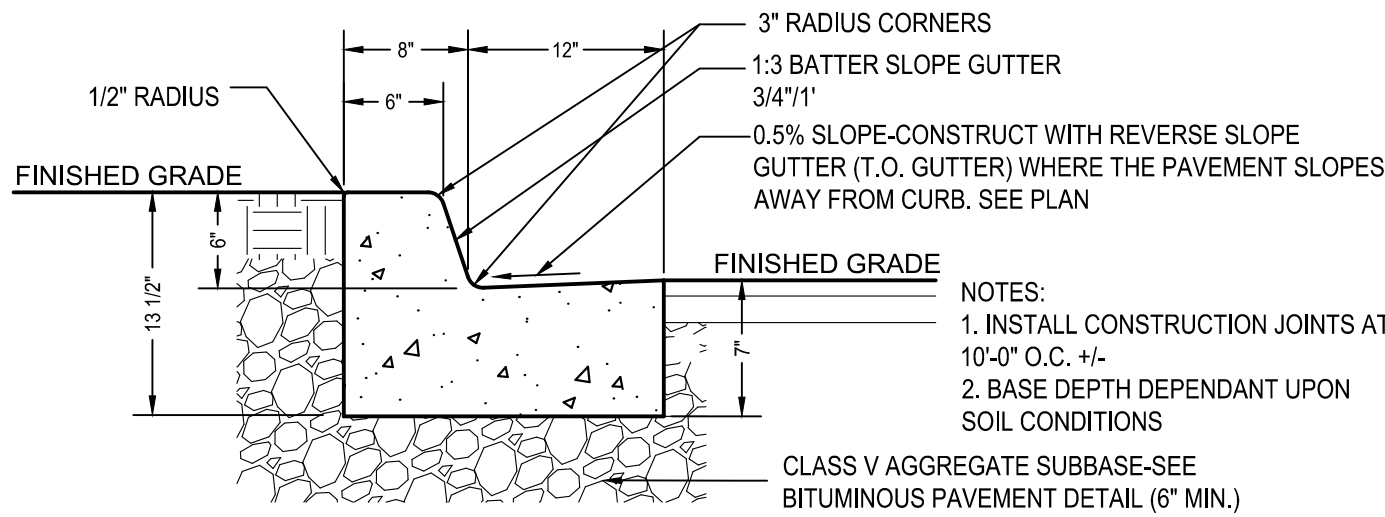
1 LIGHT DUTY BITUMINOUS PAVEMENT

NTS



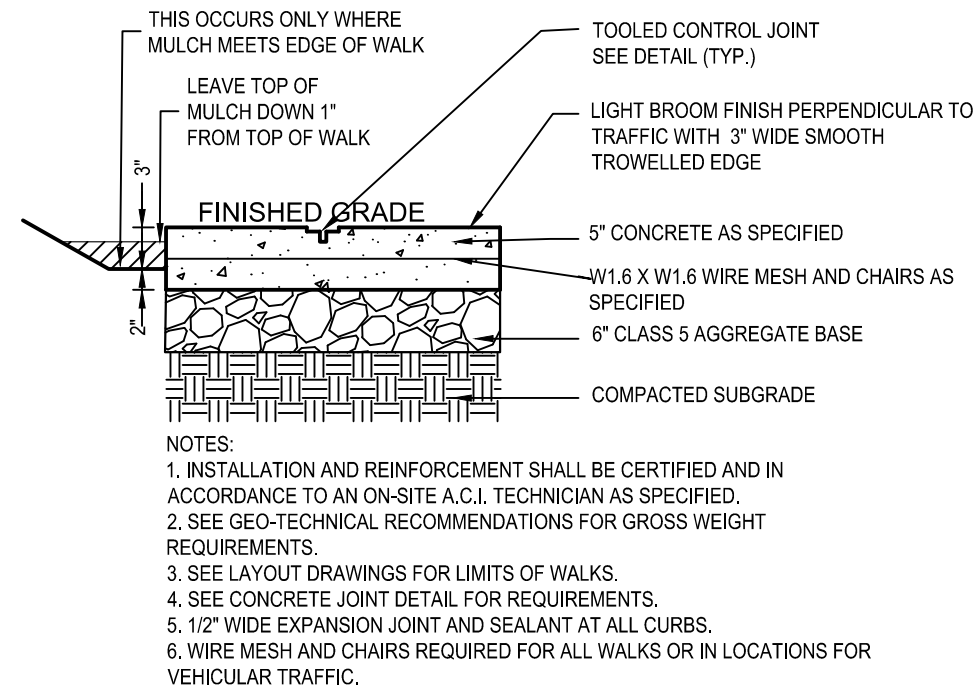
2 HEAVY DUTY BITUMINOUS PAVEMENT

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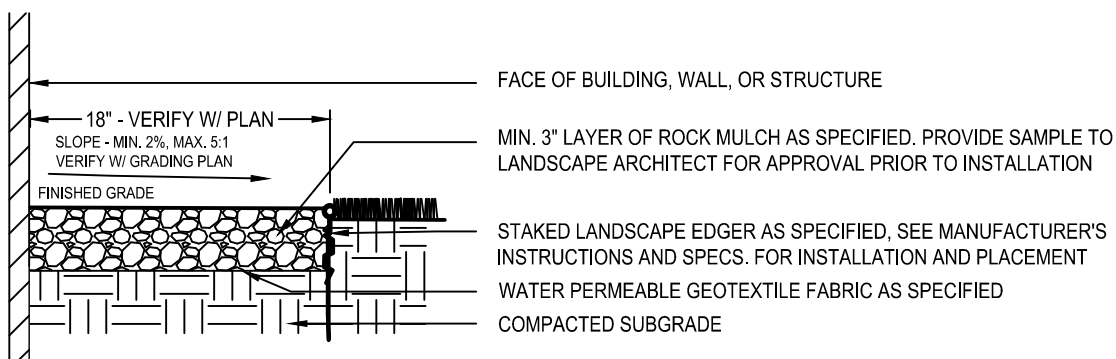
3 B-612 CONCRETE CURB AND GUTTER

NTS



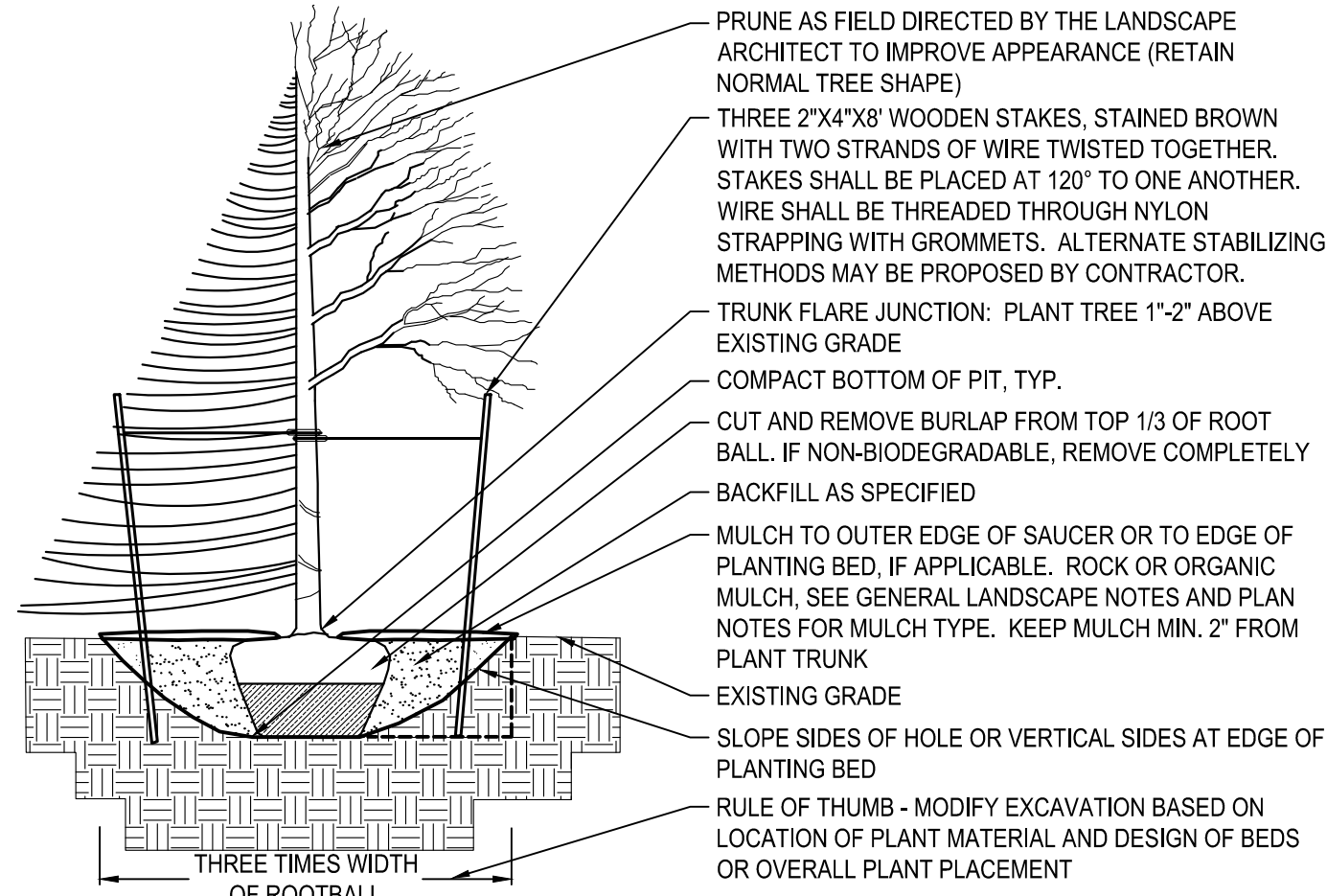
4 LIGHT DUTY CONCRETE WALK/PAD

NTS



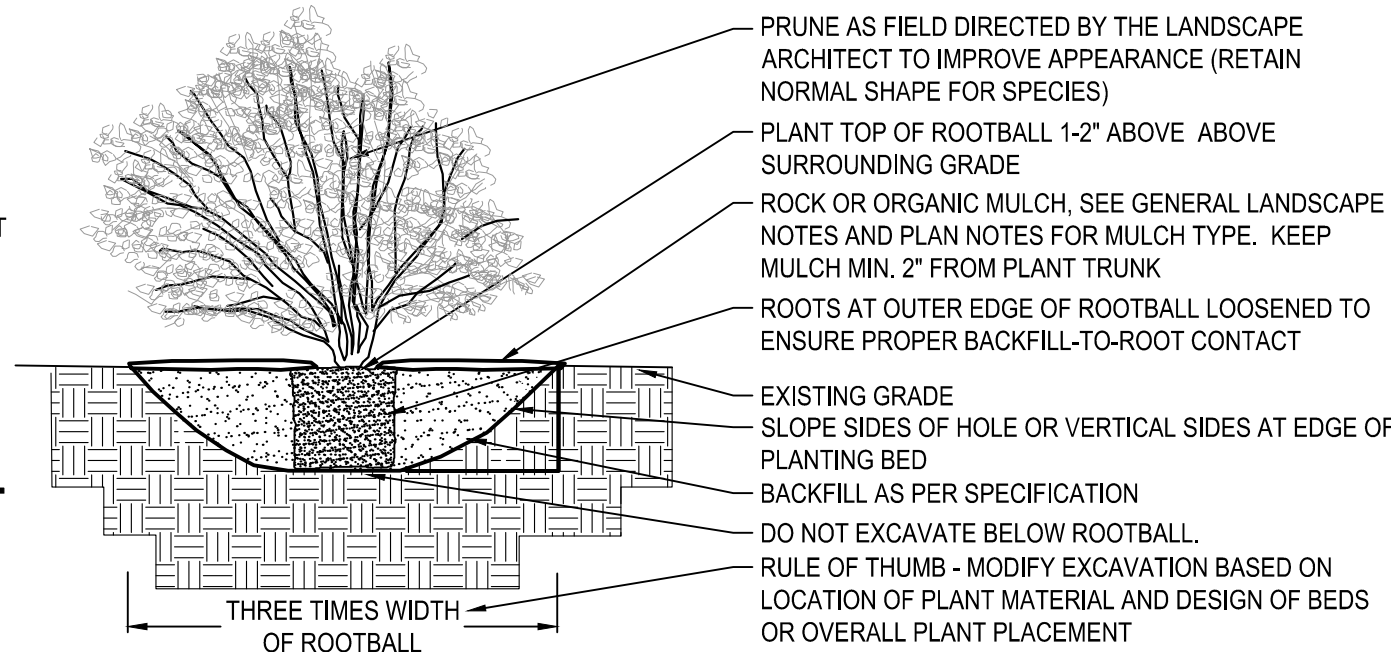
5 AGGREGATE MAINTANENCE STRIP

NTS



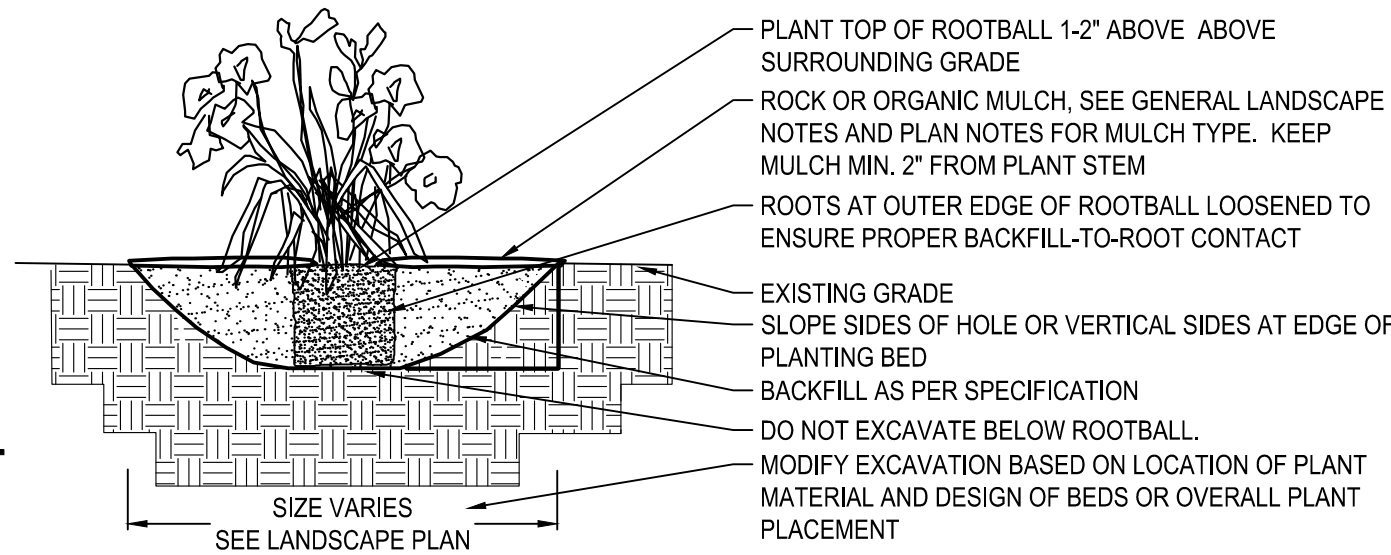
6 DECIDUOUS & CONIFEROUS TREE PLANTING

NTS



7 DECIDUOUS & CONIFEROUS SHRUB PLANTING

NTS



8 PERENNIAL BED PLANTING

NTS

DRIVE-THRU WINDOW MODIFICATION

8479 WEST BROADWAY, BROOKLYN PARK, MN 55445

MOHAGEN HANSEN ARCHITECTS

1000 TWELVE OAKS CENTER DRIVE, SUITE 200, WAYZATA, MN 55391

PROJECT

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew R. Pavlek
DATE: 03/27/19 LICENSE NO. 44263

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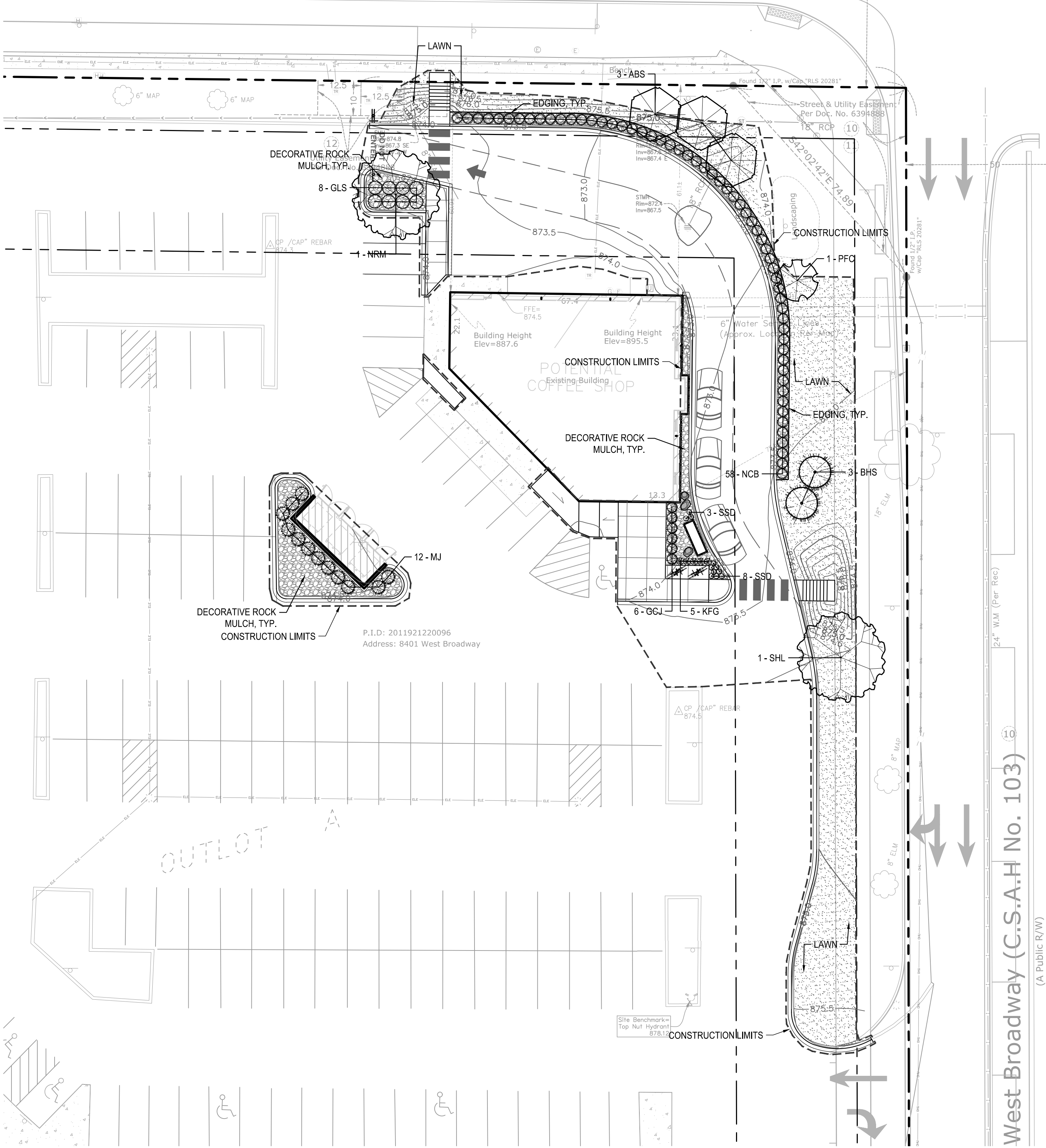
REVISION SUMMARY	
DATE	DESCRIPTION

PROJECT NO.: 18178

CIVIL DETAILS

C5.0

TRUE NORTH (C.S.A.H. NO. 103) (1)



PLANT SCHEDULE - ENTIRE SITE

SYM	QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	ROOT	COMMENTS
DECIDUOUS TREES						
SHL	1	SKYLINE HONEYLOCUST	Gleditsia triacanthos 'Skycole'	2.5" CAL.	B&B	STRAIGHT LEADER, FULL FORM
NRM	1	NORTHWOOD RED MAPLE	Acer rubrum 'Northwood'	2.5" CAL.	B&B	STRAIGHT LEADER, FULL FORM
ORNAMENTAL TREES						
PFC	1	PRAIRIEFIRE FLOWERING CRAB	Malus 'Prairiefire'	1.5" CAL.	B&B	STRAIGHT LEADER, FULL FORM
ABS	3	AUTUMN BRILLIANCE SERVICEBERRY		1.5" CAL.	B&B	STRAIGHT LEADER, FULL FORM
EVERGREEN TREES						
BHS	2	BLACK HILLS SPRUCE	Picea glauca 'Densata'	6' HT.	B&B	STRAIGHT LEADER, FULL FORM
SHRUBS - CONIFEROUS & EVERGREEN						
MJ	12	MEDORA JUNIPER	Juniperus scopulorum 'Medora'	36" HT.	CONT.	
GCJ	6	GOLD CONE JUNIPER	Juniperus communis 'Gold Cone'	36" HT.	CONT.	
NCB	58	NORTHERN CHARM BOXWOOD	Buxus 'Wilson'	24" HT.	CONT.	
GLS	8	GRO-LOW SUMAC	Rhus aromatica 'Gro-Low'	24" HT.	CONT.	
PERENNIALS & GRASSES						
KFG	5	KARL FOERSTER GRASS	Calamagrostis x acutiflora 'Karl Foerster'	#1	CONT.	
SSD	11	STELLA SUPREME DAYLILY	Hemerocallis 'Stella Supreme'	#1	CONT.	

IRRIGATION NOTES:

- ENTIRE SITE SHALL BE FULLY IRRIGATED. THE CONTRACTOR SHALL SUBMIT IRRIGATION SHOP DRAWINGS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- SEE MECHANICAL AND ELECTRICAL PLANS AND SPECIFICATIONS FOR IRRIGATION WATER, METER, AND POWER CONNECTIONS.
- CONTRACTOR TO VERIFY LOCATION OF ALL UNDERGROUND/ABOVE GROUND FACILITIES PRIOR TO ANY EXCAVATION/INSTALLATION. ANY DAMAGE TO UNDERGROUND/ABOVE GROUND FACILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND COSTS ASSOCIATED WITH CORRECTING DAMAGES SHALL BE BORNE ENTIRELY BY THE CONTRACTOR.
- SERVICE EQUIPMENT AND INSTALLATION SHALL BE PER LOCAL UTILITY COMPANY STANDARDS AND SHALL BE PER NATIONAL AND LOCAL CODES. EXACT LOCATION OF SERVICE EQUIPMENT SHALL BE COORDINATED WITH THE LANDSCAPE ARCHITECT OR EQUIVALENT AT THE JOB SITE.
- CONTRACTOR SHALL COORDINATE WITH LOCAL UTILITY COMPANY FOR THE PROPOSED ELECTRICAL SERVICE AND METERING FACILITIES.
- IRRIGATION WATER LINE CONNECTION SIZE IS 1-1/2" AT BUILDING. VERIFY WITH MECHANICAL PLANS/COVERAGE.
- ALL MAIN LINES SHALL BE 18" BELOW FINISHED GRADE.
- ALL LATERAL LINES SHALL BE 12" BELOW FINISHED GRADE.
- ALL EXPOSED PVC RISERS, IF ANY, SHALL BE GRAY IN COLOR.
- CONTRACTOR SHALL LAY ALL SLEEVES AND CONDUIT AT 2'-0" BELOW THE FINISHED GRADE OF THE TOP OF PAVEMENT. EXTEND SLEEVES TO 2'-0" BEYOND PAVEMENT.
- CONTRACTOR SHALL MARK THE LOCATION OF ALL SLEEVES AND CONDUIT WITH THE SLEEVING MATERIAL "ELLED" TO 2'-0" ABOVE FINISHED GRADE AND CAPPED.
- FABRICATE ALL PIPE TO MANUFACTURE'S SPECIFICATIONS WITH CLEAN AND SQUARE CUT JOINTS. USE QUALITY GRADE PRIMER AND SOLVENT CEMENT FORMULATED FOR INTENDED TYPE OF CONNECTION.
- BACKFILL ALL TRENCHES WITH SOIL FREE OF SHARP OBJECTS AND DEBRIS.
- ALL VALVE BOXES AND COVERS SHALL BE BLACK IN COLOR.
- GROUP VALVE BOXES TOGETHER FOR EASE WHEN SERVICE IS REQUIRED. LOCATE IN PLANT BED AREAS WHENEVER POSSIBLE.
- IRRIGATION CONTROLLER LOCATION SHALL BE VERIFIED ON-SITE WITH OWNER'S REPRESENTATIVE.
- CONTROL WIRES: 14 GAUGE DIRECT BURIAL, SOLID COPPER IRRIGATION WIRE. RUN UNDER MAIN LINE. USE MOISTURE-PROOF SPLICES AND SPLICE ONLY AT VALVES OR PULL BOXES. RUN SEPARATE HOT AND COMMON WIRE TO EACH VALVE AND ONE (1) SPARE WIRE AND GROUND TO FURTHEST VALVE FROM CONTROLLER. LABEL OR COLOR CODE ALL WIRES.
- AVOID OVER SPRAY ON BUILDINGS, PAVEMENT, WALLS AND ROADWAYS BY INDIVIDUALLY ADJUSTING RADIUS OR ARC ON SPRINKLER HEADS AND FLOW CONTROL ON AUTOMATIC VALVE.
- ADJUST PRESSURE REGULATING VALVES FOR OPTIMUM PRESSURE ON SITE.
- USE SCREENS ON ALL HEADS.
- A SET OF AS-BUILT DRAWINGS SHALL BE MAINTAINED ON-SITE AT ALL TIMES IN AN UPDATED CONDITION.
- ALL PIPE 3" AND OVER SHALL HAVE THRUST BLOCKING AT EACH TURN.
- ALL AUTOMATIC REMOTE CONTROL VALVES WILL HAVE 3" MINIMUM DEPTH OF 3/4" WASHED GRAVEL UNDERNEATH VALVE AND VALVE BOX. GRAVEL SHALL EXTENT 3" BEYOND PERIMETER OF VALVE BOX.
- THERE SHALL BE 3" MINIMUM SPACE BETWEEN BOTTOM OF VALVE BOX COVER AND TOP OF VALVE STRUCTURE.

LANDSCAPE NOTES:

- WHERE SHOWN, SHRUB & PERENNIAL BEDS SHALL BE MULCHED WITH 4" DEPTH (MINIMUM AFTER INSTALLATION AND/OR TOP DRESSING OPERATIONS) OF DECORATIVE ROCK MULCH.
- ALL TREES SHALL BE MULCHED WITH DECORATIVE ROCK MULCH TO OUTER EDGE OF SAUCER OR TO EDGE OF PLANTING BED, IF APPLICABLE. ALL MULCH SHALL BE KEPT WITHIN A MINIMUM OF 2" FROM TREE TRUNK.
- IF SHOWN ON PLAN, RANDOM SIZED LESTONE BOULDERS COLOR AND SIZE TO COMPLIMENT NEW LANDSCAPING. OWNER TO APPROVE BOULDER SAMPLES PRIOR TO INSTALLATION.
- PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM DISEASE, DAMAGE AND DISFIGURATION. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PLUMPNESS OF PLANT MATERIAL FOR DURATION OF ACCEPTANCE PERIOD.
- UPON DISCOVERY OF A DISCREPANCY BETWEEN THE QUANTITY OF PLANTS SHOWN ON THE SCHEDULE AND THE QUANTITY SHOWN ON THE PLAN, THE PLAN SHALL GOVERN.
- CONDITION OF VEGETATION SHALL BE MONITORED BY THE LANDSCAPE ARCHITECT THROUGHOUT THE DURATION OF THE CONTRACT. LANDSCAPE MATERIALS PART OF THE CONTRACT SHALL BE WARRANTED FOR ONE (1) FULL GROWING SEASONS FROM SUBSTANTIAL COMPLETION DATE.
- ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE 4" LAYER TOPSOIL LOAM AND SOD AS SPECIFIED UNLESS OTHERWISE NOTED ON THE DRAWINGS.
- COORDINATE LOCATION OF VEGETATION WITH UNDERGROUND AND OVERHEAD UTILITIES, LIGHTING FIXTURES, DOORS AND WINDOWS. CONTRACTOR SHALL STAKE IN THE FIELD FINAL LOCATION OF TREES AND SHRUBS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.
- REPAIR AT NO COST TO OWNER ALL DAMAGE RESULTING FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
- SWEEP AND MAINTAIN ALL PAVED SURFACES FREE OF DEBRIS GENERATED FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
- REPAIR AT NO COST TO THE OWNER IRRIGATION SYSTEM DAMAGED FROM LANDSCAPE CONSTRUCTION ACTIVITIES.
- PROVIDE SITE WIDE IRRIGATION SYSTEM DESIGN AND INSTALLATION. SYSTEM SHALL BE FULLY PROGRAMMABLE AND CAPABLE OF ALTERNATE DATE WATERING. THE SYSTEM SHALL PROVIDE HEAD TO HEAD OR DRIP COVERAGE AND BE CAPABLE OF DELIVERING ONE INCH OF PRECIPITATION PER WEEK. SYSTEM SHALL EXTEND INTO THE PUBLIC RIGHT-OF-WAY TO THE EDGE OF PAVEMENT/BACK OF CURB.
- CONTRACTOR SHALL SECURE APPROVAL OF PROPOSED IRRIGATION SYSTEM INLCUDING PRICING FROM OWNER, PRIOR TO INSTALLATION.

LANDSCAPE CALCULATIONS:

PROPOSED LANDSCAPE AREA CALCULATION:
1 OVERSTORY TREE / 3000 SF OF OPEN AREA
5,811.0 SF / 3000 = 2 TREES REQUIRED
SEE PLANT SCHEDULE

1 ORNAMENTAL TREE / 1500 SF OF OPEN AREA
5,811.0 SF / 1500 = 4 TREES REQUIRED
SEE PLANT SCHEDULE

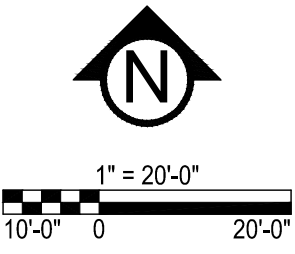
1 EVERGREEN TREE / 3000 SF OF OPEN AREA
5,811.0 SF / 3000 = 2 TREES REQUIRED
SEE PLANT SCHEDULE

1 SHRUB / 100 SF OF OPEN AREA
5,811.0 SF / 100 = 58 SHRUBS REQUIRED
SEE PLANT SCHEDULE

LEGEND

- 1" DIA. DECORATIVE ROCK MAINTENANCE STRIP OVER FILTER FABRIC, SAMPLES REQUIRED. PROVIDE EDGING AS SHOWN ON PLAN
- 1" DIA. DECORATIVE ROCK MULCH, SAMPLES REQUIRED PROVIDE EDGING AS SHOWN ON PLAN
- SOD
- PROPOSED CANOPY & EVERGREEN TREE SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- PROPOSED DECIDUOUS AND EVERGREEN SHRUB SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- PROPOSED PERENNIAL PLANT SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- DECORATIVE BOULDERS, 18"-30" DIA.

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(651) 454-0002 LOCAL



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DRIVE-THRU WINDOW
MODIFICATION

8479 WEST BROADWAY, BROOKLYN PARK, MN 55445

MOHAGEN HANSEN ARCHITECTS

1000 TWELVE OAKS CENTER DRIVE, SUITE 200, WAYZATA, MN 55391

PROJECT

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Patrick J. Sarver
DATE 03/27/19 LICENSE NO. 24904

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION
06/29/18	CUP SUBMITTAL
12/07/18	PERMIT DOCUMENTS
03/01/19	REVISED CUP SUBMITTAL
03/27/19	CUP RESUBMITTAL

REVISION SUMMARY

DATE	DESCRIPTION

PROJECT NO.: 18178

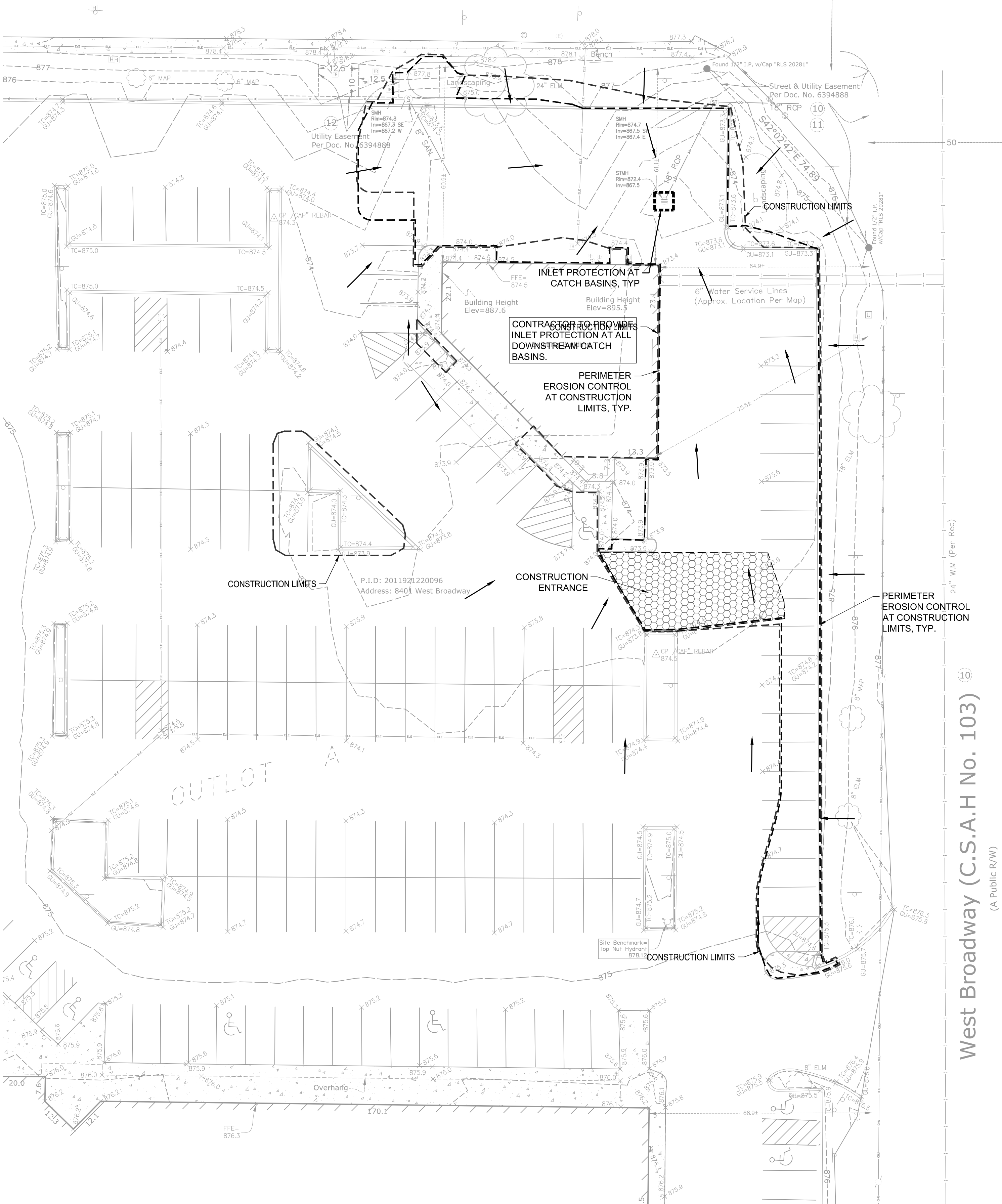
LANDSCAPE PLAN

L1.0

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venue North (C.S.A.H. No. 109) (11)

(A Public R/W)



West Broadway (C.S.A.H No. 103) (10)

(A Public R/W)

ALL SPECIFIED EROSION AND SEDIMENT CONTROL PRACTICES, AND MEASURES CONTAINED IN THIS SWPPP ARE THE MINIMUM REQUIREMENTS. ADDITIONAL PRACTICES MAY BE REQUIRED DURING THE COURSE OF CONSTRUCTION.

SWPPP NOTES:

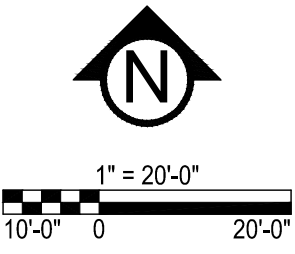
1. THIS PROJECT IS LESS THAN ONE ACRE AND WILL NOT REQUIRE AN MPCA NPDES PERMIT. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY EROSION CONTROL PERMITS REQUIRED BY THE CITY.
2. SEE SHEETS SW1.0 - SW1.3 FOR ALL EROSION CONTROL NOTES, DESCRIPTIONS, AND PRACTICES.
3. SEE GRADING PLAN FOR ADDITIONAL GRADING AND EROSION CONTROL NOTES.
4. CONTRACTOR IS RESPONSIBLE FOR SWPPP IMPLEMENTATION, INSPECTIONS, AND COMPLIANCE WITH NPDES PERMIT.

CITY OF BROOKLYN PARK EROSION CONTROL NOTES:

1. RESERVED FOR CITY SPECIFIC EROSION CONTROL NOTES.

LEGEND:

- 1125 --- EX. 1' CONTOUR ELEVATION INTERVAL
- 1137 --- 1.0' CONTOUR ELEVATION INTERVAL
- > DRAINAGE ARROW
- SILT FENCE / BIOROLL - GRADING LIMIT
- INLET PROTECTION
- STABILIZED CONSTRUCTION ENTRANCE
- EROSION CONTROL BLANKET



DRIVE-THRU WINDOW MODIFICATION

8479 WEST BROADWAY, BROOKLYN PARK, MN 55445

MOHAGEN HANSEN ARCHITECTS

1000 TWELVE OAKS CENTER DRIVE, SUITE 200, WAYZATA, MN 55391

PROJECT

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew R. Pavak
DATE 03/27/19 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION
06/29/18	CUP SUBMITTAL
12/07/18	PERMIT DOCUMENTS
03/01/19	REVISED CUP SUBMITTAL
03/27/19	CUP RESUBMITTAL

REVISION SUMMARY

DATE	DESCRIPTION

PROJECT NO.: 18178

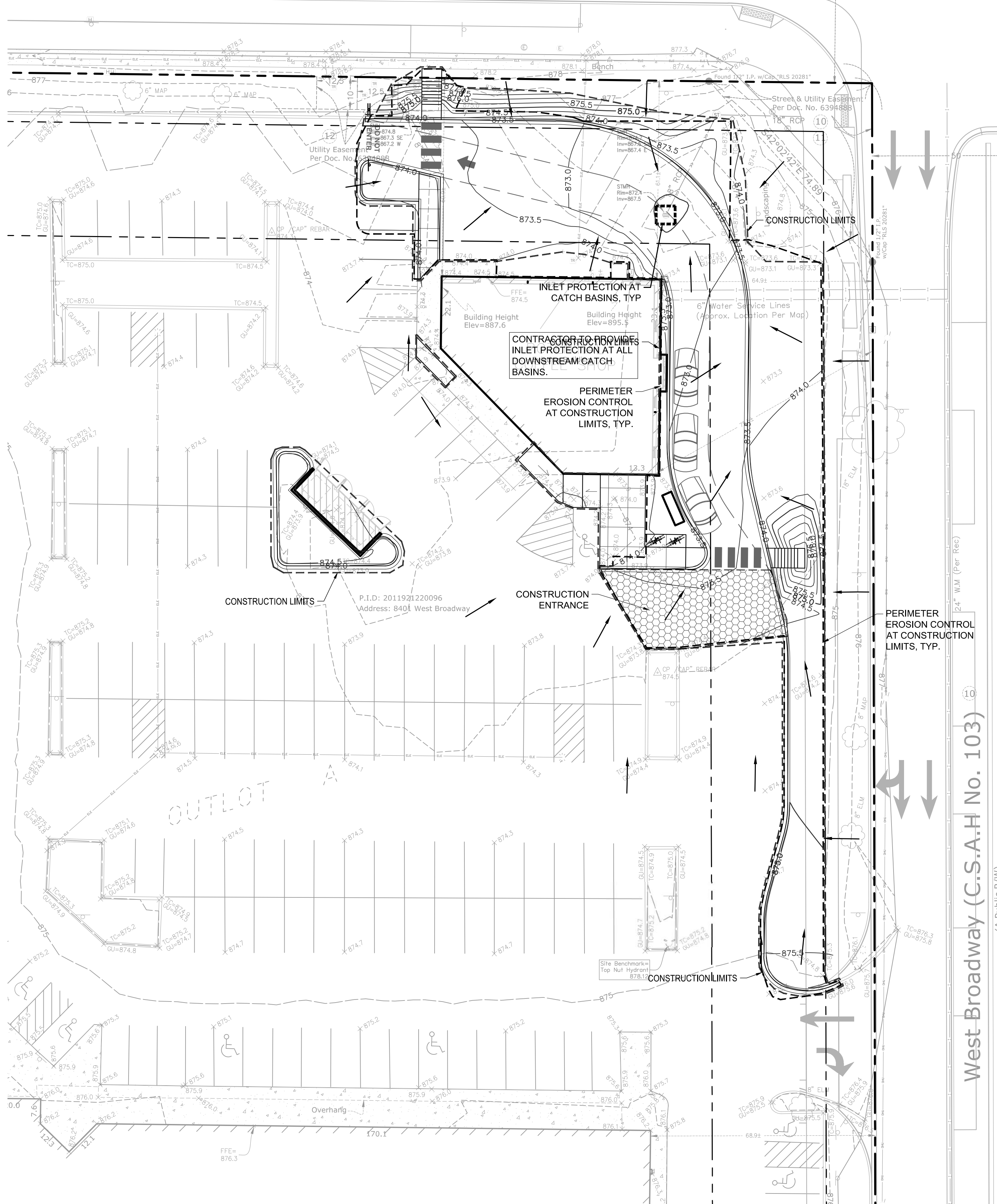
SWPPP - EXISTING CONDITIONS

SW1.0

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venue North (C.S.A.H. No. 109) ⑪

(A Public R/W)



ALL SPECIFIED EROSION AND SEDIMENT CONTROL PRACTICES, AND MEASURES CONTAINED IN THIS SWPPP ARE THE MINIMUM REQUIREMENTS. ADDITIONAL PRACTICES MAY BE REQUIRED DURING THE COURSE OF CONSTRUCTION.

- SWPPP NOTES:**
1. THIS PROJECT IS LESS THAN ONE ACRE AND WILL NOT REQUIRE AN MPCA NPDES PERMIT. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY EROSION CONTROL PERMITS REQUIRED BY THE CITY.
 2. SEE SHEETS SW1.0 - SW1.3 FOR ALL EROSION CONTROL NOTES, DESCRIPTIONS, AND PRACTICES.
 3. SEE GRADING PLAN FOR ADDITIONAL GRADING AND EROSION CONTROL NOTES.
 4. CONTRACTOR IS RESPONSIBLE FOR SWPPP IMPLEMENTATION, INSPECTIONS, AND COMPLIANCE WITH NPDES PERMIT.

CITY OF BROOKLYN PARK EROSION CONTROL NOTES:

1. RESERVED FOR CITY SPECIFIC EROSION CONTROL NOTES.

**DRIVE-THRU WINDOW
MODIFICATION**
8479 WEST BROADWAY, BROOKLYN PARK, MN 55445
MOHAGEN HANSEN ARCHITECTS
1000 TWELVE OAKS CENTER DRIVE, SUITE 200, WAYZATA, MN 55391

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Matthew R. Pavak
Matthew R. Pavak
DATE 03/27/19 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY	
DATE	DESCRIPTION
06/29/18	CUP SUBMITTAL
12/07/18	PERMIT DOCUMENTS
03/01/19	REVISED CUP SUBMITTAL
03/27/19	CUP RESUBMITTAL

REVISION SUMMARY	
DATE	DESCRIPTION

PROJECT NO. 18178

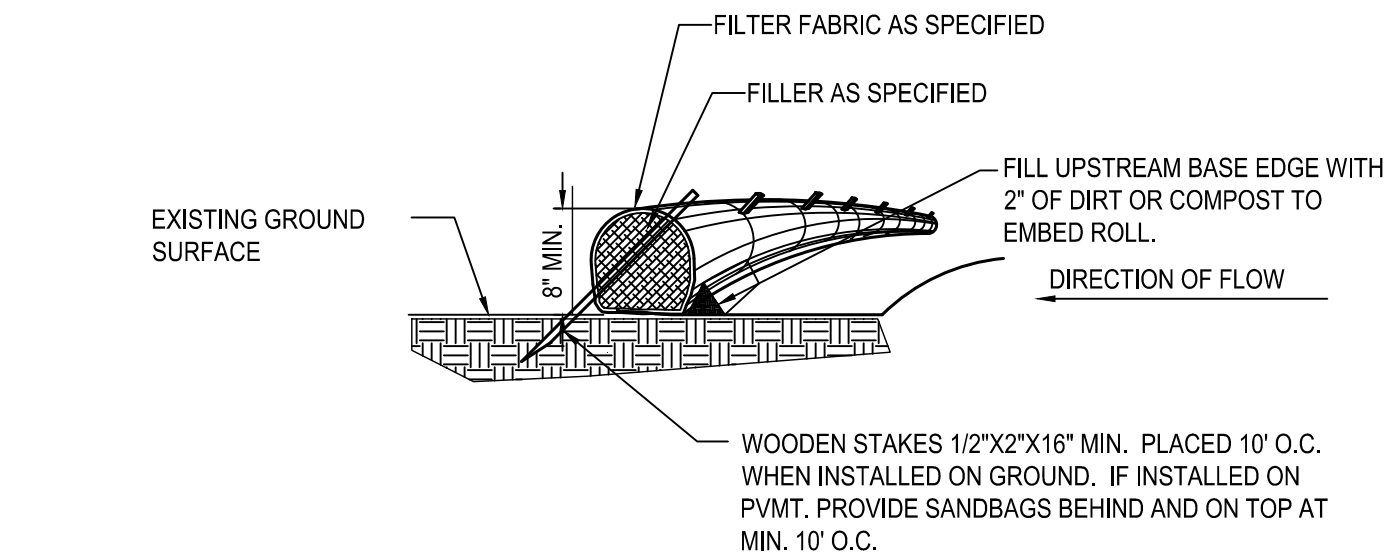
**SWPPP - PROPOSED
CONDITIONS**

SW1.1

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LEGEND:

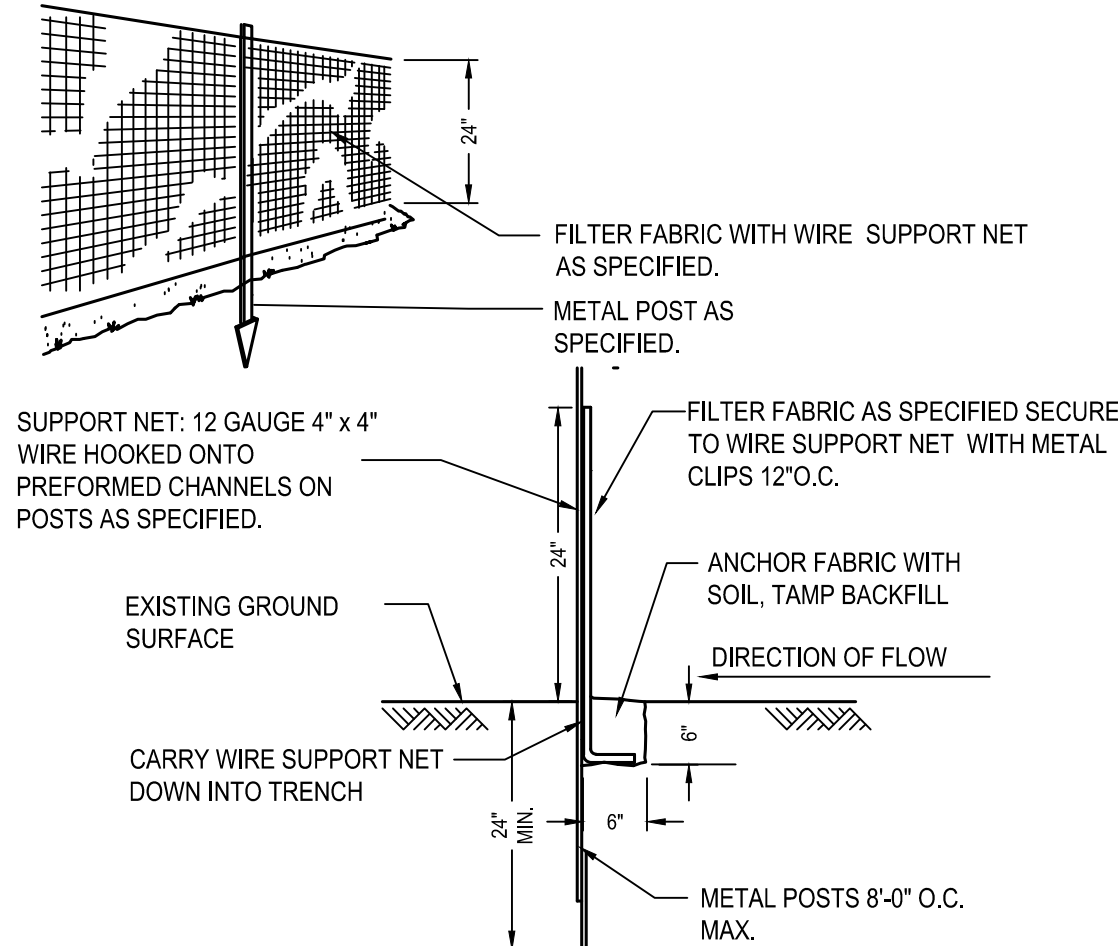
- 1125 EX. 1' CONTOUR ELEVATION INTERVAL
- 1137 1.0' CONTOUR ELEVATION INTERVAL
- DRAINAGE ARROW
- SILT FENCE / BIOROLL - GRADING LIMIT
- INLET PROTECTION
- STABILIZED CONSTRUCTION ENTRANCE
- EROSION CONTROL BLANKET



- NOTE:
1. COMPOST FILTER LOGS (BIO ROLLS) SHALL BE FILTREXX EROSION CONTROL SOXX OR APPROVED EQUAL.
 2. COMPOST FILLER TO BE MADE FROM A COMPOST BLEND 30%-40% GRADE 2 (SPEC 3890) AND 60%-70% PARTIALLY DECOMPOSED WOOD CHIPS, PER MNDOT SPEC 3897.
 3. FILTER FABRIC SHALL BE GEOTEXTILE KNITTED MATERIAL WITH MAX. OPENINGS OF 3/8".
 4. IF MULTIPLE ROLLS NEEDED, OVERLAP BY MIN. 12" AT ENDS AND STAKE.
 5. SILT SHALL BE REMOVED ONCE IT REACHES 80% OF THE HEIGHT OF THE ROLL OR AS DEEMED NECESSARY BY SITE CONTRACTOR TO MAINTAIN PROPER FUNCTION.

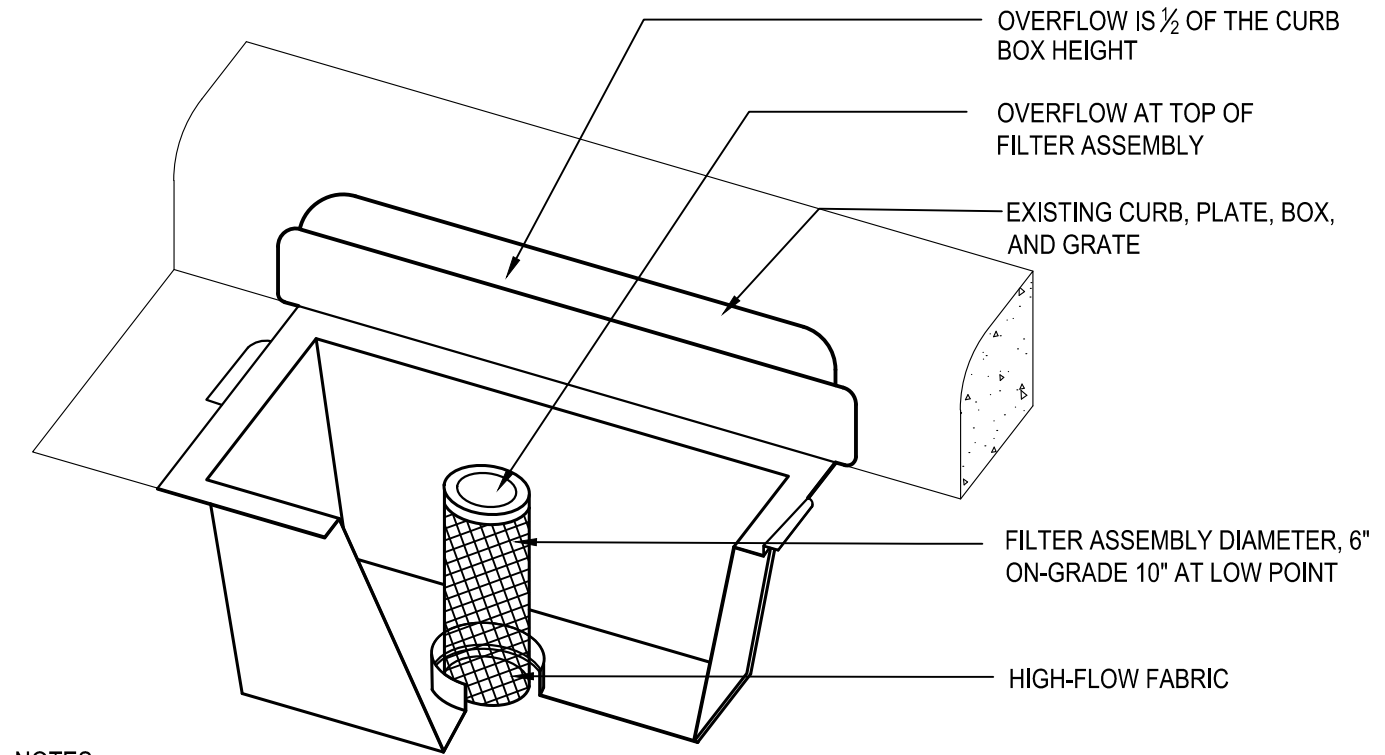
4 SEDIMENT BIO-ROLL / COMPOST FILTER LOG

N T S



5 SEDIMENT FENCE

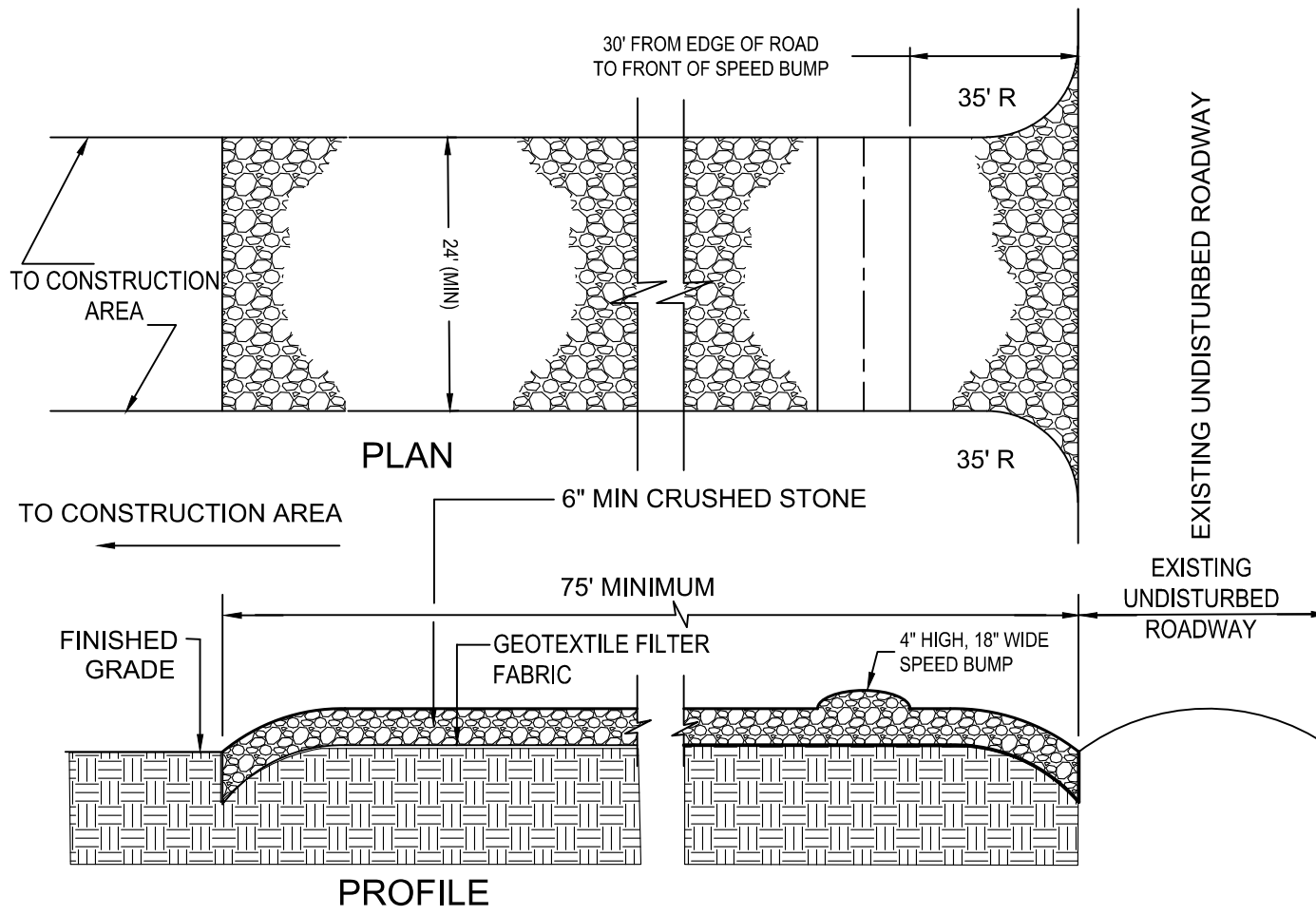
N T S



- NOTES:
1. REPLACE INLET GRATE UPON COMPLETE INSTALLATION OF INLET PROTECTION FABRIC.
 2. CONTRACTOR SHALL REMOVE ALL ACCUMULATED SEDIMENT AND DEBRIS FROM THE SURFACE OF THE SYSTEM AFTER EACH STORM EVENT AND AT THE COMPLETION OF THE CONTRACT.
 3. REFERENCE APPLE VALLEY STANDARD PLATE ERO-4C.

1 CURB INLET FILTER

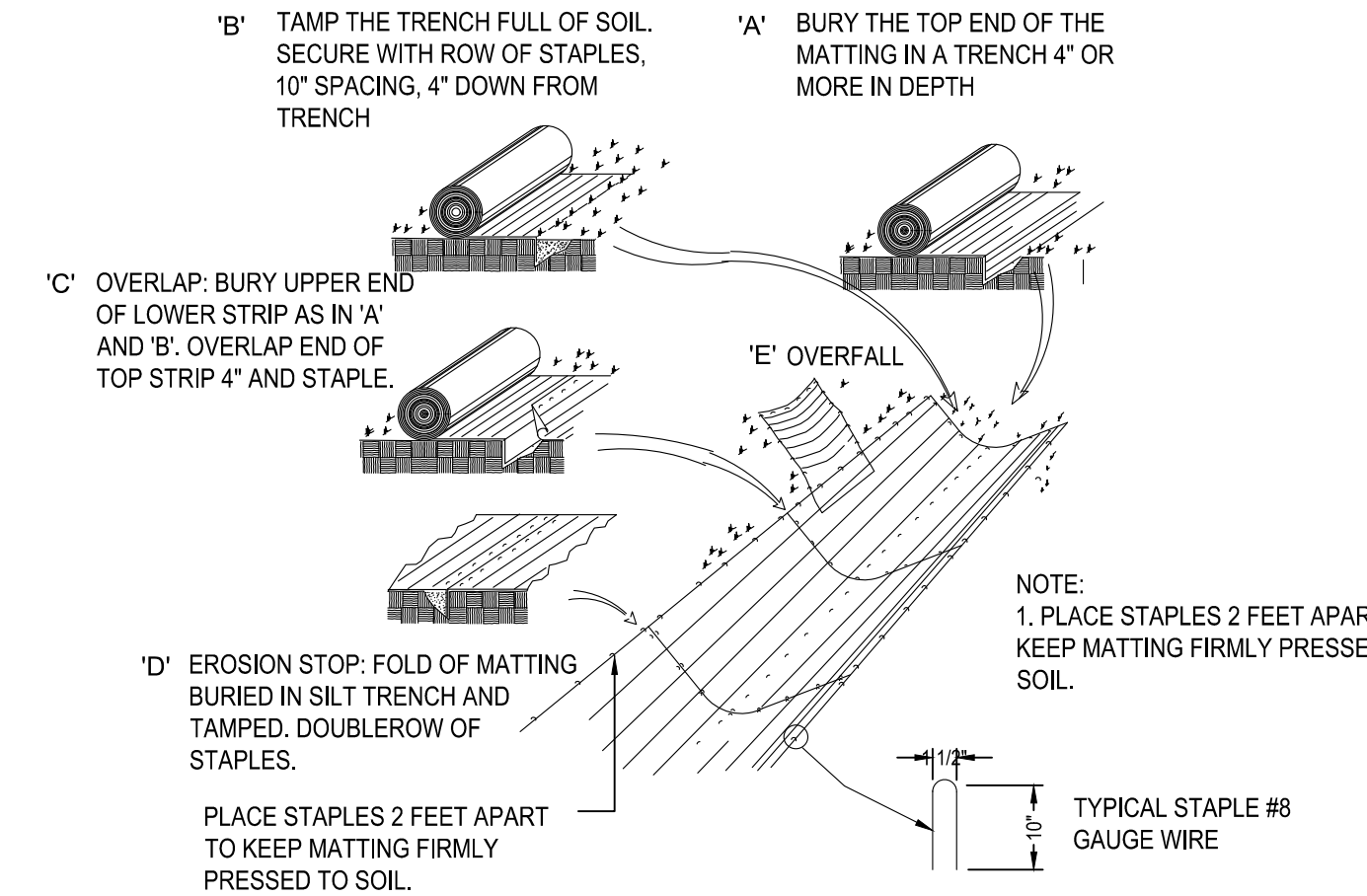
N T S



- NOTES:
1. PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION ENTRANCE AND UNDISTURBED ROADWAY.
 2. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO UNDISTURBED ROADWAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR ADDING STONE TO THE LENGTH OF THE ENTRANCE.
 3. REPAIR AND CLEANOUT MEASURES USED TO TRAP SEDIMENT.
 4. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO UNDISTURBED ROADWAY SHALL BE REMOVED AS DIRECTED BY THE ENGINEER.
 5. FINAL LOCATION AND INSTALLATION SHALL BE COORDINATED WITH THE CITY PRIOR TO CONSTRUCTION ACTIVITIES.
 6. CRUSHED STONE SHALL BE 1-1/2" DIA. CLOSE GRADED, AND IN ACCORDANCE TO MNDOT SECTION 2118.

2 STABILIZED CONSTRUCTION ACCESS

N T S



3 EROSION BLANKET

N T S

PROJECT

DRIVE-THRU WINDOW MODIFICATION

8479 WEST BROADWAY, BROOKLYN PARK, MN 55445
MOHAGEN HANSEN ARCHITECTS

1000 TWELVE OAKS CENTER DRIVE, SUITE 200, WAYZATA, MN 55391

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Matthew R. Pavsek
DATE 03/27/19 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY	
DATE	DESCRIPTION
06/29/18	CUP SUBMITTAL
12/07/18	PERMIT DOCUMENTS
03/01/19	REVISED CUP SUBMITTAL
03/27/19	CUP RESUBMITTAL

REVISION SUMMARY	
DATE	DESCRIPTION

PROJECT NO.: 18178

SWPPP - DETAILS

SW1.2

City of Brooklyn Park

Request for Council Action

Agenda Item:	6.2	Meeting Date:	April 22, 2019
Agenda Section:	Land Use Actions	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Todd A. Larson, Senior Planner
Ordinance:	FIRST READING		
Attachments:	2	Presented By:	Cindy Sherman, Planning Director
Item:	City of Brooklyn Park – Code Amendment #19-105 for Veterinary Clinics		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON FIRST READING AN ORDINANCE AMENDING SECTION 152.342 OF CITY CODE PERTAINING TO VETERINARY CLINICS.

Planning Commission Recommendation:

At its meeting on April 10, 2019, the Planning Commission unanimously (8-0) recommended approval of the Code Amendment.

Overview:

There is a veterinary clinic proposed in an Industrial-zoned (I) building with an existing commercial kennel, a permitted use. The two businesses serving pets seem to be a natural fit for co-location, but the time and expense related to the CUP application is a lot for the proposed small business. The I zoning district does not currently permit veterinary clinics.

The existing use classification for a veterinary clinic falls into a category titled "Care centers, convalescent homes, hospitals, veterinary clinics, and assisted living facilities." The other uses in that category are human-based and does not seem like comparable uses. Instead, staff is proposing to create a separate category and make it a permitted use in all standard business districts (B1, B2, B3, B4, BP, and I) because they operate similar to other office uses. Brooklyn Park has five other veterinary clinics in various zoning districts and have not received any complaints about their operations over the years even with three of them located adjacent to residential uses. These uses are also regulated by the State for their operations.

The effect of this ordinance is that the existing veterinary clinics (in the standard business districts) will become permitted uses and proposed new clinics will work with staff for any building permits they may need. If a proposed site for new construction is adjacent to residential, then site plan review by the Planning Commission and Council will be required. Clinics existing or proposed in any of the special districts (PCDD, TC, or PUD) will remain conditional uses as all uses in those districts are conditional when in conformance with the Comprehensive Plan.

Budgetary/Fiscal Issues: N/A

Alternatives to consider:

1. Approve the Code Amendment as recommended by the Planning Commission.
2. Approve the Code Amendment with modifications.
3. Deny the Code Amendment keeping the existing regulations in place.

Attachments:

- 6.2A ORDINANCE
- 6.2B PLANNING COMMISSION MINUTES

ORDINANCE #2019-

ORDINANCE AMENDING SECTION 152.342 OF CITY CODE PERTAINING TO VETERINARY CLINICS

The City of Brooklyn Park does ordain:

Underlined Text – Added language

~~Strike Through Text~~ – Deleted language

The following uses in Figure 152.342.01 “Uses in Business Districts” are hereby modified as follows:

	B1	B2	B3	B4	BP	I
Care centers, convalescent homes, hospitals, veterinary clinics , and assisted living facilities	C	C	C	C	NP	NP
<u>Veterinary Clinics</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

**UNAPPROVED PLANNING COMMISSION MINUTES
April 10, 2019 Regular Meeting**

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. City of Brooklyn Park – Code Amendment #19-105 for veterinary clinics.**

Senior Planner Larson provided background that the Commission reviewed the permitted, not permitted and conditional uses in the zoning districts during a recent work session. He explained both the Council and Commission are in agreement that the conditional use process is too burdensome for businesses given that nothing new comes out of the process but a delay and many expenses. He noted this is especially true in instances where there isn't much neighborhood interest. He stated that there will still be a need for the Conditional Use Permit process to be addressed by the Commission, but there is a current request to address made by a business to operate a veterinary clinic as a tenant in the building with their commercial kennel in an industrial zoning district. He clarified that veterinary clinics are currently lumped into the category, "care centers, convalescent homes, hospitals, veterinary clinics and assisted living facilities." He stated that to lump veterinary clinics into the same grouping as people care in addition to not being allowed in an industrial district doesn't seem to make sense. City staff recommends approval to put veterinary clinics into its own use category and allow for them to be permitted in all the business and industrial zoning districts. He noted there are currently 5 veterinary clinics in Brooklyn Park; 3 of which will be impacted by turning into a permitted use, instead of a Conditional Use, as they are located in the B1 and B2 districts. He added the remaining two veterinary clinics would remain a conditional use for the time being as they are in special zoning districts.

Commissioner Chair Hanson opened the public hearing.

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

Commissioner Kisch asked if there would be any special restrictions such as screening or outdoor areas that should be considered when determining the language to allow veterinary clinics as a standard permitted use.

Senior Planner Larson explained the past Conditional Use Permits granted for veterinary clinic were more focused on design regulations for the building, not the use itself. He stated the clinics in town seem to be operating without a negative impact to the neighborhood, so nothing is anticipated that would need to be addressed by additional requirements.

MOTION MERSEREAU, SECOND HERBERS TO RECOMMEND APPROVAL OF CODE AMENDMENT #19-105 AMENDING SECTION 152.342 OF CITY CODE PERTAINING TO VETERINARY CLINICS. *MOTION CARRIED UNANIMOUSLY.*

Planning Director Sherman confirmed that the public hearing items will move on to City Council Monday, April 22.

City of Brooklyn Park Request for Council Action

Agenda Item:	6.3	Meeting Date:	April 22, 2019
Agenda Section:	Land Use Actions	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Todd A. Larson, Senior Planner and Jeff Holstein, Transportation Engineer
Ordinance:	SECOND READING		
Attachments:	2	Presented By:	Cindy Sherman, Planning Director
Item:	Property Conveyance to MNDOT for the Highway 169/101 st Avenue Interchange		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2019-_____ AUTHORIZING THE CONVEYANCE OF CITY OWNED PROPERTY AT 8600 101ST AVENUE NORTH.

Overview:

The City Council approved the first reading of the ordinance on April 8, 2019.

The City has been working with MNDOT on the design of a proposed interchange at Highway 169 and 101st Avenue North. The City has owned a small 0.32-acre parcel at the northeast corner of that intersection for several years. A house with the address of 8600 101st Avenue was removed from the lot about 18 years ago.

The City is in the process of acquiring property from Three Rivers Park District and private land owners. All of the property acquired for the project will be conveyed to MNDOT prior to construction commencing later this year. The City's property acquisition consultant is working with the private property owners. Separate actions for the purchase and transfer of each property will be brought forward for Council review as those processes advance.

By City Charter, an ordinance is required for the sale or conveyance of City-owned land.

Budgetary/Fiscal Issues:

MNDOT will not be paying the City for the property. The property acquisition is considered the City's responsibility and contribution to the project.

Alternatives to consider:

1. Approve the second reading of the conveyance ordinance as recommended.
2. Deny the conveyance based on certain findings.

Attachments:

- 6.3A ORDINANCE
- 6.3B LOCATION MAP

ORDINANCE #2019-

ORDINANCE AUTHORIZING THE CONVEYANCE OF
CITY-OWNED PROPERTY

The City of Brooklyn Park Does Ordain:

The City of Brooklyn Park owns fee title to that certain parcel of real property at 8600 101st Avenue North and legally described in Certificate of Title Number 1044651 as: The East 130 feet of that part of the West Quarter of the Southwest Quarter of the Southeast Quarter of Section 6, Township 119, Range 21 lying South of a line 139 feet North of and drawn parallel with the South line of said West Quarter except road, Hennepin County, Minnesota ("Property"). The City finds it is in the public interest to convey the Property to the Minnesota Department of Transportation, so that the Property can be used for the construction of an interchange at Highway 169 and 101st Avenue North.

The Mayor and City Manager are authorized and directed to convey the Property to the Minnesota Department of Transportation. City staff and consultants are authorized and directed to take all necessary and convenient steps to accomplish the intent of this Ordinance.

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.

Mayor

Attest:

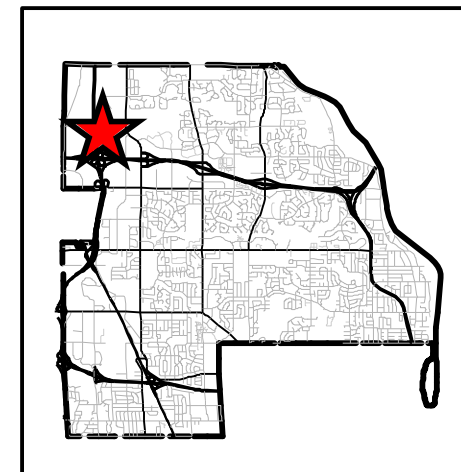
City Clerk

Approved as to Form by City Attorney
Passed on First Reading 04-08-2019
Passed on Second Reading
Published in Official Newspaper

Property Transfer to MNDOT
8600 101st Ave. N.



Spring 2015 Air Photo.



City of Brooklyn Park

Request for Council Action

Agenda Item:	7.1	Meeting Date:	April 22, 2019
Agenda Section:	General Action Items	Originating Department:	Operations and Maintenance – Engineering Services Division
Resolution:	X	Prepared By:	Jeff Holstein, P.E., P.T.O.E. City Transportation Engineer
Ordinance:	N/A		
Attachments:	3	Presented By:	Jesse Struve, City Engineer
Item:	Approve Supplemental Letter of Agreement No. 24 with SRF Consulting Group, Inc. to Provide Environmental Consulting Services for the Trunk Highway 169 / 101 st Avenue Interchange; CIP 4042-19		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT RESOLUTION #2019-____ TO APPROVE SUPPLEMENTAL LETTER AGREEMENT NO. 24 WITH SRF CONSULTING GROUP, INC. TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES FOR THE TRUNK HIGHWAY 169 / 101ST AVENUE INTERCHANGE; CIP 4042-19.

Overview:

The City is currently progressing towards the construction of a new full access interchange at the Highway 169 / 101st Avenue junction. The project will include right of way acquisition from twelve parcels including five (Parcels 5, 6, 7, 8, 9) located in the northwest corner of the intersection. These parcels were included in the recently completed environmental document for the interchange. This document environmentally cleared the parcels at a high level (Phase 1 Environmental Site Assessment (ESA)), which is typical for this type of project. Three of these parcels (Parcels 5, 6 and 8) are partial takes and two parcels (Parcels 7 and 9) are total takes.

Subsequent to the completion of the Phase I ESA for these five parcels, the City's right of way consultant (WSB) met with the landowners and discussed potential acquisition issues. This work indicated a need to conduct more in-depth environmental analyses of Parcels 5, 6, 7, and 8. This work would include additional soil borings, groundwater sampling, site investigations and analysis. This level of environmental clearance is referred to as a Phase 2 ESA.

Staff requested SRF and their environmental and soils subconsultant (Braun Intertec Corporation) to prepare a work scope to conduct the environmental services necessary to determine if there is a need to mitigate contaminants from the five parcels. This work will include the Phase 2 ESA work (Parcels 5, 6, 7 and 8), analysis of the homes and buildings to be razed (Parcels 5, 7, 8 and 9) for hazardous materials and the preparation of a response action plan to mitigate any contaminants found on the parcels or in the structures. The estimated cost to provide these services is up to \$53,411 and includes analysis of the entire parcels (the portions needed for the project and those remnant portions for Parcels 5, 6 and 8). This cost may be less if the initial tests indicate no need for further testing.

The Economic Development Authority (EDA) met on February 18, 2019 to discuss the possible purchase of the remnant portions of Parcels 5, 6 and 8. The remnant portions are not needed for the interchange project, but could be used for economic development purposes and an offer for the full parcel might be well received by some or all of the land owners. The EDA expressed interest purchasing the excess land, if a reasonable price can be negotiated with the property owners. The concerns with contamination at these parcels were not discussed at the EDA meeting. If the Council/EDA wants to abandon the idea of purchasing the remnant portions, the cost to conduct the Phase II analysis on only land required for the interchange project is lower (estimated at up to \$41,674). This cost may also be less if the initial tests indicate no need for further testing.

This change would require an amendment to the motion provided in this report to exclude the remnant pieces from the scope of work.

The City has a current consultant services agreement with SRF. The agreement states that work items may be completed by Supplemental Letter agreement under the master consultant services agreement approved by the City Council on June 12, 2017. A copy of the Supplemental Letter of Agreement for this additional work and the work scope is attached.

Staff recommends the City Council approve Supplemental Letter of Agreement No. 24 with the SRF Consulting Group, Inc. to identify any environmental contamination and develop a mitigation plan, if necessary, for both the project and remnant portions of the five parcels.

Primary Issues/Alternatives to Consider:

The City needs to have the project related portion of this work conducted to ensure MnDOT will accept the right of way for the interchange following the completion of the project. The City may also wish to have the non-project needed portion of this work conducted to ensure any additional right of way acquired for future development is cleared of contaminants or purchased at a reduced price.

Budgetary/Fiscal Issues:

The project is included in the 2019-2023 Capital Improvement Plan. The CIP has \$2,000,000 budgeted for planning and design in 2019. The budgeted amount will cover the design, right of way acquisition services and environmental work already completed and the proposed additional Environmental Site Assessment work. The City would use Other Governmental grant funds, EDA monies, State Aid funds and/or possibly special assessments as funding sources.

Attachments:

- 7.1A RESOLUTION
- 7.1B SUPPLEMENTAL LETTER AGREEMENT NO. 24
- 7.1C PARCEL TAKINGS MAP

RESOLUTION #2019-

RESOLUTION TO APPROVE SUPPLEMENTAL LETTER AGREEMENT NO. 24
WITH SRF CONSULTING GROUP, INC. TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES FOR
THE TRUNK HIGHWAY 169 / 101ST AVENUE INTERCHANGE; CIP 4042-19

WHEREAS, a Master Agreement (four-year duration) with SRF Consulting Group, Inc. was approved for Planning / Land Use and Engineering services by the City Council on June 12, 2017; and

WHEREAS, the Master Agreement provides for individual projects to be negotiated by supplemental letter agreements; and

WHEREAS, the City has retained the SRF Consulting Group, Inc. for design services for CIP 4042-19; and

WHEREAS, a Supplemental Letter of Agreement and work scope was submitted by SRF Consulting Group, Inc. to provide additional environmental services for the Trunk Highway 169 / 101st Avenue Interchange and it was reviewed by staff and determined to be complete and of reasonable cost and in accordance with the Master Agreement for execution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park to approve entering into Supplemental Letter Agreement No. 24 with SRF Consulting Group, Inc. to provide additional environmental services for the Trunk Highway 169 / 101st Avenue Interchange.

SRF 11431.01.PP

April 16, 2019

Mr. Dan Ruiz
Director of Operations and Maintenance
City of Brooklyn Park
5200 85th Avenue North
Brooklyn Park, MN 55443-4301

Subject: Supplemental Letter Agreement No. 24 for Professional Services for Environmental Consulting Services including:

Phase II Environmental Site Assessment, Pre-Demolition Hazardous Materials Inspection, and Response Action Plan and Construction Contingency Plan Preparation and Regulatory Correspondence of the TH 169/101st Avenue Interchange

Dear Mr. Ruiz:

Based on your request for proposal, SRF Consulting Group, Inc. (SRF) is pleased to submit this proposal to provide additional environmental services as part of right-of-way acquisition for TH 169/101st Interchange project.

Scope of Services

SRF will provide oversight and quality control of work by Braun Intertec as a subconsultant to SRF. Their proposal with description of services is attached. In general, Bruan will perform the necessary environmental due diligence to investigate and analyze:

- Property required for the actual construction of the interchange project
- Remnant parcels (which may be purchased by the city)

The intent of the scope of services is to ensure the proper process was followed for the future conveyance of right of way back to MnDOT in the future.

Schedule

We will complete this work within a mutually agreed-upon time schedule concurrent with overall project schedule.

Incorporated by Reference

Except where modified by this Supplement Letter Agreement, the scope of services and basis of compensation contemplated by this Supplemental Letter Agreement is subject to the terms and conditions set forth in the Master Agreement dated June 12, 2017 by and between the City of Brooklyn Park and SRF Consulting Group, Inc

Compensation / Payment

The total amount to be paid by the City pursuant to this Supplement Letter Agreement shall not exceed \$53,411.00 ("Contract Maximum"). Details of the contract maximum can be found in The City shall make payments to Consultant within thirty-five (35) days of the date on which an invoice is received.

Changes in the Scope of Services

It is understood that if the scope or extent of work changes, the cost will be adjusted accordingly. Before any out-of-scope work is initiated, however, we will submit a budget request for the new work and will not begin work until we receive authorization from you.

Standard Terms and Conditions

This proposal and Scope of Services (Attachment A) for professional services constitute the entire agreement between the Client and SRF Consulting Group, Inc. and supersede all prior written or oral understandings. This agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

Acceptance/Notice to Proceed

A signed copy of this proposal, mailed or emailed to our office, will serve as acceptance of this proposal and our notice to proceed. The email address is kjullie@srfconsulting.com.

We sincerely appreciate your consideration of this proposal and look forward to working with you on this project. Please feel free to contact us if you have any questions or need additional information.

Sincerely,

SRF CONSULTING GROUP, INC.



Kevin M. Jullie, PE (MN ND)
Principal

Attachment A – Scope of Services

Approved

(signature) Dan Ruiz, Director of Operations and Maintenance

Name _____

Title _____

Date _____

Approved

(signature) Jay Stroebel, City Manager

Name _____

Title _____

Date _____

Approved

(signature) Jeffrey Joneal Lunde, Mayor

Name _____

Title _____

Date _____

This cost proposal is valid for a period of 90 days. SRF reserves the right to adjust its cost estimate after 90 days from the date of this proposal.

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Braun Intertec Corporation
11001 Hampshire Avenue S
Minneapolis, MN 55438

Phone: 952.995.2000
Fax: 952.995.2020
Web: braunintertec.com

April 17, 2019

Proposal QTB097615

Mr. Kevin Jullie, PE
SRF Consulting Group, Inc.
One Carlson Parkway North, Suite 150
Minneapolis, MN 55447-4443

Re: Proposal for Environmental Consulting Services
Phase II Environmental Site Assessment, Pre-Demolition Hazardous Materials Inspection,
and Response Action Plan and Construction Contingency Plan Preparation and Regulatory
Correspondence
Acquisition Parcels at Northwest Corner
US 169 and 101st Avenue Interchange Project
Brooklyn Park, Minnesota

Dear Mr. Jullie:

Braun Intertec Corporation appreciates the opportunity to submit this proposal to provide environmental services as part of right-of-way acquisition for the US 169 and 101st Avenue Interchange Project in Brooklyn Park, Minnesota. The objective of the Phase II Environmental Site Assessment (ESA) is to investigate recognized environmental conditions (RECs) identified at two properties during preparation of an updated Modified Phase I ESA completed for the project. In addition, a Pre-Demolition Hazardous Building Materials Inspection will be conducted for the existing buildings at three parcels intended to be acquired as part of the project. This proposal outlines our understanding of the project, scope of work, cost estimate and schedule.

Background

We understand that the city of Brooklyn Park (City) is working toward constructing a new interchange at the US 169 and 101st Avenue North junction. The proposed interchange would be a folded diamond to the north of 101st Avenue, a four-lane divided urban roadway from the west ramp terminal to Xylon Avenue to the east, a three-lane urban roadway to the west to Jefferson Highway and auxiliary lanes along US 169 between TH 610 and 101st Avenue.

Currently, we are completing a geotechnical evaluation to characterize subsurface geologic conditions and evaluate their impact on the design of the interchange. In addition, we are preparing an update to a Modified Phase I ESA that was previously completed for the project in February 2016 (Braun Intertec project number B1511981). Preliminary findings of the updated Modified Phase I ESA indicate that two properties within the project area that were previously considered as a *de minimis risk for contamination* have been revised to a *high risk for contamination* based on evidence of recent dumping activities.

More specifically, field reconnaissance conducted in March 2019 at the following properties revealed evidence of significant dumping and/or solid waste burial activities, including surficial dumping and/or burial of automobiles, building materials, appliances, liquid chemicals (both petroleum based and solvents), tires, and other miscellaneous debris.

- Parcels #5 and #6 - 8832 101st Avenue North, Brooklyn Park, MN (Goerisch parcels)
- Parcels #7 and #8 - 8824 and 8808 101st Avenue North, Brooklyn Park, MN (Thurs parcels)

The presence of landfilling, dumping, and poor housekeeping render these properties as a *high risk for contamination* in accordance with Minnesota Department of Transportation (MnDOT) protocols for conducting corridor-style Phase I ESAs.

From conversations with you, we understand that the City will be acquiring these properties as part of the project, along with an adjacent property located at 8800 101st Avenue North, Brooklyn Park, MN (Simons parcel). We further understand that after acquisition of all of these properties the buildings will be razed, and a portion of the properties will be used for construction of the interchange. Any remaining portions of properties that are not used for the interchange project may be developed or conveyed in the future to MnDOT.

Purpose

Acquiring and developing properties with the potential for contamination pose the following risks:

- When a party performs actions (i.e., redevelopment, construction, etc.) at a site contaminated with a hazardous substance, pollutant or contaminant, the party could under some circumstances become a responsible party for the contamination under Minn. Stat. §115B.03, subd. 3(4). This risk is mitigated by the party conducting proper due diligence, including a Phase I ESA and Phase II ESA, then applying for and receiving a No Association Determination (NAD) liability letter from the Minnesota Pollution Control Agency (MPCA). For properties that have been acquired prior to completing the due diligence process, there is an option to receive a Retroactive NAD.
- Construction projects involving contaminated properties are more likely to incur delays and increased project costs unless the extent and magnitude of contamination is known and accounted for prior to construction. For properties in which a NAD or Retroactive NAD have been issued, a Response Action Plan (RAP) that is approved by the MPCA is required prior to construction. The RAP outlines the actions that the owner/developer will undertake during construction to mitigate known contamination.
- Building structures, particularly older buildings, have the potential to include asbestos containing materials (ACM), lead paint, polychlorinated biphenyls (PCBs), or other regulated materials. The MPCA requires that a hazardous materials inspection be conducted prior to building demolition. For buildings scheduled to be demolished, the hazardous materials inspection must be conducted in a destructive manner so that all materials, including those not easily accessible, can be evaluated. If ACM, peeling lead-based paint, PCBs, or other

materials are identified, they must be properly removed prior to building demolition. According to state regulations, removal must be conducted by contractors that hold the proper licensure and certifications.

The purpose of the following scope of services is to address and mitigate the above risks to the City and possibly to future owners of the acquisition parcels.

Scope of Services

Task 1 - Phase II ESA:

- **Parcels #5 and #6 - 8832 101st Avenue North, Brooklyn Park, MN (Goerisch parcels)**
- **Parcels #7 and #8 - 8824 and 8808 101st Avenue North, Brooklyn Park, MN (Thurs parcels)**

The Phase II ESA Scope of Services presented below are recommended to evaluate the Goerisch and Thurs parcels, which are identified as a *high risk for contamination* for potential soil and groundwater impacts that could affect the planned acquisition and redevelopment of the parcels.

Please note that our Phase II ESA scope of services does not include a vapor investigation, as no likely vapor receptors, such as buildings, are planned on these parcels as part of this project. Depending on the results of this Phase II ESA, soil vapor investigation activities may be warranted if future buildings are planned or if there is a significant risk to utilities that cannot be mitigated during construction through engineering controls.

The scope of services includes the following components:

- Staking and Utility Clearance
- Test Pits
- Soil Borings
- Soil Screening
- Soil Sampling and Analytical Testing
- Groundwater Sampling and Analytical Testing
- Reporting

Staking and Utility Clearance

A site-specific Health and Safety Plan (HASP) will be created prior to initiation of Site work.

Braun Intertec will stake prospective subsurface exploration locations and obtain surface elevations at those locations using GPS (Global Positioning System) technology.

Prior to starting the investigation, Braun Intertec or the licensed subcontractor will contact Gopher State One Call and request that they make arrangements for the appropriate public utility companies to identify locations of public underground utilities at the Site. In addition, as there are multiple buildings located on each parcel with likely utilities running from one building to another, Braun Intertec will subcontract a private utility locator to locate private utilities on each parcel.

Test Pits and Evaluation of Debris

To evaluate the presence and extent of fill materials and dump debris, Braun Intertec will subcontract an excavating company, to complete up to two days' worth of test pits on the parcels to depths ranging from 10 to 12 feet below ground surface (bgs). The test pits will be excavated using a track-mounted backhoe. As part of this task, we may also request that the backhoe also be used to move the large debris piles to allow access and further investigation of the debris piles located on the Goerisch parcel. During excavation, soil samples will be collected at regular intervals in accordance with Braun Intertec SOP 211 – Test Pit and Test Trench Observation and Sampling. Upon completion, each test pit will be backfilled and compacted with spoils from the excavation in the approximate order that the material was removed.

As part of this task, our field personnel, certified as an asbestos inspector by the Minnesota Department of Health (MDH), will examine all surficial and buried debris for indications of suspect ACM and conduct an inventory of regulated wastes. If suspect ACM is identified, bulk samples of the material will be collected and submitted to Pace Analytical (Pace) located in Minneapolis, MN for the presence of asbestos using Polarized Light Microscopy (PLM). As part of this task we estimate collecting up to 20 samples of suspect ACM for analysis.

Soil Borings

In addition, to the test pits Braun Intertec or our subcontractor will advance a total of 12 soil borings on the Goerisch and Thurs parcels to obtain soil samples for field screening, laboratory analysis, and to install temporary monitoring wells. As we estimate groundwater depth to be approximately 15 to 20 feet bgs, the borings will be advanced to depths ranging from 20 to 25 feet bgs using direct push drilling method. Soil samples for field screening will be collected at continuous intervals. The work will be completed following Braun Intertec SOP 203 – Soil Boring Observation and Sampling. The boring locations will be determined based on the findings of the test pit activities.

This proposal contains provisions for characterizing subsurface conditions to depths of 15 feet or deeper. Soil borings advanced to such depths, whether instrumented for monitoring or not, are considered environmental wells by the MDH and need to be made known as such to the MDH *before they are completed*. This requires that applicable MDH notification forms be signed by the well owner, or representative/agent, and returned to Braun Intertec. *Braun Intertec cannot mobilize equipment and crews until an MDH notification form has been signed and submitted.* An MDH notification form is attached for this purpose. ***Please note that we will need a separate form for each of the four parcels to be investigated.***

Soil Screening

During drilling and test pit excavation, a field technician will monitor the subsurface materials encountered at each boring and test pit location. Soils will be classified in the field in accordance with ASTM D 2487 "Unified Soils Classification System (USCS)" and ASTM D 2488 "Recommended Practice for Visual and Manual Description of Soils." Soil samples retrieved will be examined by field personnel certified as an asbestos inspector by the MDH, for unusual staining, odors, and other apparent signs of contamination. In addition, the soil samples will be screened for the presence of organic vapors using a photoionization detector (PID). The PID will be equipped with a 10.6/11.7-electron-volt lamp and calibrated to an isobutylene standard. The PID will be used to perform direct measurement and a headspace method of field analysis, as recommended by the MPCA in Petroleum Remediation Program Guidance Document 4-04 (September 2008), and in accordance with Braun Intertec SOP 202 – Organic Vapor Soil Screening.

Soil Sampling and Analytical Testing

Soil samples will be collected from the soil borings and test pits for laboratory analysis in accordance with Braun Intertec SOPs 208, 209, and 210. Soil samples will be collected from depth intervals in the unsaturated zone where indications of contamination are observed in the field. If no indications of contamination are observed, the soil samples will be collected from depths most likely to be impacted based on the potential contaminant source.

The budget for this task assumes that a total of 30 soil samples will be submitted to Pace, and analyzed for a combination of the following parameters:

- Volatile organic compounds (VOCs) using United States Environmental Protection Agency (EPA) Method 8260
- Semi-volatile organic compounds (SVOCs) using EPA Method 8270
- Polychlorinated biphenyls (PCBs) using EPA Method 8082 (for select samples only, assume a total of 5 samples)
- Diesel range organics (DRO) using the Wisconsin Department of Natural Resources (WDNR) Method
- Gasoline range organics (GRO) using the WDNR Method
- Eight Resource Conservation and Recovery Act (RCRA) metals using EPA Methods 6010 and 7471
- Toxicity Characteristic Leaching Procedure (TCLP) RCRA metals using EPA Methods 6010 and 7470 (for select samples only, assume a total of 5 samples)

Groundwater Sampling and Analytical Testing

Temporary monitoring wells will be installed to evaluate groundwater conditions at the parcels. The temporary monitoring wells will be installed in 8 of the soil borings. Prior to sampling the temporary monitoring wells, static groundwater levels in each monitoring well will be measured to the nearest 0.01 foot and recorded. Groundwater samples will be collected using a length of tubing equipped with a check ball valve in accordance with Braun Intertec SOP 311 – Groundwater Sample Collection. Groundwater samples will be placed directly into laboratory-supplied containers, preserved appropriately, and submitted to the laboratory for chemical analysis.

The budget for this task assumes that a total of 8 groundwater samples will be collected from the temporary monitoring wells and submitted to Pace, and analyzed for a combination of the following parameters:

- VOCs using EPA Method 8260
- SVOCs using EPA Method 8270
- DRO using the WDNR Method
- GRO using the WDNR Method
- Dissolved eight RCRA metals using EPA Methods 6010 and 7470

Braun Intertec will prepare a Phase II ESA report summarizing investigation results for the investigation areas and will provide recommendations with regards to entering the site into the VIC and PB programs and construction. The Phase II ESA report will be submitted to SRF and the City for review prior to being finalized.

Task 2 - Pre-Demolition Hazardous Building Materials Inspection (HazMat)

- **Parcels #5 and #6 - 8832 101st Avenue North, Brooklyn Park, MN (Goerisch parcels)**
- **Parcels #7 and #8 - 8824 and 8808 101st Avenue North, Brooklyn Park, MN (Thurs parcels)**
- **Parcel #9 - 8800 101st Avenue North, Brooklyn Park, MN (Simons parcel)**

The MDH and the MPCA require building owners to identify all regulated or hazardous materials prior to building renovation or demolition. Therefore, Braun Intertec is proposing to conduct a Pre-Demolition Hazardous Building Materials Inspection (HazMat Inspection) of the existing buildings at the acquisition parcels. The goal of the inspection will be to identify asbestos-containing materials and other potentially hazardous materials that require separate handling and/or disposal prior to building demolition. MDH and MPCA require destructive investigations be performed prior to demolition to identify hazardous building material in currently inaccessible areas. This includes such areas as inside walls, soffits and chases; above ceilings; under floors; etc.

The following services will be performed as part of the Pre-Demolition HazMat Inspection:

- Visually examine accessible areas and identify the locations of suspect asbestos-containing materials (ACM), lead, polychlorinated biphenyls (PCBs), mercury, and other miscellaneous hazardous materials.
- Collect and analyze representative bulk samples of materials suspected of containing asbestos. Examples of materials to be collected for analysis include, but are not limited to: floor tile, linoleum flooring, wall and ceiling plaster, suspended and acoustical ceiling tile, sheetrock, thermal system insulation, textured ceiling material roofing materials, and fireproofing. For purposes of this proposal, it is assumed up to 120 samples will be collected and analyzed by polarized light microscopy (PLM) as part of the inspection activities.
- Conduct limited lead-based paint (LBP) testing of potential re-useable components with painted surfaces suspected of containing lead (where applicable). Testing will be accomplished using a Niton X-ray fluorescence (XRF) spectrum analyzer. The Niton is a portable, non-destructive, in-situ test and measurement instrument.
- Assign a hazard rating based on asbestos content with respect to the materials condition, friability, accessibility, and hazard potential.
- Document the various materials current conditions.
- Generate a final report, documenting the sample locations, analysis results, conditions, and ACM quantities. Only an electronic copy of the report will be submitted to you unless you request otherwise.
- Prepare an engineer's estimate for the cost to remove and dispose of identified hazardous materials.

Asbestos Abatement Outline

Braun Intertec is proposing to prepare an asbestos abatement project outline for the demolition project. The intent of the abatement outline will be to facilitate the removal and disposal of ACM that will be impacted by the planned demolition project. Braun Intertec's Licensed Asbestos Project Designers will work with your team to develop an outline for the abatement of ACM. In general, project outline will address the following.

- Defining the abatement project's scope of work
- Specifying bidding requirements including the contractor's qualifications
- Work schedule
- Asbestos abatement procedures
- Quality Control

Before the abatement project outline is finalized, it will be submitted to you for review. Your comments are then incorporated into the final document. When the abatement project outline is complete, we will perform the following.

- Coordinating the invitation for abatement bids
- Conducting the on-site pre-bid meeting with interested abatement contractors
- Qualifying a contractor based on their submittals and bidding documents and making recommendations for bid award

Task 3 - Response Action Plan and Construction Contingency Plan Preparation and Regulatory Correspondence (Project wide)

If contamination is detected during the Phase II ESA, Braun Intertec will prepare a Response Action Plan (RAP)/Construction Contingency Plan (CCP) for the project. The RAP/CCP will summarize existing environmental data, discuss contamination-related issues affecting the project, present a framework for managing contaminated media removed/encountered during the project, and describe proposed remediation activities and required environmental monitoring/testing.

Braun Intertec will also provide the following regulatory correspondence services as part of this task:

- Assist the City with entering the project in the MPCA Voluntary Investigation and Cleanup (VIC) Program and/or Petroleum Brownfields (PB) Program to allow for approval of the RAP/CCP and issuance of liability assurances.
- Assist with preparation of a Proposed Actions Letter and affidavit for submittal to the MPCA VIC program requesting issuance of a Retroactive NAD letter to relevant parties for non-petroleum related soil, groundwater, and/or soil vapor impacts identified during the Phase II ESA (Identified Release). The NAD issued by the MPCA will specify that completion of the Proposed Actions, including completion of the project, will not associate the respective parties with the Identified Release.
- Correspond with the MPCA VIC and/or PB Programs to facilitate approval of the RAP/CCP and issuance of the requested liability assurances.

Verbal results of the RAP/CCP will be provided to you as they become available. A draft copy of the RAP/CCP report for the proposed redevelopment will be forwarded to you prior to report finalization. Only an electronic copy of the RAP/CCP report will be submitted to you unless you request otherwise. Note that this cost estimate does not include fees charged by the MPCA VIC or PB programs, these charges will be invoice directly to the applicant (City). Also, this cost estimate does not include costs for implementing the RAP/CCP. Braun Intertec can provide these costs at a later date once the RAP/CCP and design is finalized.

Cost Estimate

Braun Intertec will provide the services described herein on an hourly and unit-cost basis. The estimated cost breakdown summary by task is listed below, detailed costs are attached.

Task Description	Cost
Task 1 - Phase II ESA	\$41,111
Task 2 - Pre-Demolition Hazardous Building Materials Inspection	5,560
Task 3 - Response Action Plan and Construction Contingency Plan Preparation and Regulatory Correspondence	6,650
Total Project Cost	\$53,411

Schedule

Braun Intertec will begin the project upon receipt of your authorization. For ease in review, we have provided our anticipated project schedule in tabular form below:

Task Description	Estimated Timeframe
Task 1 - Phase II ESA	4 to 6 weeks from authorization
Task 2 - Pre-Demolition Hazardous Building Materials Inspection (including asbestos abatement outline)	3 weeks (conducted concurrently with Phase II ESA)
Task 3 - Response Action Plan and Construction Contingency Plan Preparation and Regulatory Correspondence	4 weeks from Phase II ESA completion to prepare RAP, enroll project and prepare liability assurances request. Estimated an additional 4 weeks to receive MPCA approval
Total Estimated Timeframe	14 weeks from authorization

Assessment Limitations

Please note the Scope of Services for the proposed investigation, in conjunction with the existing data, is designed to evaluate the potential presence of soil and groundwater contamination and debris.

However, because there is a fixed number of sampling locations proposed, the Scope of Services proposed herein may not fully define the extent of contamination that may be present, including other locations within the project. Further, please note that identification of contamination may require the property owner to notify the MPCA of an identified release, and additional investigation may be required to evaluate the extent of impacts and to obtain applicable liability assurance letters from the MPCA.

The sampling of materials for asbestos content will be accomplished by destructive means. Damage to the building and associated components are inevitable. Sampling of materials for asbestos content involves the collection of a small piece of that material. However, every effort will be made to limit cuts and holes to discreet locations. Braun Intertec representatives will not be responsible for repairing materials damaged during sampling.

In any building, the potential exists for hazardous building materials to be located inside walls, above ceilings, under floors, buried underground, and other inaccessible areas. This inspection will attempt to identify hazardous building materials in these inaccessible areas. However, it is not feasible to inspect 100 percent of these areas. Therefore, Braun Intertec cannot be held responsible for the presence of any such hidden materials. The demolition contractor and other contractors involved in the project should be made aware of the potential for hazardous building materials to be located in inaccessible areas. If previously unidentified suspect hazardous building materials are exposed during their activities, they should be sampled and analyzed for content prior to any disturbance.

Braun Intertec will not be liable for any past, existing, or future damage to the roofing systems, the building structures, or the contents of the building.

In performing its services, Braun Intertec will use that degree of care and skill ordinarily exercised under similar circumstances by reputable members of its profession currently practicing in the same locality. No warranty, express or implied, is made.

Acceptance of Proposal/General Remarks

Braun Intertec appreciates the opportunity to present this proposal to you. It is being sent in an electronic version **only**. A hard copy of the proposal will be supplied upon request.

The proposed fee is based on the scope of services described and the assumption that our services will be authorized within 30 days and that others will not delay us beyond our proposed schedule.

This proposal was prepared with the understanding a Professional Services Subconsultant Agreement will be prepared by SRF. This agreement will outline the terms and conditions of our services.

Braun Intertec appreciates the opportunity to provide professional services for you on this project.
If you have questions regarding the contents of this proposal, please contact Jackie Dylla
at 952.995.2490 or jdylla@braunintertec.com.

Sincerely,

BRAUN INTERTEC CORPORATION


Valerie L. Wood
Senior Scientist


Jaclyn E. Dylla, CHMM
Principal

Attachments:
MDH Notification Form
Cost Breakdown



Project Proposal

QTB097615

City of Brooklyn Park, US 169 & 101st Ave. Interchange

Client:

SRF Consulting Group, Inc.
Kevin Jullie
1 Carlson Pkwy N Ste 150
Minneapolis, MN 55447
(763) 475-0010

Work Site Address:

8808, 8824, & 8832 101st Avenue N.
Brooklyn Park, MN

Service Description:

Environmental Services: Phase II ESA, Pre-Demolition Hazardous Materials Inspection, and Response Action Plan & Construction Contingency Plan, and Regulatory Correspondences

	Description	Quantity	Units	Unit Price	Extension
Phase 1	Phase II Environmental Site Assessment (ESA)				
Activity 1.1	Staking, Utility Clearance, and HASP Preparation				\$2,188.00
371	CADD/Graphics Operator	2.00	Hour	110.00	\$220.00
5100	Trimble R8 Rover (horizontal and vertical), per day	4.00	Each	67.00	\$268.00
205	Site layout and utility clearance	4.00	Hour	100.00	\$400.00
SUB	Subcontractor Billable - Private Locator	1.00	Each	500.00	\$500.00
310	Environmental Technician III	4.00	Hour	100.00	\$400.00
340	Senior Scientist	2.00	Hour	170.00	\$340.00
1862	UTIL Trip Charge	1.00	Each	30.00	\$30.00
1868	ENV Trip Charge	1.00	Each	30.00	\$30.00
Activity 1.2	Test Pits and Evaluation of Debris				\$6,210.00
SUB2	Excavation Subcontractor	2.00	Each	3,000.00	\$6,000.00
SUB3	Subcontractor - Asbestos (PLM)	20.00	Each	10.50	\$210.00
Activity 1.3	Soil Borings				\$8,125.00
9400	GeoProbe Services, per hour	30.50	Each	198.00	\$6,039.00
288	Project Assistant	1.00	Hour	90.00	\$90.00
9954	Steam cleaning of drill rig and tool, per steam	1.00	Each	148.00	\$148.00
9730	Grout with bentonite, materials per foot	300.00	Each	2.00	\$600.00
5027	Field filtering water, per sample	8.00	Each	36.00	\$288.00
9704	Piezometer or well casing - 1" PVC, per foot	80.00	Each	6.00	\$480.00
9714	Well Screen - 1" PVC, per foot	80.00	Each	6.00	\$480.00
Activity 1.4	Soil Screening				\$6,525.00
310	Environmental Technician III	55.00	Hour	100.00	\$5,500.00
5036	PID w/10.6 eV lamp, per day	5.00	Each	175.00	\$875.00
1868	ENV Trip Charge	5.00	Each	30.00	\$150.00
Activity 1.5	Soil Sampling and Analytical Testing				\$8,175.00
SUB3	Laboratory Analytical Costs (30 - VOCs, SVOVs, DRO, GRO, 8 RCRA metals) (5 - PCBs & TCLP metals)	1.00	Each	8,175.00	\$8,175.00
Activity 1.6	Groundwater Sampling and Analytical Testing				\$788.00
SUB4	Laboratory Analytical Costs (8 - VOCs, SVOVs, DRO, GRO, & Dissolved RCRA metals)	1.00	Each	788.00	\$788.00
Activity 1.7	Project Management and Reporting				\$9,100.00
371	CADD/Graphics Operator	4.00	Hour	110.00	\$440.00
340	Senior Scientist	40.00	Hour	170.00	\$6,800.00
360	Project Assistant	2.00	Hour	90.00	\$180.00
363	Project Manager	4.00	Hour	120.00	\$480.00



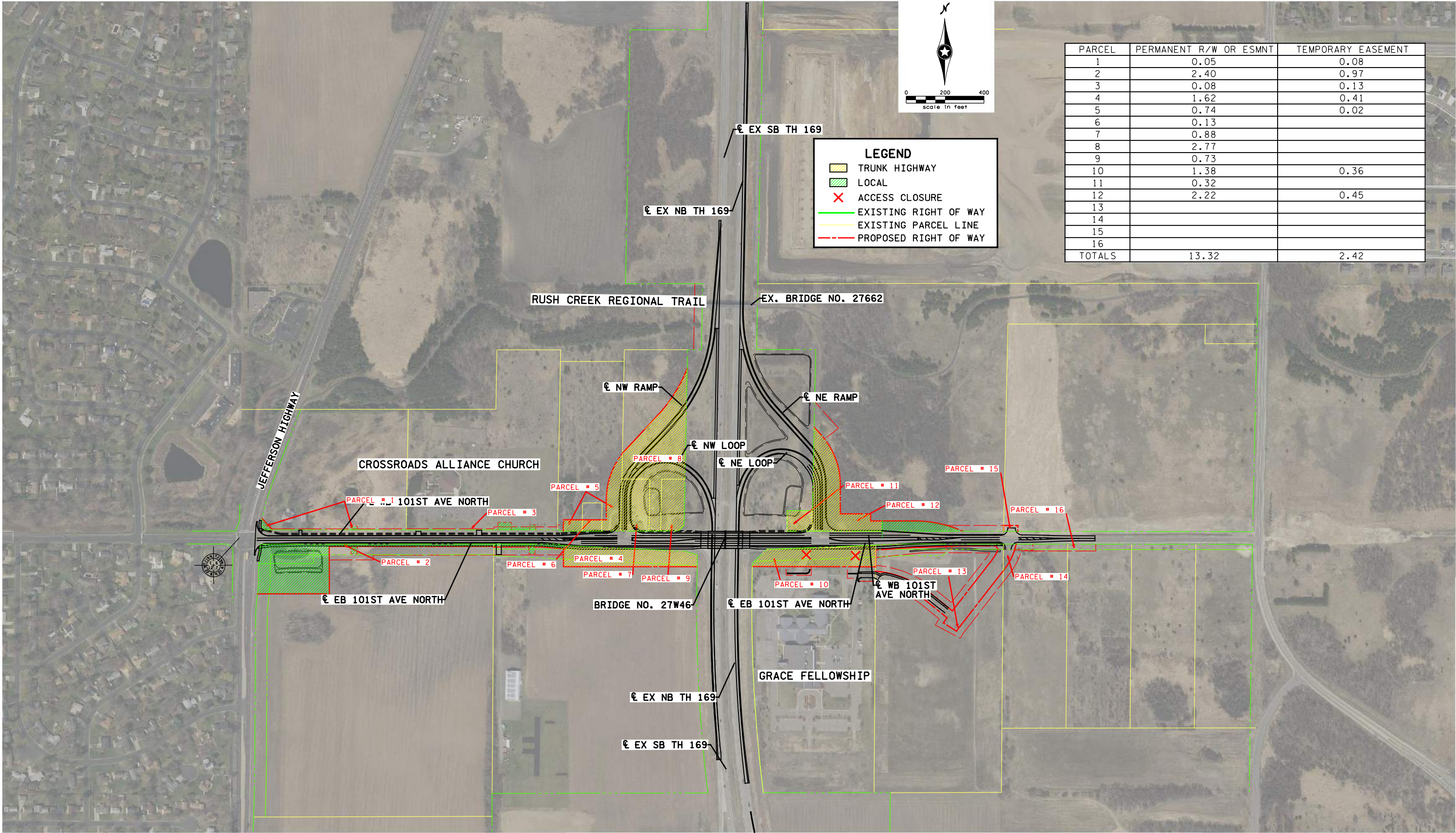
Project Proposal

QTB097615

City of Brooklyn Park, US 169 & 101st Ave. Interchange

350	Principal Scientist	6.00	Hour	200.00	\$1,200.00
Phase 1 Total:					\$41,111.00
Phase 2 Hazardous Building Materials					
Activity 2.1 Pre-Demolition HazMat Inspection		\$4,540.00			
1868	ENV Trip Charge	2.00	Each	30.00	\$60.00
311	Environmental Technician IV	16.00	Hour	100.00	\$1,600.00
360	Project Assistant	4.00	Hour	90.00	\$360.00
363	Project Manager	2.00	Hour	120.00	\$240.00
SUB2	Asbestos (PLM)	120.00	Each	10.50	\$1,260.00
340	Senior Scientist	6.00	Hour	170.00	\$1,020.00
Activity 2.2 Asbestos Abatement Outline		\$1,110.00			
340	Senior Scientist	6.00	Hour	170.00	\$1,020.00
360	Project Assistant	1.00	Hour	90.00	\$90.00
Phase 2 Total:					\$5,650.00
Phase 3 Response Action Plan and Construction Contingency Plan					
Activity 3.1 Enroll Site, Prepare RAP/CCP, & MPCA Correspondence		\$6,650.00			
360	Project Assistant	2.00	Hour	90.00	\$180.00
340	Senior Scientist	25.00	Hour	170.00	\$4,250.00
371	CADD/Graphics Operator	2.00	Hour	110.00	\$220.00
350	Principal Scientist	10.00	Hour	200.00	\$2,000.00
Phase 3 Total:					\$6,650.00
Proposal Total:					\$53,411.00

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City of Brooklyn Park

Request for Council Action

Agenda Item:	8.1	Meeting Date:	April 22, 2019
Agenda Section:	Discussion Items	Originating Department:	Recreation and Parks
Resolution:	N/A	Prepared By:	Antonio Smith, Youth Services Liaison, City Lead for Cities United/MBK
Ordinance:	N/A		
Attachments:	5	Presented By:	Antonio Smith; Cities United Youth Researchers; Kaysone Syonesa, BYC Staff Liaison; and BYC Youth
Item:	Presentation and Discussion of Cities United Youth Tobacco Prevention Project Report		

City Manager's Proposed Action:

Council to enter into a discussion with youth related to the recommendations provided within the two Youth Tobacco Prevention Reports and to provide guidance to staff as to further research and community engagement on the recommendations.

Overview:

The Cities United Youth Tobacco Prevention Project Report describes the level at which youth are empowered, drawing on their own expertise as young people and community members, to be leaders in addressing an important health topic of youth access and exposure to tobacco products and target marketing in the Brooklyn Park community.

The Youth Tobacco Prevention Project Report, and the recommendations within the report, were a result of a cross-sectional study that engaged youth and young adults within Brooklyn Park and utilized a focus group format from February through September of 2018. This study aims to inform future action related to youth tobacco policies in the City of Brooklyn Park and efforts to inform and advance the implementation of the "Roadmap to Safe, Healthy and Hopeful Communities."

As part of the presentation, Council will also hear from representatives of the Brooklyn Youth Council (BYC) as they too developed a Youth Tobacco Policy Recommendation that has been presented and acted upon by the city of Brooklyn Center. The city of Brooklyn Center's actions include many of the recommendations represented in the Cities United Tobacco Prevention Project Report.

Primary Issues/Alternatives to Consider:

We are seeking Council's guidance and response to the recommendations with these reports. We believe the reports and recommendations should be shared with the community, especially the retail community, and then be brought back to the City Council for continued discussion. This iterative process of inclusion, partnership, accountability and learning align with our community values.

Budgetary/Fiscal Issues: N/A

Attachments:

- 8.1A BROOKLYN PARK YOUTH TOBACCO PREVENTION PROJECT EXECUTIVE SUMMARY
- 8.1B CITY OF BROOKLYN PARK DEMOGRAPHICS & CHRONIC DISEASE DATA – SEPTEMBER 2018
- 8.1C BROOKLYN PARK TOBACCO ORDINANCE REVIEW – MAY 2018
- 8.1D CITIES UNITED YOUTH TOBACCO PREVENTION REPORT
- 8.1E BYC – CITY OF BROOKLYN PARK TOBACCO POLICY RECOMMENDATIONS

CITY OF BROOKLYN PARK

YOUTH TOBACCO PREVENTION PROJECTS CITIES UNITED & BROOKLYNS YOUTH COUNCIL

A PROJECT WITH HENNEPIN COUNTY PUBLIC HEALTH



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EXECUTIVE SUMMARY

Tobacco use is still the No. 1 preventable cause of death and disease in Minnesota. It results in 1 in 7 Hennepin County deaths and \$585 million in excess medical costs annually. In Minnesota, 2,500 kids become new daily smokers each year, and 102,000 kids now under age 18 will die prematurely from smoking. In Minnesota, the tobacco industry spends more than \$300,000 a day marketing tobacco, most of which is spent in retail stores—the most important channel for reaching kids.

We know that nearly all tobacco users start smoking by age 21. Adolescence (ages 12–18) is a critical window for brain growth and development, when it is still “under construction.” Consequently, adolescents are especially at risk of long-term harm to brain development caused by nicotine exposure, including implications for future addiction to not only tobacco, but other substances as well.

Although cigarette smoking has declined significantly, disparities in tobacco use remain. Populations of color, those experiencing poverty, or those with less education are disproportionately impacted by tobacco use. With a population of color greater than 50 percent; high percentages of young people, persons, and families with income below the federal poverty level; and large proportion of residents with education not exceeding high school, it is likely that there are disparities in the impact of tobacco use in the city of Brooklyn Park.

Results from the 2017 Minnesota Youth Tobacco Survey showed that for the first time in 17 years, youth tobacco use rose due to the explosion in e-cigarette use among high school students. According to the survey, nearly 1 in 5 students used e-cigarettes in the past 30 days, nearly a 50 percent increase data were last recorded.

In fall 2017, Hennepin County Public Health staff connected with the City of Brooklyn Park’s Cities United and the Brooklyn Bridge Alliance for Youth’s Brooklyns Youth Council to introduce the idea of each youth group exploring, understanding, and documenting the story of youth access, exposure, impact, and concerns of tobacco products and marketing in their communities.

While the youth groups learned about tobacco and prevention strategies, they also learned about science-based research approaches, community engagement, data analysis, city government processes, and public speaking to city leadership. Through these processes, the youth groups became empowered to address this important health topic. In addition, the youth groups provided education and awareness-raising activities in their communities, which provided opportunities for additional community input on the issue.

Cities United and the Brooklyns Youth Council each pulled together qualitative and quantitative findings from their research, focus groups, and participant surveys, as well as trainings and presentations they participated in, and developed recommendations to reduce the impact of tobacco in their community. The results? Comprehensive reports that detail each of their respective projects, their findings, and youth tobacco prevention recommendations for the

Brooklyn Park City Council to review and consider (Table 1). There are a number of similarities in their recommendations, as well as some differences that reflect the communities where they conducted their research. Overall, both youth groups agree that youth tobacco use is an important health topic. The youth groups would like the City of Brooklyn Park to adopt policies and keep tobacco prevention in the forefront, and work with schools, public health, and other partners to increase awareness and address the underlying issues of tobacco use.

TABLE 1. YOUTH TOBACCO PREVENTION POLICY RECOMMENDATIONS

Recommendations	Cities United	Brooklyns Youth Council
Reduce youth access and exposure to flavored tobacco products by restricting the sale of these products to adult-only tobacco retailers.	x	x
Reduce the density of tobacco retailers, thereby reducing access and exposure to tobacco products and marketing.	x	x
Increase tobacco retailer compliance with age verification to purchase tobacco products. Make sure that licensed tobacco retailers have a sales system/protocol in their store that ensures customer IDs are shown to the clerk to purchase tobacco products.	x	x
Increase the cost of tobacco products through minimum pricing/packaging on cigar products and/or other approaches.	x	x
Make stores with pharmacy licenses and educational institutions ineligible for tobacco licenses.	x	
Restrict the sale of tobacco near youth-serving facilities.		x
Raise the minimum legal sales age to 21		x

Cities United Youth Tobacco Prevention Project Report

The Cities United Youth Tobacco Prevention Project Report describes the level at which youth are empowered, drawing on their own expertise as young people and community members, to be leaders in addressing an important health topic of youth access and exposure to tobacco products and marketing in their community. This cross-sectional study was conducted using a focus group format from February to September 2018 in Brooklyn Park, MN. This study also aims to create a path on the “Roadmap to Safe, Healthy and Hopeful Communities.” by informing the national initiative to reduce violent crime and homicide deaths of African American men and boys ages 14-24.



Cities United Youth Tobacco Prevention Project Report

A Roadmap Academy Approach to Safe, Healthy & Hopeful Communities

Acknowledgements

Completion of this study would not be possible without the funding and technical assistance provided by Hennepin County Public Health and support from the Statewide Health Improvement Partnership – Minnesota Department of Health. We would also like to thank and acknowledge the following representatives/organizations for their contributions: The National Cities United Team, Casey Family Programs, Cities United Roadmap Academy Fellow, Administration Teams and Cities United Sound Off Stations at Osseo Area Learning Center, SAGE Academy and the Gateway Program – Hennepin Technical College, Resident Volunteers, Zanewood Prevention / Intervention Staff, YMCA, College Students from North Hennepin Community College and Alabama A&M, BrookLynk, Huntington Place Apartments, Brooklyn Park Community Activity Center and Brooklyn Park City Hall.



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City of Brooklyn Park

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Introduction

Beginning in early 2018, city and community leaders from across the country have become immersed in Cities United’s planning process outlined by the “Roadmap for Safe, Healthy and Hopeful Communities.” This new process is called the Cities United Roadmap Academy. One objective of the Roadmap Academy is to increase city lead and community partners’ collaboration. The Roadmap Academy approach will benefit African-American men and boys to increase high school graduation rates, increase access to full-time employment, increase diversion programs and decrease recidivism.

Locally, the Cities United Sound Off Stations students, Cities United Roadmap Academy Fellow and Interns have worked on the Cities United Youth Tobacco Prevention Project with support from Hennepin County Public Health and funding from the Statewide Health Improvement Partnership – Minnesota Department of Health. This project explores the level at which youth are empowered, drawing on their own expertise as young people and community members, to be leaders in addressing an important health topic of youth access and exposure to tobacco products and marketing in their community. The focus group locations and participants were selected than reviewed in groups using the Casey Family Programs’ Community Opportunity Map to learn the aspects of communities that are associated with safe children and strong families.

This study is significant because it obtains qualitative data related to:

1. Youth Smoking Behavior
2. Tobacco Availability & Purchase
3. Tobacco Marketing
4. Perceptions of Tobacco Use
5. Tobacco products as an entry point to other drugs and the expansion of addiction

Addiction symptoms and how these symptoms pose barriers to high school graduation, retaining full-time employment, completing diversion programming and increasing recidivism were outside the scope of this study.

Methodology

The data gathering technique utilized focus groups. Focus groups ranged in size between 5 and 13 participants. There was a total of 70 participants and 9 focus groups. The focus group locations were:

1. Osseo Area Learning Center – West District (2 focus groups)
2. SAGE Academy – East District (1 focus group)
3. Brooklyn Park City Hall – Central District (3 focus groups)
4. Brooklyn Park Community Activity Center – Central District (1 focus group)
5. Huntington Place Apartments – Central District (2 focus groups)

The settings included school conference rooms, City Council Chambers, Kakata meeting room and outdoor space at an apartment complex. Participates were recruited using a Peer-to-Peer methodology involving classmates, friends, and acquaintances of common spaces. The focus group questions were developed by Hennepin County Public Health staff to ensure relevancy and consistency. No Institutional Review Board approval was required for this study. A modified Circle Technology technique allowed participants to respond to predetermined questions and to one another. Demographics of participants ranged in age from 12 to 20 years old, with an average age of 16. Twenty-nine percent of the participants were female and 71% were male. Ninety-seven percent of the participants self-identified as a person of color. Eighteen, or 27%, of the participants reported using tobacco within the past 30 days.

Key Responses

The focus group questions and a summary of the qualitative responses are as follows:

Youth Smoking Behavior

1. How do youth in your community get tobacco?

There are many ways youth get tobacco in my community. People can sell them at their residences for a certain price, give someone older money to buy it for them, or commonly you can buy it at the store (stores don't check ID).

a. Where do they buy it from?

The most common places to purchase tobacco are gas stations, convenience stores or dollar stores.

b. How do you think that youth under 18 are getting tobacco?

There are several ways youth get tobacco. Some youth get it from their parents or someone in their family who smokes. Another way is to get it from a friend who smokes. They also go to stores that do not check ID.

c. Do you think youth would still smoke if tobacco wasn't easy to get?

Yes, because although tobacco is only certified for ages 18 and up, teens still find ways to buy or borrow tobacco. The age certification does not matter to most teens.

2. What kind of tobacco products do youth usually use?

Most teens use e-Hookah, Vape pens, Hookah pens, menthol and non-menthol cigarettes (commonly), cigars (Backwoods, Swisher Sweets, Black and Mild, White Owl), twists, blunts and wraps.

a. Why do you think those products are most popular?

These products are cheap, addicting, there are advertisement deals, media influences, teens want to look cool/fit in, they use them to relieve stress and smoke weed.

3. What do you think influences youth in your community to use tobacco?

There are many influences that tempt youth to use tobacco. One of the most common situations is through social interactions such as Instagram or Snap Chat. Other ways that youth are

influenced by tobacco is if they grew up that way, if their parents smoke. Youth are also influenced by peers, people they look up to, wanting to be cool/fit in.

Tobacco Availability & Purchase

4. How often do you go to stores where they sell tobacco products? (Would you say 1-2 times/week, 3-4 times/week, 5-6 times/week, or every day or more?)

All focus group participants said they go every day.

a. What type of stores that sell tobacco do you go to most frequently?

Corner stores, gas stations, grocery store, family dollars.

Tobacco Marketing

5. Have you seen any advertisements or promotions for tobacco products in your community or near your school?

Mixed responses, yes and no. Those who said yes said they see lots of tobacco wrappers and cigarette butts on the floor.

b. Where have you seen these ads or promotions?

Ads on store windows (of gas stations and by school), YouTube surveys, billboards, posters, highway, on the street, TV, Snap Chat, Pandora, promotional sales, in the mail.

6. Do you think there is more tobacco marketing in certain neighborhoods of your community than in others? Please describe your answer.

Yes, there is definitely tobacco marketing in certain neighborhoods because that is how the neighborhood is portrayed in their area and it is probably common in many neighborhoods to see youth smoking. Yes, low-income neighborhoods are most likely to be targeted.

a. Do you think advertising might be targeted to certain populations?

Yes, tobacco is definitely targeted in many populations such as the homeless, racial minorities, LGBT people and those who have suffered from mental illnesses and substance use disorders.

7. Different flavored tobacco products are available in the market.

a. How often do youth use flavored tobacco products?

Youth use flavored tobacco every day. It is very common for their age group to use flavored tobacco because they typically have bright, colorful packages that are often sold individually and cheaply. Also, they could be mistaken for candy to most people.

b. Which flavored tobacco products do youth use the most? And why do you think that is?

Flavors used: blueberry, Russian crème, grape, tropical, strawberry, honey, pineapple, strawberry kiwi, white grape, watermelon, orange, peach. Flavored tobacco has a significant role in targeting youth to use hookah.

c. Do you think flavored products are targeted to youth?

Yes, because those flavored products contain flavors that youth like. It's common to see youth buying flavored products because they're tempted to them because of their taste which is appealing to most teenagers.

Perceptions of Tobacco Use

8. How does smoking, vaping, or using other tobacco products affect people in your community?

It is addicting and can be fatal. Even though you do not smoke there is a term called 2nd hand smoking which is when you're around someone who is smoking.

9. Do you know of any examples where tobacco has negatively affected someone's well-being or quality of life?

In my old neighborhood, it was common to smell the cigarette odor and see cigarettes piled in the grass because my area is known for that, which is one of the reasons why me and my family had to find a new place to reside.

I knew this family where the mother and father were always smoking even around their kids. You could tell just by looking at them that their current state of life was not well and they didn't portray what parents are supposed to be because of they were always high, and they even had six children who were being influenced by their behavior. The six children that were experiencing their parents like this could lead them to becoming this way, just because they grew up that way and, not only that it's bad for their lungs constantly inhaling life-threatening substances.

10. What actions/solutions do you recommend to reduce tobacco use and youth access and exposure to tobacco products.

More education through videos. Increase the price.



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Recommendations

Below are the Cities United Youth Tobacco Prevention Project recommendations to the Brooklyn Park City Council:

1. The Brooklyn Park City Council continue to keep youth tobacco prevention and other health initiatives on the agenda and for Cities United to bring the issues back to them on a periodic basis.
2. Raise the price of tobacco. Raise the price of cigars first, but eventually raise the price of all tobacco products.
3. Make sure that licensed tobacco retailers have a sales system/protocol in their store that ensures customer IDs are shown to the clerk to purchase tobacco products.
4. Limit flavored tobacco products to adult only tobacco stores. This includes menthol tobacco products.
5. Regulate the density of licensed tobacco retailers.
6. Make stores with pharmacy licenses and educational institutions ineligible for tobacco licenses
7. Increase youth education, during school and out-of-school time, about the consequences of youth tobacco use

Respectfully submitted,

Cities United Sound Off Stations students, Cities Roadmap Academy Fellow, Interns and North Hennepin Community College and Alabama A&M University students

Appendix A

<https://www.casey.org/community-opportunity-map>

At Casey Family Programs, we work in support of a range of public, private, tribal and community partners to encourage a shared vision for success. We believe that every community can create hope and opportunities for its children and families.

The Community Opportunity Map is an interactive tool that highlights the aspects of communities that are associated with safe children and strong families. This interactive, research-based framework is composed of select U.S. Census Bureau indicators and is available for any community in the nation to use. It was informed by significant evidence of the community factors correlated with child maltreatment and a healthy community framework developed by the U.S. Department of Housing and Urban Development.

The tool maps community indicators at geographic levels defined by the user, from the state level down to neighborhoods. We hope the tool will be used by community members, policymakers, child welfare leaders, city government officials, and other stakeholders to build hope and promote well-being for families and children.



Brooklyn Bridge
ALLIANCE
FOR YOUTH

Date: September 19, 2018

To: Jay Stroebe, City Manager

From: Brooklyn Youth Council (BYC)

Subject: City of Brooklyn Park Tobacco Policy Recommendations

INTRODUCTION AND SUMMARY

The BYC's mission is to represent youth in Brooklyn Center and Brooklyn Park by providing a voice in collaboration with the community and local government in order to positively raise awareness of problems facing youth. We are a youth council from Brooklyn Center and Brooklyn Park who serve as an advisory, strategic planning, and communicating body in partnership with the Brooklyn Bridge Alliance for Youth, Cities of Brooklyn Center and Brooklyn Park, Hennepin County, Local School Districts and Community Colleges to help us make the most impact for youth in our community. We do a diverse range of projects to represent the issues and hopes of youth in our community such as provide advice and input on policies related to youth that the Alliance partners have.

This year, the BYC partnered with Hennepin County Public Health Department to better understand the effects tobacco has on the youth in Brooklyn Center and Brooklyn Park. Our research consisted primarily of 8 focus groups with youth ages 12-20. In total we interviewed 38 young people, 16 from Brooklyn Center and 22 from Brooklyn Park. Below are key findings from our research.

KEY FINDINGS

Youth tobacco use behavior:

- Many youth expressed that tobacco was very easy to obtain.
- Cigarillos, menthol cigarettes, and flavored e-cigarettes are the most prominent tobacco products youth use.
- E-cigarettes are seen as a healthy alternative to cigarettes.
- Many youth expressed that stress and peer pressure were the primary reasons they chose to use tobacco.

Exposure to tobacco products and marketing:

- Youth frequent tobacco retailers on a daily basis.
- Corner stores, convenience stores and gas stations are the stores youth shop at the most.

Youth awareness and perceptions of tobacco marketing:

- Youth are aware that tobacco marketing is more prominent in low-income and communities of color.
- Young people realize that the marketing of flavored tobacco products is directed at them.
- Marketing of e-cigarettes as a healthier alternative is effective among youth.

The effects of tobacco

- Youth felt tobacco is a gateway for other drugs.
- Using tobacco affects youth's physical, emotional and mental health.

RECOMMENDATIONS

Based on these key findings, the BYC compiled a list of recommendations for the Brooklyn Park City Council.

- 1) Raise the minimum legal sales age to 21.**
- 2) Reduce youth access and exposure to flavored tobacco products.**
 - a. Restrict the sale of flavored tobacco products (including menthol) to tobacco shops that restrict minors.
- 3) Reduce the density of tobacco retailers.**
 - a. Reduce the number of tobacco retailers to 40 retail stores. This could be done by capping the number of tobacco retailers currently, and gradually reducing the number, as tobacco licenses are not renewed.
- 4) Restrict the sale of tobacco near youth serving facilities.**
 - a. Approach 1: Prohibit the issuance of licenses to tobacco retailers to within 1,000 feet of youth serving facilities, including but not limited to:
 - i. Schools/educational facilities
 - ii. Parks
 - iii. Community centers
 - iv. Library
 - b. Approach 2: Prohibit the issuance of licenses to tobacco retailers that derive at least 90 percent of their revenues from the sale of licensed products within 500 feet of youth serving facilities.
- 5) Increase the cost of tobacco products.**
 - a. Require that cigars sold in packages of 3 or fewer be sold at a minimum price of \$2.60 per cigar contained in package; and packages of 4 or more sold for no less than \$10.40/package
 - b. Increase product costs through non-tax approaches (such as prohibiting coupon redemption or other price discounting).
- 6) Increase tobacco retailer compliance with age verification to purchase tobacco products.**
 - a. Require retailer employee training on youth access laws. This training can be preventative, a consequence or both.
 - b. Increase the number of annual compliance checks.
 - c. Require re-inspections after failed compliance check(s) and/or FDA violation(s).
 - d. For additional costs of administering the compliance checks, increase the licensing fee so the license holder absorbs the costs.
 - e. Signage – Require the notice of the legal sales age and age verification requirement be posted at each retail store.
 - f. Increase penalties for license violations – this could be done through increased fines; longer suspension terms; suspensions for first, second, third violations.

NEXT STEPS

The BYC also compiled a list of recommendations for the school districts, Hennepin County Public Health, and Minnesota Department of Health to consider in reducing the impact of tobacco on youth in Brooklyn Park.

- **School districts:** Meet and engage with the school boards to inform them on the rising usage rates and concerns about e-cigarettes in schools, increase awareness of tobacco issues and impacts on youth, and boost mental health/well-being services and programs that schools provide to students to reduce tobacco use.
- **Hennepin County Public Health:** Increase awareness in Hennepin County on tobacco issues and impacts on youth and provide support and technical assistance to boosting mental health/well-being services and programs that schools provide to students to reduce tobacco use.
- **Minnesota Department of Health:** Explore state and federal policy approaches on how to decrease youth access to online sales of e-cigarettes.

This project was completed in partnership with Hennepin County Public Health with support from the Statewide Health Improvement Partnership, Minnesota Department of Health.

Brooklyns Youth Council
City of Brooklyn Park Tobacco Policy Recommendations Supplemental Sheet

Introduction:

This year, the Brooklyns Youth Council (BYC) partnered with Hennepin County Public Health with the support from the Statewide Health Improvement Partnership, MN Department of Health on the Youth Tobacco Prevention Project to focus on gaining a better understanding of the perceptions, effects and issues of tobacco on the youth in Brooklyn Center and Brooklyn Park.

This year, we wanted to find ways to improve the well-being of youth in our community, and the tobacco project was an opportunity to reduce the impact of tobacco on youth.

We wanted to look at the accessibility of tobacco for youth, its addiction and health effects, the marketing tactics, if it's a gateway to other drugs, and if there's correlation to lead to negative behaviors or connection to negative circles of influence.

This project was important to us because we were aware that tobacco is disproportionately targeting low-income and communities of color, and wanted to see how tobacco marketing was targeting our community.

We hope that, by taking action on this initiative, the outcome will benefit the well-being of youth by decreasing health defects, build social skills, better financial impact (save money), and increase in academic and well-being.

Our team did various activities and efforts to gain a better understanding of the youth's perceptions, experiences, effects and issues of tobacco on the youth in Brooklyn Center and Brooklyn Park.

We started with first learning more about tobacco through training and research provided by Hennepin County Public Health staff. We then went and did our own research information gathering effort with youth in our community by conducting focus groups.

We also have completed education and awareness activities to share what we're learning about tobacco and what we're hearing young people say about how it impacts their lives and community. We've tabled at the BrookLynk Job Fair, Brooklyn Center Community Schools Health & Wellness Resource Fair, Park Center Sports Festival, and Tater Daze and connected with over 250 youth, families and faculty to share their findings and any relevant tobacco data and information. We also did a news highlight on Channel 12 and a Letter to the Editor to both Sun Post in Brooklyn Park and Brooklyn Center to share more with our local communities about tobacco and its impact for youth in Brooklyns.

From our training and research, information gathering, and education and awareness efforts – these processes have informed our work to compile the attached list of recommendations. Below are the outlined notes that provide details on what led to each of our recommendation.

Notes on Recommendations for Brooklyn Park City Council

1) Raise the minimum legal sales age to 21.

When we were looking into how youth access tobacco, we found that from our focus group:

- Young people are accessing tobacco products from older kids and peers at school who are able to access and purchase tobacco for them.
- They were also purchasing tobacco at stores where the youth may look “old enough” to not be ID.

Research also supports that:

- 90% of the youth in Minnesota are supplied with tobacco from other tobacco users who are under 21 years old.
- The Institute of Medicine projects raising the age to 21 would have huge benefits since biggest declines in tobacco use would be seen among 15-17 year olds (25%) & 18-20 year olds (15%).
- In addition, it could reduce overall smoking by 12% by the time this generation’s teenagers become adults.
- Also, nicotine is addictive and is particularly harmful to the developing adolescent brain as the brain doesn’t fully develop until the age 25. Evidence suggests that nicotine interferes with brain maturation and can have a long-term effect on cognitive development and mental health and is a major public health concern.
- By decreasing the ability for youth to access tobacco at an early age, it could be a step forward to saving lives.

Research predicts that T21 would result into 30,000 young people in Minnesota not becoming smokers over the next 15 years. So we are making the recommendation to city council to **raise the minimum legal sales to age 21.**

2) Reduce youth access and exposure to flavored tobacco products.

One of our findings included how youth were accessing and being exposed to flavored tobacco products:

- Young people from our focus groups said that flavored tobacco is targeted towards youth because flavors are meant to taste good and fruit flavors were popular such as strawberry and grapes.
- They shared that flavored tobacco are made to look colorful and smell good, targeting younger youth such as elementary kids.
- Flavors are also a big factor in why youth use e-cigarettes.
- Newports menthol cigarettes was also mentioned as what they see popular with youth. They also shared that Newport is targeted at African American communities more.
- They also noticed tobacco packaging, ads, low prices promotions and coupons around their schools and local gas station.
- Youth exposure to these products in our community can lead to more urge to try it.

Our research also supports what youth are saying:

- Flavors in tobacco products make it easier for new, young users to start using tobacco. It masks the harshness and impact of tobacco and enhances the user’s experience.
- The sweet flavors, low cost and attractive packaging makes these products appealing to youth. Because these products are now heavily marketed it has led to an increase in usage among young people.
- Tobacco companies began heavily targeting youth and African Americans with menthol cigarettes back in the 1960s and continue to do so today.

Based on these points, we recommend that **the sale of flavored tobacco products (including menthol) be restricted to tobacco shops or stores where you have to be 18+ (or 21+ if the sales age is increased).**

3) **Reduce the density of tobacco retailers.**

One of the things we looked at was the density of tobacco retailers around the community.

Research indicates that:

- As of now there are about 51 licensed tobacco stores located in Brooklyn Park alone and half of those retailers are convenience stores which are more accessible to youths.

Youth from our focus group also mentioned that:

- They noticed that a lot of tobacco retailers in their community, a youth from the focus group said: “[tobacco] is everywhere; I can’t get away from it.”
- Youth are also keenly aware that the numbers of tobacco shops are greater in low income communities and communities of color, especially youth of color.
- They feel there is more tobacco marketing in neighborhoods with high rates of poverty (like the hood).
- The youth from the focus group also mentioned that they noticed that there is tobacco marketing and retailers in Brooklyn Center and Brooklyn Park than there are in Maple Grove or suburbs where residents have a higher income and are predominantly white.

From this, we are recommending to **reduce the number of tobacco retailers to 40 retail stores**. This could be done by capping the number of tobacco retailers currently, and gradually reducing the number, as tobacco licenses are not renewed.

In addition, we could also restrict retailers to business zones or have no tobacco retailers in residential zone, by doing that, we can reduce access in and around our community. This could be carry-out by increasing the distance between retailers to 1000ft.

4) **Restrict the sale of tobacco near youth serving facilities.**

We also wanted to look at the distance of tobacco retailers near youth serving facilities. Young people from the focus group shared that:

- They see tobacco retailers across the streets from their schools, and areas where youth are mostly populated and hang out at.
- All of the youth from our focus group visit a tobacco retailer at least weekly as it’s within walking distance, leading to more exposure to tobacco products.

From this, we recommend city council to **prohibit the issuance of licenses to tobacco retailers to within 1,000 feet of youth serving facilities, including but not limited to:**

- Schools/educational facilities**
- Parks**
- Community centers**
- Library**

Or, the second approach is we recommend city council to **prohibit the issuance of licenses to tobacco retailers that derive at least 90 percent of their revenues from the sale of licensed products within 500 feet of youth serving facilities.**

Implementing either of these approaches would help reduce young people exposure to tobacco retailers and these retailers won’t be so close to walk to and therefore our young people won’t have quicker/easier access to it (reference to the focus group result).

We have also included a [Tobacco Retailers Mapping](#) to give you an overview of the numbers of tobacco retailers within youth serving facilities in Brooklyn Park.

5) Increase the cost of tobacco products.

Next, we looked at the cost and pricing of tobacco products.

- We want to find ways to prevent youth from starting and having easy access to tobacco. Cost and pricing of tobacco can be a factor as to why youth are able to purchase tobacco or find someone to purchase from or for them.
- Youth from the focus group shared that they wouldn't buy a whole pack of cigarette but would buy \$1 Black and Mild.

Research shows that:

- Teens are especially sensitive to price. Every 10% increase in the price of a tobacco product reduce the number of youth who smoke by 6-7%.
- Because cigar products are sold in smaller packages, they are cheaper. Raising the prices of tobacco products by requiring a minimum pack size or pricing, or restricting the redemption of coupons, will prevent youth from starting.

Based on these findings, our recommendation is to:

- 1. Require that cigars sold in packages of 3 or fewer be sold at a minimum price of \$2.60 per cigar contained in package; and packages of 4 or more sold for no less than \$10.40/package.**
- 2. Increase product costs through non-tax approaches (such as prohibiting coupon redemption or other price discounting).**

6) Increase tobacco retailer compliance with age verification to purchase tobacco products.

During our focus groups with youth around the Brooklyns:

- They shared that many retailers are not checking young people's ID, especially at "shady" corner stores.
- One person said "Many Stores rarely check ID if you look old enough."
- This shows that some youth are able to buy tobacco even if they are underage.
- Also, the youth mentioned that they are able to purchase tobacco from people standing outside of tobacco retail shops.

With this information we would like to recommend that city council:

- 1) Require retailer employee training on youth access laws. This training can be preventative, a consequence or both.**
- 2) Increase the number of annual compliance checks.**
- 3) Require re-inspections after failed compliance check(s) and/or FDA violation(s).**
- 4) For additional costs of administering the compliance checks, increase the licensing fee so the license holder absorbs the costs.**
- 5) Signage – Require the notice of the legal sales age and age verification requirement be posted at each retail store.**
- 6) Increase penalties for license violations – this could be done through increased fines; longer suspension terms; suspensions for first, second, third violations.**

BROOKLYNS YOUTH COUNCIL TOBACCO TEAM:

Femi Akindumila – 12th, Brooklyn Center Secondary

Abas Suomahoro – 10th, Robbinsdale Cooper

Amanda Engeman – 12th, Park Center

Marthalyn Nehwah – 12th, Park Center

Mosia Vankpanah – BYC Intern, North Hennepin Community College

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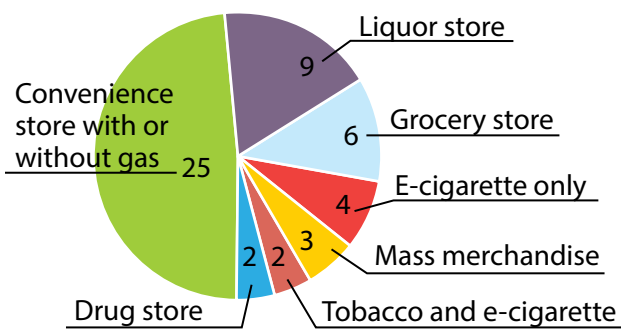
City of Brooklyn Park

Summary of tobacco retailer observational visits, July 2018

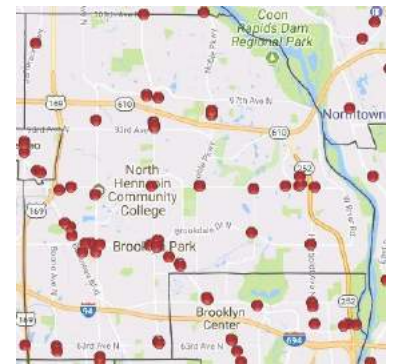
This summary provides information on the tobacco retail environment in the City of Brooklyn Park. Being aware of the concerns related to where tobacco is sold helps cities determine strategies to reduce youth exposure to tobacco products and marketing, thereby reducing and preventing youth tobacco use.

Observational visits were completed at 45 of the 51 businesses licensed to sell tobacco in Brooklyn Park.

Tobacco retailers by store type and location



- There are 51 tobacco retailers in Brooklyn Park, or 0.6 retailers per 1,000 residents, which is lower than the national average of 1.5.
- 52 percent of the retail stores are within ½ mile of schools, compared to 68 percent of Hennepin County stores. 100 percent are within ½ mile of parks, which youth frequent.



Why it is significant: Researchers define “tobacco swamps” as any area that is double the national average (3+ retailers/1,000 residents). Brooklyn Park is not a tobacco swamp. Adolescents are frequent shoppers in convenience stores, with 70 percent of adolescents visiting a convenience store at least once a week. The more cigarette marketing teens are exposed to in retail stores, the more likely they are to smoke.ⁱ

Advertising, product placement, and price promotions

- **14** stores have exterior advertisements. Products most often advertised are cigarettes (menthol and non-menthol) and chew/snuff/dip/snus.
- **7** stores have tobacco ads within 3 feet of the floor.
- **6** stores have tobacco products placed within 12 inches of toys, candy, or soda machines.
- **51%** of stores have price promotions for cigarettes (menthol and non-menthol) inside the store.
- **24%** of stores have price promotions for chew/snuff/dip/snus inside the store.

Why it is significant: Even if youth don’t enter a tobacco retail store, they are likely to be exposed to tobacco marketing, particularly at convenience stores. When inside, there is often an abundance of tobacco products, ads, and price promotions. Youth are more likely to see ads and products placed near items they are interested in, such as candy and toys, or that are placed at their sight level. This begins the process of familiarizing young people with tobacco products. Tobacco point-of-sale advertising encourages youth initiation, causes their progression, and discourages cessation.ⁱⁱ

Flavored products

All of the 45 tobacco retailers sell some type of menthol-flavored tobacco product, and **78 percent** of the stores sell at least one other flavored tobacco product and **50 percent** of the single cigar products are flavored (menthol or non-menthol).

Tobacco product	# of stores selling product	# of stores selling menthol flavored	# of stores selling other flavor (e.g., candy, fruit)
Cigarettes	41	41	NA*
Cigarillos/little cigars	36	14	31
Large cigars	18	0	6
Chew, snuff, dip, snus	34	34	19
E-cigarette products	25	25	23

*Not applicable

Why it is significant: The 2017 Minnesota Youth Tobacco Survey (MYTS) reports over 60 percent of students who use tobacco use menthol or other flavored products.ⁱⁱⁱ In 2009, the Federal Tobacco Control Act prohibited flavored cigarettes, except menthol, as they are seen as a gateway for young people to become regular smokers. Subsequently, the tobacco industry developed other flavored tobacco products that are not cigarettes. Fruit, candy, and alcohol-flavored products with brightly colored packaging appeal to youth and the flavors mask the harshness and taste of tobacco. Once youth start using one tobacco product, they are more likely to experiment with others. Restricting the sale of flavored products will reduce youth exposure to these products and prevent them from starting.

Price

- The price of a pack of cigarettes ranges from **\$5.99-\$9.99** in Brooklyn Park. The average price is \$8.09, yet (20 or 44%) of stores sell them for less than the average.
- 34** stores sell single cigar products.
 - Price range of cigars in a single pack is **\$0.79-\$6.99**.
 - 27** stores have single cigarillos/little cigars advertised for less than \$1.
 - 94%** of the stores sell single cigars for less than \$2.60, the minimum cigar price established in Minneapolis and some other metro cities.

Why it is significant: Teens are especially sensitive to price. For example, every 10 percent increase in the price of a pack of cigarettes reduces the number of youth who smoke by 6-7 percent.^{iv} Because cigar products are sold in smaller packages, they are cheaper. Raising the prices of tobacco products by requiring a minimum pack size or pricing, or restricting the redemption of coupons, will prevent youth from starting.

E-cigarette and e-cigarette products

- 25 or 56%** of the stores sell e-cigarette products.
 - The products are flavored, with the cheapest single disposable e-cigarette being \$5.96.
- 23** stores sell e-juice.
 - It was difficult for auditors to determine if e-juice packaging was child resistant, which is required by Minnesota state law.

Why it is significant: Statewide, one in five high-school students uses e-cigarettes, nearly a 50 percent increase since 2014.^v The 2017 MYTS reports that 64 percent of students who currently use e-cigarettes reported using menthol or other flavored e-cigarettes in the past 30 days.^{vi} Products like e-cigarettes often contain liquid nicotine, which is highly addictive, and can harm adolescent brain development. These products are currently unregulated.

Sources:

ⁱ Campaign for Tobacco-Free Kids. Trends in Tobacco Industry Marketing. Update April 28, 2017.

ⁱⁱ Campaign for Tobacco-Free Kids. Tobacco Company Marketing to Kids. Update April 28, 2017.

ⁱⁱⁱ Minnesota Department of Health. 2017 Minnesota Youth Tobacco Survey fact sheet. Available at: http://www.health.state.mn.us/tobacco/docs/2017_myts_factsheet.pdf. Accessed on April 4, 2018.

^{iv} Campaign for Tobacco-Free Kids. Raising Cigarette Taxes Reduces Smoking, Especially Among Kids (And the Cigarette Companies Know It). Update April 1, 2016.

^v Minnesota Department of Health. 2017 Minnesota Youth Tobacco Survey fact sheet. Available at http://www.health.state.mn.us/tobacco/docs/2017_myts_factsheet.pdf. Accessed on April 4, 2018.

^{vi} Minnesota Department of Health. Data Highlights from the 2017 Minnesota Youth Tobacco Survey. Available at http://www.health.state.mn.us/tobacco/docs/2017_myts_highlights.pdf. Accessed on April 4, 2018.

City of Brooklyn Park

Tobacco environmental scan

Youth tobacco use is still a problem

- Tobacco kills more Minnesotans than alcohol, homicides, car accidents, AIDS, illegal drugs, and suicide combined.¹
- Nearly all tobacco users start smoking by age 21.²
- 2,500 kids in Minnesota become new daily smokers each year; 102,000 now under age 18 will die prematurely from smoking.³
- The tobacco industry spends over \$300,000 a day marketing tobacco, most of which is spent in retail stores — the most important channel for reaching kids.⁴
- Annual health care costs in Hennepin County directly caused by tobacco exceed \$585 million in excess medical costs. This does not include the cost of lost productivity and other costs indirectly attributed to smoking.⁵

Tobacco retailers (Sources: City of Brooklyn Park; FDA Compliance Checks Inspections database)

Tobacco retailers	51, or 0.6 per 1,000 residents
Tobacco or e-cigarette shops/lounges	6
Frequency of local compliance checks	4 times per year (quarterly)
Retailers with compliance check violations in 2015, 2016, 2017	6, 4, 6
Retailers with FDA violations in 2015, 2016, 2017, 2018*	1, 1, 3, 3

* 2015-2017 violations were for sale of cigarettes to a minor, failure to check ID; 2018 violations were for civil money penalty, sale of cigarettes & e-cigarette products to a minor.

Youth tobacco use (Source: Minnesota Student Survey 2013 and 2016; Brooklyn Park District Areas (Brooklyn Center and and Osseo School Districts, combined))

Percentage of youth who reported using the following products within the past 30 days:	Brooklyn Park District Areas*			
	9 th Grade		11 th Grade	
	2013	2016	2013	2016
Conventional tobacco**	9%	3%	16%	8%
Any tobacco use (includes e-cigarettes, hookah)	NA***	12%	NA	22%
Cigarettes	5%	2%	10%	5%
Cigars, cigarillos, little cigars	6%	2%	9%	5%
Electronic cigarettes	NA	11%	NA	19%
Flavored tobacco	NA	6%	NA	9%
Menthol tobacco	NA	3%	NA	6%
Of those who use any tobacco, proportion who report using menthol tobacco	NA	27%	NA	27%
Of those who use any tobacco, proportion who report using flavored tobacco	NA	46%	NA	42%

*Data in this report reflect responses from students attending school in the districts that serve the majority of students in Brooklyn Park, Osseo and Brooklyn Center schools.

Conventional tobacco use includes cigarettes, chewing tobacco/snuff/dip, or cigars/cigarillos/little cigars. *NA = not asked

Key findings from Brooklyn Park District Areas MN Student Survey

- The good news: fewer youth are smoking and using conventional tobacco products.
- The bad news: Overall, there is an increase in tobacco use driven by the dramatic increase in e-cigarette use.
- 9th and 11th graders now use e-cigarettes at a much greater rate than conventional tobacco, with 9th graders using e-cigarettes four times more, and 11th graders using two times more, than conventional tobacco.
- Many youth who use tobacco are using menthol and other flavored tobacco products. Flavored products are considered a starter product, and some, such as menthol, are harder to quit.⁶
 - Over 40% of tobacco users in both 9th and 11th grade use flavored tobacco, and more than one in four tobacco users uses menthol.

Sources:

- 1 MN Department of Health Tobacco Prevention and Control. (2018). Data and Reports. <http://www.health.state.mn.us/divs/hpcd/tpc/data.html>. Accessed on 3/29/18.
- 2 Ibid.
- 3 Campaign for Tobacco Free Kids. (2018). The Toll of Tobacco in Minnesota. http://www.tobaccofreekids.org/facts_issues/toll_us/minnesota. Last updated 3/1/18. Accessed on 3/29/18.
- 4 Ibid.
- 5 MN Department of Health. (2018). Hennepin County Tobacco Profile. <http://www.health.state.mn.us/divs/hpcd/tpc/docs/counties/hennepin.pdf>. Accessed on 3/29/18.
- 6 U.S. Department of Health and Human Services. (2012). Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.



Hennepin County
Public Health



20190306

City of Brooklyn Park Demographics & Chronic Disease Data – September 2018

Heart disease, cancer, diabetes, and stroke are among the most common causes of illness, disability, and death in the United States. These chronic conditions, and the factors that lead to them, can be more common or severe for certain populations such as minority groups, those experiencing poverty, or with less education. Local demographic information is provided, bringing awareness to those who may be at risk for chronic disease disparities. Chronic disease data in Hennepin County northwest outer ring suburbs, which includes Brooklyn Park, is also provided.

Demographics

Population by Age¹:

Brooklyn Park total population: 80,866

	Percentage	# of people
0-9 years old	16%	12,939
10-14 years old	8%	6,469
15-19 years old	7%	5,661
20-24 years old	7%	5,661
25+ years old	62%	50,137

Race/ethnicity²:

	Percentage	# of people
White, alone	46%	37,198
Black or African American, alone	26%	21,025
Hispanic or Latino	6%	4,852
Two or more races	3%	2,426
Asian, alone	18%	14,556
American Indian or Alaska Native, alone	0.4%	323
Some other race, alone	0.4%	323

Highest level of education³:

	Percentage	# of people
Did not graduate high school	10%	8,087
High school graduate	24%	19,408
Some college, no degree	25%	20,217
Associate degree	11%	8,895
Bachelor degree	22%	17,791
Graduate/professional degree	8%	6,469



Hennepin County
Public Health



City of Brooklyn Park Demographics & Chronic Disease Data – September 2018

Income:

Per capita personal income ⁴	\$27,400
Median household income ⁵	\$65,700

Poverty⁶:

	Percentage	# of people
Persons below the federal poverty level	11%	8,895
Persons between 100% and 150% of the federal poverty level	9%	7,278

Chronic Disease and Conditions Data (Metro SHAPE 2014 Adult Survey)⁷ *

	Hennepin County Suburban Northwest Outer Ring**	Hennepin County Suburban Totals	Hennepin County
Percentage who have ever had diabetes	5.1%	5.9%	6.1%
Percentage who have ever had a heart attack	1.5%	2.1%	2.0%
Percentage who have ever had a stroke	1.4%	1.5%	1.7%
Percentage who have ever had an angina	2.1%	3.1%	2.9%
Percentage who have ever had a heart attack, angina, or stroke	3.8%	5.0%	4.8%
Percentage who have ever had asthma	9.2%	10.8%	11.8%

*The figure above describes percentages for adults aged 25 and older.

**Includes: Brooklyn Park, Champlin, Corcoran, Dayton, Hanover, Hassan Township, Maple Grove, Medicine Lake, Osseo, Plymouth, Rogers

¹Metropolitan Council, Community Profiles. Population by Age and Gender in Brooklyn Park. ACS 2012-2016. Available at <https://stats.metc.state.mn.us/profile/detail.aspx?c=R11000#POPAGEGENDER>. (Accessed 9/4/18).

²Metropolitan Council, Community Profiles. Population by Race and Ethnicity in Brooklyn Park. ACS 2012-2016. Available at <https://stats.metc.state.mn.us/profile/detail.aspx?c=R11000#POPRAETH>. (Accessed 9/4/18).

³Metropolitan Council, Community Profiles. Highest Level of Education Attained by Brooklyn Park Residents. ACS 2012-2016. Available at <https://stats.metc.state.mn.us/profile/detail.aspx?c=R11000#POPEDULEV>. (Accessed 9/4/18).

⁴Metropolitan Council, Community Profiles. Per Capita Personal Income in Brooklyn Park. ACS 2012-2016. Available at <https://stats.metc.state.mn.us/profile/detail.aspx?c=R11000#percapita>. (Accessed 9/4/18).

⁵Metropolitan Council, Community Profiles. Median Household Income in Brooklyn Park. ACS 2012-2016 Available at <https://stats.metc.state.mn.us/profile/detail.aspx?c=R11000#medianincome>. (Accessed 9/4/18).

⁶Metropolitan Council, Community Profiles. Percent of the Brooklyn Park Population Below the Federal Poverty Level. ACS 2012-2016. Available at <https://stats.metc.state.mn.us/profile/detail.aspx?c=R11000#povertylevel>. (Accessed 9/4/18).

⁷Metro SHAPE 2014 Adult Survey. Hennepin County Results. Available at <https://gis.hennepin.us/MetroSHAPE2014-Survey/index.html>. (Accessed 9/4/18).



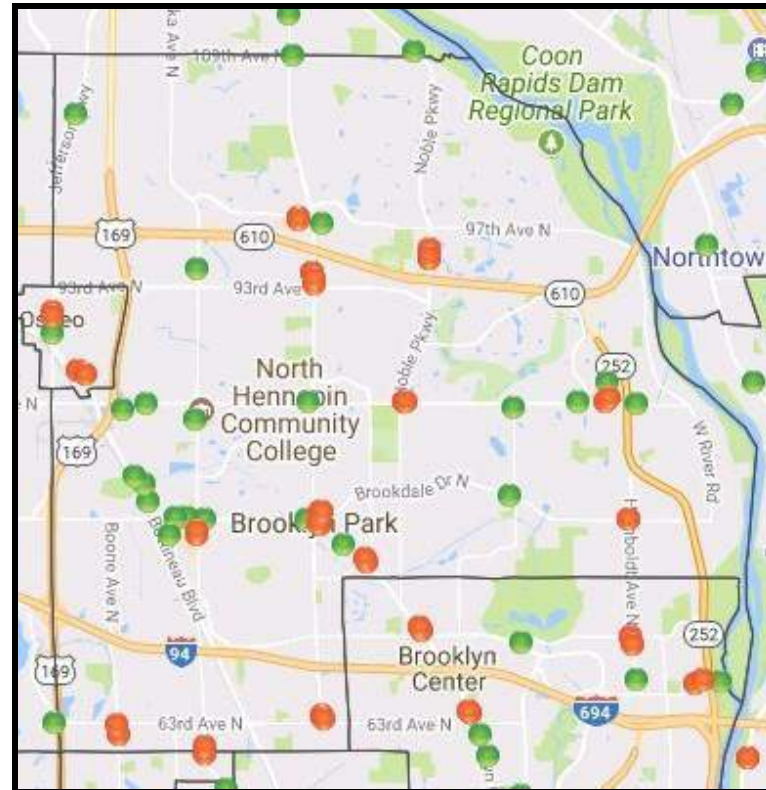
Hennepin County
Public Health



City of Brooklyn Park Tobacco retailers' proximity to each other

Details

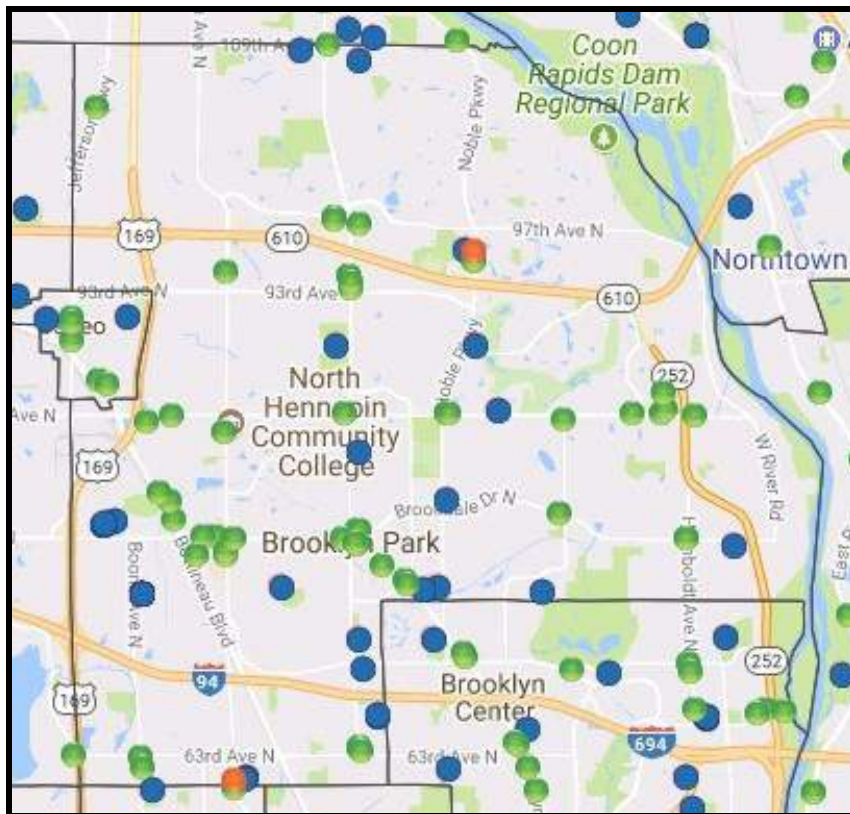
- Retailer within 500 feet of another tobacco retailer
- Retailer not within 500 feet of another tobacco retailer
- 500 feet buffer zone around retailer



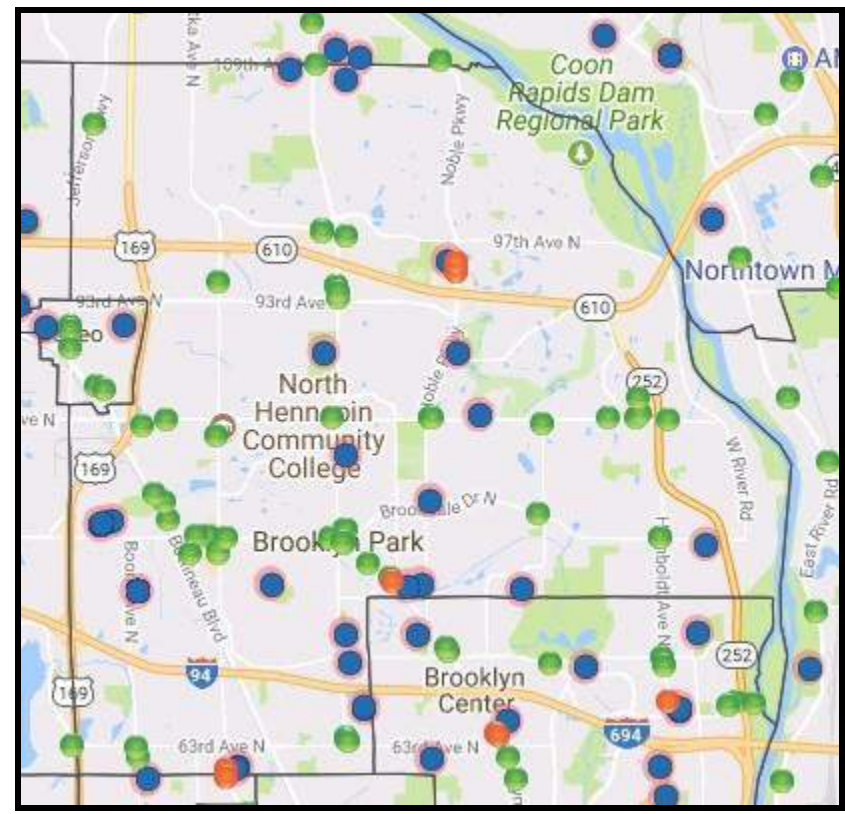
Tobacco retailers' near schools

Details

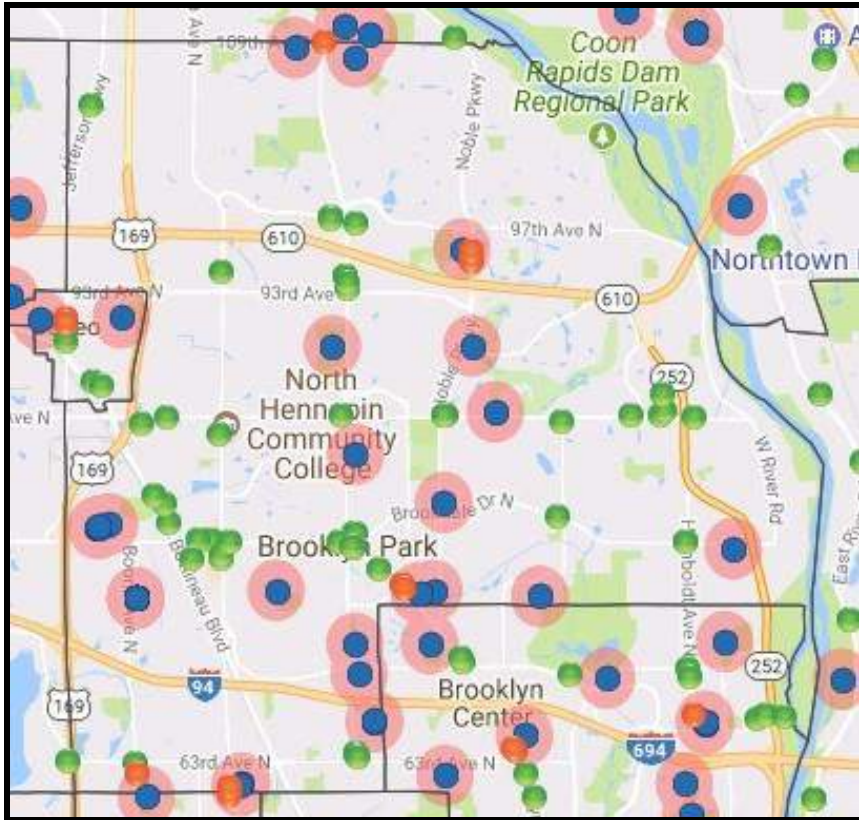
- School locations
- Retailer is within specified parameter around schools
- Retailer is not near a school
- Specified parameter around schools



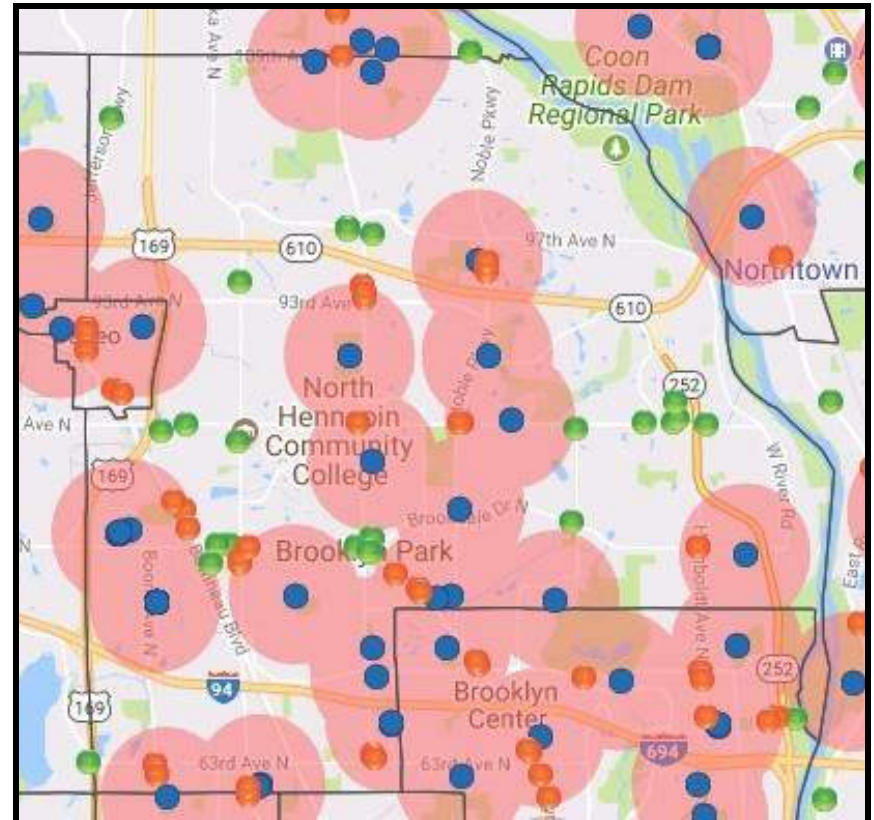
300 feet from school



500 feet from school



1,000 feet from school



1/2 mile from school



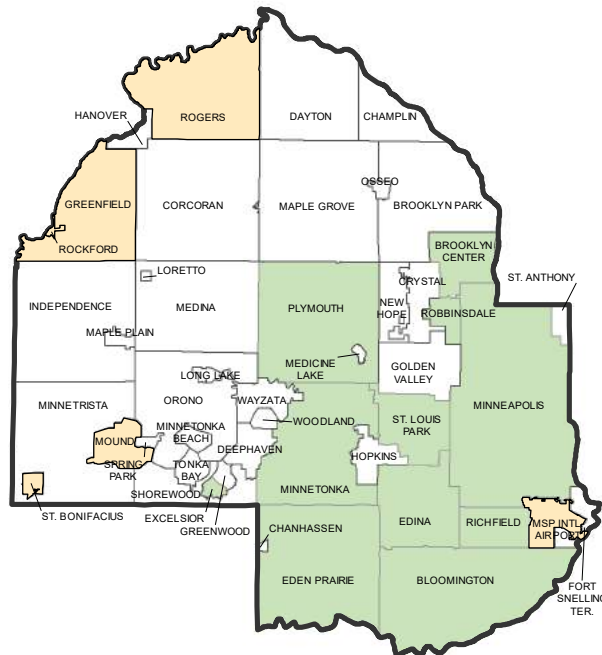
Hennepin County
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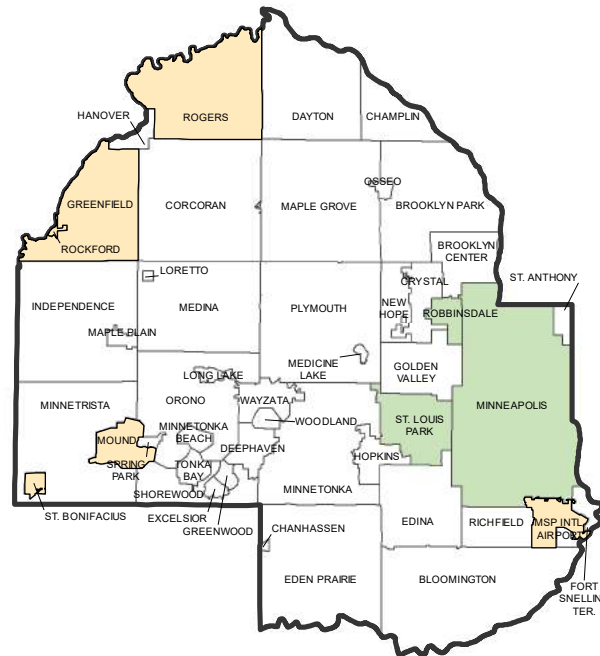
Tobacco Retail Sales Ordinance Restrictions

Hennepin County

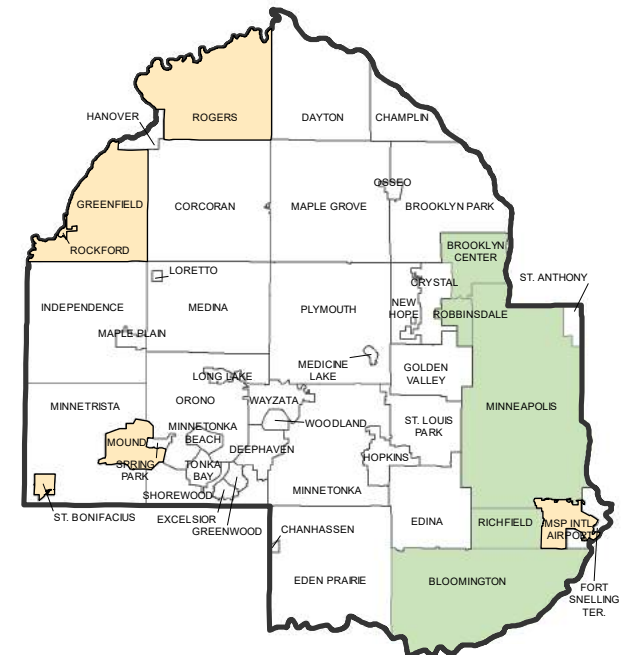
Tobacco 21 (T21)



Flavored Tobacco



Minimum Cigar Pricing & Packaging



Municipalities prohibiting the sale of all tobacco products, including electronic cigarettes, to persons under the age of 21.

Municipalities prohibiting the sale of all flavored tobacco products, including electronic cigarettes.

Municipalities prohibiting at minimum: the sale of cigar packages containing less than 5 cigars and/or sets a minimum cigar price of at least \$2.10 per cigar in a package of 1-5 cigars with the minimum price determined after any price promotion or discount.

Legend

- Municipalities with the tobacco restriction
- Municipalities where the County is the Tobacco License Authority

Notes

Minneapolis:

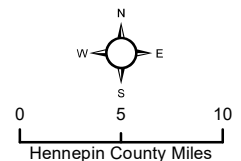
Adult tobacco stores are allowed to sell all flavors; and liquor stores are allowed to sell menthol, mint and wintergreen.

Robbinsdale:

All flavors except menthol, mint and wintergreen restricted. Adult tobacco stores are exempt.

St. Louis Park:

All flavors except menthol, mint and wintergreen restricted.



Supported by the Statewide Health Improvement Partnership, Minnesota Department of Health.

Tobacco Prevention Policies – Hennepin County and the Surrounding Area
Cigar minimum price/package, flavored product restriction, Tobacco 21
Updated 02/20/19

City	Policy(ies)	Adopted	Implemented	Ordinance link
Bloomington <i>Population: 85,866</i>	Cigar minimum price/package	11/17/14	11/17/14	Bloomington, MN Code of Ordinances, Division W: Sale of Tobacco Related Products (Part II, Chapter 14)
	Tobacco 21	11/06/17	11/30/17	Same
Brooklyn Center <i>Population: 31,006</i>	Cigar minimum price/package	04/28/14	06/07/14	Brooklyn Center City Code , Tobacco Related Products, Section 23-101
	<ul style="list-style-type: none"> Tobacco 21 Cap licenses at 15 through gradual reduction Electronic delivery devices and e-liquid restricted to adult tobacco retail 	11/13/18	12/21/18	Brooklyn Center Council Special Meeting packet, November 13, 2018 . Tobacco item begins on p.288; ordinance language 290.
Eden Prairie <i>Population: 64,400</i>	Tobacco 21	12/04/18	02/01/19	Eden Prairie City Council Meeting packet, December 4, 2018 . Begins on p.349, ordinance language p. 351.
Edina <i>Population: 51,958</i>	Tobacco 21	05/02/17	07/01/17	City of Edina Code of Ordinances, Chapter 12, Article VI: Sale of Tobacco; Licensing
Excelsior <i>Population: 2307</i>	Tobacco 21	10/01/18	01/01/19	Ordinance No. 581 – Regulating Tobacco Licensing, October 1, 2018 Council packet, starting on p. 39
	500 ft. buffer from schools	10/01/18	06/01/19	Same
	Limited number of tobacco licenses	2/4/19	3/16/19	Ordinance No. 591 – An ordinance amendment limiting the number of tobacco licenses, February 4, 2019 Council packet, starting on p. 49.
Minneapolis <i>Population: 422,331</i>	<ul style="list-style-type: none"> Cigar minimum price/package Flavored product restriction, <u>excluding</u> menthol, mint and wintergreen (some retailers exempted) 	07/2015	01/01/16	Minneapolis, MN Code of Ordinances, Chapter 281.- Tobacco Dealers
	Flavored product restriction, <u>including</u> menthol, mint and wintergreen (some retailers exempted)	08/04/17	08/01/18	Same
	Tobacco 21	05/25/18	10/01/18	Same

02/20/19



Hennepin County
Public Health



Tobacco Prevention Policies – Hennepin County and the Surrounding Area
Cigar minimum price/package, flavored product restriction, Tobacco 21
Updated 02/20/19

City	Policy(ies)	Adopted	Implemented	Ordinance link
Minnetonka <i>Population: 53,085</i>	Tobacco 21	09/17/18	01/01/19	Ordinance No. 2018-13, An Ordinance amending sections 625.040 and 625.045 of the Minnetonka City Code, relating to the minimum age for sales of tobacco-related products.
Plymouth <i>Population: 78,395</i>	Tobacco 21	11/27/17	07/01/18	Plymouth City Code, Section 1150 – Tobacco and Related Products
Richfield <i>Population: 36,151</i>	Cigar minimum price/package	11/10/15	12/19/15	Code of Ordinances of the City of Richfield, MN, Section 1146.-Tobacco
	Tobacco 21	06/12/18	08/01/18	Same
Robbinsdale <i>Population: 14,544</i>	<ul style="list-style-type: none"> ▪ Cigar minimum price/package ▪ Flavored product restriction, <u>excluding</u> menthol, mint and wintergreen (some retailers exempted) 	12/05/17	04/01/18	Robbinsdale City Code, Section 1132-Tobacco and Related Products (Rev. 2017)
St. Louis Park <i>Population: 49,029</i>	Tobacco 21	07/17/17	10/01/17	St. Louis Park City Code, Chapter 8, Subdivision X. Tobacco Products and Tobacco Related Devices
	Flavored product restriction, <u>excluding</u> menthol, mint and wintergreen (no retailers exempted)	12/04/17	05/01/18	Same
Surrounding area				
Falcon Heights <i>Population: 5,592</i>	<ul style="list-style-type: none"> ▪ Flavored product restriction, <u>including</u> menthol, mint and wintergreen (some retailers exempted) ▪ Tobacco 21 	05/09/18	07/01/18	Falcon Heights City Code, Article IX. – Tobacco.
Lauderdale <i>Population: 2,528</i>	<ul style="list-style-type: none"> ▪ Tobacco 21 ▪ Flavored product restriction, <u>including</u> menthol, mint and wintergreen (some retailers exempted) 	10/23/18	02/01/19	City of Lauderdale. Title 3. Business Regulations. Chapter 6. Tobacco, tobacco products, tobacco-related devices, nicotine, or lobelia delivery devices, and electronic delivery devices.
Mendota Heights <i>Population: 11,343</i>	<ul style="list-style-type: none"> ▪ Tobacco 21 		03/01/19	City of Mendota Heights, Ordinance No. 522 Amending City Code Section 3-2 Tobacco Sales

02/20/19

Tobacco Prevention Policies – Hennepin County and the Surrounding Area
Cigar minimum price/package, flavored product restriction, Tobacco 21
Updated 02/20/19

City	Policy(ies)	Adopted	Implemented	Ordinance link
	<ul style="list-style-type: none"> Flavored product restriction <u>including</u> menthol, mint and wintergreen (no retailers exempted) 			
Roseville Population: 36,314	Tobacco 21	06/18/18	07/18/18	Roseville City Code. Title 3 Business Regulations. Chapter 306. Cigarettes and tobacco products
St. Paul Population: 306,621	<ul style="list-style-type: none"> Cigar minimum price/package Flavored product restriction, <u>excluding</u> menthol, mint and wintergreen (some retailers exempted) 	01/06/16	04/2016	Code of Ordinances of the City of Saint Paul, MN Chapter 324.-Tobacco
	Flavored product restriction, <u>including</u> menthol, mint and wintergreen (some retailers exempted)	11/01/17	11/01/18	City of St. Paul, Ord 17-28 Amending Chapter 324 of the Legislative Code by adding menthol, mint or wintergreen and fruit to the definition of flavored products
Shoreview Population: 26,794	Flavored product restriction, <u>excluding</u> menthol, mint and wintergreen (some retailers exempted)	11/21/16	02/01/17	City of Shoreview Municipal Code Licensing Section 706 Tobacco Products
	Tobacco 21	05/07/18	07/01/18	Same
Outside metro area				
Duluth Population: 86,066	Flavored product restriction, <u>including</u> menthol, mint and wintergreen (adult-only tobacco shops excluded)	02/2018	06/2018	Duluth Legislative Code, Chapter 11 - Cigarettes
	Tobacco 21	1/28/19		
Beltrami County Population: 46,513	Tobacco 21	1/22/19	5/1/19	
Hermantown Population: 9,513	Tobacco 21		01/01/19	
North Mankato Population: 13,746	Tobacco 21	02/05/18	01/01/19	North Mankato, MN Code of Ordinances. Chapter 110: General Business Regulations

02/20/19

Tobacco Prevention Policies – Hennepin County and the Surrounding Area
Cigar minimum price/package, flavored product restriction, Tobacco 21
Updated 02/20/19

City	Policy(ies)	Adopted	Implemented	Ordinance link
Otter Tail County <i>Population: 58,345</i>	Tobacco 21 (grandfathers in current 18, 19 and 20 year olds)	11/13/18	01/01/19	Otter Tail County Public Health Regulation on the Distribution of Commercial Tobacco Products to Persons Under 21
Pope County <i>Population: 10,970</i>	Tobacco 21		01/01/19	
St. Peter <i>Population: 11,906</i>	Tobacco 21	05/29/18	08/01/18	St. Peter Council packet, May 29, 2018, p. 37. An Ordinance Amending Saint Peter City Code Chapter 12 “Business Licensing And Regulations” And Chapter 30 ‘Offenses And Miscellaneous Provisions’ And Adopting By Reference Saint Peter City Code Chapter 1 Section 1-6, Which, Among Other Things, Contain Penalty Provisions”
Waseca <i>Population: 8,978</i>	Tobacco 21	?	03/18/2019 4/4/19?	

ⁱ U.S. Census Bureau, Population Estimates Program (PEP), Updated annually. July 1, 2017.

02/20/19



May 14, 2018

Gretchen Garman, MPH
Hennepin County Public Health Department
Gretchen.garman@hennepin.us
612-543-1985

RE: Brooklyn Park Tobacco Ordinance Review

Dear Gretchen:

Thank you for your request to review the City of Brooklyn Park's tobacco licensing code (Chapter 122 of the city code) and provide analysis on ways to conform with state and federal law ("modernizing" the code) and strengthen the law pursuant to best public health policy practices.

First, as you are likely aware, the Public Health Law Center does not lobby, nor does it provide legal representation or advice. Based on our experiences with retail licensing and sales restrictions, we are able to provide our observations and other educational information for your own evaluation of these issues. This information is for educational purposes only; we do not request that a policymaker take any specific action in regard to our comments, nor should our comments be considered a replacement for legal advice. If you or the City of Brooklyn Park require a legal opinion, we encourage you to consult with local legal counsel.

Below, please find a summary of my key findings from the City of Brooklyn Park's "Tobacco Related Products" licensing regulations. The regulations were compared to licensing laws from other jurisdictions in Minnesota and across the U.S.

City of Brooklyn Park's Retail Tobacco Regulations

Minnesota municipalities have the [authority](#) to license retailers and regulate the sale of tobacco and related devices and products within their jurisdictions. Regulating tobacco retailers through licensing is considered a best practice.

The City of Brooklyn Park's tobacco licensing code already complies with minimum state statutory requirements aligns with some good tobacco control practices. They include:

- Covers new and emerging products, including electronic delivery devices, hookah and dissolvables.
- Prohibits the transfer of any tobacco license.

- Prohibits licensure for applicants: (a) convicted of violating a federal, state or local law relating to tobacco products within the past five years, (b) whose tobacco license has been revoked within the past twelve months, (c) who in the past 12 months have been cited three or more times for documented tobacco sales to minors, and (d) located within 500 feet of a school that have more than 40% of floor area dedicated to tobacco ads and sales.
- Prohibits licenses for kiosks/moveable places of business.
- Prohibits vending machine sales, without exception.
- Prohibits the sale of single cigarettes (“loosies”).
- Establishes a minimum legal tobacco retail clerk age (16).
- Prohibits self-service sales unless the licensee is an adult-only tobacco retailer.
- Holds license holders responsible for the conduct of employees on the licensed premises. Employee’s violations are counted against the license holder.
- Considers each violation, and every day that a violation continues, as a separate offense. This provides clarity in enforcement, and about the potential scope of legal liability for noncompliance.
- Includes a furnishing exemption for traditional AI/NA ceremonial practices.

Despite these strengths, there are elements that could be clarified, strengthened, or added, including:

Readability: simplifying the definition of licensed or covered products under a catch-all term

- The city might consider creating a new “catch all” term that would cover all covered licensed products under the code for reference throughout the regulation. This would simplify the definitions of licensed products covered by the city ordinance and place them under a defined umbrella term of “licensed products” or “covered products” to both ensure coverage of all products under all regulations in the code and enhance the readability of the code. This also allows for future amendments of the definition as new products come on the market without having to change the list of products in numerous places throughout the ordinance. Possible language for a definition may include:
 - **Licensed Products.** The term that collectively refers to any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product.

Align with minimum standards in state and federal law

- State and Federal law requires that electronic delivery device fluid (liquid packaging) be sold in child-resistant packaging. This requirement and a mechanism for enforcement could be explicitly incorporated to reflect federal law. A definition of child-resistant packaging would also be needed if this is adopted.
- State and federal law prohibits the distribution of most free samples. Local jurisdictions can prohibit the distribution of **all** free or nominally priced samples.

Effective Administration and Enforcement

- Minnesota law requires at least one youth access compliance check per retailer each year. The City of Brooklyn Park sets a minimum number of compliance checks each year based on state requirements(one), but allows for more. A city can require multiple checks, as well as re-inspections after violations. Performing additional compliance checks per year can help promote better compliance with youth access laws. Costs for additional-mandated compliance checks can be incorporated into the license fee, with the costs absorbed by the license holders themselves.
- Some municipalities require retailers to train their employees on youth access laws and other licensing requirements. The City of Brooklyn Park could require training as a preventive measure for all licensees and/or as a consequence for underage and other illegal sales and violations.
- Increase the minimum retail clerk age to the minimum legal sales age (18).
- Enforcement of the ordinance could be clarified and strengthened if language was included to set requirements for age verification and for signage. The ordinance may be amended with language such as:
 - **Age verification.** Licensees must verify by means of government-issued photographic identification that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.
 - **Signage.** Notice of the legal sales age and age verification requirement must be posted at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

Fees & Penalties

- The [current licensing fee](#) for the City of Brooklyn Park is \$200.00 and investigation (background check) fee is \$200.00. Fees should be periodically reviewed to ensure they cover all administration, implementation and enforcement costs, including compliance checks. Fees that do not reflect actual costs should be adjusted.
- The City of Brooklyn Park’s licensing code penalizes persons under age 18 for purchase or attempt to purchase, use, and possession of tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices. Possession, use and purchase (PUP) laws may be unlikely to reduce youth smoking significantly. They may undermine other

conventional avenues of youth discipline, divert attention from more effective tobacco control strategies, and relieve the tobacco industry of responsibility for its marketing practices. Some communities are concerned that PUP provisions may be enforced inconsistently with respect to youth from certain racial and ethnic groups, resulting in their introduction into the criminal justice system. Nicotine is more addictive than heroin and other drugs. Many public health groups suggest focusing instead on the retailer, especially since this is a licensing code.

For these reasons, the City of Brooklyn Park may consider removing this section which establishes penalties for underage violators of the tobacco licensing ordinances. Removal of this provision puts responsibility on the licensee, seller, or provider of the covered products.

The city might also consider assessing only alternative penalties (education, community service) for anyone under the city's minimum legal sales age that violates any remaining penalties for violators under the minimum legal sales age.

- The ordinance allows for misdemeanor prosecution for all violations of the law. For the reasons outlined above regarding PUP provisions, the City may consider limiting the use of criminal penalties, particularly for underage persons.
- Strong consequences, like high administrative fines against violating licensees and shorter timeframes for violations can help promote compliance. Establishing longer suspension terms, providing suspensions for first or second violations, and incorporating mandatory licensing revocations into the penalty structure can help encourage voluntary compliance and provide stronger tools to address repeat violators. This ordinance does not impose a suspension until the third violation. The structure is in line with good public health policy but could be strengthened if desired.

Additional Licensing Options

Through licensing regulations, Minnesota cities and counties also have the opportunity to:

- Raise the minimum legal sales age to 21.
- Restrict or prohibit the sale of flavored tobacco products (this includes the sale of the menthol flavor).
- Prohibit the sales of imitation tobacco products and tobacco products containing other substances such as toxic, controlled or hallucinatory substances. Many new products coming onto the market use tobacco related products to consume the other substances.
- Reduce or restrict the number, location, density, and types of retailers. A high prevalence of tobacco retailers is associated with increased use of tobacco; and a higher concentration of tobacco retailers in low income neighborhoods or around schools has negative consequences

for public health. Retail outlets are also a source of exposure to tobacco marketing, which is designed to encourage initiation and use. The tobacco industry targets low-income areas and neighborhoods with a high population of people of color. These changes may be accomplished through the licensing code or the zoning code.

- Increase product costs through non-tax approaches (such as prohibiting coupon redemption or other price discounting).
- Establish a minimum price for the sale of cigars (single and in a pack).
- Prohibit pharmacies from selling tobacco products. As pharmacies are considered health supporting institutions, it is inconsistent for them to sell tobacco products.
- Prohibit the indoor use of licensed products for the purpose of sampling.

The City of Brooklyn Park may choose to adopt all or any of these policies, which the PHLC considers to be the best practice for public health.

The City of Brooklyn Park may also consider:

- Expanding the “Purpose and Intent” section if any new policy is adopted to support that policy. Adding a “Purpose and Intent” section helps to explain the legislative intent and the scientific basis for the law and is relied upon should the ordinance be challenged.
- Adding a severability clause. An ordinance with a severability clause protects and upholds other components of the law if a successful legal challenge prevails against any part of the law.

I hope this is helpful. I would be happy to provide sample language for any policy change discussed in this memo. Please let us know if we can assist you further.

Sincerely,

Natasha C. Phelps
Staff Attorney
Tobacco Control Legal Consortium at the Public Health Law Center




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Smoking Big Tobacco's Efforts to Turn Kids Into Customers

By Natasha Phelps





After declining an offer for a cigarette, an R.J. Reynolds executive reportedly claimed he and his fellow executives “reserve that right for the poor, the young, the black and the stupid.”¹ That sentiment remains the basis for Big Tobacco’s predatory targeting of youth, especially African-American, LGBTQ, and low-income youth. Through effective tobacco-control policy, state and local governments can curb youth tobacco initiation and reduce the disparities created by the industry’s deplorable marketing ploys. In the past several decades, tobacco-control policies have proliferated in response to tobacco’s deleterious effects on health and the industry’s predatory marketing practices. Here in Minnesota, the Public Health Law Center (PHLC), a nonprofit organization housed at the Mitchell Hamline School of Law, provides legal and strategic support to local and state health departments, health advocacy organizations, attorneys, and community coalitions across the country, helping to drive many of the nation’s cutting-edge public health initiatives. Through its Tobacco Control Legal Consortium, PHLC supports tobacco-control policy change and movement throughout the United States.

Tobacco products cause disease and death.

Tobacco use is the leading preventable cause of premature death in America, causing half a million deaths every year.² Cigarette smoking causes a 70 percent increase in mortality rate and a significant risk of developing lung cancer³ as well as stroke, rheumatoid arthritis, and cancers of the mouth, esophagus, stomach, liver, kidney, and bladder. In Minnesota, smoking causes 6,312 deaths and \$3.19 billion in excess health care costs annually.⁴

Other tobacco products like cigars, cigarillos, and smokeless tobacco have also been causally linked to cancer. Nicotine, found in all tobacco products including electronic cigarettes, is highly addictive, can be toxic, and immediately affects the brain and body. It specifically impedes adolescent brain development. E-cigarettes, which are used by youth at an increasingly alarming rate, also contain harmful chemicals like animal carcinogens and diacetyl, a butter flavoring that causes lung damage to microwave popcorn factory workers.

Young people are particularly susceptible to the addictive properties of tobacco products like nicotine, and they are likely to become lifelong users. Approximately three out of four teen smokers end up smoking into adulthood.⁵ It is estimated that every day over 3,200 people under 18 years of age smoke their first cigarette and 2,100 young occasional smokers become daily cigarette smokers.⁶

Tobacco companies were convicted of deceiving the public about tobacco’s health effects and marketing their products to children.

As a part of a 1994 settlement of a lawsuit filed by the Minnesota Attorney General, and a later settlement from a lawsuit filed collectively by 46 other states, several tobacco companies were forced to disclose 40 million pages of internal documents, exposing their knowledge of and lies to the public about the harmful effects of smoking. The documents also revealed the industry’s targeted marketing to children—especially poor, black, and LGBT youth.

Spurred to action by these disclosures, the U.S. Department of Justice (DOJ) sued several major tobacco companies under the Racketeer Influenced and Corrupt Organizations Act (RICO) in the infamous 1999 case, *U.S. v. Philip Morris USA*, on the grounds the companies engaged in a decades-long conspiracy to deceive the American public about the

health effects of smoking and to manipulate the design and composition of cigarettes to sustain nicotine addiction. The DOJ also alleged that the industry intentionally marketed to young people. In 2006, U.S. District Judge Gladys Kessler found in favor of the DOJ and issued an order over 1,700 pages long, holding that the tobacco companies violated RICO by fraudulently covering up known health risks and for marketing their products to children.⁷

The tobacco industry continues to target children, especially black, poor, and LGBTQ youth.

A Philip Morris researcher once said: “Today’s teenager is tomorrow’s potential regular customer.”⁸ Since the 1960s, the tobacco industry considered youth use critical to their long-term success and have invested in significant research to understand young consumers. In turn, they spend a fortune marketing to children and young adults. While targeted marketing is a normal business practice, doing so “for a unique class of consumer products that kill up to half of their users is an important issue of social injustice.”⁹

As of 2014, there were an estimated 375,000 retailers selling tobacco in the United States, which is 27 times more than the number of McDonald’s and 28 times more than the number of Starbucks in the United States.¹⁰ Tobacco retailers are more prevalent in low-income communities and communities with a higher concentration of African-American, Latinx, and LGBT residents. Higher density of tobacco retailers is associated with greater access and exposure to tobacco products and advertising, increased cigarette purchases, higher smoking prevalence, and a 53 percent increase in susceptibility of nonsmokers to start smoking in the future.¹¹ The industry uses tobacco retailers to target youth with their predatory marketing. The industry has specifically targeted young consumers through such channels with flavored tobacco product marketing.

Signed by President Barack Obama in 2009, the Tobacco Control Act (TCA) prohibited flavored cigarettes including candy, fruit, and alcohol, but not menthol or tobacco, flavors. Other tobacco products, like smokeless tobacco and cigars, remain flavored and popular with youth. Flavored e-cigarettes are the most widely used tobacco product among both middle school and high school students, coming in a myriad of kid-friendly flavors like bubblegum and gummy bear.

The industry disproportionately targets specific youth by race/ethnicity, socioeconomic status, mental health status, gender, and sexual orientation with flavored tobacco marketing.

One blatant example of this is the marketing of menthol-flavored products.

Menthol, a mint-based additive that has a cooling effect on the mouth and throat, reduces the harshness of cigarette smoke and suppresses coughing reflexes, which makes inhaling smoke more tolerable. This appeals to young, inexperienced smokers. The cooling effect also causes more breath holding, leading to increased lung exposure to nicotine and thus increased addiction. Once addicted, menthol smokers are less likely to successfully quit smoking.

While menthol cigarette smoking is prevalent among youth generally (54 percent of high school and 48.4 percent of middle school smokers¹²), female smokers, racial minorities, sexual minorities, and smokers with mental illness have an increased prevalence and have been specifically targeted with marketing. There is a disproportionate presence of menthol marketing in socioeconomically disadvantaged and high-percentage black neighborhoods. Exposure to this retail tobacco marketing influences smoking uptake and brand choice, contributing to racial and other disparities in tobacco use.

For example, one study revealed that 94.9 percent of 12- to 17-year-old African-American smokers used menthol cigarettes.¹³ This is not a coincidence. In addition to retail marketing, the industry has targeted African-American youth with menthol cigarette marketing by sponsoring music festivals and purchasing advertising space in black magazines.

LGBT smokers are significantly more likely to smoke menthol cigarettes than heterosexual smokers.¹⁴ R.J. Reynolds advertisements in *The Advocate* featured “attractive” LGBT models to solicit young LGBT readers,¹⁵ much like the tobacco advertisement in the *Sports Illustrated* swimsuit issue cited in the *U.S. v. Philip Morris* opinion likely attracted adolescent boys.¹⁶

Federal law allows state and local governments to regulate tobacco in a variety of ways.

In response to the aforementioned findings, the federal government has passed a number of laws to regulate the manufacturing, packaging, marketing, and sale of tobacco products. However, the federal government has not regulated the marketing or sale of tobacco products since the TCA was passed in 2009. Fortunately, the TCA preserves state and local authority to take many steps to reduce tobacco product sales and use.¹⁷ In light of federal inaction and the slow pace of the federal regulatory process, state and local governments can play a critical role in implementing bold, evidence-

based tobacco-control policies to protect public health. There are a number of different policy options municipalities can and have passed in Minnesota to further protect children from predatory tobacco marketing and the harms of tobacco use:

Restrict the sale of flavored products:

States and municipalities can protect youth by restricting the sale of flavored tobacco products. Local ordinances restricting these sales in New York City and Providence, Rhode Island, were challenged and upheld in federal courts. The court found, in part, that the TCA does not preempt state and local governments from regulating the sale of flavored tobacco products as doing so does not constitute a product standard. Jurisdictions around the country have passed regulations through their tobacco retailer licensing codes to prohibit retailers from selling flavored tobacco products. In Minnesota, Minneapolis passed the state’s first restriction on the sale of menthol-flavored tobacco products to adult-only retailers despite significant industry-funded opposition.

Regulate price:

Raising the price of tobacco products is one of the most effective tools to decrease smoking prevalence and initiation, especially for price-sensitive youth. Tobacco taxes are the most common method, but the effect can be undermined by other price discounting strategies that the industry spends billions on each year (e.g., BOGOs, coupons). Therefore, some jurisdictions adopt additional regulations to prohibit price promotions and set minimum pack size and prices for cigars and other tobacco products. The court upheld the regulations of Providence and New York City, which also have laws that restrict all forms of price discounting, finding that tobacco product discount prohibitions are not preempted by federal law.¹⁸ In Minnesota, Robbinsdale recently passed a minimum cigar pack and price ordinance.

Regulate retailer density:

A high concentration of tobacco retailers is associated with increased youth use. Retail outlets are a source of exposure to tobacco marketing, which is designed to encourage initiation and use. Through licensing or zoning codes, local governments can restrict where retailers operate (e.g., near schools), the types of businesses selling tobacco products (e.g., no pharmacies), and the number of retailers in an area (e.g., a licensing cap). Licensing regulation is more typical, especially in Minnesota where state law requires a local license to sell tobacco, tobacco-related products, and e-cigarettes. For

example, Renville County prohibits the issuance of tobacco retail licenses to pharmacies and establishments within one thousand feet from schools and youth-oriented facilities.

Increase the minimum legal sales age:

All states and many local governments have authority to set their own minimum legal sales age for tobacco products. Nearly nine out of ten cigarette smokers first tried smoking by age 18, and 99 percent first tried smoking by age 26.¹⁹ Between 18- and 21-years-old, many smokers move from experimental smoking to daily use.²⁰ Raising the minimum sales age today to 21 would likely result in a 12 percent decrease in tobacco use, approximately 223,000 fewer premature deaths, and 4.2 million fewer years of life lost for those born between 2000 and 2019.²¹ Five states—Hawaii, California, New Jersey, Maine, and Oregon—and hundreds of local jurisdictions around the country have increased their state minimum legal sales age for tobacco products to the age of 21. The legal sales age in Minnesota is 18, but local jurisdictions have the authority to increase the age to purchase. In May 2017, Edina became the first city in the state to raise its minimum legal sales age to 21.

The tobacco industry's targeted marketing of specific communities is egregious, but state and local governments can protect youth from tobacco through these effective tobacco-control policies.

Additional citations supporting the statements made herein are available upon request to Ms. Phelps.

¹ Bob Herbert, *In America: Tobacco Dollars*, THE NEW YORK TIMES (Nov. 28, 1993), available at <http://www.nytimes.com/1993/11/28/opinion/in-america-tobacco-dollars.html>

² U.S. Dep't of Health and Human Servs., *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General* (2014), available at <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/index.html>

³ Vial601844-2232 at 1884, 18889, 1994-7, 2016 (US 64057) (1964 Surgeon General Report); Brandt WD, 108:22-III.7.

⁴ BlueCross BlueShield of Minnesota, *Health Care Costs and Smoking in Minnesota: The Bottom Line* (2017), available at <https://www.centerforpreventionmn.com/-/media/sites/cfp/files/reports/cost-of-smoking-report-2017ashx2la-en>

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⁷ U.S. v. Philip Morris USA, Inc., 449 F. Supp. 2d 1 (D.D.C. 2006). For a summary of this opinion, see the Tobacco Control Legal Consortium publication, *The Verdict Is In: Findings from United States v. Philip Morris, The Hazards of Smoking* (2006), available at <http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-verdict-is-in.pdf>

⁸ See Trial Exhibit No. 10,339, *State of Minnesota v. Philip Morris* (memorandum from Myron Johnston, 1981), available at <https://www.industrydocumentslibrary.ucsf.edu/tobacco/docs/rshw0181>

⁹ Joseph Lee et al., *A Systematic Review of Neighborhood Disparities in Point-of-Sale Tobacco Marketing*, 105(9)AM. J. PUB. HEALTH E8-E18 (2015); citing Sonya Grier & Shiriki Kumanyika, *Targeted Marketing and Public Health*, 31 ANNU. REV. PUB. HEALTH 349-69 (2010).

¹⁰ Cent. for Public Health Systems Science et al., *Point-of-Sale Report to the Nation* (June 2014), https://ephss.wustl.edu/Products/Documents/AS-PIRE_2014_ReportToTheNation.pdf

¹¹ Wing Chan & Scott Leatherdale, *Tobacco Retailer Density Surrounding Schools and Youth Smoking Behavior*, 9(1) TOBACCO INDUCED DISEASES 9 (2011); Niamh Shortt et al., *The Density of Tobacco Retailers in Home and School Environments and Relationship with Adolescent Smoking Behaviours in Scotland*, 25 TOBACCO CONTROL 75-82 (2016).

¹² Catherine Corey et al., *Flavored Tobacco Product Use Among Middle and High School Students - United States, 2014*, 64(38) MMWR 1066-70 (2015).

¹³ Gary Giovino et al., *Differential Trends in Cigarette Smoking in the USA: Is Menthol Slowing Progress?* 24(1) TOB CONTROL 28-37 (2015).

¹⁴ The Truth Initiative, *LGBT History Month: Why Are Smoking Rates Higher in LGBT Communities?* (October 6, 2016), available at <https://truthinitiative.org/news/why-are-smoking-rates-higher-lgbt-communities>

[org/news/why-are-smoking-rates-higher-lgbt-communities](https://truthinitiative.org/news/why-are-smoking-rates-higher-lgbt-communities).

¹⁵ Harriet Washington, *Burning Love: Big Tobacco Takes Aim at LGBT Youths*, 92(7) AM. J. PUB. HEALTH 1086-95 (2002).

¹⁶ Supra note 7, at 1039.

¹⁷ U.S. Smokeless Tobacco Mfg. Co. v. City of New York, 708 F.3d 428 (2d Cir. 2013).

¹⁸ See, e.g., Cent. for Public Health Systems Science et al., *Regulating Price Discounting in Providence, RI* (last accessed December 21, 2017), https://ephss.wustl.edu/Products/Documents/ProvidenceCaseStudy_Oct2013.pdf

¹⁹ U.S. Dep't of Health and Human Servs., *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*, supra note 6; U.S. Dep't of Health and Human Servs., *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, supra note 5.

²⁰ Calculated by the Campaign for Tobacco-Free Kids based on data in the National Survey on Drug Use and Health (2014), U.S. Dep't of Health and Human Servs. Substance Abuse and Mental Health Servs. Administration, Ctr. for Behavioral Health Statistics and Quality, *National Survey on Drug Use and Health* (2014); David Hammond, *Smoking Behaviour Among Young Adults: Beyond Youth Prevention*, 14 TOBACCO CONTROL 181-5 (2005); Paula Lantz, *Smoking on the Rise Among Young Adults: Implications for Research and Policy*, 12(1) TOBACCO CONTROL 160-170 (2003).

²¹ Institute of Medicine, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products* (March 2015), available at http://www.nationalacademies.org/hmd/-/media/Files/Report%20Files/2015/TobaccoMiNAge_tobacco_minimum_age_report_brief.pdf



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Ms. Phelps is a staff attorney with the Tobacco Control Legal Consortium at the Public Health Law Center, where she provides legal technical assistance on tobacco-control issues to public health professionals and organizations, legal professionals, and advocates in Minnesota and throughout the United States. Natasha also joined Mitchell Hamline School of Law as an adjunct professor in 2017 and co-teaches a course on transactions and settlements.

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HENNEPIN LAWYER



Cities United Youth Tobacco Prevention Project Report

The Cities United Youth Tobacco Prevention Project Report describes the level at which youth are empowered, drawing on their own expertise as young people and community members, to be leaders in addressing an important health topic of youth access and exposure to tobacco products and marketing in their community. This cross-sectional study was conducted using a focus group format from February to September 2018 in Brooklyn Park, MN. This study also aims to create a path on the “Roadmap to Safe, Healthy and Hopeful Communities.” by informing the national movement to reduce violent crime and homicide deaths of African American men and boys ages 13-30.



Cities United Youth Tobacco Prevention Project Report

A Roadmap Academy Approach to Safe, Healthy & Hopeful Communities

Acknowledgements

Completion of this study would not be possible without the funding and technical assistance provided by Hennepin County Public Health and support from the Statewide Health Improvement Partnership – Minnesota Department of Health. We would also like to thank and acknowledge the following representatives/organizations for their contributions: The National Cities United Team, Casey Family Programs, Cities United Roadmap Academy Fellow, Administration Teams and Cities United Sound Off Stations at Osseo Area Learning Center, SAGE Academy and the Gateway Program – Hennepin Technical College, Resident Volunteers, Zanewood Prevention / Intervention Staff, YMCA, College Students from North Hennepin Community College and Alabama A&M, BrookLynk, Huntington Place Apartments, Brooklyn Park Community Activity Center and Brooklyn Park City Hall.



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citiesunited.org

Cities United is a project of Tides Center

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Introduction

Beginning in early 2018, city and community leaders from across the country have become immersed in Cities United’s planning process outlined by the “Roadmap for Safe, Healthy and Hopeful Communities.” This new process is called the Cities United Roadmap Academy. One objective of the Roadmap Academy is to increase city lead and community partners’ collaboration. The Roadmap Academy approach will benefit African-American men and boys to increase high school graduation rates, increase access to full-time employment, increase diversion programs and decrease recidivism.

Locally, the Cities United Sound Off Stations students, Cities United Roadmap Academy Fellow and Interns have worked on the Cities United Youth Tobacco Prevention Project with support from Hennepin County Public Health and funding from the Statewide Health Improvement Partnership – Minnesota Department of Health. This project explores the level at which youth are empowered, drawing on their own expertise as young people and community members, to be leaders in addressing an important health topic of youth access and exposure to tobacco products and marketing in their community. The focus group locations and participants were selected than reviewed in groups using the Casey Family Programs’ Community Opportunity Map to learn the aspects of communities that are associated with safe children and strong families.

This study is significant because it obtains qualitative data related to:

1. Youth Smoking Behavior
2. Tobacco Availability & Purchase
3. Tobacco Marketing
4. Perceptions of Tobacco Use
5. Tobacco products as an entry point to other drugs and the expansion of addiction

Addiction symptoms and how these symptoms pose barriers to high school graduation, retaining full-time employment, completing diversion programming and increasing recidivism were outside the scope of this study.

Methodology

The data gathering technique utilized focus groups. Focus groups ranged in size between 5 and 13 participants. There was a total of 70 participants and 9 focus groups. The focus group locations were:

1. Osseo Area Learning Center – West District (2 focus groups)
2. SAGE Academy – East District (1 focus group)
3. Brooklyn Park City Hall – Central District (3 focus groups)
4. Brooklyn Park Community Activity Center – Central District (1 focus group)
5. Huntington Place Apartments – Central District (2 focus groups)

The settings included school conference rooms, City Council Chambers, Kakata meeting room and outdoor space at an apartment complex. Participates were recruited using a Peer-to-Peer methodology involving classmates, friends, and acquaintances of common spaces. The focus group questions were developed by Hennepin County Public Health staff to ensure relevancy and consistency. No Institutional Review Board approval was required for this study. A modified Circle Technology technique allowed participants to respond to predetermined questions and to one another. Demographics of participants ranged in age from 12 to 20 years old, with an average age of 16. Twenty-nine percent of the participants were female and 71% were male. Ninety-seven percent of the participants self-identified as a person of color. Eighteen, or 27%, of the participants reported using tobacco within the past 30 days.

Key Responses

The focus group questions and a summary of the qualitative responses are as follows:

Youth Smoking Behavior

1. How do youth in your community get tobacco?

There are many ways youth get tobacco in my community. People can sell them at their residences for a certain price, give someone older money to buy it for them, or commonly you can buy it at the store (stores don't check ID).

a. Where do they buy it from?

The most common places to purchase tobacco are gas stations, convenience stores or dollar stores.

b. How do you think that youth under 18 are getting tobacco?

There are several ways youth get tobacco. Some youth get it from their parents or someone in their family who smokes. Another way is to get it from a friend who smokes. They also go to stores that do not check ID.

c. Do you think youth would still smoke if tobacco wasn't easy to get?

Yes, because although tobacco is only certified for ages 18 and up, teens still find ways to buy or borrow tobacco. The age certification does not matter to most teens.

2. What kind of tobacco products do youth usually use?

Most teens use e-Hookah, Vape pens, Hookah pens, menthol and non-menthol cigarettes (commonly), cigars (Backwoods, Swisher Sweets, Black and Mild, White Owl), twists, blunts and wraps.

a. Why do you think those products are most popular?

These products are cheap, addicting, there are advertisement deals, media influences, teens want to look cool/fit in, they use them to relieve stress and smoke weed.

3. What do you think influences youth in your community to use tobacco?

There are many influences that tempt youth to use tobacco. One of the most common situations is through social interactions such as Instagram or Snap Chat. Other ways that youth are

influenced by tobacco is if they grew up that way, if their parents smoke. Youth are also influenced by peers, people they look up to, wanting to be cool/fit in.

Tobacco Availability & Purchase

4. How often do you go to stores where they sell tobacco products? (Would you say 1-2 times/week, 3-4 times/week, 5-6 times/week, or every day or more?)
All focus group participants said they go every day.

a. What type of stores that sell tobacco do you go to most frequently?
Corner stores, gas stations, grocery store, family dollars.

Tobacco Marketing

5. Have you seen any advertisements or promotions for tobacco products in your community or near your school?
Mixed responses, yes and no. Those who said yes said they see lots of tobacco wrappers and cigarette butts on the floor.

b. Where have you seen these ads or promotions?
Ads on store windows (of gas stations and by school), YouTube surveys, billboards, posters, highway, on the street, TV, Snap Chat, Pandora, promotional sales, in the mail.

6. Do you think there is more tobacco marketing in certain neighborhoods of your community than in others? Please describe your answer.
Yes, there is definitely tobacco marketing in certain neighborhoods because that is how the neighborhood is portrayed in their area and it is probably common in many neighborhoods to see youth smoking. Yes, low-income neighborhoods are most likely to be targeted.

a. Do you think advertising might be targeted to certain populations?
Yes, tobacco is definitely targeted in many populations such as the homeless, racial minorities, LGBT people and those who have suffered from mental illnesses and substance use disorders.

7. Different flavored tobacco products are available in the market.
a. How often do youth use flavored tobacco products?
Youth use flavored tobacco every day. It is very common for their age group to use flavored tobacco because they typically have bright, colorful packages that are often sold individually and cheaply. Also, they could be mistaken for candy to most people.

b. Which flavored tobacco products do youth use the most? And why do you think that is?

Flavors used: blueberry, Russian crème, grape, tropical, strawberry, honey, pineapple, strawberry kiwi, white grape, watermelon, orange, peach. Flavored tobacco has a significant role in targeting youth to use hookah.

c. Do you think flavored products are targeted to youth?

Yes, because those flavored products contain flavors that youth like. It's common to see youth buying flavored products because they're tempted to them because of their taste which is appealing to most teenagers.

Perceptions of Tobacco Use

8. How does smoking, vaping, or using other tobacco products affect people in your community?

It is addicting and can be fatal. Even though you do not smoke there is a term called 2nd hand smoking which is when you're around someone who is smoking.

9. Do you know of any examples where tobacco has negatively affected someone's well-being or quality of life?

In my old neighborhood, it was common to smell the cigarette odor and see cigarettes piled in the grass because my area is known for that, which is one of the reasons why me and my family had to find a new place to reside.

I knew this family where the mother and father were always smoking even around their kids. You could tell just by looking at them that their current state of life was not well and they didn't portray what parents are supposed to be because of they were always high, and they even had six children who were being influenced by their behavior. The six children that were experiencing their parents like this could lead them to becoming this way, just because they grew up that way and, not only that it's bad for their lungs constantly inhaling life-threatening substances.

10. What actions/solutions do you recommend to reduce tobacco use and youth access and exposure to tobacco products.

More education through videos. Increase the price.

Recommendations

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Appendix A

<https://www.casey.org/community-opportunity-map>

At Casey Family Programs, we work in support of a range of public, private, tribal and community partners to encourage a shared vision for success. We believe that every community can create hope and opportunities for its children and families.

The Community Opportunity Map is an interactive tool that highlights the aspects of communities that are associated with safe children and strong families. This interactive, research-based framework is composed of select U.S. Census Bureau indicators and is available for any community in the nation to use. It was informed by significant evidence of the community factors correlated with child maltreatment and a healthy community framework developed by the U.S. Department of Housing and Urban Development.

The tool maps community indicators at geographic levels defined by the user, from the state level down to neighborhoods. We hope the tool will be used by community members,



citiesunited.org

Cities United is a project of Tides Center

policymakers, child welfare leaders, city government officials, and other stakeholders to build hope and promote well-being for families and children.

Date: June 4, 2018

To: Jay Stroebe, City Manager

From: Brooklyn Youth Council (BYC)

Subject: City of Brooklyn Park Tobacco Policy Recommendations

INTRODUCTION AND SUMMARY

The BYC's mission is to represent youth in Brooklyn Center and Brooklyn Park by providing a voice in collaboration with the community and local government in order to positively raise awareness of problems facing youth. We are a youth council from Brooklyn Center and Brooklyn Park who serve as an advisory, strategic planning, and communicating body in partnership with the Brooklyn Bridge Alliance for Youth, Cities of Brooklyn Center and Brooklyn Park, Hennepin County, Local School Districts and Community Colleges to help us make the most impact for youth in our community. We do a diverse range of projects to represent the issues and hopes of youth in our community such as provide advice and input on policies related to youth that the Alliance partners have.

This year, the BYC partnered with Hennepin County Public Health Department to better understand the effects tobacco has on the youth in Brooklyn Center and Brooklyn Park. Our research consisted primarily of 8 focus groups with youth ages 12-20. In total we interviewed 38 young people, 16 from Brooklyn Center and 22 from Brooklyn Park. Below are key findings from our research.

KEY FINDINGS

Youth tobacco use behavior:

- Many youth expressed that tobacco was very easy to obtain.
- Cigarillos, menthol cigarettes, and flavored e-cigarettes are the most prominent tobacco products youth use.
- E-cigarettes are seen as a healthy alternative to cigarettes.
- Many youth expressed that stress and peer pressure were the primary reasons they chose to use tobacco.

Exposure to tobacco products and marketing:

- Youth frequent tobacco retailers on a daily basis.
- Corner stores, convenience stores and gas stations are the stores youth shop at the most.

Youth awareness and perceptions of tobacco marketing:

- Youth are aware that tobacco marketing is more prominent in low-income and communities of color.
- Young people realize that the marketing of flavored tobacco products is directed at them.
- Marketing of e-cigarettes as a healthier alternative is effective among youth.

The effects of tobacco

- Youth felt tobacco is a gateway for other drugs.
- Using tobacco affects youth's physical, emotional and mental health.

RECOMMENDATIONS

Based on these key findings, the BYC compiled a list of recommendations for the Brooklyn Park City Council.

- **Raise the minimum legal sales age to 21.**
- **Reduce youth access and exposure to flavored tobacco products.**
 1. Restrict the sale of flavored tobacco products (including menthol) to tobacco shops that restrict minors.
- **Reduce the density of tobacco retailers.**
 1. Reduce the number of tobacco retailers to 40 retail stores. This could be done by capping the number of tobacco retailers currently, and gradually reducing the number, as tobacco licenses are not renewed.
- **Restrict the sale of tobacco near youth serving facilities.**
 1. Restrict the proximity of new tobacco retailers with more than 10% of floor tobacco advertisement sales to within 500 feet of youth serving facilities.
 2. Restrict the proximity of new tobacco retailers to within 1,000 feet of youth serving facilities, such as:
 - i. Schools/educational facilities
 - ii. Parks
 - iii. Community centers
 - iv. Library
- **Increase the cost of tobacco products.**
 1. Require that cigars sold in packages of 3 or fewer be sold at a minimum price of \$2.60 per cigar contained in package; and packages of 4 or more sold for no less than \$10.40/package
 2. Increase product costs through non-tax approaches (such as prohibiting coupon redemption or other price discounting).
- **Increase tobacco retailer compliance with age verification to purchase tobacco products.**
 1. Require retailer employee training on youth access laws. This training can be preventative, a consequence or both.
 2. Increase the number of annual compliance checks.
 3. Require re-inspections after failed compliance check(s) and/or FDA violation(s).
 4. For additional costs of administering the compliance checks, increase the licensing fee so the license holder absorbs the costs.
 5. Signage – Require the notice of the legal sales age and age verification requirement be posted at each retail store.
 6. Increase penalties for license violations – this could be done through increased fines; longer suspension terms; suspensions for first, second, third violations.

NEXT STEPS

The BYC also compiled a list of recommendations for the school districts, Hennepin County Public Health, and Minnesota Department of Health to consider in reducing the impact of tobacco on youth in Brooklyn Park.

- **School districts:** Meet and engage with the school boards to inform them on the rising usage rates and concerns about e-cigarettes in schools, increase awareness of tobacco issues and impacts on youth, and boost mental health/well-being services and programs that schools provide to students to reduce tobacco use.
- **Hennepin County Public Health:** Increase awareness in Hennepin County on tobacco issues and impacts on youth and provide support and technical assistance to boosting mental health/well-being services and programs that schools provide to students to reduce tobacco use.
- **Minnesota Department of Health:** Explore state and federal policy approaches on how to decrease youth access to online sales of e-cigarettes.

This project was completed in partnership with Hennepin County Public Health with support from the Statewide Health Improvement Partnership, Minnesota Department of Health.