

# City Council/Manager

**November 12, 2019 – Immediately  
following Election Canvassing Meeting**

Council Conference Room  
Golden Valley City Hall

## REGULAR MEETING AGENDA

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1. Senator Latz and Representative Winkler in attendance – Discussion of 2019 Legislative Priorities	2-25
2. Bassett Creek Trail Discussion	26-33
3. 2020 Pavement Management	34-45
4. Human Rights Commission Discussion - Racially Restrictive Covenants	46-55
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7. Council Review of Future Draft Agendas: City Council November 19, City Council December 3, Housing and Redevelopment Authority Work Session December 10, 2019 and Council/Manager December 10, 2019	65-70

Council/Manager meetings have an informal, discussion-style format and are designed for the Council to obtain background information, consider policy alternatives, and provide general directions to staff. No formal actions are taken at these meetings. The public is invited to attend Council/Manager meetings and listen to the discussion; public participation is allowed by invitation of the City Council.



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# EXECUTIVE SUMMARY

## City Administration

763-593-8006 / 763-593-8109 (fax)

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### Golden Valley Council/Manager Meeting November 12, 2019

#### **Agenda Item**

1. Discussion of 2019 Legislative Priorities

#### **Prepared By**

Tim Cruikshank, City Manager

#### **Summary**

Senator Latz and Representative Winkler will be in attendance to discuss the 2019 Legislative Priorities.

#### **Financial Or Budget Considerations**

Not applicable

#### **Supporting Documents**

- 2019 Legislative Priorities (24 pages)



# 2019 Legislative Priorities



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The City of Golden Valley supports dedicating more resources to all components of the state’s transportation system and ensuring local units of government have access to resources and funding tools to meet growing needs.

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The City of Golden Valley is requesting legislative approval of funds through the Department of Natural Resources (DNR) Flood Damage Reduction Program to implement public improvements within the DeCola Ponds and Medicine Lake Road watershed. These projects would include improvements within the Cities of Crystal, New Hope and Golden Valley and would include flood storage, subwatershed diversion, and runoff rate control projects.

## **4. Support Funding For Local Government Aid..... 6**

The City of Golden Valley supports continued funding of the Local Government Aid (LGA) component to help equalize tax base to ensure needs for public services can be met.

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Because I/I reduction efforts benefit the entire metropolitan area, the City of Golden Valley supports the state providing continued capital assistance for grants to cities as well as financial assistance for private property through future Clean Water Legacy Act appropriations.

## **6. Increase Infrastructure Funding By Modifying Fiscal Disparities Formula..... 8**

The City of Golden Valley supports dedicating more resources to all components of the state’s infrastructure systems and ensuring local government has access to resources and funding tools to meet growing needs. By lowering the Fiscal Disparities contribution tax to 30 percent, metro area cities can use the additional amount of property taxes received to help fund needed infrastructure improvements, especially around their commercial/industrial areas (most of these cities have infrastructure that was built before the early 1960s and needs to be replaced).

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The City of Golden Valley supports additional tools for local communities to develop and preserve affordable and workforce housing.

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Golden Valley supports state programs and incentives for reinvestment in older residential and commercial/industrial buildings, such as, but not limited to, tax credits and/or property tax deferrals.

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*These priorities are supported by the Golden Valley City Council, along with Metro Cities, League of Minnesota Cities, and Regional Council of Mayors policies, and may be used by local officials and staff to advocate for during the Legislative session.*

# 1. Support Funding For Bike And Pedestrian Safety Improvements To State Highway 55

## City Position

The City of Golden Valley seeks funding to improve operations, safety, and mobility at the intersections of Highway 55 and Winnetka Avenue and Highway 55 and Douglas Drive. Future improvements would better accommodate vehicles, pedestrians, transit, etc.

## Issue

Highway 55 passes through Golden Valley from its east to west city limits, creating a barrier between the northern and southern portions of the community. This results in significant delays for motorists crossing the highway at any of the signalized intersections due to long signal timing cycles that focus on moving traffic through the community. This barrier also creates difficult and dangerous conditions for pedestrians and bicyclists who wish to cross the highway.

## Actions

- Advocate for funding from the Minnesota Department of Transportation to study access ways to provide community connectivity across Highway 55 at Winnetka Avenue to mitigate the highway's impact on the community (\$100,000 for planning, \$100,000 for design, \$12 million for construction).
- Advocate for funding of a pedestrian underpass and roadway improvements at Highway 55 and Douglas Drive (County State Aid Highway 102). These improvements will facilitate safe passage by pedestrians between transit stops on the highway and the Perpich Center for Arts Education, and improve bike and pedestrian access to the Luce Line Regional Trail located on the north side of Highway 55 (\$50,000 for design, which is 60 percent complete, and \$6 million for construction).

## Additional Documents (See Appendix 1)

- Hwy 55 & Winnetka Concept (1 page)
- Hwy 55 & Douglas Dr - Proposed (1 page)

## 2. Support Comprehensive Transportation Funding

### City Position

The City of Golden Valley supports dedicating more resources to all components of the state's transportation system and ensuring local units of government have access to resources and funding tools to meet growing needs.

### Issue

A comprehensive transportation system that meets the physical, social, and economic needs of Golden Valley and the state requires adequate funding. This transportation system includes streets, bridges, highways, transit, and multi-modal solutions.

### Actions

- Support language regarding rail liability for the Blue Line Extension light rail transit project. (State Statute 473.4052 Right-of-Way Use; Contracts; Liability. 107.19 Subd. 4. Application. The liability limits under subdivision 2 and the insurance requirements under subdivision 3 apply only for that segment of a light rail transit line or line extension in which the project formally entered the engineering phase of the Federal Transit Administration's "New Starts" capital investment grant program between August 1, 2016 and February 1, 2017.)
- Provide full funding for the Blue Line Extension light rail transit project.
- Establish a sustainable formula to increase transit and transportation funding.
- Advocate for including improvements to US Highway 169 between I-394 and Medicine Lake Road in the MnDOT Capital Improvement Plan.
- Advocate for full funding for Bus Rapid Transit on Highway 55.

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## 3. Continue To Adequately Fund The DNR Flood Damage Reduction Program For Local Projects

### **City Position**

The City of Golden Valley is requesting legislative approval of funds through the Department of Natural Resources (DNR) Flood Damage Reduction Program to implement public improvements within the DeCola Ponds and Medicine Lake Road watershed. These projects would include improvements within the Cities of Crystal, New Hope and Golden Valley and would include flood storage, subwatershed diversion, and runoff rate control projects.

### **Issue**

The City of Golden Valley experiences localized flooding in the Medicine Lake Road and Winnetka Avenue area and flooding from Bassett Creek in numerous locations throughout the community. This flooding causes damages to homes and businesses, and impacts infrastructure and emergency services.

### **Action**

Advocate for continued full funding of the Minnesota DNR Flood Damage Reduction Program, including funding of the Medicine Lake Road and Winnetka Avenue Area Long Term Flood Mitigation Project.

### **Additional Documents (See Appendix 3)**

- Map: DeCola Ponds Flood Mitigation Area (1 page)

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## 4. Support Funding For Local Government Aid

### **City Position**

The City of Golden Valley supports continued funding of the Local Government Aid (LGA) component to help equalize tax base to ensure needs for public services can be met.

### **Issue**

Golden Valley relies on LGA funding to help support public services. Currently no LGA funding has been allocated for Golden Valley. In 2016, Golden Valley received \$252,448 in LGA.

### **Actions**

Advocate for the state to keep pace with inflationary pressures and support funding for the current LGA formula. Golden Valley supports an increase in the LGA appropriation in at least the level provided prior to 2016, as well as restoration of the annual inflation adjustment and ongoing appropriation increases to the LGA formula to move toward funding the total unmet needs of all cities.

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## 5. Support Funding For Metropolitan Council Inflow/Infiltration Grants—Public And Private Improvements

### **City Position**

Because I/I reduction efforts benefit the entire metropolitan area, the City of Golden Valley supports the state providing continued capital assistance for grants to cities as well as financial assistance for private property through future Clean Water Legacy Act appropriations.

### **Issue**

Many metro communities are contributing excess inflow and infiltration of clear water into the regional wastewater system. Excess I/I results in wastewater flows that exceed the capacity of conveyance and treatment systems, resulting in significant environmental and public health issues and excessive costs to upgrade these systems.

### **Action**

Advocate for financial assistance through future Clean Water Legacy appropriations to metro area cities with excess I/I. These resources should include assistance for cities to address I/I contributions from private property.

### **Additional Documents (See Appendix 5)**

- Memo: MCEs I&I Grant Benefits - City of Golden Valley (1 page)

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## 6. Increase Infrastructure Funding By Modifying Fiscal Disparities Formula

### **City Position**

The City of Golden Valley supports dedicating more resources to all components of the state's infrastructure systems and ensuring local government has access to resources and funding tools to meet growing needs. By lowering the Fiscal Disparities contribution tax to 30 percent, metro area cities can use the additional amount of property taxes received to help fund needed infrastructure improvements, especially around their commercial/industrial areas (most of these cities have infrastructure that was built before the early 1960s and needs to be replaced).

### **Issue**

Golden Valley, like most cities in Minnesota and the nation at large, is facing a looming infrastructure crisis. All across the US, aging systems for water supply, sanitary sewer management, storm water and flood control, transportation, etc, are in need of repair and/or replacement. Not only is much of Golden Valley's infrastructure a half a century or more old, but as populations grow, it's taking on service demands it was not built to handle.

### **Actions**

Advocate for modifying the Fiscal Disparities formula so cities can fund needed infrastructure improvements while keeping taxes and utility expenses lower than they inevitably would be if this infrastructure problem is allowed to grow into a full-blown crisis.

# 7. Support Funding For Affordable And Workforce Housing

## City Position

The City of Golden Valley supports additional tools for local communities to develop and preserve affordable and workforce housing.

## Issue

Cities must ensure they provide a full range of housing choices in the community. As cities, businesses, and the overall economy in the Minneapolis–St Paul region continues to grow, the need for housing available to those with low and moderate incomes also grows. Failure to expand housing options will impact the region’s ability to attract talent, grow its economy, and reinvest in itself.

## Actions

Advocate for policy and financial tools that support both the preservation of naturally occurring affordable housing and construction of new affordable housing, including:

- increasing funding for the state’s rental rehab loan fund for naturally occurring affordable housing and including use of the fund in the metro region
- enhancing state programs, policies, and funding allocations to promote and finance the preservation and construction of affordable housing, particularly for assisted, senior, and transitional housing
- modifying TIF statutes to clearly enable pooling of TIF revenue for affordable housing
- establishing a statewide notification requirement for rental properties prior to ownership transfer
- creating incentives for property owners to participate in the Section 8 Housing Choice Voucher Program to increase housing options for low and moderate income earners
- preserving and expanding the state 4d low-income property tax program that provides a property tax benefit to qualifying low-income rental properties

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## 8. Support Tax Incentives For Community Reinvestment

### **City Position**

Golden Valley supports state programs and incentives for reinvestment in older residential and commercial/industrial buildings, such as, but not limited to, tax credits and/or property tax deferrals.

### **Issue**

Golden Valley has aging residential and commercial structures that are in need of repair and reinvestment. Reinvestment prevents neighborhoods from falling into disrepair, revitalizes community, and protects the tax base.

### **Action**

Advocate for state-funded programs that promote reinvestment in communities for residential and commercial/Industrial property owners who make improvements that increase the property's market value.

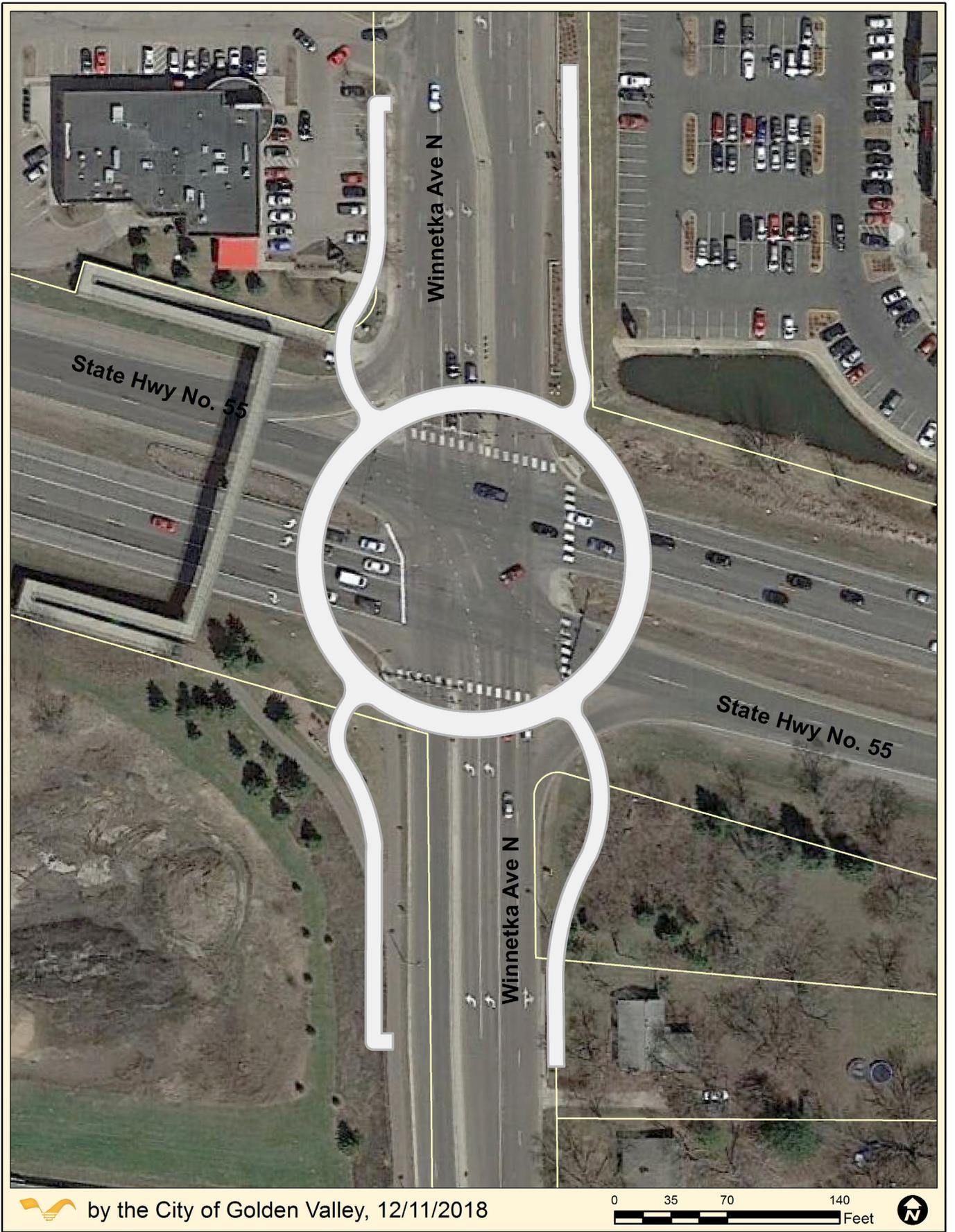


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# Appendix 1. Support Funding For Bike And Pedestrian Safety Improvements To State Highway 55

**Hwy 55 & Winnetka Concepts (1 page)**

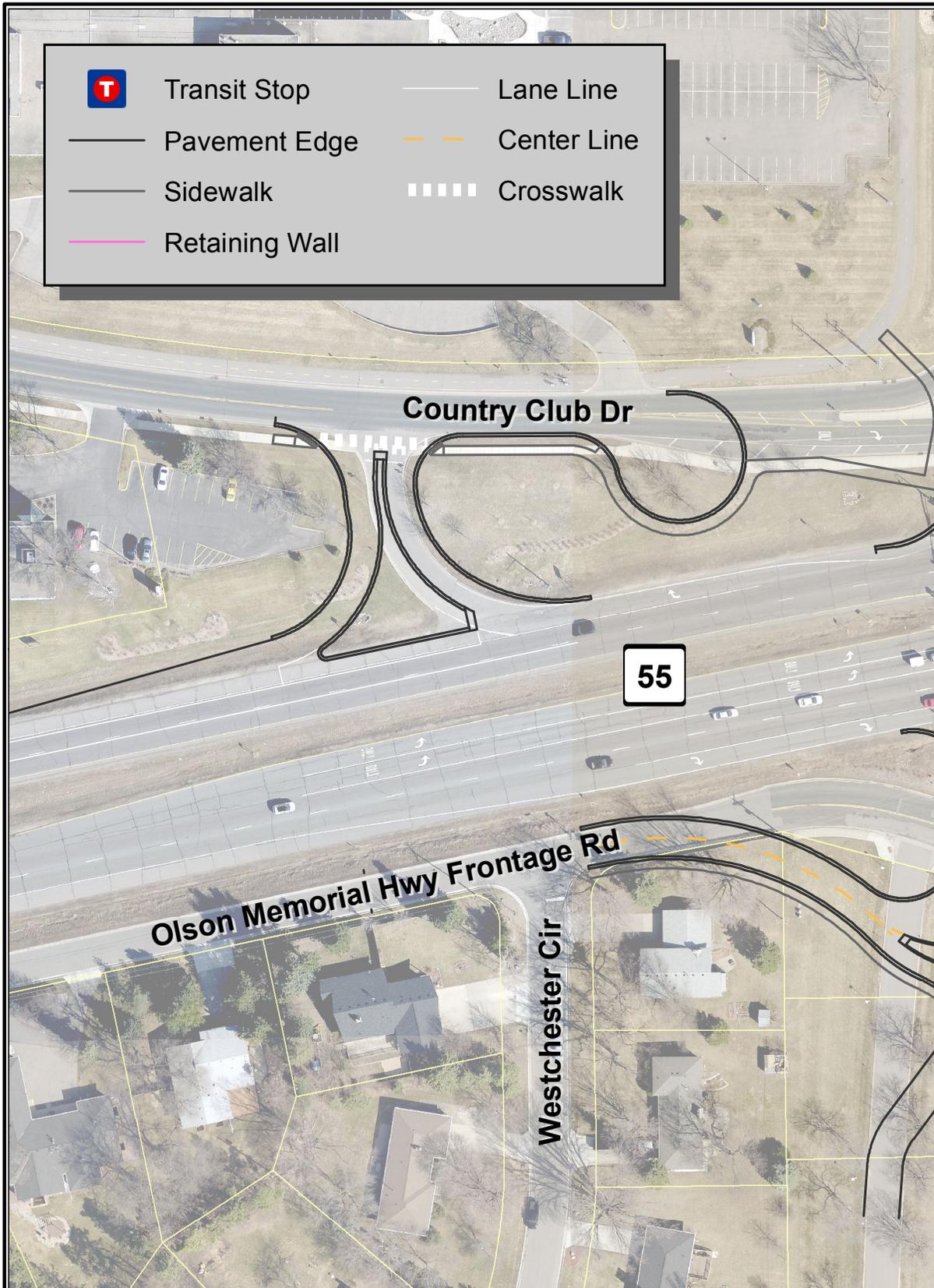
**Hwy 55 & Douglas Dr - Proposed (2 pages)**



 by the City of Golden Valley, 12/11/2018

0 35 70 140 Feet

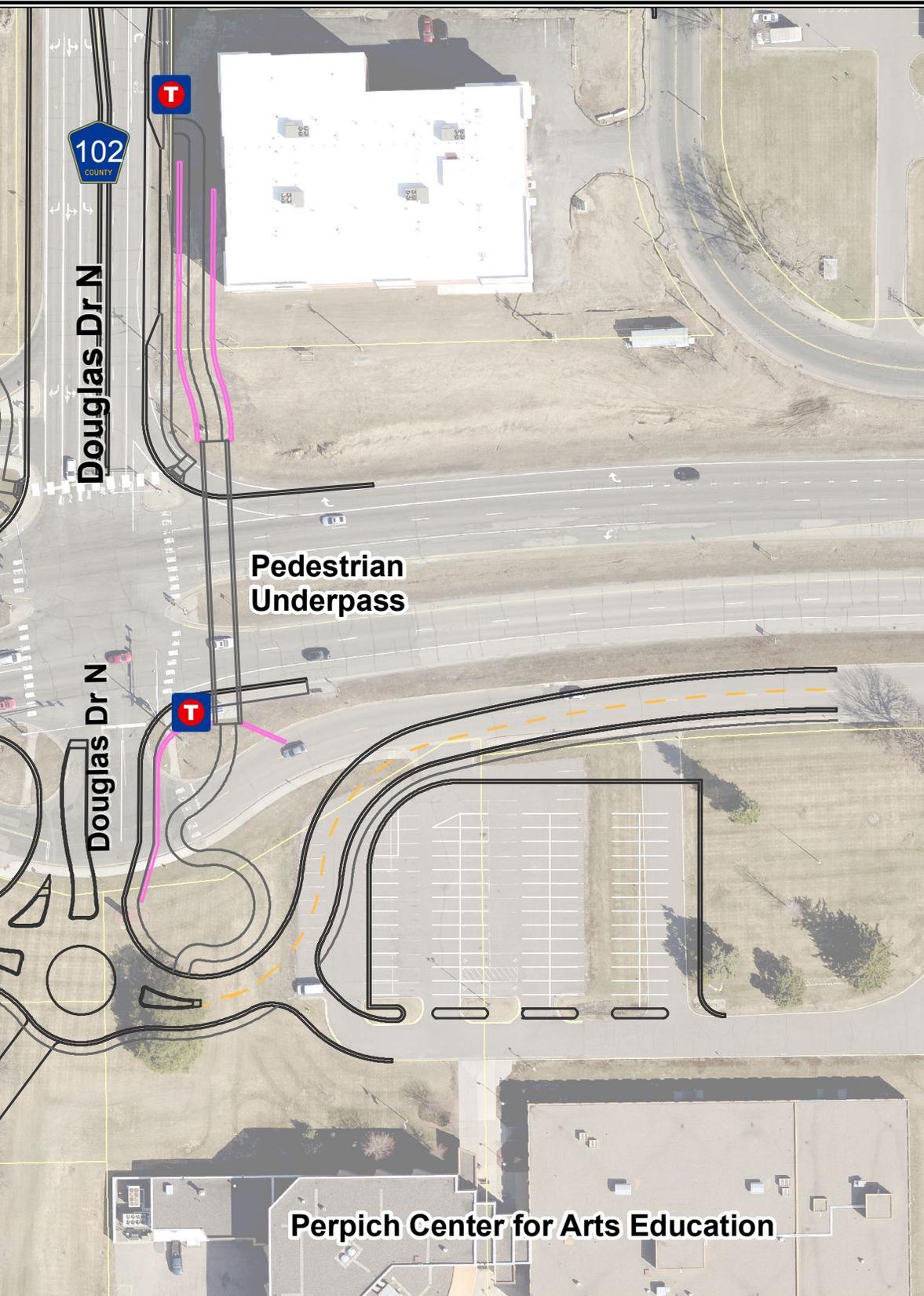




	Transit Stop		Lane Line
	Pavement Edge		Center Line
	Sidewalk		Crosswalk
	Retaining Wall		



**Hwy 55 & Dougl**



# Douglas Dr - Proposed

Sources: *Print Date: 4/1/2016*  
-Hennepin County Surveyors Office for  
Property Lines (2016) & Aerial Photography (2015).  
-City of Golden Valley for all other layers.





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# Appendix 3. Continue To Adequately Fund The DNR Flood Damage Reduction Program For Local Projects

**Map: DeCola Ponds Flood Mitigation Area (2 pages)**

**New Hope**  
**Golden Valley**

**Flood Prone  
Properties**

**Proposed  
Flood  
Storage Area**

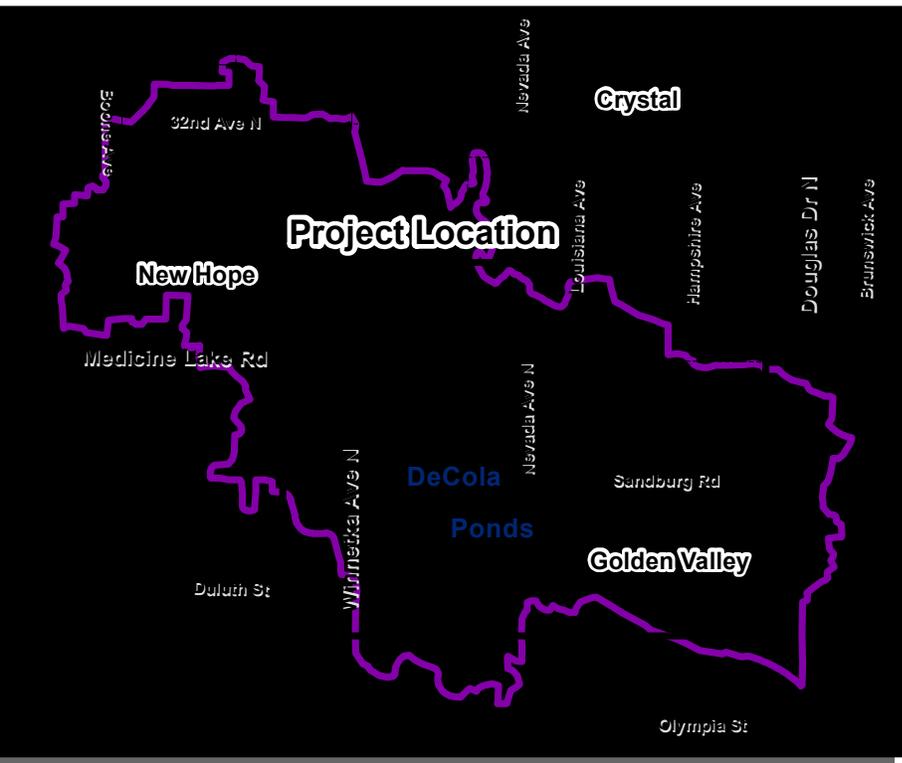
**Proposed Flood  
Storage Area**

**Pennsylvania  
Woods**

**Existing Flood  
Inundation Area**

**Flood  
Prone  
Properties**

**Wildwood  
Park**



## DeCola Ponds, Medicine Lake Road and Winnetka Avenue Long-Term Flood Mitigation Plan

-  100-year Inundation Area
-  Flood Prone Properties
-  Proposed Flood Storage Area
-  Existing Flood Inundation Area
-  Watershed Boundary of Project Area

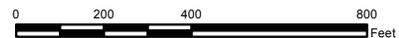
Sandburg  
Ball Field

Isaacson  
Park

Print Date: 1/22/2015

Sources:

- Hennepin County Surveyors Office for aerial photography (2012).
- MnDNR for city boundary lines & road data (2014).
- Barr for 100-year inundation area & watershed boundary of project area (2014).
- City of Golden Valley for all other layers.



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# Appendix 5. Support Funding For Metropolitan Council Inflow/Infiltration Grants—Public And Private Improvements

**Memo: MCES I&I Grant Benefits – City of Golden Valley (1 page)**



# MEMORANDUM

## Physical Development Department

763-593-8030 / 763-593-3988 (fax)

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**Date:** January 28, 2016

**To:** Tim Cruikshank, City Manager

**From:** Jeff Oliver, PE, City Engineer  
R.J. Kakach, EIT, Engineer

**Subject:** MCES I&I Grant Benefits – City of Golden Valley

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The City of Golden Valley has utilized funding from the Metropolitan Council Environmental Services (MCES) Grant Programs to reduce Inflow and Infiltration (I&I) in both the public and private sewer systems over the past several years. The public grants have provided additional funding to allow expanded scopes on projects and decreased timelines on I&I reduction programs. For example, as part of the annual street reconstruction projects, we have been able to increase sewer lining and manhole sealing quantities with the extra grant money that was available. Also, we were able to expedite a five to seven year sanitary sewer manhole cover replacement program into four years with additional funding from MCES.

The 2013-2014 MCES private sewer grant allowed residents to repair their sanitary sewer lateral and be reimbursed by MCES at 33% of the repair cost up to \$2,000. The available funding through this grant was so popular that City staff had to turn away applicants. Nearly 300 properties applied for the grant over the two year period. This reimbursement opportunity from MCES led to an increase in I&I compliance with the City Ordinance. The Ordinance requires all properties to become compliant prior to the sale of a property. This allows the City to gradually reduce I&I in the private system. The grant money attracted interest from properties all over the City, including people who were not selling their home. This extra interest in becoming I&I compliant from the available MCES grant funding helped propel the City forward in their I&I mitigation efforts.

The public and private grants provided by MCES have helped to lower Golden Valley's annual sanitary sewer flows over the past five years. The public grant has allowed for more thorough I&I reduction to be done with street reconstruction projects and I&I mitigation programs whereas the private grant increased interest in becoming compliant with the City's I&I Ordinance. The additional funding from MCES has pushed Golden Valley ahead in their goal to reduce I&I in the sanitary sewer system.





# EXECUTIVE SUMMARY

## Physical Development

763-593-8030 / 763-593-8109 (fax)

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**Golden Valley Council/Manager Meeting  
November 12, 2019**

### **Agenda Item**

2. Bassett Creek Trail Discussion

### **Prepared By**

Marc Nevinski, Physical Development Director

### **Summary**

Three Rivers Park District (TRPD) is proposing to seek federal funding to complete construction of the Bassett Creek Trail, which would be an off-street, multi-use trail along Golden Valley Road from Regent Street to Bonnie Lane. Scoring of a 2018 federal funding application by TRPD was not successful due, in part, to the lack of housing density in this section of the corridor.

TRPD recently convened a meeting with City and County staff to discuss making another application for federal funding in 2020. This application is proposed to include trail improvements from Regent Street west to Douglas Drive and complete 60% design plans for the trail. An analysis by TRPD staff of the 2018 application and grants awarded suggests that including these components in a 2020 application will increase the likelihood of a grant award.

This trail corridor is included on the City's Bike and Pedestrian plan. A feasibility study of the trail corridor was completed in 2014. Additionally, in 2018 Hennepin County Community Works, utilizing a FTA grant as part of the Blue Line Extension project, funded a plan for improvements to the corridor from the Golden Valley Road station to Douglas Drive. Station area plans include the construction of a trail from Bonnie Lane east past Wirth Parkway. The 60% plans proposed to be developed for the corridor will focus on constructing a multi-use trail within existing right of way. TRPD staff will be present to discuss the proposed application and the planning process.

### **Financial Or Budget Considerations**

Completion of 60% design plans and submission of the application for federal funding is proposed to be funded by TRPD. If successful, funding would likely be available in 2024 or 2025. Construction costs are estimated to be \$3.3M and include a 20% (\$660,000) local match from the County and/or City.

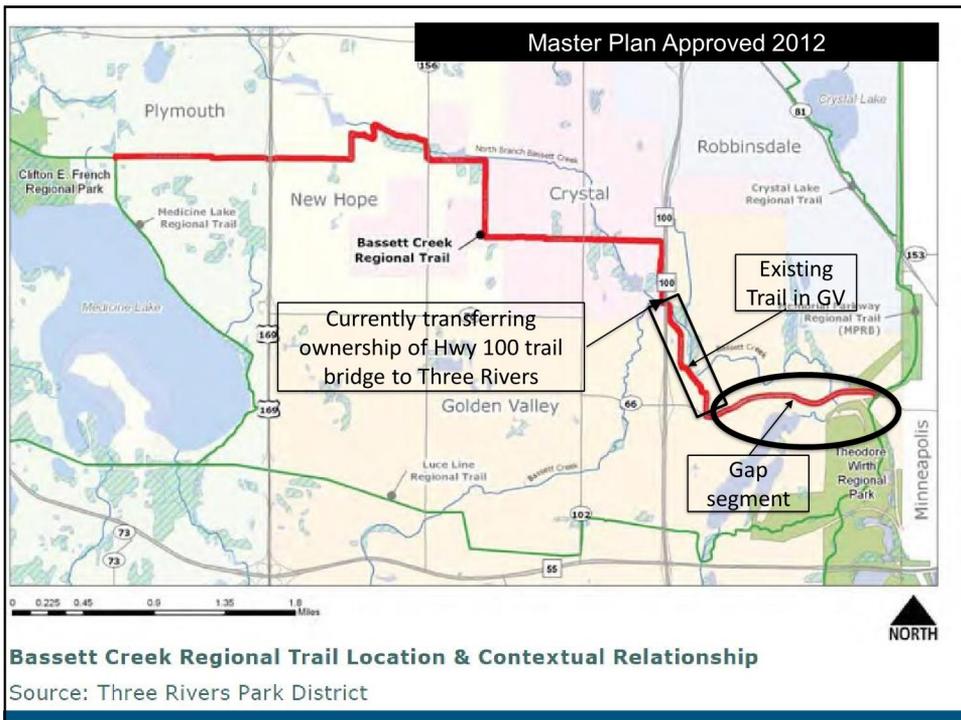
### **Supporting Documents**

- Power Point from Three Rivers Park District (6 pages)
- Golden Valley Bicycle and Pedestrian Plan (1 page)



## Basset Creek Regional Trail

Completing the final segment along Golden Valley Road



**Golden Valley Road:  
North or South side for Trail?**

Study Recommendations:

Trail should be on the south side of GV Road from Regent east to Wirth Pkwy.

Cited reasons:

- Safety
- More road ROW
- Less impacted infrastructure
- Fewer driveway crossings

**Bassett Creek Regional Trail**

CSAH 66/Golden Valley Road Segment  
Feasibility Study  
City of Golden Valley, MN  
May 6, 2014



Since 2014

**BLRT Plans**

- Replace GV Rd bridge
- Trail from Wirth Pkwy to Bonnie Ln



**Hennepin County Bottineau Community Works**

**Project J: Duluth Street and Golden Valley Road**

City of Golden Valley



Duluth Street between Douglas Drive North and Regent Avenue North will serve to create a bicycle connection between the planned Golden Valley Road LRT station and the large employment centers located at Douglas Drive North. Golden Valley Road between Theodore Wirth Parkway and Regent Avenue North serves as Three Rivers Park District's Bassett Creek Regional Trail and is one of the last segments of this regional trail yet to be constructed. Golden Valley Road east of Theodore Wirth Parkway extends a planned bike lane east to Xerxes Avenue North.

Facility Type: Shared-use Path and Bike Lanes  
Project Length: 1.5 miles  
Estimated Cost: \$6,000,000



\*Includes estimated construction costs, design and construction administration (Estimated construction in 2023)

**Three Rivers:**

2018 Federal Transportation Grant Application For Regent to Bonnie Ln segment

- ***Scored slightly below cutoff for funding***

# Goal:

Secure Federal Grant for Regional Trail in 2020 application round  
60 % Design Plan completed prior to Submission next April



LEGEND  
Proposed Bassett Creek Regional Trail Segments  
Proposed Local Trail Segments

Adding Segment 2 is projected to help raise score into funding range

## PROJECT EXTENTS

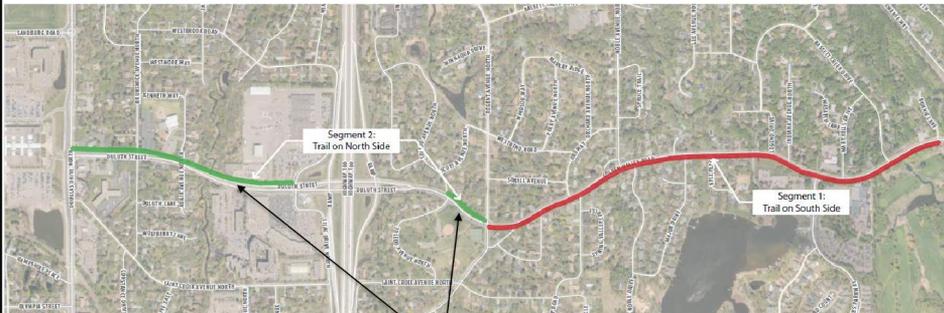
BASSETT CREEK REGIONAL TRAIL 60% DESIGN

October 7, 2019



# Goal:

Secure Federal Grant for Regional Trail in 2020 application round



LEGEND  
Proposed Bassett Creek Regional Trail Segments  
Proposed Local Trail Segments

Securing a Letter of Approval for the 60 % Design from the City and Hennepin County is also needed to raise the score

## PROJECT EXTENTS

BASSETT CREEK REGIONAL TRAIL 60% DESIGN

October 7, 2019



# Goal:

Secure Federal Grant for Regional Trail in 2020 application round



**LEGEND**  
Proposed Bassett Creek Regional Trail Segments  
Proposed Local Trail Segments

- Minimize easements through use of existing ROW (loss of on-road bike lanes, lane width reduction, possible “road-diet”)
- Three Rivers responsible for obtaining any needed easements
- Minimize scope creep to ensure highest possible cost ratio score (project focused on the trail only)

## PROJECT EXTENTS

BASSETT CREEK REGIONAL TRAIL 60% DESIGN

October 7, 2019



# Proposed Community Outreach



**LEGEND**  
Proposed Bassett Creek Regional Trail Segments  
Proposed Local Trail Segments

1. Public open house in mid December
2. Second meeting in late February to review plans to date.
3. City involved in meetings

## PROJECT EXTENTS

BASSETT CREEK REGIONAL TRAIL 60% DESIGN

October 7, 2019

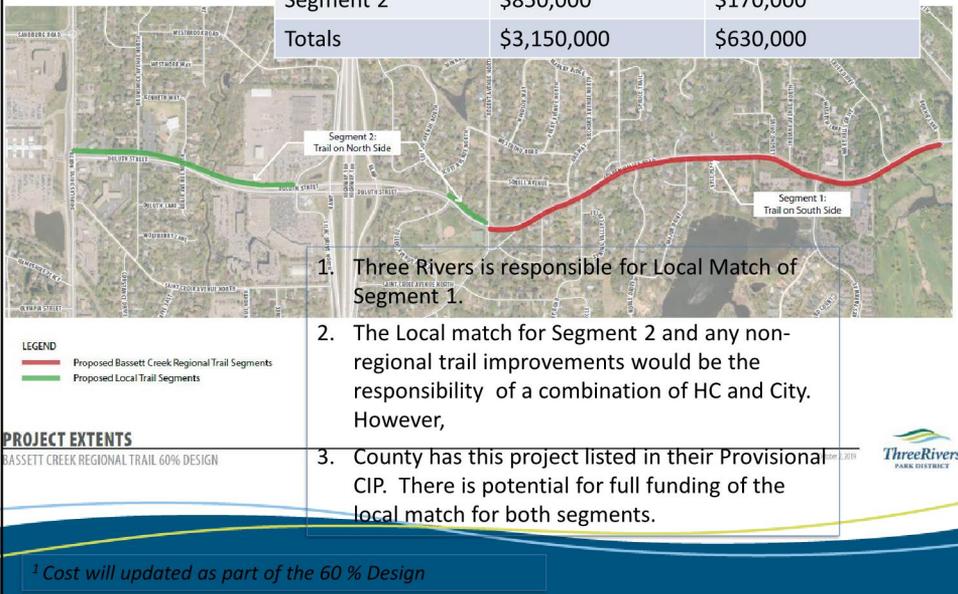


# Timeline



# Funding

Segment	Total Est Cost <sup>1</sup>	Local Match
Segment 1	\$2,300,000	\$460,000
Segment 2	\$850,000	\$170,000
<b>Totals</b>	<b>\$3,150,000</b>	<b>\$630,000</b>



# Questions?



- LEGEND**
- Proposed Bassett Creek Regional Trail Segments
  - Proposed Local Trail Segments

## PROJECT EXTENTS

BASSETT CREEK REGIONAL TRAIL 60% DESIGN

October 7, 2019



# Bicycle & Pedestrian Network

## Existing and Proposed Bikeways and Sidewalks

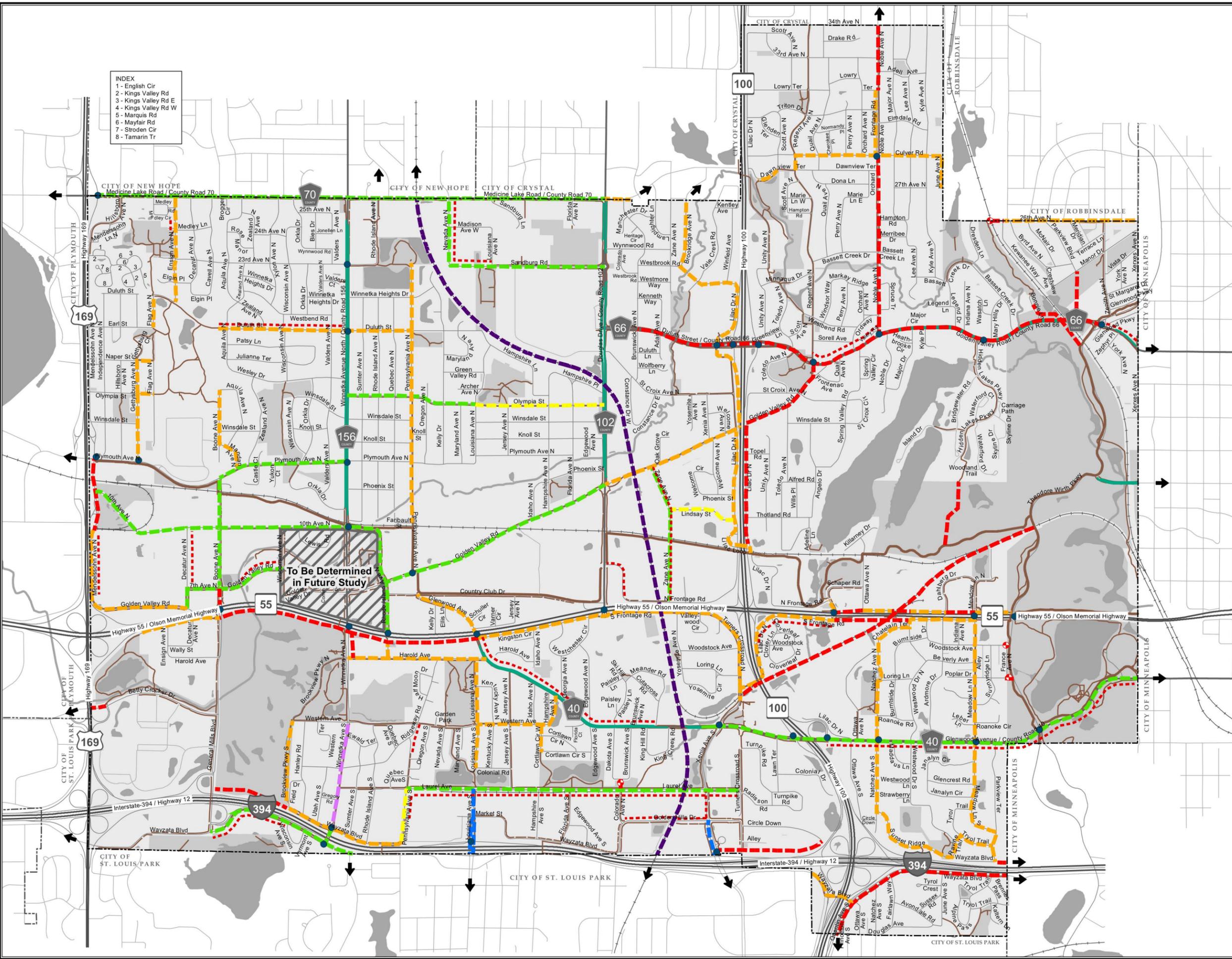
### Existing

- Regional Trail
- Local Trail or Sidewalk
- On-Street Bike Lane

### Proposed

- Protected Bikeway
- Bike Lane
- Enhanced Sharrow
- Signed Bike Route
- Multi-Use Trail
- Regional Multi-Use Trail
- Facility Type TBD
- Sidewalk
- Connection to Trail System in Adjacent City
- Intersection for Potential Crossing Treatments
- Multi-Use Trail Connection
- Future Study Area

INDEX	
1	English Cir
2	Kings Valley Rd
3	Kings Valley Rd E
4	Kings Valley Rd W
5	Marquis Rd
6	Mayfair Rd
7	Stroden Cir
8	Tamarin Tr



To Be Determined in Future Study

Sources:  
 -Hennepin County Surveyors Office for Property Lines (2017).  
 -City of Golden Valley for all other layers (2017).





# EXECUTIVE SUMMARY

## Physical Development

763-593-8030 / 763-593-8109 (fax)

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### Golden Valley Council/Manager Meeting November 12, 2019

#### Agenda Item

#### 3. 2020 Pavement Management

#### Prepared By

Jeff Oliver, PE, City Engineer

RJ Kakach, PE, Assistant City Engineer

#### Summary

The 2020 Pavement Management Project (PMP) consists of the reconstruction of approximately 1.27 miles of residential streets in the northwest corner of the City, generally south of Medicine Lake Road, north of and including a portion of 23<sup>rd</sup> Avenue North, and west of Winnetka Avenue. The project is approaching 60% design and the public hearings are scheduled for early 2020.

Staff would like to discuss two topics regarding the PMP prior to the public hearing for the 2020 project.

#### Street Widths:

During the public participation process for the project, specifically the second open house meeting that was held on October 23<sup>rd</sup>, the issue of street widths was the predominant topic of discussion with the neighborhood.

The Pavement Management Policy (Policy) was first adopted by the City Council in January of 1995, and was most recently amended in January of 2009. Since its adoption, the Policy has included discussion of street width, that stated:

The City will strive to maintain the existing street width and parking arrangements unless there is an over-riding safety reason to change. Variation from existing conditions, including parking and street width, will be considered in the following situations:

1. On Municipal State Aid Streets where MSA standards apply.
2. On collector and local streets where traffic volumes exceed 500 vehicles per day.
3. Where there are existing safety issues.
4. Where maintaining existing street widths and parking conditions create undue hardship on adjacent properties or elsewhere on the project.
5. To avoid environmental impacts such as wetland filling and removal of significant trees.

City streets constructed prior to 1995 generally had an existing width that varied depending upon the presence of concrete curb and gutter. Those with curb and gutter were typically constructed with a 28 to 29 foot wide travelway, measured between the face of the curbs. Those streets without curb and gutter typically had a rolled asphalt berm on the edges and varied significantly in width along the roadway, with an average width of approximately 28 feet. The street width discussion in the Policy was aimed at preserving those street widths to maintain on street parking, provide adequate space on the roadway for vehicles to pass when traveling opposite directions near parked cars, and to provide adequate space for emergency vehicles to maneuver in the same conditions.

The first discussions with the City Council regarding the potential shift in street width philosophy towards narrowing streets occurred at the August 12, 2008 Council/Manager Meeting during discussions regarding the 2009 PMP. As discussed in the attached Executive Summary, estimated costs for the 2009 PMP were over budget and the proposed narrowing of ten streets from 28 feet to 26 feet in width provided a cost savings estimated to be \$138,000. The City Council directed staff to narrow the streets as recommended.

Following the 2008 PMP, narrowing streets was discussed with the City Council numerous times. This included several discussions at Council/Manager meetings, within feasibility reports, and in project presentations at Public Hearings.

During the same general time frame, the Bassett Creek Watershed Management Commission (BCWMC) had adopted its second generation watershed management plan, and the City was in the process of upgrading its comprehensive surface water management plan. Both plans were based upon new rules issued from the Minnesota Pollution Control Agency (MPCA) and the Environmental Protection Agency (EPA). These rules included increased removal of nutrients and sediments from storm water runoff, based primarily on the amount of impervious surface for linear projects, including street reconstruction. In addition, both plans included recommendations to reduce runoff volume to help minimize property damage due to flooding.

Therefore, based upon the emerging water quality requirements, and the overall cost impacts to the PMP, the feasibility reports for PMP projects began including recommendations to narrow streets to the extent practical. The recommendations typically included narrowing streets, with a summary of post PMP street widths as follows:

24 feet wide = 11.14 miles (14.77% of reconstructed streets)  
26 feet wide = 20.30 miles (26.90% of reconstructed streets)  
28 feet wide = 30.79 miles (40.82% of reconstructed streets)

An exhibit outlining the range of reconstructed street widths, the narrowest being 18 feet wide and the widest being 44 feet in width, is attached to this memorandum for reference. The most prevalent width of streets that were reconstructed as part of PMP is 28 feet, as discussed above, this was the width that was "standard" during approximately the first 15 years of the PMP when annual projects were substantially larger, with up to ten miles of street being reconstructed annually. Beginning in 2008 and the more recent years of the PMP have been reconstructed to 26 feet wide.

Economic Impacts of Street Width:

As discussed above, street width impacts the cost of the reconstruction project. As an example, the anticipated street width recommendation for the proposed 2020 PMP is currently to reduce the existing 28 to 29 foot wide streets to 26 feet. If directed by the City Council to reconstruct the 1.27 miles of street at 28 feet in width, the changes would require modifications in the current street, storm sewer and watermain design, with an estimated increase in construction costs of \$204,000.

The PMP is funded in part by special assessments to the 86 benefitting property owners at a rate of \$7,530.00 per residential unit in 2020. The special assessment represents an estimated 20 to 25% of the street reconstruction costs, with a minimum of 20% of the street costs assessed as outlined by State Statute. The proposed assessments for 2020 are based upon the anticipated recommendation of 26 foot wide streets, and do not include costs for 28 foot wide streets.

In addition to the construction cost impacts of reconstructing streets at increased widths, there are additional costs that will be incurred for maintenance of the additional pavement surface. For example, it is estimated that an asphalt mill and overlay of a 28-foot street would cost approximately \$45,000 more than the same project on a 26-foot street per mile.

Landscape Impacts:

Narrowing streets also has a positive effect on impacts to yards, landscaping, driveways, trees and shrubs within a project area. These impacts are associated with the excavation required for street subgrade correction, typically up to four feet below the finished roadway surface, and the need to slope the excavation. As the width of the street increases the excavation also increases, and sloping the sides of the excavation extends further into yards. This is less of an issue where the yards near the street are flat or gently sloping. However, in situations where there are more sloped yards, the impacts to the neighborhood increase. The impacts also increase the project costs with the additional grading and tree and landscape mitigation.

Storm Water:

The current BCWMC and MPCA water quality requirements do not require water quality treatment for linear projects such as street reconstruction until more than one acre of new impervious surface is added with the project. Therefore, water quality treatment for most PMP projects is not required. However, reduction of impervious surfaces such as street pavement does provide water quality and quantity improvements as a benefit to our lakes and streams.

It is estimated that since 2008 there has been a decrease of 5.85 acres of impervious surface within PMP projects due to street narrowing. This narrowing has resulted in an estimated removal of 10.7 pounds of phosphorus, which is the nutrient that causes algae blooms in our waterbodies. For reference, 1 pound of phosphorus can grow up to 500 pounds of algae in a surface water environment. Additionally, there has been an estimated removal of 1900 pounds of Total Suspended Solids (silt, dirt and other water borne solids) within the runoff.

If roads are reconstructed at existing 28-foot width, the current MS4 permit does not require additional stormwater improvement requirements. However, future MS4 permit may require additional storage and treatment if impervious surface is not reduced.

**Traffic Calming:**

Communities are increasingly implementing roadway designs to calm traffic and reduce speed. This includes roadway modifications such as road geometrics, pavement markings, or adjacent landscaping. Roadways narrowing is a common traffic calming tool that is basic, and used widely to impact driver behavior. There are numerous articles that support and provide examples of the use of roadway width, sometimes known as a road diet, to provide traffic calming.

Based on the above discussion, staff is recommending updating the Pavement Management Policy to incorporate the following language regarding street widths and parking:

*The City will construct all local streets to a 26-foot-wide standard, measured from face of curb to face of curb and maintain parking arrangements unless there is an over-riding safety reason to change.*

The policy update also includes some administrative updates and an update on sealcoating, as the City no longer uses that particular pavement treatment.

**Contract Incentives:**

The second issue staff wishes to discuss with the City Council is the possibility of adding completion date incentives to large public improvement projects such as PMP projects. The intent of the incentives is to encourage completion of a project earlier than the time specified in the contract. The incentives can be based upon interim completion dates or for a single completion date. In addition, the incentives must be sufficient to encourage contractor interest, including willingness to prioritize work on the subject contract.

The Minnesota Department of Transportation (MnDOT) includes provisions for contract incentives in its standard specifications, including recommended amounts for daily incentives. The recommended amount for a construction contract in the \$2 to \$5 million range, which is typical for PMP projects, is \$2500 per day. Staff has discussed this topic with other communities in the metropolitan area that offer incentives, for projects of similar size as Golden Valley's, that have interim completion days and a total incentives in the range of \$40,000 to \$75,000.

Staff is still in the process of researching the topic of construction incentives, including the type and amount of the incentives. Staff anticipates that, following direction from the City Council, construction incentives can be incorporated into the 2020 PMP.

Staff is seeking direction on street narrowing via the Pavement Management Policy and the use of contract incentives.

**Financial Or Budget Considerations**

Increasing street width and adding contract incentives may increase project costs by an estimated \$250,000 to \$300,000 for the 2020 PMP. State Statute 429 requires assessments to make up a minimum of 20% of project costs. Adding \$300,000 to the project will reduce the percentage assessments contribute to the project costs to 17% and would increase assessments per parcel from \$7500 to \$8500 to meet the 20% requirement.

**Supporting Documents**

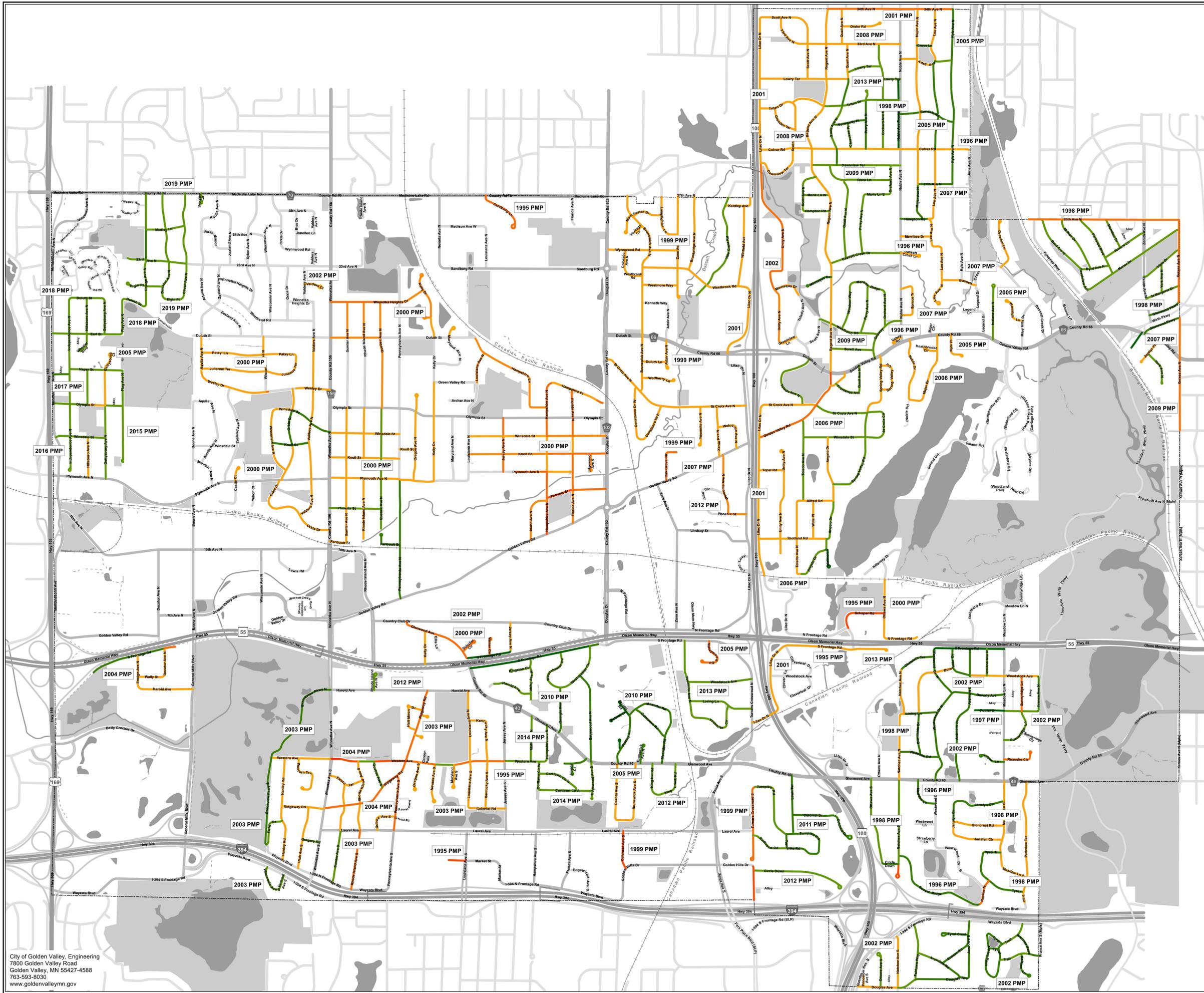
- Pavement Width Map (1 page)
- Draft Updated Pavement Management Policy (6 pages)

## Pavement Widths

Width of Local Streets\*  
Travelway (Face of Curb to Face of Curb)

- 17 - 22'
- 24'
- 26'
- 28'
- 29'
- 30'
- 31 - 38'
- 40 - 45'

Only includes streets reconstructed as part of PMP. streets that were overlaid only during PMP are excluded. Only includes streets with a functional classification of being a local street and are not State Aid streets. Width listed is the face of curb to face of curb width. Parking bays are not counted in this travelway width.



**DRAFT Pavement Management Policy**  
for  
**The City of Golden Valley**  
**January 17, 1995**

Amended October 15, 1996  
Amended December 9, 1997  
Amended June 7, 2005  
Amended January 20, 2009  
**Amended December XX, 2019**

**Purpose**

There are approximately 419.120 miles of street to be maintained within the City of Golden Valley. Of this total, 23.67 miles are designated as Municipal State Aid (MSA) roadways, and the remaining 96.33 miles are local streets. Keeping the street system in good condition is necessary to provide safe and reasonable transportation to the citizens of the City, to maintain property values and to keep the City an attractive and desirable place to live and do business.

The goal of the Pavement Management Policy is to establish a Pavement Management Program (PMP) that systematically evaluates the street network to maximize the pavement lifespan, at minimum long-term cost, by performing the proper rehabilitation measure at the proper time.

**Background**

A properly constructed street can be expected to have an average effective lifespan of 50 to 60 years if proper maintenance measures (crack sealing, sealcoating, and bituminous overlays) are performed at the proper times. Many of the streets in Golden Valley were constructed more than 30 years ago, and did not receive the subgrade corrections that are consistent with today's standards. Many were constructed without removing unsuitable soils from the street subgrade, which causes the street to crack, distort and break up under normal traffic loading. This breakup of the pavement allows moisture into the subgrade, which further accelerates deterioration.

Many of Golden Valley's streets are newer, having been constructed to City standards within the last 20 years. Although the pavement on these streets also exhibits some distress, the Pavement Management Program will include maintenance and rehabilitation of these streets in order to maximize their functional lifespan.

**The Pavement Management Program (PMP)**

The entire street system under the jurisdiction of the City of Golden Valley has been broken into segments which are evaluated by staff and consultants to determine the type of pavement distresses present. Staff then records the severity and extent of each pavement distress as well as the quality of the ride, traffic volumes and structural capacity on each street segment. Using a pavement management computer program, staff analyzes the recorded information and assigns a *Pavement Quality Index* (PQI) to

each street segment. For example, a PQI of 10.0 represents a newly constructed street with little or no distress evident; and a PQI of 2.0 represents a street pavement that has completely failed. The PQI of each street segment is then inventoried, and streets are selected for rehabilitation strategies based on staff opinion and the analysis of the computer software. The goal of the City is to maintain a street system with an average PQI of 6.0 to 7.0. Residential streets shall be designated for an axle loading of 7 ton.

Because streets decay at different rates depending on subgrade and pavement conditions, staff will periodically evaluate the pavement and assign PQIs. Approximately every fifth year, a consulting engineering firm will conduct a complete inventory and evaluation of the street system. This will ensure that the baseline data being used for decision-making is current and that each street in the system receives appropriate rehabilitation measures when the need for maintenance first arises. Rehabilitation measures will include sealcoating, edge and full-width milling and overlays, varying degrees of in-place reclamation, total street reconstruction and other potential methods that may become available as new technology develops.

### **Sealcoating Surface Treatments**

~~Sealcoating Surface Treatments is-are~~ a preventive maintenance measure used to extend the life of a bituminous pavement. ~~Liquid bituminous and aggregate~~ Various asphalt emulsifiers are applied to help seal out moisture, reduce abrasion of the existing surface, increase skid resistance and help prevent older pavements from drying out and prematurely deteriorating. A properly installed sealcoat should last approximately ~~6-3~~ to ~~105~~ years.

Sealcoating Surface Treatments will be applied to those streets in the system that have been constructed to City standards and do not exhibit distresses indicative of poor street subgrade. ~~The sealcoating process will include crack sealing, routine patching and limited repair of concrete curb and gutter.~~

### **Bituminous Milling and Overlay**

Bituminous milling and overlay consists of mechanically removing a portion of the existing bituminous pavement surface, and placing new pavement. After placement of a bituminous overlay, properly timed sealcoating can extend the life of a street for an estimated 20 to 25 years before another overlay is required.

Bituminous overlays will be performed on those streets that have been constructed to City standards and do not have distresses indicative of a poor subgrade. The streets receiving overlays also will be subject to crack sealing, curb repair, and patching before the placement of the overlays.

### **Reconstruction**

Reconstruction is defined as any major rehabilitation involving the removal or relaying of all surface material for a particular segment of street. Reconstruction will be performed on streets that have deteriorated to the point where reconstruction is the only cost-effective method of rehabilitation. Sanitary sewer, water main, and storm sewer systems on streets subject to reconstruction will also be investigated as part of the

PMP. Those utilities that exhibit inadequate capacity, maintenance problems, and do not meet specific state or federal requirements for the utility will be repaired or replaced as part of the street reconstruction project.

#### Construction Standards

The City will ~~strive to maintain the existing street width~~ will construct all local streets to a 26 foot wide standard, measured from face of curb to face of curb and maintain parking arrangements and parking arrangements unless there is an over-riding safety reason to change. Variation from existing conditions, including parking and street width, will be considered in the following situations:

1. On Municipal State Aid streets where MSA standards apply.
2. On collector and local streets where traffic volumes exceed 500 vehicles per day.
3. Where there are existing safety issues.
4. Where maintaining existing street widths and parking conditions create undue hardship on adjacent properties or elsewhere on the project.
5. To avoid environmental impacts such as wetland filling and removal of significant trees.

#### Drainage Improvements

The City will attempt to improve drainage conditions during reconstruction wherever possible and feasible. Drainage improvements for areas outside of public right-of-way will be implemented where feasible and in accordance with the Special Assessment Policy.

#### Landscaping Impacts

The City will endeavor to minimize landscaping disturbances whenever possible, and shall consider reasonable replacements when disturbances are necessary. The Environmental Coordinator shall comment on tree and landscaping impacts due to proposed projects and will include this review in project feasibility reports.

#### Concrete Curb and Gutter

Concrete curb and gutter provides structural support for the edge of the paved roadway, aids in snow removal and facilitates drainage of storm water for water quality treatment and minimizing damage to adjacent properties. Therefore, design of streets subject to reconstruction will include concrete curb and gutter. The City's standard for concrete curb and gutter is the Minnesota Department of Transportation's B-618 design constructed according to industry standards.

Concrete curb and gutter designs other than the City's standard, such as D type, may be considered based upon neighborhood input. In order for alternate styles to be installed, 100 percent of the property owners abutting a street must sign a petition prepared by the Public Works Department requesting the alternate curb style. This petition will state that the City will no longer repair damages to turf, landscaping, sprinkler systems, mailboxes or other items placed within the public right-of-way by property owners resulting from the City's snow and ice control measures.

### Property Owner Involvement

During the preliminary design phase of any reconstruction project, the City will hold open houses for affected property owners. Property owners will be consulted and provided the opportunity to have input in the preliminary project design during the open houses. The City will also endeavor to keep *property owners informed during construction through the use of construction e-newsletters, daily construction notices, targeted correspondence and other means of communication deemed appropriate.*

### Driveway Reconstruction

Pavement Management street reconstruction projects will include an opportunity for residents in the project area to reconstruct their driveways as part of the project. If property owners wish to participate in the driveway reconstruction program the City will prepare an estimate for the work, determine eligibility and liability for participation, determine the indirect costs for the work, prepare a contract and manage reconstruction of the driveway. Following reconstruction the property owner may choose to pay for the driveway reconstruction in one of two methods as outlined in the Special Assessment Policy.

The City of Golden Valley will pay for replacement of the portion of each driveway that is removed due to the street reconstruction with the same material that was removed (asphalt or concrete). If property owners wish to have the driveway reconstructed in a material other than what was removed (install concrete when asphalt was removed) they will be responsible for the cost differential between the materials.

The City reserves the right to reject requests for private driveway reconstruction in situations where the reconstruction requires that the City and/or its contractors must assume a higher degree of liability during construction than a normal driveway, or where the ability to achieve the required quality is not possible. Such situations include excessive or minimal slopes, landscaping impacts, structural impacts or similar conditions. The determination of eligibility to participate in the driveway reconstruction program is at the discretion of the Public Works Department.

### Sanitary Sewer Service Repair

Pavement management street reconstruction projects will include an opportunity for property owners affected by the street reconstruction to reconstruct their private sanitary sewer services. This voluntary program will allow property owners to become compliant with Chapter 3 of Golden Valley City Code, and helps the community reduce the inflow and infiltration of clear water into the sanitary sewer system. If a property owner wishes to participate in the sewer service rehabilitation program, the City will prepare estimates for the work, determine eligibility and liability for participation, determine the indirect costs for the work, prepare a contract and manage the rehabilitation work. Following

completion of the sewer service rehabilitation the property owner may choose to pay for the work as outlined in the Special Assessment Policy.

### Maintenance

The City will perform major maintenance procedures in a timely and cost-effective manner to maintain condition over the life of the street, including overlays and sealcoating. However, streets that need reconstruction also need maintenance measures beyond what is required for streets built to City standards. These maintenance measures must also be performed more frequently on poor quality streets, resulting in an increasing burden on General Fund street maintenance and the need for more taxes to finance them.

Therefore, those streets recommended for reconstruction consistent with the Pavement Management Policy but denied by the City Council because of resident opposition will no longer be subject to maintenance measures beyond those deemed necessary for public safety. Maintenance measures required for public safety will include, but are not limited to, repair of large potholes in the driving lanes and patching of utility openings.

### Sidewalks

The construction of sidewalks will be evaluated for each street in keeping with the goals of the Golden Valley ~~Sidewalk Committee~~sidewalk and bicycle facilities included in the Comprehensive Transportation Plan. Sidewalk construction will be financed by the City.

## **Financing and Special Assessments**

The City of Golden Valley Pavement Management Program is to be financed through the General Fund and general obligation bonds. The bonds will be repaid through tax levies and special assessments. Sealcoating Surface treatments will be financed completely through the General Fund, with no assessments to adjacent properties. Bituminous overlays may be contracted with the reconstruction portion of the program and will be financed through bonding as funding allows. Special assessments will only be levied against those properties adjacent to streets being reconstructed. The amount of the special assessments will be set in the City's annual fee resolution based on the Special Assessment Policy.

## **Typical Project Schedule and Process**

The following schedule and process is typical for a Pavement Management street reconstruction project.

1. City staff makes recommendations to the City Council regarding proposed reconstruction projects for each year. The City Council reviews the recommendations and orders feasibility reports for projects.
2. Preliminary project data gathering, including surveying, soil borings and review of maintenance records is performed.
3. Preliminary project design and public participation occurs.

4. Project design continues with preparation of the feasibility report, and public hearings for project authorization and special assessments are held.
5. Following project authorization the final plans, specifications and contract documents are prepared, the project is bid and a contract is awarded.
6. Project construction occurs begins in the spring and is completed in the fall.



# EXECUTIVE SUMMARY

## City Administration

763-593-8006 / 763-593-8109 (fax)

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### Golden Valley Council/Manager Meeting November 12, 2019

#### **Agenda Item**

4. Human Rights Commission Discussion – Racially Restrictive Covenants

#### **Prepared By**

Kirsten Santelices, Human Resources Director/Human Rights Commission Staff Liaison

#### **Summary**

The Human Rights Commission (HRC) prepared a presentation for the City Council on the topic of racially restrictive covenants. The presentation includes background information on the use of racially restrictive covenants, history of legal landmarks, and a request to add the topic to the HRC's 2019-2020 work plan. The HRC also prepared the attached draft project scope.

#### **Financial Or Budget Considerations**

Not applicable

#### **Supporting Documents**

- Presentation on Racially Restrictive Covenants (8 pages)
- Draft Project Scope (1 page)

# Racially Restrictive Covenants

Council/Manager Meeting

November 12, 2019

# What are Racially Restrictive Covenants?

- **Racially restrictive covenants** refer to contractual agreements that prohibit the purchase, lease, or occupation of a piece of property by a particular group of people.

For example:

F. - No persons of any race other than the Caucasian race shall use or occupy any building or any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant.

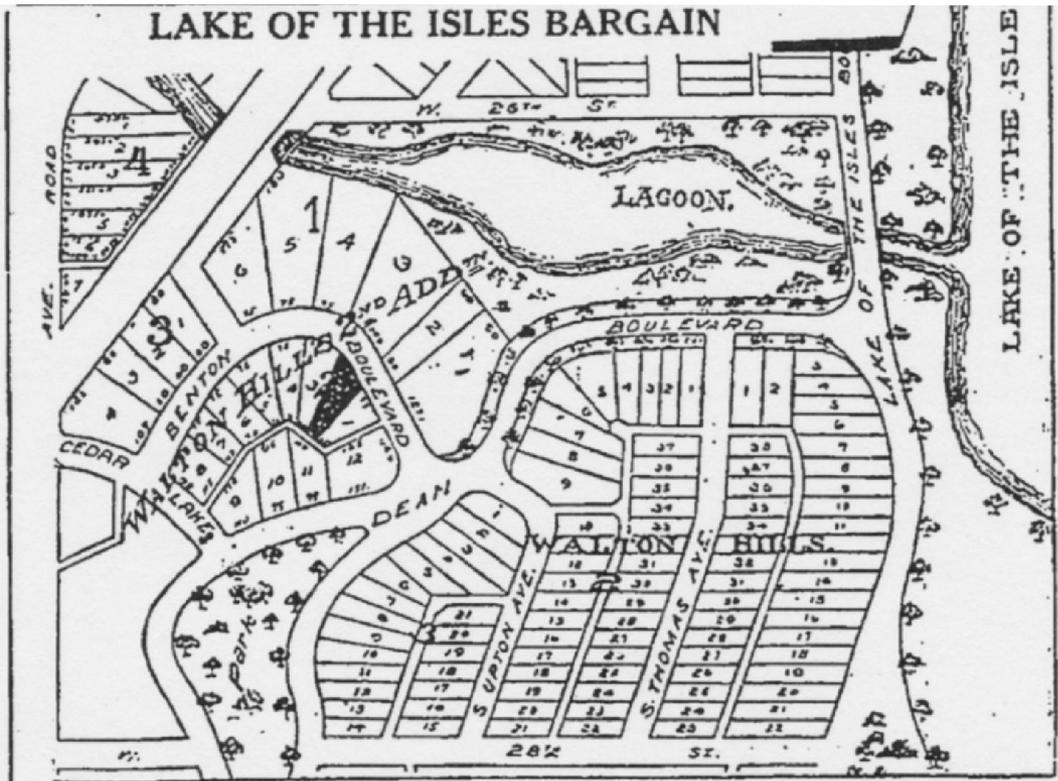
# History of racially restrictive covenants

- Evolved in response to the 1917 court ruling (*Buchanan v. Warley*) that declared municipally mandated racial zoning unconstitutional.
- Encouraged by federal government's practice of "redlining" in its underwriting of federally funded home loans.
- Became so socially acceptable that in "1937 a leading magazine of nationwide circulation awarded 10 communities a 'shield of honor' for an umbrella of restrictions against the 'wrong kind of people.'
- The practice was so widespread that by 1940, 80% of property in Chicago and Los Angeles carried restrictive covenants barring black families.

# Local use of Covenants

Racially Restrictive Covenants were widespread in Minneapolis and its surrounding suburbs, including Golden Valley.

<https://www.mappingprejudice.org/index.html>



A fellow cannot interest the dollar without using dollar instincts, and this lot is purposely slashed in price to attract the dollar. The map shows you where it is and what it looks at. The lot has curb and gutter, stone sidewalk, city water, gas and electricity. It is a beautiful lot, high and commanding, with a frontage of 75 feet and a depth of 140 feet. Mr. Stiff lives next door, at 2815 Benton boulevard.

Old price \$4,000. Today's discount \$1,250. New price **\$2,750**. Terms, \$750 down, balance on or before 3 years; 6% interest.

I appeal to the instincts of those about to marry. Isn't this the most remarkable offering you ever heard of. Restrictions—

The party of the second part hereby agrees that the premises hereby conveyed shall not at any time be conveyed, mortgaged or leased to any person or persons of Chinese, Japanese, Moorish, Turkish, Negro, Mongolian, Semetic or African blood or descent. Said restrictions and covenants shall run with the land and any breach of any or either thereof shall work a forfeiture of title, which may be enforced by re-entry.

## Lake Street Frontage

# Important Legal Milestones

- 1940s: NAACP launched a sustained legal campaign against covenants.
- 1948: U.S. Supreme Court rules covenants are unenforceable in the landmark case *Shelley v. Kramer*.
- 1953: Minnesota Legislature prohibited the use of racial restrictions in real estate documents.
- 1968: Federal Fair Housing Act made racially restrictive covenants explicitly illegal.
- 2019: Minnesota Legislature passed law allowing property owners to reject racially restrictive covenants (Minn. Stat. § 507.18).

# Why covenants matter today

- Covenants divided our community by race. These residential segregation patterns persist today. And this physical segregation undergirds our contemporary racial disparities.
- "While the covenants are there, there is still room for people to think that although it cannot be legally enforced it is nonetheless a promise that they are morally obligated to keep. And that's an argument in my view for removing them." Evan McKenzie, professor of political science at the University of Illinois at Chicago
- Advocates for the removal of racially restrictive covenants reason that the restrictions, even if illegal, provide justification for subtle racism.

# Discharging restrictive covenants under Minn. Stat. § 507.18

- “The owner of any interest in real property may record the statutory form...in the office of the county recorder of any county where the real property is located to discharge and release a restrictive covenant related to a protected class permanently from the title.”
- Hennepin County provides instructions:  
<https://www.hennepin.us/residents/property/real-estate-recording-information>

# What can the HRC do?

- Share information about racially restrictive covenants with the community.
- Tell people about the opportunity to reject racially restrictive covenants on their deeds.
- Make it easy for Golden Valley property owners to reject these covenants. Needs include:
  - ▣ Title research
  - ▣ Document preparation and recording
- Document progress.

## **Racially Restrictive Covenants Project Scope**

- I. Educate the public
  - Topics:
    - What is a Racially Restrictive Covenant?
    - What was the impact of these covenants?
    - History of Law changes with these covenants
  
- II. Provide Information about Discharging Covenants under Minn. Stat. 507.18
  - How to determine whether your property has a restrictive covenant (title research)
    - What are the two kinds of titles?
    - How can I find my title?
  
  - What is the process for discharging a restrictive covenant?
    - What is the process for Torrens?
    - What is the process for abstract?
    - Barriers/Obstacles – How to overcome
  
- III. Foster continued conversation
  - Dedicate resources to breaking down barriers to renouncing covenants (title research and filing/recording barriers)
  - Community conversation regarding what the lasting effects of redlining are in our community
  - Community conversation about how to combat the lasting effects of redlining in our community
  - Volunteer opportunities to deal with lasting effects of redlining in our community
  - Collaborate with other organizations to facilitate additional conversations and action (school district, library, Hennepin County real estate services, recorder's office, examiner's office)

### **Partnership Considerations**

- Mapping Prejudice
- City of Robbinsdale HRC
- Hennepin County Library
- Golden Valley Social Justice Book Club
- MN Home Ownership Center

### **Additional Resources and Ideas**

- Real Estate – Record Ease terminals at County libraries?
- Filing fees lower?
- Accountability partners to include persons of color
- Ability to get formal public input – hold some sort of open forum? Do an online survey?
- Jim Crow of the North: <https://www.tpt.org/minnesota-experience/video/jim-crow-of-the-north-stijws/>
- Race the Power of an Illusion: [https://www.pbs.org/race/000\\_General/000\\_00-Home.htm](https://www.pbs.org/race/000_General/000_00-Home.htm)
- Create a process to document discharged covenants in Golden Valley



# EXECUTIVE SUMMARY

## City Administration

763-593-8006 / 763-593-8109 (fax)

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### Golden Valley Council/Manager Meeting November 12, 2019

#### **Agenda Item**

5. Human Rights Commission Discussion – Conversion Therapy Ban

#### **Prepared By**

Kirsten Santelices, Human Resources Director/Human Rights Commission Staff Liaison

#### **Summary**

The Human Rights Commission (HRC) prepared a presentation for the City Council on the topic of conversion therapy ban. The HRC has discussed the topic and the steps other cities have taken (samples attached). HRC members will share an overview of the topic and make a recommendation to Council to add researching “Conversion Therapy Ban” to consider as part of the Council’s 2020 goal-setting process.

#### **Financial Or Budget Considerations**

Not applicable

#### **Supporting Documents**

- Outfront Minnesota Mental Health Protections Fact Sheet (2 pages)
- Denver, Co Conversion Therapy Ban Ordinance (4 pages)
- Minneapolis Star Tribune Article – Superior, WI Conversion Therapy Ban (1 page)

## Understanding the Need for Mental Health Protections

### CONVERSION THERAPY IS DANGEROUS

“Conversion therapy,” often referred to as “reparative therapy,” “ex-gay therapy,” or “sexual orientation change efforts,” includes a range of dangerous and discredited practices aimed at changing a person’s sexual orientation, or efforts to change a person’s gender identity or expression. These harmful practices are based on the false claim that being Lesbian, Gay, Bisexual, Transgender, or Queer (LGBTQ) is a mental illness that should be cured. Unfortunately, LGBTQ people may be coerced and subjected to these harmful practices, which put Minnesotans at risk for serious harms such as depression, substance abuse, and suicide.

### CONVERSION THERAPY IS NOT AN ACCEPTED MEDICAL PRACTICE

Conversion therapy has been denounced by every mainstream medical and mental health association, including the American Medical Association, American Psychological Association, and the American Academy of Pediatrics.

#### The American Psychological Association:

“[The APA] advises parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder...”

#### The American Medical Association:

“Our AMA...opposes, the use of ‘reparative’ or ‘conversion’ therapy that is based upon the assumption that homosexuality per se is a mental disorder or based upon the a priori assumption that the patient should change his/her homosexual orientation.”

#### The American Academy of Pediatrics

“Confusion about sexual orientation is not unusual during adolescence. Counseling may be helpful for young people who are uncertain about their sexual orientation or for those who are uncertain about how to express their sexuality and might profit from an attempt at clarification through a counseling or psychotherapeutic initiative. Therapy directed specifically at changing sexual orientation is contraindicated, since it can provoke guilt and anxiety while having little or no potential for achieving changes in orientation.”

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*OutFront Minnesota’s mission is to create a state where lesbian, gay, bisexual, transgender, and queer people are free to be who they are, love who they love, and live without fear of violence, harassment or discrimination. **For more than 30 years we have led the way toward LGBTQ equity.***

## Mental Health Protections Act (H.F. 12 and S.F. 83)

### THIS BILL WILL PROTECT LGBTQ Minnesotans FROM HARMFUL CONVERSION THERAPY

The Mental Health Protections Act will protect LGBTQ people from dangerous and discredited practices aimed at changing one's sexual orientation, including efforts to change gender identity or expression. This bill will prevent mental health care providers in Minnesota from practicing conversion therapy. This legislation will:

- Protect Minnesotans from being coerced into treatments which are ineffective and which lead to depression, decreased self-esteem, substance abuse, self-harm and suicide.
- Prevent parents from being taken advantage of by deceptive agents of the conversion therapy industry.
- Help ensure that LGBTQ people receive mental health care that is ethical, affirming, and culturally competent.
- Does NOT affect religious or individual prayer practices.
- Restrictions only apply for paid services rendered.

While we cannot know the precise number of those who have been subjected to these practices in Minnesota, we know of multiple cases of LGBTQ people experiencing attempts to change their identity within our state.

As of November, 2018, 14 states, the District of Columbia and 70 cities nationwide have restricted this harmful practice. Minnesota has the chance to continue leading on LGBTQ rights by passing the Mental Health Protections Act.

### CONTACT

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Policy & Legislative Affairs  
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emma@outfront.org

**BE BOLD, FRONT.**

*OutFront Minnesota's mission is to create a state where lesbian, gay, bisexual, transgender, and queer people are free to be who they are, love who they love, and live without fear of violence, harassment or discrimination. **For more than 30 years we have led the way toward LGBTQ equity.***

# Tour of the Denver, CO municipal conversion “therapy” ban

## ARTICLE IX. - PROHIBITION OF CONVERSION THERAPY

### Sec. 28-254. - Findings.

Medical, mental health, and child welfare experts have denounced conversion therapy or reparative therapy as ineffective, unreliable and unsafe for the people, including LGBTQ minors, who undergo such treatment. Conversion therapies or reparative therapies are based on the discredited premise that being LGBTQ is a mental disorder that can be cured or corrected. LGBTQ people must be free from ineffective and fraudulent conversion treatments that cause harm to mental health and wellbeing. Based on the foregoing, and due to the serious and dangerous harms caused to minors subjected to conversion therapy or reparative therapy, the city council finds and declares that a compelling interest exists in protecting the health and psychological well-being of minors by protecting them, including LGBTQ minors, from conversion therapy in the city and by limiting the risk of serious harm to LGBTQ minors caused by the exposure to conversion therapy.

(Ord. No. 1508-18, § 1, 1-7-19)

### Sec. 28-255. - Purpose.

This article is an exercise of police power of the city for the public safety, health, and welfare; and its provisions shall be liberally construed to accomplish that purpose. The purpose of this article is to protect the health and well-being LGBTQ minors from being exposed to the serious harms caused by conversion therapy and to provide a method of enforcement exclusively through administrative citations for non-criminal violations.

(Ord. No. 1508-18, § 1, 1-7-19)

### Sec. 28-256. - Definitions.

The following words and terms when used in this article shall have the following meanings:

- (a) *Agency* means the agency for human rights and community partnerships.
- (b) *Director* means the agency's duly appointed executive director or the director's designee.
- (c) *Conversion therapy* or *reparative therapy* means any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include counseling that provides support and assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual orientation or gender identity.
- (d) *Sexual orientation* means a component of identity that includes a person's sexual and emotional attraction to another person and the behavior and/or social affiliation that may result from this attraction. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities. Individuals may identify as lesbian, gay, heterosexual, bisexual, queer, pansexual, or asexual, among others.
- (e) *Gender identity* means a person's sense of oneself as a man, woman, or something else. When a person's gender identity or gender expression and sex assigned at birth are not congruent, the individual may identify along the transgender spectrum.

It's great to add findings because it shows why the ban is needed and why a

- (f) *Gender expression* means a person's expression of gender identity through appearance and behavior including how an individual believes that he or she is perceived by others.
- (g) *Minor* means any person under eighteen (18) years of age.
- (h) *Provider* means any licensed medical or mental health professional including but not limited to licensed mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, and social worker associates, and any physicians, psychologists, psychotherapist, certified chemical dependency professionals, certified chemical dependency professional trainees, counselors, certified counselors, and certified advisers.

(Ord. No. 1508-18, § 1, 1-7-19)

Sec. 28-257. - Prohibited practices.

- (a) It shall be unlawful for any provider to provide conversion therapy or reparative therapy to a minor, regardless of whether the provider receives compensation in exchange for such services.
- (b) Any violation of subsection (a) of this section is hereby declared to be a non-criminal violation, and upon an admission or finding or judgment of guilt or liability by default or otherwise, the violator shall be subject to the following maximum penalties:
  - (1) First violation: One hundred fifty dollars (\$150.00).
  - (2) Second violation: Five hundred dollars (\$500.00).
  - (3) Third and each subsequent violation: Nine hundred ninety-nine dollars (\$999.00).

(Ord. No. 1508-18, § 1, 1-7-19)

Sec. 28-258. - Powers and duties.

The powers and duties of the agency are to:

- (a) Perform all tasks and responsibilities necessary and proper to enforce and carry out the provisions and purposes of this article.
- (b) Receive, investigate, and make determinations on complaints of violations of this article.
- (c) Prescribe and furnish all forms in conformity with the purposes of this article and containing the information required by the provisions this article.
- (d) Adopt and enforce such rules and regulations as it deems necessary and proper for the administration and enforcement of this article.

(Ord. No. 1508-18, § 1, 1-7-19)

Sec. 28-259. - Enforcement; administrative citations.

- (a) *Complaints.* Complaints of violations may be filed with, and on forms prescribed by, the director containing the following information and any additional information the director may prescribe by rules and regulations:
  - (1) The name and address of the provider responsible for the violation;
  - (2) The date and approximate time of the violation;
  - (3) The address or location where the violation was observed;

- (4) A statement setting forth the facts supporting the charge of violation;
  - (5) The name and address of the person reporting the violation, as well as the name and address of the involved minor; and
  - (6) A declaration that the information on the complaint of violation is accurate and truthful made under penalty of perjury under the laws of the State of Colorado.
- (b) *Incomplete complaints.* The director shall review each complaint for completeness. If the director deems any complaint filed under this section to be incomplete, the director shall accept such complaint on a conditional basis and shall notify the complaining party by mail, telephone, or email with respect to any deficiencies found. If the deficiencies are not corrected within the time frame reasonably established by the director, the director will dismiss the complaint and not send any notice to the respondent provider.
- (c) *Investigation and notices:* If the director deems a complaint to be complete, the director shall investigate the violations alleged and issue an:
- (1) *Advisory letter.* After the director has completed the investigation, the director may, as the director deems appropriate, issue an advisory letter notifying the provider that provision of conversion therapy and reparative therapy is prohibited and immediate compliance is required, and explaining the applicable enforcement procedures and monetary penalties under this article for violations; or
  - (2) *Administrative citation.* If the director determines the provider has violated section 28-256, the director may issue an administrative citation in accordance with article XII of chapter 2 of this code, including a determination of the amount of the penalty imposed for the violation, and any implementing rules and regulations adopted by the agency.
- (d) *Response to administrative citation.* A provider must respond to the administrative citation by:
- (1) Paying the amount of the monetary penalty specified in the administrative citation, in which case the record shall show a finding that the person cited committed the violation; or
  - (2) Appealing the citation and seeking an administrative hearing in accordance with section 2-286 of article XII of chapter 2. Notwithstanding anything to the contrary in article XII of chapter 2, the issues to be decided at the hearing shall be limited to those that are raised in writing in the response to the citation and that are within the jurisdiction of the administrative hearing officer appointed by the director to hear the appeal.
- (e) *Definitions.*
- (1) *Enforcement officials.* The director is the "enforcement official" who may issue an administrative citation in accordance with this article, article XII of chapter 2 of this Code, and any implementing regulations.
  - (2) *Responsible party.* A provider identified in an administrative citation is a "responsible party" subject to enforcement and administrative penalties under this article, article XII of chapter 2 of this Code, and any implementing regulations.

(Ord. No. 1508-18, § 1, 1-7-19)

Sec. 28-260. - Confidentiality; records.

Except in accordance with a judicial order or as otherwise provided by law, the director, and those working under the director's supervision, shall not divulge the name, address, or other identifying information of the person reporting the violation or the involved minor. Notwithstanding anything to the contrary, any authorized agent of the city, including the city auditor or the auditor's representative, has the right to access and the right to examine any pertinent records collected under this program. Complaints, completed forms, responses, and other documentation furnished to or prepared by the agency shall be preserved until final disposition of the charge.

(Ord. No. 1508-18, § 1, 1-7-19)

Sec. 28-261. - Severability.

If any part, term, or provision of this article is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights, obligations and enforcement of this article shall be continued in full force and effect as if the article did not contain the particular part, term, or provision held to be invalid.

(Ord. No. 1508-18, § 1, 1-7-19)

Minneapolis Star Tribune  
8/23/19

## Superior bans conversion therapy

It joins 7 other Wisconsin cities banning the practice.

By BROOKS JOHNSON  
brooks.johnson@startribune.com

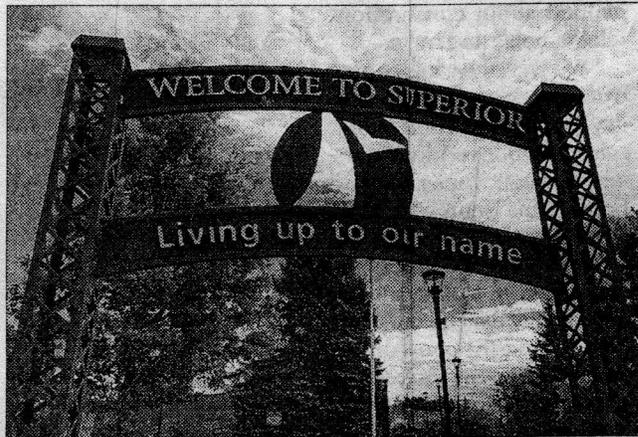
SUPERIOR, WIS. - Frustrated at statehouses around the country, LGBT advocates are increasingly looking to local governments to outlaw a practice they see as dehumanizing and dangerous.

Superior became the eighth Wisconsin city to ban gay conversion therapy when the City Council passed the measure unanimously on Tuesday.

"Conversion therapy is absolutely wrong. It's not just an unethical practice; it's child abuse, it's torture of children," Mayor Jim Paine told the Star Tribune on Thursday. "It has happened in Superior and it could happen in Superior again."

No Minnesota cities have banned the practice — which seeks to change someone's sexual orientation or identity — though several are considering bans in the wake of the Minnesota Legislature's stalled effort to enact one this spring.

"We have been in discussions with several cities to look at putting forward local ordinances in Minnesota," said Jacob Thomas, spokesman for OutFront Minnesota. "We know that conversion therapy is harmful, we know it's happening in Minnesota



BROOKS JOHNSON • Star Tribune  
Superior, Wis., officials have banned gay conversion therapy.

and across the country, and it has been discounted by every major medical association."

Duluth City Council President Noah Hobbs said he's asked stakeholders to help craft an ordinance, though it could be some time before the council takes it up.

"We're certainly exploring it, but we're in very early stages," he said.

In Superior, many community members spoke out in support of the ban.

Justin Hager told the council that he was encouraged to seek conversion therapy while in high school.

"I've earned the right to exist in a world where I don't get told I am not worthy," he said.

Anyone who practices conversion therapy in the city on those younger than 18 can now

be fined up to \$1,000, though the ban excludes conversations between a "pastor and a parishioner."

Superior follows Milwaukee, Eau Claire, Sheboygan and other cities in banning conversion therapy. Many of the ordinances were adopted in the past year.

Advocates want bans imposed at the state or even federal level, but as with issues such as the minimum wage, local governments are taking the lead.

"We can't stand by and wait for Madison," said Superior City Council Member Jenny Van Sickle, who co-sponsored the ordinance. "We are more than pothole warriors. Compassion and education belong in local politics."

Brooks Johnson • 612-673-4229



# EXECUTIVE SUMMARY

## Physical Development

763-593-8030 / 763-593-8109 (fax)

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**Golden Valley Council/Manager Meeting  
November 12, 2019**

### **Agenda Item**

6. Review Council Chambers Remodeling Plans

### **Prepared By**

Marc Nevinski, Physical Development Director

### **Summary**

Staff will review the plans for the Council Chambers remodeling project.

### **Financial Or Budget Considerations**

Funding for this project is included in the 2019 - 2023 CIP (B-036). \$50,000 is budgeted for 2019 and \$350,000 is budgeted for 2020. \$200,000 is budgeted for replacement of AV equipment (C-001).

## City Council

### REGULAR MEETING AGENDA

November 19, 2019 – 6:30 pm  
Council Chambers  
Golden Valley City Hall  
7800 Golden Valley Road

**1. Call to Order**

- A. Pledge of Allegiance
- B. Roll Call

**Pages**

**2. Additions and Corrections to Agenda**

**3. Consent Agenda**

Approval of Consent Agenda - All items listed under this heading are considered to be routine by the City Council and will be enacted by one motion. There will be no discussion of these items unless a Council Member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

- A. Approval of Minutes:
  - 1. City Council Meeting – October 15 and November 6, 2019
- B. Approval of City Check Register
- C. Licenses:
  - 1.
- D. Minutes of Boards and Commissions:
  - 1. Human Rights Commission – August 27 and September 24, 2019
  - 2. Open Space & Recreation Commission – September 23, 2019
  - 3. Basset Creek Watershed Management Commission – September 19, 2019
- E. Bids and Quotes:
  - 1.
- F. Set 2020 Council Meeting Dates
- G. Amendment to Organization Structure
- H. 2019 Budget amendment - Staff
- I. 2021 Pavement Management Program:
  - 1. Authorize Feasibility Study
  - 2. Authorize Professional Services Agreement
  - 3. Approve Resolution regarding the Financing of the Project
- J. Approve MHFA Capacity Building Grant Agreement
- K. Funding Agreement for the Toward Zero Death Grant Program 19-
- L. Approve Accepting Donations and Grants-Minnesota Government Finance Officers Association 19-

**4. Public Hearing**

- A. Public Hearing – CUP – Borton Volvo



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



**5. Old Business**

**6. New Business**

All Ordinances listed under this heading are eligible for public input.

- A. Second Consideration - Ordinance 673 and 674 - Regulating Solid Waste Collection and Solid Waste
- B. Minor PUD Amendment – Globus PUD #112
- C. Review of Council Calendar
- D. Mayor and Council Communications
  - 1. Other Committee/Meeting updates

**7. Adjournment**

DRAFT

# City Council

## REGULAR MEETING AGENDA

December 3, 2019 – 6:30 pm

Council Chambers  
Golden Valley City Hall  
7800 Golden Valley Road

### 1. Call to Order

- A. Pledge of Allegiance
- B. Roll Call
- C. Receipt of Human Services Commission 2020 Allocation Report

Pages

### 2. Additions and Corrections to Agenda

### 3. Consent Agenda

Approval of Consent Agenda - All items listed under this heading are considered to be routine by the City Council and will be enacted by one motion. There will be no discussion of these items unless a Council Member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

- A. Approval of Minutes:
  - 1. City Council Meeting – November 19, 2019
- B. Approval of City Check Register
- C. Licenses:
  - 1.
- D. Minutes of Boards and Commissions:
  - 1.
- E. Bids and Quotes:
  - 1. Award City Campus Cleaning Contract
  - 2. Award Brookview Cleaning Contract
  - 3. Award DeCola Ponds B&C Restoration Contract
  - 4. Award Comp Study Consultant
- F. Adoption of 2020-2021 Budget for Enterprise, Special Revenue and Internal Services Funds 19-
- G. Approval of 2020-2029 Capital Improvement Program 19-
- H. Approve Three Rivers Park TH 100 Ped Bridge Agreement
- I. Approve TH 100 Pedestrian Bridge Termination Agreement
- J. Authorize Partners in Energy Application with Xcel Energy

### 4. Public Hearing

- A. Public Hearing – Adoption of 2020-2021 General Fund Budget and Property Tax Levies for Taxes Payable 2020 19- and 19-

### 5. Old Business



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**6. New Business**

All Ordinances listed under this heading are eligible for public input.

- A. Review of Council Calendar
- B. Mayor and Council Communications
  - 1. Other Committee/Meeting updates

**7. Adjournment**

DRAFT

# Housing & Redevelopment Authority

December 10, 2019 – 6:30 pm  
Council Conference Room  
Golden Valley City Hall  
7800 Golden Valley Road

## WORK SESSION AGENDA

### Pages

1. HRA Strategic Housing Plan
2. Adjournment

DRAFT



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# City Council/Manager

**December 10, 2019 – Immediately  
following HRA Work Session**  
Council Conference Room  
Golden Valley City Hall

## REGULAR MEETING AGENDA

### Pages

1. Highway 55 BRT Discussion
2. Downtown Study Discussion
3. Facilities Study Discussion
4. Annual Employee Handbook Updates
5. Council Review of Future Draft Agendas: City Council December 17, 2019, City Council January 7, and Council/Manager January 14, 2020

Council/Manager meetings have an informal, discussion-style format and are designed for the Council to obtain background information, consider policy alternatives, and provide general directions to staff. No formal actions are taken at these meetings. The public is invited to attend Council/Manager meetings and listen to the discussion; public participation is allowed by invitation of the City Council.



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