

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Zikar Holdings LLC, Jameel Ahmed, and
Faraaz Mohammed,

Plaintiffs,

v.

Michael Ruhland, in his individual capacity,
Christopher Lyden, in his individual capacity,
and City of Lino Lakes, Minnesota,

Defendants.

Case No. 24-cv-3721

COMPLAINT

Plaintiffs Zikar Holdings LLC, Jameel Ahmed, and Faraaz Mohammed for their Complaint against Defendants Michael Ruhland, Christopher Lyden, and the City of Lino Lakes, Minnesota, state and allege as follows:

INTRODUCTION

1. Councilmembers Michael Ruhland, Christopher Lyden, and other members of Lino Lakes' City Council do not want Muslims in their City. The Council, and its members, have made a series of obviously discriminatory statements and official decisions in furtherance of that unlawful and unconstitutional purpose.

2. Plaintiffs have applied to build a mixed-use residential and commercial development in Lino Lakes on land that is now a sod farm. Their project is in perfect alignment with the City's Comprehensive Plan, which calls for mixed residential and commercial development of this property, in this decade (2020-2030).

3. When a previous developer proposed a non-conforming, residential-only development on the same property two years ago, the City Council promptly gave it a

greenlight. After that project fell through, Plaintiffs approached the City and applied to develop the same property.

4. Plaintiffs proposed development is an even better match for the City's objective criteria. *But* Plaintiffs also hope to build a masjid (mosque) as part of their development. And many in Lino Lakes, including a majority of the City Council, do not want a neighborhood that would attract Muslims or their place of worship.

5. Immediately after word of Plaintiffs' plans spread through Lino Lakes, an organized opposition bombarded the City Council with comments. The opposition's leader, Luke Walters, summarized their position at a March 25 City Council meeting:

If you are choosing to live near your religious building, it goes to say that you're probably on the more fervent side of religious. You're probably a bit more conservative. So when [Plaintiffs] talk about welcoming, I'm sure that would be [Plaintiffs'] intent, but human nature is such that [non-Muslim] people would not want to necessarily buy a home and insert themselves into a community where they feel they're going to have conservative religious [Muslim] neighbors. You start to think about would they be comfortable with certain modes of dress, alcohol, all kinds of lifestyle choices that you take for granted in mixed communities, you would wonder how people would necessarily feel welcome.

6. Instead of fairly considering the merits of Plaintiffs' application, the City Council adopted a pretextual moratorium prohibiting essential components of Plaintiffs' development only in the corner of the City where Plaintiffs planned to build. Plaintiffs' was the only pending land-use application impacted by the moratorium.

7. During their deliberations, a majority of City Council members expressly tied their votes on the moratorium to Plaintiffs and their Muslim faith, including:

8. Mayor Rob Rafferty who echoed Walter's comment and explained he was voting for the moratorium because "Lino Lakes is about establishing neighborhoods, not communities. Communities separate themselves. We are about neighborhoods."

9. Defendant Ruhland had initially proposed the moratorium for an obviously pretextual reason. He later abandoned this reason for a new pretextual reason supposedly unrelated to Plaintiffs. However, when he spoke before voting, Ruhland repeatedly insulted Plaintiffs and the Council on American-Islamic Relations ("CAIR"), while weaving an obviously false narrative and accusing Plaintiffs and CAIR of raising "inaccurate," "unfounded and shameful," "shameful," "lying," and "slander[ous]" concerns about the moratorium. Ruhland had previously explained that he thought of the idea for a moratorium because a video about Plaintiffs' development was "going viral" in the community.

10. Before voting, Defendant Lyden suggested his vote for the moratorium was because he disliked the accents of people who supported Plaintiffs, because Plaintiffs or CAIR lacked "character," and because CAIR's website talks "about creating mutual understandings ... but they make no mention of the October 7th attack on Israel."

11. A few weeks later, when Defendant Lyden was copied on an email replete with anti-Muslim animus, including "DON'T BELIEVE THE LYING MUSLIMS" and "Good luck halting the Muslim conquest of Minnesota!" Lyden replied from his official City email, stating that this was "Maybe the best email I have ever received!"

12. Plaintiffs thus are unable to move forward with their proposed development because of an obviously discriminatory, unlawful, and unconstitutional moratorium. They have no choice but to come to this Court for redress.

THE PARTIES

13. Plaintiff Jameel Ahmed (“**Ahmed**”) is an individual resident of Blaine, Minnesota. He is also a Muslim.

14. Plaintiff Faraaz Mohammed (“**Mohammed**”) is an individual resident of Blaine, Minnesota. He is also a Muslim.

15. Zikar Holdings LLC (“**Zikar**”) is a Minnesota Limited Liability Company formed in December 2023 by Ahmed and Mohammed.

16. Zikar’s offices are in Blaine, Minnesota. Ahmed and Mohammed are the member-owners of Zikar.

17. Defendant City of Lino Lakes (“**Lino Lakes**” or the “**City**”) is a Minnesota home rule charter city located in Anoka County, Minnesota.

18. Defendant Michael Ruhland (“**Ruhland**”) is an individual resident of Lino Lakes. While he is a member of Lino Lakes City Council, he is sued as an individual.

19. Defendant Christopher Lyden (“**Lyden**”) is an individual resident of Lino Lakes. While he is a member of Lino Lakes City Council, he is sued as an individual.

JURISDICTION AND VENUE

20. This Court has personal jurisdiction over Lino Lakes as a city within the state of Minnesota.

21. The Court has subject matter jurisdiction over this case under 28 U.S.C. § 1331, as this action arises under (1) the First and Fourteenth Amendments to the United States Constitution; (2) 28 U.S.C. § 1343(a)(3), as it is brought to redress deprivations, under color of state law, of rights, privileges, and immunities secured by the United

States Constitution; (3) 28 U.S.C. § 1343(a)(4), as it seeks to recover damages and secure equitable relief under Acts of Congress, specifically Title VIII of the Civil Rights Act of 1968, a.k.a. the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*, (the “FHA”), the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. § 2000cc, *et seq.*; and (4) 42 U.S.C. § 1983, which provides a cause of action for the protection of civil rights; under 42 U.S.C. § 1988(b), as it seeks an award of attorneys’ fees; under 28 U.S.C. § 2201(a), as it seeks to secure declaratory relief; and under 28 U.S.C. § 2202, as it seeks to secure permanent injunctive relief and damages.

22. Venue is proper in the United States District Court for the District of Minnesota under 28 U.S.C. § 1391(b), as all or a substantial part of the events giving rise to the claims occurred within the District.

The Robinson Property, Relevant City Regulations, and Potential Development of the Robinson Property in 2022

23. The Robinson sod farm property (the “Robinson Property”) abuts the Western boundary of Lino Lakes in its Northwest quarter and consists of four parcels with Anoka County Property Identification numbers (“PIDs”) 07-31-22-22-0001, 07-31-22-21-0001, 07-31-22-12-0001, and 07-31-22-13-0001.

24. In November 2020, the City adopted its 2040 Comprehensive Plan. The plan constitutes the primary land use control for the City.

25. The Comprehensive Plan guides the Robinson Property’s multiple parcels as Low, Medium, and High Density Residential, and Planned Residential/Commercial.

26. Through the Comprehensive Plan's "Utility Staging Plan," the City planned where future development should occur that would "not negatively impact natural features of the community." The City planned for future water supply and wastewater infrastructure needs from planned development.

27. The Comprehensive Plan states that "All development must be located within the current 10-year staging area unless a Comprehensive Plan amendment is approved that redefines the current 10-year staging area." The Robinson Property's parcels are within the plan's 10-year staging area.

28. The Comprehensive Plan referenced the Robinson Property and parcels on the North side of Main Street owned by members of the Robinson family as the "Robinson Farm and Main Street site." The Comprehensive Plan stated that this site or portions of this site should be developed with an "80/20 percent mix of residential and commercial" and required "commercial development in at least one quadrant."

29. The Comprehensive Plan also stated that a "Master Plan for the Main Street Corridor between Sunset Avenue and 4th Avenue *should* be completed," (emphasis added) but does not require a master plan for development to occur, nor does it explain what would be different in a master plan as compared to the *Comprehensive Plan*.

30. Under Minnesota's Metropolitan Land Planning Act ("MLPA"), Lino Lakes Comprehensive Plan constitutes the primary land use control for the City and supersedes all other municipal regulations if the regulations are in conflict with the plan.

31. The City's Zoning Code is set forth at Lino Lakes, Minn. Code §§ 1007.00-1007.151 (hereinafter, the "**Zoning Ordinance**").

32. The Robinson Property's parcels are zoned Rural. The MLPA requires the property's zoning to be consistent with the Comprehensive Plan's guidance.

33. In December 2021, Integrate Properties, LLC ("IPL") submitted a Planned United Development ("PUD") Concept Plan application to the City regarding development of the Robinson Property.

34. IPL's PUD Concept Plan application proposed construction of 707 housing units on the Robinson Property, including: 263 single family homes (of various lot sizes), 164 townhomes; and 280 apartments in 14, 20-unit buildings.

35. While one of the Robinson Property's parcels was and is guided Planned Residential/Commercial, a district designed to include both housing and "opportunities for neighborhood scale retail, service and office uses," IPL did not propose any such commercial uses.

36. City staff, members of the City's Planning & Zoning Board, and the City Council¹ reviewed IPL's PUD Concept Plan consistent with the Zoning Ordinance.

37. IPL's PUD Concept Plan did not propose construction of a masjid.

38. When City staff and City Officials reviewed IPL's PUD Concept Plan application, they had not formed beliefs regarding the religion of the future residents of IPL's proposed development.

39. City Officials reviewed IPL's PUD Concept Plan application promptly and according to the normal timeline for such review.

¹ In this Complaint, the phrase "City Officials" shall be used to generally refer to elected or appointed members of City boards and councils, including, without limitation, members of the City Council and of the City's Planning & Zoning Board.

40. In advance of the City’s Planning & Zoning Board’s review of IPL’s PUD Concept Plan, City staff provided a memo that requested “feedback from the Planning & Zoning Board,” including on “Should a Master Plan for the Main Street Corridor between Sunset Avenue and 4th Avenue be required?”

41. Minutes of the Planning & Zoning Board meeting at which IPL’s PUD Concept Plan was reviewed reference member comments such as “the concept plan does not include any amenities for the City to use,” “would like to see more trails and less 50 ft. wide lots,” and “would like the applicant to incorporate a park component into the concept.” Minutes do not reference any comments regarding a Master Plan.

42. The City Council reviewed IPL’s PUD Concept Plan application on February 7, 2022, just 56 days after it was submitted to the City on December 13, 2021.

43. In advance of the City Council’s review of IPL’s PUD Concept Plan, City staff provided a memo that requested “feedback from the City Council,” including on the question of “Should a Master Plan for the Main Street Corridor between Sunset Avenue and 4th Avenue be required?”

44. Minutes of the work session at which IPL’s PUD Concept Plan was reviewed reference Councilmember comments including, “if the commercial element isn’t included in a south of Main Street project, it would have to be included when the area north of Main is developed,” “prefer to see the commercial included because there’s no guarantee the north will develop,” and “wonders if creativity is necessary,” among others.

45. Neither the Planning & Zoning Board nor the City Council suggested that a Master Plan must be completed before IPL’s proposed PUD could be considered or ap-

proved. In fact, minutes do not memorialize any comments from the City Council about the Master Plan in reference to IPL's proposed development.

46. Neither the Planning & Zoning Board nor the City Council suggested that the City should consider or adopt an interim ordinance or moratorium that would have impacted development of the Robinson Property or the City.

47. During the City's consideration of the IPL development, neither the Planning & Zoning Board nor the City Council suggested or discussed that the City should consider or adopt an interim ordinance or moratorium that would have impacted development of the Robinson Property or the City. In fact, the City's record in the IPL development matter contains no reference to an interim ordinance or moratorium.

48. On October 10, 2022, the City Council considered and adopted Resolution No. 22-125 regarding an Environmental Assessment Worksheet ("EAW") prepared by the City as the Responsible Government Unit ("RGU") and IPL's proposed development of the Robinson Property.

49. The resolution adopted by the City Council found that the EAW supported the City's finding that IPL's proposed "project does not have the potential for significant environmental effects" and the City concluded that a "Negative Declaration" on the IPL EAW, meaning an Environmental Impact Statement ("EIS") was not needed or required for the proposed IPL development to move forward.

50. IPL did not move forward with its proposed development of the Robinson Property and the property became available to other prospective purchasers.

**ZIKAR'S RELIGIOUS MISSION AND
THE MADINAH LAKES DEVELOPMENT**

51. Ahmed and Mohammed worship at the Blaine Masjid, 12175 Aberdeen Stret NE, Blaine, MN 55449.

52. The Blaine Masjid has insufficient capacity for worshipers and its services are regularly crowded.

53. Other masjids in Minnesota have two or three services on Fridays. The Blaine Masjid has four Friday services.

54. The Blaine Masjid has insufficient space for parking. The City of Blaine has raised concerns regarding parking for the Masjid.

55. Ahmed and Mohammed believe that Muslims should be able to walk to worship at their masjid.

56. Islamic Hadiths teach that Muslims should walk to their masjid and that they receive spiritual blessings for doing so.

57. Ahmed and Mohammed were aware of a new housing development that was constructed adjacent to a masjid. The housing development allowed worshipers to live near and walk to the masjid. Living nearby also helped to build a sense of community among worshippers.

58. Ahmed and Mohammed recognized the benefits of this development concept and the potential benefits to their religious community. They realized that they could practice their faith and serve their religious community by pursuing a similar project in Minnesota.

59. In 2023, Ahmed and Mohammed began looking for a property to purchase for a development that would include both a masjid and housing where worshipers and others could live.

60. Because one of their goals was to help eliminate the overcrowding and provide a better facility for worshipers at the Blaine masjid, Ahmed and Mohammed began looking for property that they could purchase in and around the City of Blaine.

61. Ahmed and Mohammed became aware that the Robinson Property might be available because IPL's proposed development had not been built.

62. In December 2023, Ahmed and Mohammed formed Zikar Holdings LLC, as a Minnesota limited liability company.

63. "Zikar" is an anglicized form of the Urdu word "zikh," which means "remembering," "commemoration," or "to mention." Muslims use the word to describe a form of Islamic worship, Ahmed and Mohammed chose the name because their company is both a business and a means to exercise their faith.

64. Ahmed and Mohammed began to plan the development that came to be known as "Madinah Lakes." They chose this name because "Madinah" is a reference to the city in Saudi Arabia (also spelled Medina), which is one of the most sacred cities to Muslims. This part of the name is a reference to the masjid, the Muslim component of the proposed development. "Lakes" is a reference to Minnesota and Lino Lakes, and the fact that Zikar's planned development is open to all Minnesotans.

65. While Ahmed, Mohammed, and Zikar hoped to build a masjid as part of the Madinah Lakes development to benefit Muslims and practice their faith, they are not qualified and do not intend to operate the masjid.

66. Plaintiffs plan and have always planned that housing in Madinah Lakes would be available to anyone, regardless of religion or any other characteristic protected by law.

67. The Blaine Masjid and others in Minnesota are operated by the Muslim American Society of Minnesota (“MAS-MN”).

68. Ahmed and Mohammed discussed Zikar’s proposed Madinah Lakes development with MAS-MN. MAS-MN was excited about the potential for a new masjid.

69. Zikar and MAS-MN agreed that if the Madinah Lakes development was completed, Zikar would construct the masjid at Plaintiffs’ expense and that Zikar would lease the masjid and property to MAS-MN for \$1. MAS-MN agreed to help promote the Madinah Lakes project to potential residents.

70. If Madinah Lakes is built, Ahmed and Mohammed intend to live in the development and they intend to worship at the masjid built there.

71. In March 2024, Zikar agreed to buy the Robinson Property from its owners, contingent on obtaining any necessary City or other government approvals for Zikar’s proposed development among other potential contingencies. The parties executed a written purchase agreement in April 2024 memorializing their agreed terms.

72. As it planned for the potential Madinah Lakes development, Zikar engaged architectural, engineering, and other necessary and helpful consultants.

73. On March 7, 2024, Ahmed, Mohammed, and Zikar's consultants met with Lino Lakes City Planner Katie Larsen and Community Development Director, Michael Grochala at Lino Lakes City offices. They discussed Zikar's planned PUD Concept Plan application for the Madinah Lakes development.

74. In this meeting, Planner Larsen and Director Grochala provided suggestions regarding Zikar's planned PUD Concept Plan application. Neither Larsen nor Grochala raised any significant concerns and, instead, provided helpful comments.

75. On March 17, Zikar posted a video on its website via YouTube regarding the potential Madinah Lakes development. The video was intended to generate interest in the project among prospective residents.

**DISCRIMINATORY OPPOSITION TO MADINAH LAKES
AND COUNCILMEMBERS DISCRIMINATORY RESPONSE**

76. Zikar did not believe the Madinah Lakes video would be controversial. However, as the video and the news about a masjid potentially being built in Lino Lakes quickly spread among Lino Lakes residents, many expressed negative views about a potential masjid being built in Lino Lakes and about Muslims, generally.

77. Lino Lakes resident Luke Walter quickly became a vocal opponent of Madinah Lakes and the planned masjid. Walter organized opposition to the development.

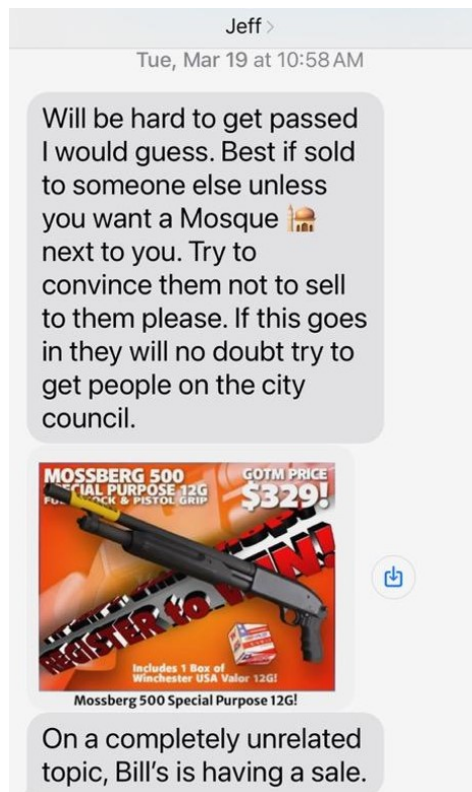
78. Walter created a group and private Facebook page titled "LoveLinoLakes" to oppose Madinah Lakes.

79. By March 18, City staff and City Council members were inundated with phone calls and emails from opponents of Madinah Lakes.

80. Many of those who contacted the City and City Council members communicated negative and hateful messages regarding Muslims, generally, and about the potential that Muslims might move to Lino Lakes because of the Madinah Lakes development.

81. Local officials joined in this negativity.

82. Anoka County Commissioner Jeff Reinert is the most recent former Mayor of Lino Lakes and a political ally of current City Mayor Rafferty and Defendant Ruhland. Commissioner Reinert sent a series of text messages to a Lino Lakes resident on March 18 and 19 attempting to gather information about Madinah Lakes. These texts ended with the following messages sent by Reinert in which he commented on the likelihood the City would approve Madinah Lakes and suggested the resident should purchase guns:



83. On March 19, members of Lino Lakes City Council toured a Pulte Homes development in another city. During this tour, Councilmembers discussed Zikar's video and negative comments they received from non-Muslim Lino Lakes residents about Madinah Lakes.

84. Pulte had expressed general interest in developing a 55+ senior community just north of the Robinson Property in Lino Lakes. However, Pulte had not, and has not, submitted any application nor has Pulte acquired land for its potential project.

85. On March 20, Mohammed received a cryptic email from City Planner Larsen asking him to call. When they spoke, Larsen explained that there was an uproar in the Community about Zikar's video. Larsen suggests that Mohammed should attend the March 25 City Council Meeting to address the uproar during the public comment period.

86. On this call, Larsen also confirmed that Zikar, its consultant, and City Staff would be meeting on March 22 about Zikar's planned application.

87. On March 22, Ahmed, Mohammed, and Zikar's consultant met again with Planner Larsen and Director Grochala to discuss Madinah Lakes PUD Concept Plan application. At this meeting, City staff reiterated Larsen's earlier suggestion that Zikar should discuss Madinah Lakes at the Council meeting on March 25 due to negativity spreading in the community.

88. On March 25 at or about 12:25 PM, Defendant Ruhland completed an online form to schedule a new agenda item for the City Council's April 1 Work Session regarding "a moratorium on residential development" He marked the item's "Urgency Level" as "High (next work session)."

89. The information Defendant Ruhland provided on March 25 explained that he was proposing a development moratorium because he was “concerned about [Lino Lake]’s water infrastructure” due to “a ton of developers currently looking to develop probably over 500 acres of land in Lino Lakes for residential development.” He referenced a lawsuit related to water issues with White Bear Lake, Minnesota and stated that Lino Lakes “should put a moratorium on residential development until we’ve had an opportunity to see what our future capacity of water is, and what our currently stressed infrastructure can sustain.”

90. Mayor Rafferty “seconded” Defendant Ruhland’s suggested addition of a moratorium to the April 1 Work Session agenda.

91. Defendant Ruhland submitted the proposed moratorium agenda item shortly after hearing about the potential Madinah Lakes development.

92. Before Defendant Ruhland scheduled the agenda item, the City had not considered a moratorium on residential development.

93. Defendant Ruhland’s explanation for why he proposed a moratorium did not reference a master plan or creating a master plan.

94. Defendant Ruhland’s explanation for why he proposed a moratorium was false and pretextual. His moratorium proposal was designed to target Madinah Lakes.

95. Defendant Ruhland proposed that the moratorium on residential development because he believed a substantial number of Muslims would move to the Madinah Lakes development if approved and/or because he believed members of the Lino Lakes

community did not want a substantial number of Muslims to move to the Madinah Lakes development.

96. Defendant Ruhland proposed that the moratorium on residential development in response to negative, anti-Muslim opinions they heard from Lino Lakes residents regarding Madinah Lakes and particularly the masjid it proposed.

97. Upon information and belief, when he first proposed a moratorium on residential development, Defendant Ruhland was already working with Luke Walter or other opponents of the Madinah Lakes development.

98. Defendant Ruhland proposed a moratorium intending to stop the Madinah Lakes development because of his own discriminatory animus, and because of the discriminatory animus of members of the public, toward Muslims generally and toward Ahmed and Mohammed's Muslim faith in particular.

99. Contrary to Ruhland's message adding the moratorium proposal to the Council's April 1 work session's agenda, the City's Comprehensive Plan expected that the City had less than expected development between 2010-2020. The City estimated and had planned for infrastructure capable of serving 1,400 acres of new development and 3,800 new residents between 2020 and 2030 consistent with the City's Water Management Plan.

100. In March 2024 and afterward, the City was and is aware that it would have enough drinking water capacity to accommodate the City's present water usage plus any additional water usage from future residents of Madinah Lakes.

101. In May and June 2024, the City approved construction of a new water treatment facility and installation of a new drinking water well to augment and increase existing drinking water capacity. (City Resolutions 24-48, 24-84.) Councilmembers were aware of these planned improvements on or before April 1, 2024.

102. Defendant Ruhland knew his concerns regarding water and water infrastructure concern, used as the basis for advocating for a moratorium ordinance, was pretextual and based on his or the public's discriminatory animus.

103. Dozens of Madinah Lakes opponents attended the City Council meeting the evening of March 25 to which Mohammed had been invited. Mohammed spoke, attempting to dispel false information that was circulating. He explained that if the Madinah Lakes development were approved, it would be inclusive and open to everyone.

104. Leaders of the organized opposition to Madinah Lakes spoke next, including Randy Reneker and Luke Walter. Walter informed Councilmembers that he believed Madinah Lakes would result in segregation if a masjid were built in a residential neighborhood, stating:

If you are choosing to live near your religious building, it goes to say that you're probably on the more fervent side of religious. You're probably a bit more conservative. So when [Plaintiffs] talk about welcoming, I'm sure that would be [Plaintiffs'] intent, but human nature is such that [non-Muslim] people would not want to necessarily buy a home and insert themselves into a community where they feel they're going to have conservative religious [Muslim] neighbors. You start to think about would they be comfortable with certain modes of dress, alcohol, all kinds of lifestyle choices that you take for granted in mixed communities, you would wonder how people would necessarily feel welcome. And I

think what's naturally going to happen is people would choose not to live there.

So that would concern me that it's almost this segregation, not by intent, but through choice. And when you think about a development of 158 acres, 450 homes, possibly four family units per home, that's 1,800 people living a certain way of life, a community within a community. And history has taught us over and over again, that sort of division is harmful to a society.

I'm not here to rally against any race, religion or otherwise, but it's a deep concern. The optics of that outside the movement is, well, a divided city, that sort of thing. And we don't want those sorts of headlines, and we do believe that ultimately it will be that sort of a situation where a single group of people will be in a block together. And I just think it's bad for everyone.

Immediately after Walter finished, the large group of Madinah Lakes opponents erupted into applause.

105. Later in the evening on March 25, Mayor Rafferty called Mohammed. Mohammed and Rafferty spoke by telephone on March 26. Rafferty stated that he and other Councilmembers had been bombarded with phone calls from residents opposing Madinah Lakes. Rafferty asked Zikar to take down the Madinah Lakes video from its website.

106. Zikar complied with Mayor Rafferty's request and took down its video.

107. On March 27, Defendant Ruhland scheduled a second agenda item for the City Council's April 1 Work Session. Ruhland again attempted to target Zikar by proposing that the City expand the neighboring property owners who are notified about development applications.

108. At the City Council's April 1 work session, Defendant Ruhland introduced his development moratorium. In his oral comments, he did not mention a master plan or master planning. Rather, Ruhland's comments and purported reason for proposing a moratorium solely focused on issues related to water and water infrastructure.

109. The minutes of the City Council's April 1 work session state: "Councilmember Ruhland highlighted that he believes instituting a moratorium on residential development specific to the northwest quadrant of the City to be in the best interest of the City due to water capacity issues."

110. The idea of connecting a moratorium to a "master plan" was first mentioned by Director Grochala, not any Councilmember.

111. At the April 1 work session, Grochala mentioned that "the comprehensive plan does notify, recommend, out in that area that potentially a corridor study, a master plan be done for that Main Street corridor between Sunset and 4th Avenue," but he added "[w]e've typically relied on those developers to kind of bring that in."

112. Director Grochala also stated, "All of this kind of needs to, I think, run through the city attorney and I want him to be able to respond to some of the implications of this. Doing a moratorium is not a small undertaking and it has an impact on a lot of people, a lot of businesses."

113. On April 17, Zikar submitted its PUD Concept Plan application related to the Madinah Lakes development that it had discussed with City staff in March.

114. Zikar contacted Mayor Rafferty and the members of the City Council, including Defendants Ruhland and Lyden, requesting a meeting to discuss Zikar's PUD

Concept Plan application regarding Madinh Lakes. Neither the Mayor nor any member of the City Council was willing to meet with Zikar to discuss its application.

115. On April 25, City staff notified Zikar by letter that its application was complete, that the City's Planning & Zoning Board's review was scheduled for June 12 and City Council review was scheduled for July 1.

116. The City's "Completeness" determination triggered the requirement under Minn. Stat. § 15.99 that the City to deny Zikar's application within 60 days, or 120 days if the City decided to extend the deadline.

117. Unlike its review of IPL's PUD Concept Plan application, the City chose to extend its deadline for reviewing Zikar's PUD Concept Plan application. After this extension, the City Council was required to approve or deny Zikar's application within 120 days, by August 23, 2024, or the application would be deemed automatically approved.

118. The City Council considered Defendant Ruhland's proposed moratorium at its April 29 work session. Councilmembers' comments again focused on water infrastructure and water capacity. Director Grochala again brought up the reference to a "Master Plan for the Main Street Corridor between Sunset Avenue and 4th Avenue" that was suggested in the Comprehensive Plan.

119. On May 29, the City's Environmental Board reviewed Zikar's PUD Concept Plan. A Board member suggested that Zikar should be required to participate in an Alternative Urban Area Wide Review ("AUAR"). An AUAR is a more complex environmental review than an EAW-EIS, which the City had already determined was not required for IPL's proposed development of the Robinson Property in 2022.

120. On June 5, the City's Park Board reviewed Zikar's PUD Concept Plan. Walter attended the meeting to continue his attacks on Zikar and Mohammed and to demand that a Park Board member recuse himself because the member made a public comment supportive of Madinah Lakes. Other attendees continued making bigoted, anti-Muslim comments in this meeting.

121. At the June 10 City Council meeting, there were no agenda items related to Madinah Lakes or the proposed moratorium ordinance. Nonetheless, Madinah Lakes opponents appeared and spoke against the project and continued to disparage Mohammed. Among other comments, Walter alleged:

It doesn't sound like the plan is to be part of our existing community or even include anyone who doesn't look like, talk like, and share beliefs. This reinforces our stated concerns that the Madinah Lakes City USA intends to be separate and segregated from people who look like me and people in the community that don't look and talk like the target demographic.

122. On June 12, the City's Planning & Zoning Board considered Madinah Lakes PUD Concept Plan application. The Board Chair's comments appeared to hint to the gathered opposition that Madinah Lakes would not be approved by the City. He stated, in part:

This is a concept plan review. So what we're doing is reviewing a concept and providing input to the developer and to staff that if this was to move forward, these were some of the things we would like to see or not like to see in this project, and that nothing that's said prior to any final decision, nothing that's said here is binding, and both either on the developer or on the city, and that does not imply or suggest that any decision has been made on anything. These are just providing feedback. Okay.

I just want to be, you know, once again, very, very clear about that. All right. All right.

123. On June 17, the Planning & Zoning Board held a hearing on Defendant Ruhland's proposed moratorium ordinance. The Board voted to recommend that the Council adopt the moratorium ordinance and require an AUAR.

124. The draft moratorium ordinance approved by the Planning & Zoning Board on June 17 did not cite concerns regarding water and water infrastructure that had been Defendant Ruhland's original pretextual reason for the moratorium. Instead, the City had replaced those reasons for to new proposed "findings" citing the master plan that was referenced in the City's Comprehensive Plan—an issue raised by City staff—as the reasons why a moratorium was in the public interest.

125. The June 17 draft ordinance did not, however, state that a master plan was the reason why a moratorium was proposed or why it was approved by the Planning & Zoning Board.

126. On June 24, the City Council considered the first reading of Defendant Ruhland's proposed moratorium ordinance, Ordinance 11-24 (the "**Moratorium**") at its regular meeting.

127. City Council materials for the June 24 meeting included a written statement by Defendant Ruhland falsely disparaging Zikar and the Minnesota chapter of the Council on American-Islamic Relations ("**CAIR-MN**").

128. CAIR-MN had raised concerns regarding the City's actions seeking to stop Madinah Lakes and anti-Muslim rhetoric by members of the community with apparent support from members of the City Council.

129. At the June 24 Council meeting, Zikar provided copies of 82 pages of hateful, anti-Muslim online comments posted by members of LoveLinoLakes and other opponents of Madinah Lakes. These materials demonstrated anti-Muslim bigotry among opponents of the development in the community. These pages were made part of the record for the City Council's meeting.

130. During the Council's discussion the June 24 meeting regarding the proposed Moratorium, a Councilmember asked City Attorney Jay Squires this question: "Question for Mr. Squires, is a moratorium required for master planning?" Squires responded:

No, it's not required. That's the council's determination as to whether it makes sense to impose a moratorium or a pause while you get the master plan in place before pieces might come in that may ultimately be not consistent with what your master plan might lead you to. So it's not required.

131. When Defendant Ruhland spoke, he seemed to attempt to grandstand for the crowd gathered to oppose Madinah Lakes as he read his prepared statement. Ruhland echoed claims made by members of the LoveLinoLakes group and claimed that the Moratorium was "not and never has been an attempt to block any development in our city. Instead, it's a strategic pause to ensure that we plan responsibly and thoughtfully for the future growth of our community." Ruhland went on to insult Zikar, Mohammed, and

CAIR-MN. He also candidly admitted that he thought of the Moratorium when Zikar's Madinah Lakes "video was going viral" online among Lino Lakes residents.

132. Defendant Ruhland's comments at the meeting came shortly after hearing Zikar explain about hateful anti-Muslim comments by members of the community. Nonetheless, Defendant Ruhland ended his comments with:

I want to give a special thank you to all the citizens of Lino Lakes that have been taking time out of their day to organize and have your voices heard. Countless emails, phone calls, stopping me to talk in the community, etc. I feel a lot of you are just like me in why I decided to get involved in City Council. I care what my city has to offer and how it is shaped for years to come.

It has become incredibly clear that many of you share my level of passion for that, which has been overwhelmingly great to see. I want to thank you for your continued commitment to our community. Let us move forward with a spirit of collaboration and mutual respect. Thank you.

133. On July 1, the City Council was scheduled to consider Zikar's PUD Concept Plan. The Moratorium had not yet been adopted and was still scheduled for a second reading at the City's next Council meeting, so the City's consideration of the Moratorium should have had no effect on Council's consideration of Zikar's PUD Concept Plan. Even if the Moratorium had been adopted, Minn. Stat. § 462.355, subd. 4(d) provides that an interim moratorium ordinance may not "extend the time deadline for [a city's] action set forth in section 15.99 with respect to any application filed prior to the effective date of the interim ordinance."

134. On July 1, the City Council debated whether to consider the Zikar's PUD Concept Plan application or to table the application. Defendant Ruhland informed the

Council that he has attended other City meetings regarding Zikar's PUD Concept Plan application and even if the Council considered the plan at the July 1 work session, he refused to comment on the plan. The Council voted to table consideration of Zikar's PUD Concept Plan until August 19, 2024, after the Council's final vote on the Moratorium and if the Moratorium was approved, then the Council would not consider the Zikar's PUD Concept Plan.

135. During the Council's discussion on July 1, Defendant Lyden indicated that he believes that the City Council should not consider Zikar's application because the Council would likely amend the City's Comprehensive Plan and Zoning Ordinance as a result of the Moratorium. He implied that the Council would change these regulations in ways that would make it more difficult for Madinah Lakes to be approved.

136. On July 8, the City Council adopted the Moratorium, Ordinance 11-24. Despite asserting that the moratorium was not related to Zikar or Muslims, during their discussion Councilmembers focused on and repeatedly attacked and insulted Zikar, Mohammed, CAIR-MN, Muslims, and immigrants, including the following:

- A. Mayor Rafferty, who suggested that Madinah Lakes or Muslims intended to be a separate community and not a genuine Lino Lakes neighborhood. He explained, "Lino Lakes is about establishing neighborhoods, not communities. Communities separate themselves. We are about neighborhoods."
- B. Defendant Lyden repeatedly attacked Muslims, CAIR-MN, non-native English speakers, among others. His comments included:

First, our city name is not pronounced Lean-o Lakes. It's Line-o Lakes and it's been that way for a long time. Second thing, everyone, and I mean everyone, needs to know, including CAIR Minnesota and their attorneys, that no amount of tactics, intimidation, bullying will taunt or taint the legitimacy of our work.

Third thing, my personal social lens. Everyone has a personal social lens that they look through, that they interpret the world, that they make judgments. Your personal social lens.

Quite simply, I'll be transparent here, Martin Luther King best sums up my social lens in one quote. This quote. I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character.

Character, character, character is what matters in life. I don't care about your race or the color of your skin. I don't care about your religion, your sexual preference, or your political party....I appreciate those who have high standards, high morals, high ethics.

Those who express the virtues of honesty, compassion, who know how to put other people first. Fourth thing, I don't know why or how CAIR got involved right away, but they sent us that cute little form letter threatening us. So I go to their website, I look at what they're about. They're about talking about improving their image, about creating mutual understandings, that they want to promote justice, they talk about religious discrimination, they talk about hate crimes, talk about religious freedom, but they make no mention of the October 7th attack on Israel. It's important that you take responsibility and accountability in life. If you're worried about your image, CAIR maybe needs to take a hard look in the mirror. Let me be very clear, I don't have an Islamic-phobic problem. You chair does. No one comes into this council chambers, defecates, and then has the audacity to blame the smell on others. That is not character. That is gas lightning. Because I don't agree with you does not make me Islamic-phobic. I don't need an apology. The people of Lino Lakes do or deserve it.

C. Finally, Defendant Ruhland read comments from a computer for more than 13 minutes in a mocking and sarcastic manner. While Ruhland denied that the moratorium related to Zikar or Islam, his speech consisted of a series of attacks, mischaracterizations and insults against CAIR-MN, Mohammed, and Zikar. Ruhland weaved an obviously false narrative and accused Plaintiffs and CAIR-MN of raising “inaccurate,” “unfounded and shameful,” “shameful,” “lying,” and “slander[ous]” concerns about the moratorium.

137. Many of the Councilmembers anti-Muslim and anti-immigrant comments are memorialized in the minutes of the City Council’s July 8 meeting, attached hereto as Exhibit A.

138. Defendant Ruhland moved to approve the Moratorium, Ordinance 11-24, Defendant Lyden seconded the motion, and the Ordinance was adopted by a vote of 4-1. In addition to Defendants Ruhland and Lyden, Mayor Rafferty, and Councilmember Dale Stoesz voted in favor of the Moratorium. A copy of the Moratorium, Ordinance 11-24, is attached hereto as Exhibit B.

139. Defendant Ruhland’s explanation for why he proposed a moratorium was false and pretextual. His moratorium proposal was designed to target Madinah Lakes.

140. Defendant Ruhland proposed that the City adopt a moratorium on residential development because he believed a substantial number of Muslims would move to the Madinah Lakes development if approved and/or because he believed members of the Lino Lakes community did not want a substantial number of Muslims to move to the Madinah Lakes development.

141. Defendant Ruhland, Defendant Lyden, and other members of the City Council voted for Ordinance 11-24 because they believed the ordinance could prevent the Madinah Lakes development.

142. Defendant Ruhland, Defendant Lyden, and other members of the City Council voted for Ordinance 11-24 because they did not want Muslims to live in the Madinah Lakes development or because they believed their constituents did not want a Muslims to live in the Madinah Lakes development.

143. On July 11, Defendant Ruhland and Zikar opposition leaders Walter and Renneker went out together at a local restaurant to celebrate passage of the moratorium. Pictures of Defendant Ruhland, Luke Walter, and Randy Renneker dining together on July 11 are attached hereto as Exhibit C.

144. While its application was pending, Defendant Ruhland, Defendant Lyden, and the other members of the City Council refused to meet with Ahmed and Mohammed about Madinh Lakes.

145. Ordinance 11-24 was not necessary even if the City wanted to prepare a Master Plan for the Main Street Corridor between Sunset Avenue and 4th Avenue or to have such a plan prepared. A Master Plan could have been prepared in conjunction with or during the City consideration of Zikar's PUD Concept Plan application and subsequent applications related to potential approval of a PUD for Madinah Lakes.

146. While the City Council claimed that Ordinance 11-24 was not intended to stop development in the City. The Moratorium only restricted development on approximately 980 acres out of a total of 4,897 undeveloped acres in the City. At this point, the

only application that was submitted that the City has refused to consider is Zikar's application regarding Madinah Lakes.

147. While it is clear that Defendants Ruhland and Lyden and other Council members intended to interfere with and prevent Plaintiffs' Madinah Lakes development, even if that had not been their intention, they knew that the Moratorium and the City Council's refusal to consider Plaintiffs PUD Concept Plan application would interfere with and prevent the Madinah Lakes development from being approved and being built.

148. Defendants and other City Council members knew that the Madinah Lakes development, as proposed by Plaintiffs, would attract Muslim residents and that a substantial number of the residents who would live in Madinah Lakes would be Muslims.

149. A map of Lino Lakes showing the portion of the City in which Ordinance 11-24 limits residential development and the location of the Robinson Property is attached hereto as Exhibit D.

150. On August 4, the New York Times published a story, authored by reporter Dan Barry, regarding Madinah Lakes, community opposition, and the City's actions, titled "A Battle Over a Farm, a Mosque and the Moral High Ground."

151. The same day, an individual calling himself "Sean," sent an email to New York Times reporter Dan Barry, copying Defendant Lyden and CAIR-MN Executive Director Jaylani Hussein, among others. This message consisted of pages of hateful vitriol regarding Islam and Muslims, including "DON'T BELIEVE THE LYING MUSLIMS" and "Good luck halting the Muslim conquest of Minnesota!"

152. On August 6, Defendant Lyden responded to this email from his official, Lino Lakes email address, clyden@linolakes.us. Lyden's message stated, "Might be the best email I have ever received! Thank you Sir!" A copy of the original August 4 email message and Defendant Lyden's reply is attached hereto as Exhibit E.

153. The City Council did not approve, deny, or provide comments regarding Plaintiffs' Madinah Lakes PUD Concept Plan by August 23, the deadline for the City to act on the application.

154. On September 23, Lino Lakes' City Council considered a proposed resolution (No. 24-114) to censure Defendant Lyden for his August 6 email (Exhibit E). The proposed resolution was drafted by City Attorney Squires. The draft stated that Lyden's August 6 email "could be interpreted *by some* as endorsing the views and opinions expressed" (emphasis added) in the August 4 email to which he had replied.

155. The City Attorney's draft included a false, pretextual reason for the City Council's adoption of the Moratorium on July 8. The resolution alleged that the Moratorium's adoption "was driven by the City's Comprehensive Plan and the potential for two large-scale developments in the NW Quadrant of the City being undertaken in the absence of a master plan." A true and correct copy of draft Resolution No. 24-114 is attached hereto as Exhibit F.

156. Responding to the resolution, Defendant Lyden argued that "exposing the hate does not make me the hater." Lyden held up a book labeled "Quran In English" and asked if other Councilmembers had read the Quran. Lyden suggested that if other Coun-

cilmembers had read the Quran and researched the information in the August 4 email, they would have also find that the August 4 email was great.

157. Defendant Ruhland reacted to Defendant Lyden's comments by discussing the August 4 email message to which Defendant Lyden replied (an email that included statements such as, "DON'T BELIEVE THE LYING MUSLIMS" and "Good luck halting the Muslim conquest of Minnesota!"). Ruhland explained that he could not form an opinion about the August 4 email because he had not "read the Quran" and he believed "people are entitled to their opinions." Ruhland explained that his *only* concern regarding Defendant Lyden's August 6 email was that Lyden "was handling [*sic*] personal opinions or personal business matters with city resources."

158. Resolution No. 24-114 was adopted by a 3-1 vote. Defendant Ruhland was the only voting member of the City Council who voted against it.

159. As a result of Defendant Ruhland's, Defendant Lyden's, and the City's actions Plaintiffs cannot apply for City approval of a PUD or other City approvals necessary for the Madinah Lakes Development.

160. The City may act to extend the Moratorium's 12-month period.

161. During or after the Moratorium's period, the City may adopt changes to the City's Comprehensive Plan or Zoning Ordinance intended to make it more difficult for Plaintiffs to obtain any City approvals necessary for the Madinah Lakes development.

162. Members of the City Council including Defendants Ruhland and Lyden have considered the possibility of an extension of the Moratorium's period and the possi-

bility of adopting changes to the City's Comprehensive Plan and Zoning Ordinance related to the Moratorium.

163. Defendant Ruhland's and Defendant Lyden's actions and discrimination violated well-established principles of law under the Free Exercise Clause of the First Amendment to the U.S. Constitution and under the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

164. All acts set forth herein of Defendants and the City of Lino Lakes' officers, agents, servants, employees, or persons acting at its behest or direction, were done and are continuing to be done under the color and pretense of state law and pursuant to the City's policies, practices and/or customs. Said acts include, without limitation, the enactment, implementation and enforcement of the Moratorium and the Defendants and the City of Lino Lakes' refusal to consider and approve applications necessary for the Madinah Lakes development.

165. Defendants' and the City of Lino Lakes' actions have caused, and will continue to cause, Plaintiffs to suffer undue and actual hardship and irreparable injury.

166. Plaintiffs have no adequate remedy at law to correct the continuing deprivations of its rights.

167. The City's failure to properly train, direct, control and supervise the actions and conduct of Defendants and of other City Officials, agents, servants, employees, or persons acting at its behest or direction, which failure amounted to deliberate indifference, resulted in the violation of Plaintiffs' constitutional and other rights.

168. The City's deliberate indifference to act to stop or remedy the unlawful actions amounted to endorsement, adoption and ratification of unlawful actions by any individual member of the City Council, City employee, or City agent.

169. The City failed to repudiate or discipline, and failed to immediately act to remedy, the unlawful and discriminatory actions and unlawful conduct set out herein.

170. As a direct and proximate result of the City's violations, including its continuing violations, of Plaintiffs' rights, Plaintiffs have in the past and will continue to suffer in the future direct and consequential damages, including but not limited to, the loss of the ability to exercise its constitutional and other rights.

CLAIMS FOR RELIEF

COUNT I

(By All Plaintiffs Against All Defendants)

DISPARATE TREATMENT IN VIOLATION OF THE FAIR HOUSING ACT, TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968, 42 U.S.C. § 3601, *et seq.*

171. Plaintiffs reallege and incorporate by reference all previous paragraphs of this Complaint.

172. The FHA, at 42 U.S.C. § 3604(a), provides that it shall be unlawful to "make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin."

173. The FHA, at 42 U.S.C. § 3604(a), provides that it shall be unlawful to "discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin."

174. The FHA, at 42 U.S.C. § 3617, provides that “[i]t shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 3603, 3604, 3605, or 3606 of this title.”

175. Defendants’ actions set forth above, including proposing and adopting the Moratorium, refusing to act on or provide comments regarding Plaintiffs’ PUD Concept Plan application, and refusing to accept or consider any additional applications for land use approvals regarding the Madinah Lakes development, violated the FHA.

176. Defendants Ruhland, Lyden, and other members of Lino Lakes City were personally motivated by discriminatory animus against Muslims.

177. Defendants Ruhland, Lyden, and other members of Lino Lakes City were also motivated to please their constituents or other members of the public who they knew harbored discriminatory animus toward Muslims.

178. Defendants’ unlawful actions have, at a minimum, delayed and increased the cost of the Madinah Lakes development.

179. Defendants’ unlawful actions have jeopardized whether the Madinah Lakes development can be built at all.

180. Upon information and belief, Defendants intend to take further actions to delay or make it impossible for Plaintiffs to obtain approval for the Madinah Lakes development.

181. Defendants' unlawful actions have increased Plaintiffs' costs and may prevent them from building the Madinah Lakes development.

182. Defendants' unlawful actions have prevented Ahmed and Mohammed from living and worshiping in Madinah Lakes.

183. Plaintiffs are "aggrieved person" for purposes of the FHA.

184. Plaintiffs have been injured by Defendants' discrimination.

185. As a direct result of Defendants' violation of the FHA, Plaintiffs are suffering irreparable harm for which there is no adequate remedy at law. Plaintiffs are therefore entitled to injunctive relief.

186. As a direct result of Defendants' violation of the FHA, Plaintiffs have suffered harm and are entitled to recover compensatory, punitive, and nominal damages, as well as attorneys' fees, prejudgment interest, and any other available relief.

COUNT II

(By All Plaintiffs Against All Defendants)

DISPARATE IMPACT IN VIOLATION OF THE FAIR HOUSING ACT, TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968, 42 U.S.C. § 3601, *et seq.*

187. Plaintiffs reallege and incorporate by reference all previous paragraphs of this Complaint.

188. The FHA, at 42 U.S.C. § 3604(a), provides that it shall be unlawful to "make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin."

189. The FHA, at 42 U.S.C. § 3617, provides that "[i]t shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or

on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 3603, 3604, 3605, or 3606 of this title.”

190. It is a violation of the FHA, §§ 3604(a) and 3617, to exclude members of a protected class from certain areas because of their religion by acting to prevent the construction of housing that will likely be used by members of that protected class in a place that presently lacks residents who are members of that protected class or in a way that has a greater adverse impact on the protected group than on others.

191. In 2022, City Officials evaluated IPL’s PUD Concept Plan application. At that time, City Officials and Defendants did not believe that IPL’s development would result in a substantial number of new Muslim residents moving to the City. Defendants did not take steps to impede, interfere with, or otherwise make the proposed construction of housing unavailable to IPL.

192. Defendants proposed and adopted the Moratorium intending to, or at least knowing that, the Moratorium would delayed, impeded, interfered with, and potentially prevented construction of the Madinah Lakes development that included that would be used by a substantial number of Muslims.

193. Defendants refused to act on or provide comments regarding Plaintiffs’ PUD Concept Plan application and refused to accept or consider additional applications for land use approvals regarding the Madinah Lakes development. This delayed, impeded, interfered with, and potentially prevented construction of the Madinah Lakes development that included that would be used by a substantial number of Muslims

194. Defendants' actions set forth above, including proposing and adopting the Moratorium, refusing to act on or provide comments regarding Plaintiffs' PUD Concept Plan application, and refusing to accept or consider any additional applications for land use approvals regarding the Madinah Lakes development, constitute an unlawful practice which has caused and predictably will cause a disparate impact on Plaintiffs and potential Muslim residents of the Madinah Lakes development because of their Muslim faith, in violation of the FHA.

195. Defendants had no justification for their actions and practices.

196. Defendants engaged in their actions and practices in direct response to Plaintiffs' Madinah Lakes development and because of Plaintiffs' and Madinah Lakes future residents' Muslim faith. Plaintiffs' PUD Concept Plan application for the Madinah Lakes development was the only land-use application pending when Defendants' actions took place.

197. As a direct result of Defendants' violation of the FHA, Plaintiffs are suffering irreparable harm for which there is no adequate remedy at law. Plaintiffs are therefore entitled to injunctive relief.

198. As a direct result of Defendants' violation of the FHA, Plaintiffs have suffered harm and are entitled to recover compensatory, punitive, and nominal damages, as well as attorneys' fees, prejudgment interest, and any other available relief.

COUNT III
(By Plaintiffs Ahmed and Mohammed Against All Defendants)
**VIOLATION OF THE FREE EXERCISE CLAUSE OF THE FIRST AMEND-
MENT TO THE UNITED STATES CONSTITUTION**

199. Plaintiffs reallege and incorporate by reference all previous paragraphs of this Complaint.

200. Defendants' actions, enactments, policies, practices, on their face and as applied to Plaintiffs, violate and violated the Free Exercise Clause of the First Amendment to the Constitution of the United States.

201. Knowing that Plaintiffs intended to develop the Robinson Property for religious purposes, Defendants engaged in a series of discriminatory actions intended to keep Plaintiffs and other Muslims from living and worshiping on the property without any legitimate or lawful purpose.

202. Defendants' actions were motivated by their personal, and their constituents, religious animus toward Muslims and the Islamic faith.

203. Through the Madinah Lakes development, Plaintiffs seek to build a masjid, a place of religious assembly and worship, at which Ahmed and Mohammed seek to worship in furtherance of Ahmed's and Mohammed's sincerely held religious beliefs.

204. Through the Madinah Lakes development, Plaintiffs seek to build housing, in which Ahmed and Mohammed intend to live, that allows residents to walk to their masjid, an exercise of their sincerely held religious beliefs.

205. The terms and operation of the Moratorium are not neutral and are not generally applicable.

206. The terms and operation of the Moratorium substantially burden Ahmed's and Mohammed's exercise of religion.

207. Defendants unlawfully adopted the Moratorium and took other official actions for the purpose of targeting and discriminating against Plaintiffs and other Muslims because of their religion.

208. Defendants' statements regarding, and actions toward, Plaintiffs violated the required neutrality toward religion mandated by the First Amendment. Defendants' statements and actions showed a clear and impermissible hostility to Muslims and the Islamic faith.

209. Defendants' discriminatory, disparate, and less favorable treatment of Plaintiffs, Muslims, and the Madinah Lakes development because of it involved a masjid and was likely to attract Muslim residents.

210. Defendants' enforcement of the City's land use regulations and adoption of its Moratorium is not neutral or of general applicability.

211. Defendants imposed land use regulations in a manner that treats Plaintiffs' land use application less favorably than applications involving developments that did not involve a masjid and were not likely to attract Muslim residents.

212. Defendants imposed land use regulations in a manner that treats Plaintiffs' land use application less favorably than applications involving developments that did not involve a masjid and were not likely to attract Muslim residents.

213. Defendants' actions were not and are not narrowly tailored to any compelling government interest.

214. Defendants' actions were not and are not rationally related to any legitimate government interest.

215. As a direct result of Defendants' violations of the U.S. Constitution, as alleged above, Plaintiffs is suffering irreparable harm for which there is no adequate remedy at law.

216. As a direct result of Defendants' violation of Plaintiffs' First Amendment right to the free exercise of religion, as alleged above, Plaintiffs are suffering irreparable harm for which there is no adequate remedy at law. Plaintiffs are therefore entitled to injunctive relief.

217. As a direct result of Defendants' violation of Plaintiffs' First Amendment right to the free exercise of religion, as alleged above, Plaintiffs have suffered harm and are entitled to recover compensatory, punitive, and nominal damages, as well as attorneys' fees, prejudgment interest, and any other available relief.

COUNT IV

**(By Plaintiffs Ahmed and Mohammed Against All Defendants)
DENIAL OF PLAINTIFFS' RIGHT TO EQUAL PROTECTION IN
VIOLATION OF THE FOURTEENTH AMENDMENT TO
THE UNITED STATES CONSTITUTION**

218. Plaintiffs reallege and incorporate by reference all previous paragraphs of this Complaint.

219. Defendant Ruhland, Defendant Lyden, and other Councilmembers discriminated against and treated Plaintiffs differently than other similarly situated developers and land use applicants because of their religion and because of their association with a

development that would attract Muslim residents and included a masjid at which Muslims would worship.

220. Defendant Ruhland's, Defendant Lyden's, and other Councilmembers' statements, and actions, and the City's ordinances and regulations, including proposing and adopting the Moratorium, refusing to consider, act on, or provide feedback regarding Plaintiffs PUD Concept Plan, and disrespectfully treatment of Plaintiffs and encouragement of disrespectful treatment of Plaintiffs by others, infringe and infringed upon Plaintiffs' fundamental rights to freedom of religion, freedom of speech, freedom of assembly, among other fundamental rights.

221. Other non-religious developers and applicants, and applicants and developers of different faiths, who applied to the City were and are similarly situated to Plaintiffs, including without limitation IPL.

222. Defendant Ruhland, Defendant Lyden, and other Councilmembers intentionally and unlawfully targeted Plaintiffs and treated and are treating them unequally as compared to other similarly situated developers that are not Muslim and that are not associated with a development that would attract Muslim residents and included a masjid at which Muslims would worship.

223. Religion is an inherently suspect classification.

224. Defendant Ruhland's, Defendant Lyden's, and other Councilmembers' statements, actions, and regulations, including proposing and adopting the Moratorium, refusing to consider, act on, or provide feedback regarding Plaintiffs PUD Concept Plan, and disrespectfully treatment of Plaintiffs and encouragement of disrespectful treatment

of Plaintiffs by others, were and are irrational and unreasonable, impose irrational and unjustifiable restrictions on constitutionally protected speech, assembly, and worship.

225. Defendant Ruhland's, Defendant Lyden's, and other Councilmembers' statements, actions, and regulations, including proposing and adopting the Moratorium, refusing to consider, act on, or provide feedback regarding Plaintiffs PUD Concept Plan, and disrespectfully treatment of Plaintiffs and encouragement of disrespectful treatment of Plaintiffs by others, serve and served no rational, let alone compelling, substantial, or important, government interest, and are not and were not narrowly tailored or the least restrictive means to serve such interest.

226. Defendant Ruhland's, Defendant Lyden's, and other Councilmembers' statements, actions, and regulations, including proposing and adopting the Moratorium, refusing to consider, act on, or provide feedback regarding Plaintiffs PUD Concept Plan, and disrespectfully treatment of Plaintiffs and encouragement of disrespectful treatment of Plaintiffs by others, violate the Plaintiffs' Fourteenth Amendment rights to equal protection of the law.

227. As a direct result of Defendants' violations of Plaintiffs' Fourteenth Amendment rights to equal protection of the law, as alleged above, Plaintiffs are suffering irreparable harm for which there is no adequate remedy at law. Plaintiffs are therefore entitled to injunctive relief.

228. As a direct result of Defendants' violations of Plaintiffs' Fourteenth Amendment rights to equal protection of the law, as alleged above, Plaintiffs have suf-

ferred harm and are entitled to recover compensatory, punitive, and nominal damages, as well as attorneys' fees, prejudgment interest, and any other available relief.

COUNT V

**(By Plaintiffs Ahmed and Mohammed Against Defendant City of Lino Lakes)
VIOLATION OF RLUIPA: UNLAWFUL SUBSTANTIAL BURDEN
42 U.S.C. § 2000cc(a)(1)**

229. Plaintiffs reallege and incorporate by reference all previous paragraphs of this Complaint.

230. Congress defined "religious exercise" to broadly include, "[a]ny exercise of religion, whether or not compelled by, or central to, a system of religious belief," and specifies that the "use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose." 42 U.S.C. § 2000cc-5(7).

231. Congress further directed that RLUIPA should be "construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution." 42 U.S.C. § 2000cc-3(g).

232. Ahmed and Mohammed efforts to obtain approval for, build, live in, worship at, and to provide a place where others live and worship operated by MAS-MN, on the Robinson Property through the Madinah Lakes development is an exercise their Muslim faith and constitutes "religious exercise" as that phrase is defined in 42 U.S.C. §2000cc-5(7).

233. Section 2(a)(1) of RLUIPA protects Ahmed's and Mohammed's "religious exercise" and provides that "No government shall impose or implement a land use regu-

lation in a manner that imposes a substantial burden on the religious exercise of a person ... unless the government demonstrates that imposition of the burden on that person, assembly, or institution...is in furtherance of a compelling government interest [and] is the least restrictive means of furthering that compelling government interest.” U.S.C. 2000cc(a)(1).

234. The City’s actions, statements, and regulations, through its City Council, allowed the City Council to make “individualized assessments” targeting Plaintiffs and their religious exercise within the meaning of 42 U.S.C. § 2000cc(a)(2)(C).

235. By refusing to consider and comment on Plaintiffs’ PUD Concept Plan related to the Madinah Lakes development, and by adopting the Moratorium targeting and intending to block the Madinah Lakes development and Ahmed’s and Mohammed’s religious exercise, the City, through its City Council, has placed a substantial burden on Ahmed’s and Mohammed’s religious exercise as well as the religious exercise of MAS-MN and of future residents of Madinah Lakes who intend to worship at the masjid.

236. The burden placed on Ahmed’s and Mohammed’s religious exercise by the enactment of the moratorium is significant and is far more onerous than a simple inconvenience.

237. The City’s and City Council’s actions have, at a minimum, indefinitely delayed have jeopardized the entire Madinah Lakes development.

238. These and other City actions and regulations have, in the totality of the circumstances, imposed a substantial burden on Ahmed’s and Mohammed’s religious exercise.

239. The City has no compelling interest that could justify the substantial burden it has imposed on Ahmed's and Mohammed's religious exercise.

240. The Moratorium and the City Council's refusal to consider Plaintiffs PUD Concept Plan application are not the least restrictive means of achieving any compelling government interest that could be asserted by the City.

241. The City has violated Ahmed's and Mohammed's rights set forth in 42 U.S.C. § 2000cc(a) of RLUIPA.

242. As a direct result of the City's violation of the Ahmed's and Mohammed's rights under 42 U.S.C. § 2000cc(a) of RLUIPA, as alleged above, Ahmed and Mohammed are suffering irreparable harm for which there is no adequate remedy at law. They are therefore entitled to injunctive relief.

243. As a direct result of the City's violation of Ahmed's and Mohammed's rights under 42 U.S.C. § 2000cc(a) of RLUIPA, as alleged above, Ahmed and Mohammed have suffered harm and are entitled to recover compensatory, punitive, and nominal damages, as well as attorneys' fees, prejudgment interest, and any other available relief.

JURY DEMAND

Plaintiffs demand a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs prays for judgment against Defendants and that this Court:

A. Adjudge, decree and declare the rights and other legal relations of the par-

ties to the subject matter in controversy in order that such declarations shall have the force and effect of final judgment and that the Court retain jurisdiction of this matter for the purpose of enforcing the Court's Orders;

B. Pursuant to 28 U.S.C. § 2201, declare that City Ordinance 11-24 (the Moratorium), on its face and as applied to Plaintiffs and Plaintiffs' proposed Madinah Lakes development, to be in violation of the FHA, the First and Fourteenth Amendments to the United States Constitution, and RLUIPA;

C. Pursuant to 28 U.S.C. § 2201, declare that Defendants' refusal to consider or comment on Plaintiffs' PUD Concept Plan Application, and other aforementioned unlawful actions of the City, and the City's unlawful policies and practices described above to be in violation of the FHA, the First and Fourteenth Amendments to the United States Constitution, and RLUIPA;

D. Pursuant to 28 U.S.C. § 2202, FED. R. CIV. P. 65, 42 U.S.C. § 1983 and 42 U.S.C. § 2000cc-2(a), granting preliminary and permanent injunctive relief enjoining the City and all members of the Lino Lakes City Council from: (i) enforcing City Ordinance 11-24 (the Moratorium), including, without limitation, to impede or further delay Plaintiffs' proposed Madinah Lakes development; (ii) requiring as a condition of any further or additional approval needed for Plaintiffs' proposed Madinah Lakes development any condition or requirement that is not neutral and generally applicable; and (iii) requiring as a condition of any further or additional approval needed for Plaintiffs' proposed Madinah Lakes development any condition or requirement that is discretionary or that was not clearly described in the City's Comprehensive Plan, Zoning Ordinance, or other City or-

dinance on March 1, 2024.

E. Pursuant to 28 U.S.C. § 2202, Fed. R. Civ. P. 65, 42 U.S.C. § 1983 and 42 U.S.C. §2000cc-2(a), award Plaintiffs nominal and compensatory damages, and pre-judgment and post-judgment interest on these awards;

F. Pursuant to 42 U.S.C. § 1988, 42 U.S.C. § 2000cc-2(a), FED. R. CIV. P. 54(d), and other applicable law, award Plaintiffs its reasonable attorneys' fees and costs;

G. Grant such other and further relief as the Court deems equitable, just, and proper.

Dated: September 24, 2024

CROSSCASTLE PLLC

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E hibit A

**LINO LAKES CITY COUNCIL
REGULAR MEETING
MINUTES**

DATE: July 8, 2024
TIME STARTED: 6:30 PM
TIME ENDED: 9:03 PM
LOCATION: City Council Chambers
MEMBERS PRESENT: Mayor Rafferty, Councilmembers Cavegn, Lynde, Ruhland and Stoesz
MEMBERS ABSENT: None

Staff Members Present: City Administrator Sarah Cotton; City Clerk Roberta Colotti, Community Development Director Michael Grochala; City Engineer Diane Hankee, City Attorney Jay Squires, Deputy Public Safety Director Kyle Leibel

The meeting was called to order by Mayor Rafferty at 6:30 PM.

Mayor Rafferty provided an overview of the Rules of Decorum for Public Comment. He provided first notice to those in attendance that the Sargent in Arms has been instructed to remove anyone that is disorderly.

Public Comment

The City Administrator noted that 23 people signed up to speak during the public comment period this evening.

Dr. Abdirashid Shire, 2150 Water Mark Way, Lino Lakes, stated that he was present at the last Work Session, where he wanted to listen to the presentation by Zikar Holdings, but unfortunately, it wasn't allowed and that agenda item was removed. He stated that it would be nice if we had listened to the presentation even though it had been presented before. He remembered a Councilmember was adamant about not hearing the presentation because the Council had heard it before and he didn't want to make any comments. He stated that, he appreciated the Mayor as well as Councilmember Cavegn that fought for the presentation to be listened.

Dr. Shire stated that the second thing he want to mention is that the moratorium, that is under discussion. He stated that the City Attorney as well as the Community Development Director did mention that it is not necessary, because the Master Plan can do the work. So, he would be glad if the City Council turned that motion down, because there's no need for it. He added that the moratorium could be a precedent for future developments as well.

Dr. Shire stated that even if ultimately, the motion passes or the moratorium is enacted, at least you have to appreciate the developer has invested at his time and resources. So, it'd be nice if they are going to be part of the discussion. So that their viewpoints are heard. He stated that he would be absolutely delighted if that happens, because it would show that there is some fairness in the process. He asked that even if the moratorium goes ahead, make sure we give a chance to the developer so that his input is being listened.

Dr. Shire stated that as he was going through the agenda for this evening, he could see some petitions were being considered. He stated that while the petitioners can submit whatever requests they would like, however, he would ask that whatever comes before the City Council, that the Council please, respect the process, and be fair for everyone.

Asad Zaman, 1608 Como Avenue, St. Paul, urged the City Council to vote no on the moratorium, because it is not needed. And the reasons that have been advanced for it will not sustain scrutiny, which is sure to follow after enactment of the moratorium. He stated that the drive for this moratorium has divided the community. We do not want history to record that the City of Lino Lakes was given an opportunity to grow and welcome people in and chose not to do so. He stated that hopefully when it's time for the hearing, we will give specifics about this moratorium and the questions that he asked last time that have not been answered.

Chris Stowe, 426 Pine Street, Lino Lakes, stated that he tried to establish his credentials in water and wastewater management at the last meeting. He stated that everybody in the City Lino Lakes is now paying a stormwater utility fee. He stated that the stormwater system located off of his property and most of his neighbors runs through a ditch that currently floods the sod farms every time it rains. If you build that dirt up, it will back up in that canal and flood him and his neighbors out more. He noted that because the City listed it as a stormwater utility, the cost is not on the property taxes. He felt that was a poor way to keep property taxes under the 10% or whatever it is.

Mr. Stowe state that he is in favor of the moratorium. He stated that too much growth too fast is very negative. He stated that if you look at what the City of Blaine is doing, their taxes are going up faster than ours. Look at what Columbus is doing their taxes are maintaining or even going down. He stated that the vast majority of people in Lino Lakes want the moratorium to go through. He pointed to the number of people in attendance this evening. He questioned the assignment of reserved seating for attendees at the meeting.

Patty Miller, 476 Lois Lane, Lino Lakes, stated that she is in support of the moratorium to give the City time to create a plan for the development of both the north and south side of Main Street in the northwest quadrant. She stated that her biggest point is every well intended development has unintended consequences. The section of Lois Lane, between the park and the stop sign, at Maryland Drive probably looked great on paper with the intention of the design to slow traffic through the neighborhood. However, it is a problematic situation with tight curves, making navigating the road difficult with cars parked on one side, much less if cars are parked on both sides, and emergency vehicles could not pass through if cars were parked on both sides. On the south side of the park, which is adjacent to the curves in the road, there is no designated parking, a parking pad with at least 10 spaces would have been a great feature. She suggested that any park in a new development account for parking and access. She stated that there is a cost to rapid, poorly planned development and not all costly mistakes can be remedied. Far beyond a pretty picture on paper. We need to ensure the safety of our current residents and the impact of their lives. Let's do it right and have well planned developments, not just well intended developments.

Sana Ahmed, 2 Island View Lane, North Oaks, strongly urged the City Council to vote against the moratorium. She stated that she could confidently say that the same individuals working and collaborating to move the Madinah Lakes project forward will bring forth a positive addition to the City of Lino lakes.

Amina Ahmed, 2 Island View Lane, North Oaks, stated that she has lived in Minnesota since 1970. She chose to live in this beautiful area because she fell in love with all it offers. She stated that she strongly

believes that the Madinah Lakes project will enhance this community. She urged the City Council to vote against the moratorium.

Ayesha Ahmed, 2 Island View Lane, North Oaks, stated that her family and her were here in support of the Madinah Lakes project. Having raised four children in the surrounding communities for about 24 years, she has seen the northern suburbs grow and prosper. Her son has played numerous baseball games with the Centennial team. She stated that she believed the Madinah Lakes project will be a very positive addition to this already vibrant community.

Brandon Schorsch, Jewish Community Action staff representative, 2324 University Avenue, St. Paul, stated that he is here today to speak in favor of the Madinah Lakes project and against the moratorium. He stated that for 30 years, Jewish Community Action has worked with people from other communities because they also know what it's like to be a smaller ethnic and religious group in a larger place. He stated that why he thinks a project like Madinah Lakes is so great is because he grew up around projects like that. But he has also grown up in places like Texas, where some districts were being split in order to prevent students from right next door from going to the same schools. So, for people from other communities who grew up in places like Texas, who may have grown up in other states and have chosen to move to a place like Minnesota, moratoriums like these can make people feel jumpy. It's not an accusation that any individual here holds those proclivities. But he stated that where those of us who are coming to microphones are concerned, are coming from. He thanked the Council for their consideration and due diligence as they go through all of the comments and legal documentation.

Osman Ahmed, 1821 University Avenue, St. Paul, stated that he was here in support of the Madinah Lakes project. He questioned if the limit on public comment was a limit on freedom of speech. He stated there is always something that we learn from history. He remembered reading something about Congress and the people who actually voted against establishing the Martin Luther King, Jr. federal holiday and three decades later, they regretted that they fought against that. He stated that to pass the moratorium is basically telling certain people of different backgrounds and religion they are not welcome in Lino Lakes. He said the Council might not say that by words, but the moratorium is a policy and that tells a similar story. He asked that the City Council vote no on the moratorium and that they think about the future of Lino Lakes residents and the future of the children and the grandchildren that will live in this city for many years to come.

Luke Walter, Love Lino Lakes group representative, 7800 Maryland Drive, Lino Lakes, offered a correction to the statement and documents provided by Faraaz Yussuf of Zikar Holdings on June 24, 2024 during public comment, related to negative comments posted on social media. He stated that while Mr. Yussuf submitted the record as 100 pages there are in fact 83 pages. He stated that while the comments were attributed to the Love Lino Lakes group, most of the comments were not from the Love Lino Lakes group or their broader Facebook group. He noted that much of the presented social media posts had no context, the source couldn't be identified, and some appeared to have been manipulated. So a full response packet, with notations and evidence that they have administered their group and removed people and removed comments will be submitted to the Council to go into record.

Mr. Walter stated that the accusations related to the social media posts, are made by a man who is quoted as saying, "We are marketing to wealthy individuals that want to come home and be surrounded by people that look like us, talk like us and have the same religious beliefs." Mr. Walter stated that he didn't know how you couldn't call that hate speech. He stated that sounded like exclusion. He stated that he could share an audio recording and a transcript of the gentleman saying that.

Mr. Walter stated that he strongly supports the moratorium.

Mr. Walter stated that further on the agenda is the receipt of the three-development related petitions that were supported by the Love Lino Lakes group. He stated that they hosted a community event where 1,200 meals served and 1,000 people signed the petitions to slow the growth of residential development, against division and segregation, and against shady developers.

Mr. Walter stated the Love Lino Lakes group wants to revisit the 2040 Comprehensive Plan. They don't want multi-story residential development outside of downtown. They want commercial development to be expanded on the existing corridors, not on new sites. They want the largest possible lots. They want to slow pace and density.

Salat Tuke, 14171 Drake Street NW, Andover, expressed his support for the Madinah Lakes project. He stated that building a mosque anywhere should be allowed. Just like the way we allow churches to be built. He said that a mosque is a community center that helps, not just Muslim but almost everyone. So, he is here to support the construction of the mosque and the proposed housing. He said that regarding multi-family house, that type of housing is a home and the families that live in those homes are like anyone else.

Mr. Tuke asked that the City Council be fair in making their decision. He stated that they have been coming here since approximately March of this year, and as of now they know exactly where the City Council stands, especially after the Work Session last week, and he doesn't think the Council will ever change its mind. He stated that he is just wondering, with this moratorium likely to pass, what is going to happen next year (2025) when the moratorium expires? What excuse going to be given again. It seemed that by delaying the decision the hope is for the project not to be constructed. He stated that these kinds of barriers, if we let them go today, next time, his kids or himself will not be allowed to sit on these chairs or use the same restroom, because there's an excuse. He asked if you don't resist this behavior, what will happen next?

Solomon Adams, Deputy Executive Director of the Council on American-Islamic Relations (CAIR), Minnesota, 2511 East Franklin Avenue, Minneapolis, referenced the City vision statement that he recently read and he asked what type of example we want to set with that vision, is it one that is truly inclusive and represents the welcoming nature that is this great State.

Mr. Adams stated that if the proposed moratorium is passed, what happens ultimately, is a step by step plan that can be used by future cities to stifle progress and keep people and communities out. This moratorium is not needed and has caused immense division, not only in the city, but across the state. He referenced the discussion around the development plans and future planning. He stated that if the project was perfectly planned, there would be another reason to stand away from this plan. It's not that it's not now, rather it's that it is not ever. If these meetings show anything, is that the Minnesota Muslim community and its allies don't see home as the borders created around them rather that that the entire state is our home. We all call Minnesota home. All of us are Minnesotans as much as anyone else. And if we're talking about dedication, the dedication of driving across the state week after week is a testament to that.

Basheer Muhammad, 12724, Lady Street NE, Blaine, stated that it's amazing to see how many people showed up today. He asked where they were when the plan was being presented to Planning Board and Environmental Board no one showed up to those meetings because they were probably asked not to come. He stated that the people who are leading the charge against this project did not want them to know how good of a project it is. He said those that say they like their city, space and surroundings as they are, should realize that the population of the city cannot stay the same from birth to death. That the population is growing all over the world. He said that you own your house, not the whole city.

Mr. Muhammad said that when he moved to his house 17 years ago, he could close his eyes and make a left turn and go to the main street. Today, he has to stop for over five minutes to make a left turn. Hundreds of new homes have been built and still are being built. He stated that he doesn't have any right to stop it. He stated that he has never been to any City Council meeting, or opposed any project because he owns his house only not the whole city. He said when Madinah Lake is built and occupied most Lino Lakes residents may not even notice any traffic increases, because most people will go towards Lexington/I-35. So, there's going to be hardly any impact as far as the traffic is concerned. He said one of the most important things that no one has mentioned is the is the revenue that's going to come from property taxes to the city.

Mr. Muhammad stated that he knows the City Council will pass this moratorium tonight because it is pre-planned. But he urged each Council Member to do some soul searching and do the right thing for the city and not look for their prospects for the next election.

Sam Bennett, 6841 Lakeview Drive, Lino Lakes, stated that he wanted to talk about a different subject. He said that he felt like there's not a lot of small businesses, not nearly as many as he would like to see in the area. He believes that a lot of that is the result of the design of the city that we're building. He said obviously factors like Walmart and Amazon did a lot to hurt small businesses. But he feels like decisions that are made in rooms like this all across America are making sure that small businesses can never come back.

Mr. Bennett stated that current big business design is not intended for people to actually spend time there. It is a model designed to get what you want and get out. He would much rather see something like the White Bear Lake business development with shops like, Cup and Cone. He said that he wants to see development but he wants to see it done right. He said that we should do a better job of promoting small businesses and in growth along the corridor.

Councilmember Stoesz thanked Mr. Bennett for organizing the County Road 49 clean-up.

Mr. Bennett said that there is another clean-up being organized, sometime around the third weekend in September.

Farooq Rizvi, 1271 118th Avenue NW, Coon Rapids, stated that every municipality, every county has an obligation to look after the growth. And not only the growth, but make sure the growth is well planned. It is important that the city considers all the infrastructure needs and everything else. But it cannot stop progress. He has seen city after city, including Coon Rapids, Maple Grove, Woodbury, and others that have benefited tremendously from growth. From well planned, well-orchestrated growth that has led to their tremendous increase in strength in their tax base. He said that he understands there have been concerns raised about small businesses, but small businesses don't thrive in a culture where there isn't a good and strong tax base.

Mr. Rizvi stated that he supports the Madinah Lakes development for several reasons. Number one, it's not being promoted and, and pushed by a fly by night group who just want to make a fast buck. They will not do anything to harm the Lino Lakes community and its beautiful city and surrounds. He said e likes to think of the City of Lino Lake as a garden. All they are saying is add some more flowers to the garden. And everywhere that there has been growth in a well-planned manner, has resulted in positive growth. It is the way of the future.

Mr. Rizvi recommend that the City Council not adopt the moratorium. He stated that he is not saying throw caution to the four winds and just let the development go crazy. This is not a development that is going to go crazy. It's well planned and it is going to be in compliance with all the city regulations

Melissa Schultz, 6831 Black Duck Circle, Lino Lakes, stated that she has a degree in architecture with coursework in urban planning and sustainability. The last 16 years of her career have been spent working on major infrastructure projects throughout the state and communities just like Lino Lakes. She stated that she works with Master Plans in her career. She said she recently spoke at a Planning and Zoning meeting. So, she wouldn't reiterate everything. But the main topic of the speech that she gave, there was the need for a moratorium and Master Plan, with an emphasis on context sensitive solutions.

Ms. Schultz stated that presentation, she took it upon herself to do a small study of the lots in the neighborhoods in the northwest quadrant, going from Sunset to Lilac then Main to Fourth and the developments directly adjacent to the fields. So, the surrounding homes in the 1970s had an average lot size of 2.77 acres. In the 80s, the lot sizes dropped by point two acres. In the 90s, they dropped a massive 1.48 acres per lot. In the early 2000s. The lots got another point six, six acres smaller, the proposed development reduces that by another point 11 acres. So over 50 years of development in this area, the lot sizes have been reduced by a staggering two and a half acres per home. When looking at the average lot size of all of the surrounding homes combined, the average lot size is 1.43 acres, the average lot size of the proposed development is a mere point two. So, these lots are 1.2 acres smaller than the average adjacent lot. This isn't beneficial for wildlife, or natural resources. It can increase heat island effect, and doesn't benefit the existing residents.

Ms. Schultz encouraged the City Council to vote yes on the moratorium, and to spend the next year having really meaningful conversations about what is best for our beautiful community.

Jeff Johnson 6965 Sunrise Drive, Lino Lakes, stated that he is in favor of the moratorium. He questioned why the project was being proposed for this location by the developer. While it might be perfect for the developer, it would also be such a drastic change to our area. He said that he lives in this area because he likes what he has for open space. It's not up to him who lives next door, but he is not looking forward to high density or 150 homes, put down in a small area.

Yahya Khan, 12142 Bataan Street NE, stated that he is here tonight because he cares deeply about our community. He said that his mother didn't let him attend the last meeting because she feared for his safety. He said that his dad disagreed with her. His father encouraged him to come to this meeting and share his thoughts. He said that he asked his father who has been a proud resident of Blaine for many decades, if he ever felt hatred in his life. He said no, he said his mother, who wears a hijab and works at the hospital, also agreed that she hadn't felt any hatred towards her in her life. He said that his mother has attended these meetings before, and found everyone friendly and welcome. He said that he had also attended a couple of these meetings before and found everyone welcoming. He then asked why his mother felt a hint of fear that Monday about sending her children to this meeting. He questioned if it was because of the negative comments she read online. He questioned if it was because people who supported this project were kicked out of a Facebook page or received threatening text messages. He said that he wanted to know what the Council Members would say to his mother about the fear she felt in her heart that day.

Mr. Khan stated that he learned that the Madinah Lakes project includes 50 acres of greenspace trails and fields for soccer, football and basketball. It also includes a place of worship and is open to people of all faiths. He said there are kids like him, who grew up playing a basketball, soccer and football who would love a subdivision like Madinah Lakes that that they can enjoy the parks and facilities and become upstanding members of the community. He stated that he hoped the Council would not deny them the opportunity explore and to make new memories and grow in the great City of Lino Lakes.

Sara Shahid 12724 Leyte Street, Blaine, stated that she is a strong supporter of not only the Madinah Lakes development, but of equality and justice and she is opposed to the proposed moratorium. A

moratorium is not required to undertake a Master Plan as outlined in the 2040 Comprehensive Plan. The moratorium has been targeted from the very beginning to the developer. She stated the only applicant is Zikar Holdings. This is not a procedural issue, but a matter of fairness and justice. Last week, we witnessed a clear denial of due process by a Council that has shown no courtesy as a whole. Yet members of this Council feel entitled to make unwarranted statements about this development without fully understanding all the facts. This is not how a fair and transparent process should work. Decisions today have long term implications not just for the development, but for the community at large. She requested that the Council choose a legacy of fairness, transparency and progress.

Dean Dovolis, Madinah Lakes Project Architect, 333 Washington Avenue N., Minneapolis, stated that this is the first time in a long history of working on various Master Plans in which the due process wasn't completed. He stated that at the last City Council Work Session they were not allowed to present their project, even though developer paid his fee for a Concept Plan review. He stated that at that meeting they did have new information to present to the Council. He stated that they wanted to present the project to the Council, before the consideration of the moratorium this evening, however, that was never allowed. He stated that he hoped for future projects, future situations, that the City Council keeps an open mind and allows the developers and proponents to be heard and present their facts.

Bridget Robinson, 5301 2206 Avenue NE, Bethel, stated that she has attended a number of City Council meetings and heard over and over again, the residents of Lino Lakes oppose the growth, and that they want to slow it down. She pointed out that those opposing growth are approximately 1,000 people, yet the community is 20,000+ residents. She said that it appears that those opposed to growth live around and surround the sod fields down off Main Street.

Ms. Robinson said that in the past, we've all been aware and informed what the definition of a moratorium is. That we've also heard about what the purpose of a Master Planning is. The one thing that she doesn't understand why the moratorium is being proposed on a 150-acre parcel of land, the same amount of acreage with less housing than the previously proposed development plans on the very same site. She stated that the difference between the two projects, is the developer and the prospective buyers.

Ms. Robinson said that the initial discussion regarding the moratorium was because the City had a lack of water, and the moratorium was needed to determine how to fix the problem. She stated however, if that was the case, the moratorium would be considered on the entire City of Lino Lakes, not just on the northwestern quadrant. There have been other developments in the northwest quadrant and no discussions of any Master Planning that was needed. The City had over 18 years do their Master Planning for this area. The City Attorney recently stated that a moratorium is not required for Master Planning. She stated that the reason behind this decision is apparent, and she is not surprised that the Council Members are moving in this direction. The moratorium is clearly being voted to pass to simply stop this development. She stated that the why now is transparent and it's wrongful to target this particular developer.

Ms. Robinson stated that Zikar Holdings was on the agenda to present the Madinah Lakes project at the Council Work Session on July 1, 2024. This was tabled and rescheduled for a later date. She said the rescheduled time, was a convenient date well after the vote to pass this moratorium. Because a few of the Council Members were willing to publicly deny the developer to his rights within the development process.

Ms. Robinson stated that the City Council references two developers within the area identified for the moratorium, the second being Pulte Homes. She questioned if Pulte Homes was moving forward with their development plans as it has been four months since the City Council toured the Corcoran site with

the Pulte Home development. She then questioned if the moratorium was actually impacting just one developer, Zikar Holdings if Pulte Homes is not moving forward.

Jameel Ahmed, 12142 Bataan Street NE, Blaine, said that he had been trying to reach the Mayor since last week. He said that the Mayor reviewed the rules of decorum at the beginning of the meeting. He asked in the same way that those in attendance must follow the rules, that the City Council follow the rules. He asked that the City Council take the advice of the City Attorney, who advised that a moratorium is not necessary to do Master Planning.

Mr. Ahmed asked that the City Council work together with the developer to get this project done and to not be afraid because of the petitions that were submitted to the City. He identified that these signatures are a small percentage of the residents of Lino Lakes. He said the petitions are meant to distract the City Council from the real work they are doing.

Faraaz Yussuf, Zikar Holding Developer, 12724 Leyte Street NE, Blaine, thanked the Mayor for doing the right thing at the last City Council Work Session, in attempting to prevent the derailment of his company's due process as afforded to an applicant developer with the City. He stated that per the City Attorney's answer when asked if a moratorium was required, a moratorium is not required to undertake a Master Plan, or any other study.

Mr. Yussuf stated that the City is a population of 20,000+ and he asked that the Mayor and Council consider the impact of their decisions not just on today and their re-election campaigns, but on the future. He said that the treatment of the Robinson Family and Zikar Holdings has not been fair. He asked that the Council Members consider the legacy they want to leave behind. Mr. Yussuf stated that Zikar Holdings and the supporters of the project are here to stay.

Mr. Yussuf said that his development team is hosting a community effort to clean up nearly 10 miles of roadways in Lino Lakes on July 20th, through the Adopt-A-Highway program. He said that those who truly love Lino Lakes are invited to sign up to volunteer, with his staff, on their way out this evening. He invited the Council to sign up to volunteer for the clean-up project as well. He said that breakfast would be provided and more details would be forwarded to participants. He said in conclusion, regardless of what happens tonight, and in the future, he urged everyone, as fellow human beings to set aside any differences and come together. Let's break bread. Let's clean the roads. And let's show our love for Lino Lakes, a city we all cherish and love, no matter our differences and how we want it to grow.

The City Administrator announced that concludes the list of people who requested to speak at public comment.

Motion to close the public comment period.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Lyden
SECONDER:	Stoesz
AYES:	Rafferty, Cavegn, Lynde, Ruhland and Stoesz

Setting the Agenda

The agenda was accepted as presented.

1. CONSENT AGENDA

Motion to Approve Expenditures for July 8, 2024 (Check No. 120995 through 121039) in the Amount of \$573,685.60.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Lyden
SECONDER:	Ruhland
AYES:	Rafferty, Cavegn, Lynde, Ruhland and Stoesz

2. FINANCE DEPARTMENT REPORT

No Report

3. ADMINISTRATION DEPARTMENT REPORT

The City Clerk reported that the City was in receipt of three petitions. One related to an ordinance amendment and two related to Charter Amendments. She stated that this evening the petitions were being submitted for receipt as being technically sufficient. She reported that the number of required signatures and form of the petition was determined to be technically sufficient. She stated that the City Attorney would then be completing a review as to their legal sufficiency. She reviewed the timelines for placing the matters on a future ballot, noting that August 13th is the date for submitting language to the County for inclusion on the November ballot.

Council Member Lynde confirmed that the ordinance amendment could be adopted by the City Council directly, without a ballot measure.

The City Attorney provided a further overview of the process. He stated that first step in the process after receiving either initiative petition, which is the ordinance that's proposed and then presented to the Council, or a petition for a Charter Amendment is to determine the technical sufficiency under either state law or the charter provisions that may apply to that.

The City Attorney stated the second step, and that's the one we'll be discussing in the future, arises from the fact that there's a significant amount of case law in Minnesota that positions city councils to be gatekeepers of petition processes in a Charter City. So as things pass from the petition through the Charter Commission as to the amendments, and up to the Council, assuming it's all technically sufficient, it's still necessary to assure that there aren't legal infirmities in the proposals.

The City Attorney stated that in 2002, there was a State Court of Appeals decision that challenged a Charter proposal in the City of Richfield, which is a Charter City, in the land use planning area. And as a result of that decision, the Court of Appeals said that Charter Initiative and Charter Amendments in the area of land use planning are largely preempted by the Municipal Planning Act and the Metropolitan Land Planning Act Chapters 469 and 473. He said that this and other legal cases over the last 20 or 30 years will be reviewed. He stated that he is not prepared tonight to offer up deep analysis, because these the petitions were recently received. But it's necessary to take that second step.

A. Motion to adopt Resolution No. 24-95, Regarding Technical Sufficiency of a Petition Under City Charter, Chapter 5. Initiative, Referendum and Recall, Section 5.03. Determination of Sufficiency, for an Ordinance Requiring Developers to Provide Documentation of Proven Experience, Financial Health, Licensing, Criminal Background, and Reputation Subject to Approval.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Ruhland
SECONDER:	Lynde
AYES:	Rafferty, Cavegn, Lynde, Ruhland and Stoesz

B. Motion to adopt Resolution No. 24-96, Regarding Technical Sufficiency of a Petition Under Minnesota State Statute 410.12 for a Charter Amendment, Adding a New Section 1.04 to Charter Chapter I, "Segregation Prohibited"

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Ruhland
SECONDER:	Lynde
AYES:	Rafferty, Cavegn, Lynde, Ruhland and Stoesz

C. Motion to adopt Resolution No. 24-97, Regarding Technical Sufficiency of a Petition Under Minnesota State Statute 410.12 for a Charter Amendment, Adding a New Section 12.15 to Charter Chapter XII, "Limitation of Pace of Residential Development"

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Ruhland
SECONDER:	Lynde
AYES:	Rafferty, Cavegn, Lynde, Ruhland and Stoesz

4. PUBLIC SAFETY DEPARTMENT REPORT

No Report

5. PUBLIC SERVICES DEPARTMENT REPORT

No Report

6. COMMUNITY DEVELOPMENT REPORT**A. 2nd Reading of Ordinance No. 11-24, Approving Interim Ordinance Prohibiting Subdivision of Land for Residential Purposes**

The Community Development Director reported that the City Council has been considering a moratorium that would place a restriction or prohibition on the creation of new lots for residential purposes, over approximately a 980-acre area, roughly bounded by Sunset Avenue on the west, Fourth Avenue on the east, Pine Street on the north and Century Trail, and Carl Street on the south end of that. The City Council held a public hearing on June 24th of this year, and the Council approved the first reading of Ordinance 11-24. If the Council were to approve the ordinance as presented this evening, it would go into effect 30 days after publication which is planned for August 15th.

The City Attorney requested to provide clarification on his comments related to the moratorium. He stated that there were several speakers that quoted him tonight as saying that he advised the Council a moratorium wasn't necessary. He said that he just wanted to remind the Council that one of the members had a specific question for him at one of the Council meetings, which was, are we legally required to adopt a moratorium before doing the Master Plan. And his answer was no, you're not legally required. He didn't say in his judgment the moratorium isn't necessary period. He said that was the question and his response to clarify the record.

Motion to dispense with the full reading of Ordinance No. 11-24 Approving Interim Ordinance Prohibiting Subdivision of Land for Residential Purposes

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Ruhland
SECONDER:	Stoesz
AYES:	Rafferty, Cavegn, Lynde, Ruhland and Stoesz

Council Discussion:

Mayor Rafferty stated that it is about establishing neighborhoods, not communities, communities separate themselves. He went on to reference several neighborhoods including Stony Brook, Pheasant Hills, and Watermark, a large 900 plus home project.

Councilmember Cavegn stated that all parties have accepted that they are going to do a Master Plan and further studies, and since that is the reason for the moratorium, he sees no need for the moratorium.

Councilmember Lynde provided clarification on the pronunciation of the City name. He stated that CAIR-MN needs to know that no amount of tactics, intimidation, or bullying will taint the

legitimacy of the work of the City Council. He proved prospective on his social lens, providing a quote from Martin Luther King Jr. He said that he looked up CAIRs website after they sent a threatening letter to the City. He said the CAIR-MN website talks about creating mutual understating and preventing religious discrimination, he highlighted that their stance on the October 7, 2023 attack on Israel is not mentioned on their website. He said that just because, he doesn't agree with someone does not make him Islamophobic. He stated that he supports the moratorium but also supports the wide parameters it may entail, including Comprehensive Plan amendments and rezoning, noting that nothing is off the table.

Councilmember Ruhland stated that he would like to take a few minutes to address some of misconceptions about this moratorium. He stated that he is speaking solely for himself as a single council member. CAIR-MN held a press conference last week on Tuesday and they dispensed misinformation he would like to clear up and publicly comment on.

Councilmember Ruhland stated that the Executive Director of CAIR- MN was one of the was one of the first to speak at the press conference. The Executive Director said that he was 99% certain that a moratorium had never happened before in the history of Lino Lakes.

Councilmember Ruhland reported that the City placed a moratorium on storage facilities a couple of years back while reviewing zoning requirements. He said that there was one developer that already had a letter of intent out on a property that ultimately decided to walk away as a result of the moratorium. He stated that if the moratorium is adopted this evening this would be the third interim ordinance for a pause in development in a three-year period for Lino Lakes.

Councilmember Ruhland said that the Executive Director stated that he had not seen a moratorium adopted after anyone started the development process. However, earlier on in that same speech he mentioned before the developer even submitted an application that we were talking about a moratorium. The timeline matters, although it doesn't paint the discriminatory message. Why logically would anyone submit an application while a moratorium is being discussed?

Councilmember Ruhland stated that he recognizes that Zikar Holdings is relatively new developer, developer without large scale development experience. He stated that they will likely gain some great experience as they work through this process. However, he felt it is important to note that a potential misstep and the timing of an application submission without the experience of what a moratorium means doesn't translate to discrimination.

Councilmember Ruhland stated that the Executive Director mentioned that the previous development was discussed on the property had 200+ more homes. He failed to mention that it had zero commercial aspects to it. This proposed development has a large presence of commercial development.

Councilmember Ruhland reported that as an organization CAIR-MN stated in a press release that "On Monday, July 1, during a Work Session, the Lino Lakes City Council made a motion to halt the due process for Madinah Lakes project to be heard on its Conceptual Plan." The Executive Director was quotes as saying "With experience as an urban planner, I'm baffled by this statement. There's a sharp contrast between tabling an agenda item, while even going as

far as putting it on the calendar for a future meeting, as opposed to putting a halt on due process, tabling it and still meeting a statutory statutorily regulated due process does not turn this project down.”

Councilmember Ruhland stated that this press release was after his comments that he is confident CAIR-MN representatives heard in that very meeting. He reviewed that he had explained that, that this is coming out of order. Why would we give a developer feedback on a development that may need to completely change if studies are done, which is part of the moratorium process in which he supported. He stated that he wanted to see the results of those studies before going on record with his feedback. He said he suggested that the City give the developer credit for some staff time in preparing the council packet. This could be before the council next month again, or it might be around if not before a year from now. Here again, CAIR-MN seemingly using the developers’ missteps of normal order of development to create a discriminatory buzz around the topic.

Councilmember Ruhland stated that the Executive Director at the press conference continued to say, three of the city council members said we do not want to hear the planning concept of the project. And the main reason, CAIR-MN believes for this is what they have heard over the last three to four months, this project is not going to not going to go forward and the City is going to find any possible way to stop it. Councilmember Ruhland encouraged any members of the public or media to pull the recordings of the July 1, 2024 work Session and to listen to the City Council’s logic.

Councilmember Ruhland stated that there has been statements that Zikar Holdings is the only developer working within the impacted area. However, the property owner selling the property for the proposed development brought forward the idea of taking a tour of another development project to gauge the City Council’s interested in a similar development. He stated that they are correct in the sense that Zikar Holdings is the only developer with an application and all of the experienced developers, have decided to withhold submitting an application presumably until they understand what we decide to do. He stated that the City Council is following due process to the letter of the law.

Councilmember Ruhland stated that the developer makes it seem like they don't care about our due process by coming into the city and trying to bully their way to what they want by slinging accusations of Islamophobia.

Councilmember Ruhland referenced a quote in a recent Star Tribune article about the developer starting off on the wrong foot. He stated that the City Council has tried to do everything they can to help the developer move through this process, including letting them know before they submitted a land use application that we were talking about a moratorium. However, the developer took that information and quickly filed a Concept Plan. The developer claimed a moratorium was a means for discrimination. And that this moratorium is Islamophobic.

Councilmember Ruhland stated that he would like to know if the developer thinks the taxpayers of the city shouldn't have a say in what the Master Plan for an area looks like when

the 2040 Comprehensive Plan calls for it. He noted that other developers in the same area are looking at developing land after 2040.

Councilmember Ruhland stated that it has been said that this Council is not allowing this development to occur. He stated that he would like to hear who said no to the development as that would be a full Council decision. He stated that he is sure with the developers' experience, they must know that he has yet to hear a vote that denies the application. He then questioned why the developer is spreading this misinformation? If the project meets the criteria, the ordinances, then it is the Council's duty to say yes.

Councilmember Ruhland said he was not sure if the developer was still around after their presentation at the Planning and Zoning Board meeting. But it was discussed that a mosque could still be built right now. He said If the moratorium were discriminatory, then why wouldn't we have included places of worship and the moratorium? He said the reason is because the moratorium has nothing to do with it.

Councilmember Ruhland said that the City is looking at a large section of 900 acres that went up for sale and the Comp Plan calls for a Master Plan in that area, which is a gateway entrance to our city.

Councilmember Ruhland said that Blake and Dan Robinson did an interview with North Metro TV over a year ago, saying that despite dealing with the Minnesota weather rollercoaster the Robinsons are happy to carry on the family legacy. "We do get knocks every now and then" Blake said, "but we all like it so much we are not trying to get out of here." It's with comments like this as recently as a year ago, why there hasn't been more planning for development in this area. However, when 400 plus acres suddenly go under contract. And right at our gateway entrance with two developers looking to come in at the same time on both sides of the street. Councilmember Ruhland stated that he wants to plan that area out and take our time not rushing into it.

Councilmember Ruhland stated that in closing, he has given a couple of speeches on this from the time he originally brought the motion to adopt a moratorium forward. Prior to any land use application being submitted. He said that he has articulated his intentions clearly and the reasoning behind the motions. Before anyone draws any conclusions. He requested that interested parties review the meetings where it has all been addressed. He stated that he is excited to see how this area develops after the due process.

Motion to provide Second Reading and Adopt Ordinance No. 11-24, Approving Interim Ordinance Prohibiting Subdivision of Land for Residential Purposes

RESULT:	CARRIED [4-1]
MOVER:	Ruhland
SECONDER:	Lynde
AYES:	Rafferty, Lynde, Ruhland and Stoesz
NAYS:	Cavegn

B. 2024/2025 Street Reconstruction and Municipal Sewer and Water Extension Project, Colonial Woods Project

City Engineer Hankee provided an overview of the 2024/2025 Street Reconstruction and Municipal Sewer and Water Extension Project, Colonial Woods project. She provided a project area map. She reviewed the proposed assessments and project timing. She stated that because the road project is expected to last 60 years with proper maintenance the water and sewer improvements should be done now before the road is installed. She stated that the Feasibly Plan is on the City website. She stated that if the project moves forward this evening, the next step is a neighborhood meeting. There is a 60-day period after the Council takes action this evening during which property owners can prepare a petition in favor or opposed to the project. She stated that if approved some level of construction would start next year.

Councilmember Lyden asked how the interest rate for the proposed assessments was determined.

The City Engineer stated that there a bond sale and the interest rate is 2% above that.

Councilmember Stoesz asked about the Metropolitan Council water and sewer charges.

The City Engineer stated that the Metropolitan Council water and sewer fees are separate from the City's assessments and are paid directly to them.

Mayor Rafferty opened the public hearing at 8:34 p.m.

Public Comments:

Robert Holdan, 6307 Maple Lane, asked about the replacement plan or any compensation that would be available for the loss of trees in the right-of-way.

Owners of 6307 Red Maple Lane stated that they are currently not living at the home because of a recent fire. They are in favor of the water and sewer project, mainly for the fire hydrants.

Ricky Domantas, 6323 Red Maple Lane, stated that he has lived there since 1984. And this is their first opportunity since 1984 to get a road. And they have been asking for a road, basically 10 years after we moved in, and now to have sewer offered is unbelievable. He said this is an opportunity right now that if we pass this up, the City Engineer mentioned that this isn't going to happen again after the road is in place. He was in support of the project and asked his neighbors to consider it as well.

Dan Lane, 624 Red Maple Lane, asked how it is determined if your sewer is in compliance or not.

Sandy Lane, 6249 Red Maple Lane, stated that she is in favor of the proposed project. She said that she would like to have the fire protection of the fire hydrants and the water system that will be available to her home.

Mona Slayton 6283 Red Maple Lane, questioned the reality of the future development being discussed in the area and the impact of any development on the amount of the assessment being proposed.

Steve 6225 Red Maple Lane, asked if the current individual property well can be maintained after this project is complete. He stated that he would like to continue using his well for watering the garden, etc. He also asked how this improvement would impact property values and taxes.

Robert Holdan 6307 Maple Lane, asked how long the project was going to take and for an overview of the project schedule.

The City Engineer stated that she would put the schedule on the website.

Jill Butcher 6339 Red Maple Lane, asked if there were any programs to assist with the cost of the assessments.

Motin to Close the Public Hearing at 8:42 p.m.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Stoesz
SECONDER:	Ruhland
AYES:	Rafferty, Cavegn, Lynde, Ruhland and Stoesz

The City Engineer provided responses to the questions raised during the public hearing. Regarding the trees in the right-of-way those will be evaluated, including the root systems to determine if they need to be removed at all. However, if they are in the right-of-way then the City has the right to remove the trees without compensation. This will be discussed further at the neighborhood meeting as well. Regarding determining if a septic system is compliant, the City does not require a point of sale inspection, however, a home buyer may as part of a purchase agreement. This may also be part of a building project requirement. Regarding future development projections, the area to the south of the project area could see development in the near future, however, that would not impact the amount of the proposed assessments today. Regarding the continued use of a working well on the property, the owner can continue to use that. Regarding the impact on property values and taxes, the County Assessor determines property values, the assessment value may or may not be recorded directly by the County Assessor. The City Engineer reviewed the project timeline. Regarding financial assistance with paying the assessment cost, the assessments can be paid up front or over several years as a tax assessment. Anoka County had a finance program for low-income properties in the past and could be contacted for current program information.

Councilmember Ruhland stated that the FHA loan program requires that a well and septic system be inspected in order to qualify for a loan, however, a traditional loan does not require an inspection on its own. Anoka County also has a deferred assessment program for seniors.

The Council discussed the average water and sewer costs for a family of four.

The Community Development Director stated that he would post the average utility rates to the project page of the website for the information of the property owners.

Mayor Rafferty closed the discussion and stated that the City Engineer would be available to answer any further neighborhood questions and that there is now the 60-day period for the neighborhood to prepare any petitions as outlined.

C. First Reading of Ordinance No. 10-24, Vacating Drainage & Utility Easement, Outlot C, Watermark 5th Addition

Motion to dispense with the full reading of Ordinance No. 10-24, Vacating Drainage & Utility Easement, Outlot C, Watermark 5th Addition

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Stoesz
SECONDER:	Lynde
AYES:	Rafferty, Cavegn, Lynde, Ruhland and Stoesz

Mayor Rafferty opened the public hearing at 8:58 p.m.

The City Engineer provided an overview of the need for the vacation of the drainage and utility easement as it relates to the Watermark 5th Addition project development.

No public comment was provided.

Motion to close the public hearing at 8:59 p.m.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Stoesz
SECONDER:	Lynde
AYES:	Rafferty, Cavegn, Lynde, Ruhland and Stoesz

Motion to provide first reading of Ordinance No. 10-24, Vacating Drainage & Utility Easement, Outlot C, Watermark 5th Addition

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Stoesz
SECONDER:	Lynde
AYES:	Rafferty, Cavegn, Lynde, Ruhland and Stoesz

D. Resolution No. 24-92, Approving the Joint Powers Agreement with the Town of White Bear for a Sewer and Water Service at 5801 Bald Eagle Blvd.

The City Engineer provided an overview of the proposed Resolution No. 24-92, Approving the Joint Powers Agreement with the Town of White Bear for a Sewer and Water Service at 5801

Bald Eagle Blvd. She noted that the Town of White Bear has approved this agreement as presented.

Motion to adopt Resolution No. 24-92, Approving the Joint Powers Agreement with the Town of White Bear for a Sewer and Water Service at 5801 Bald Eagle Blvd.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Stoesz
SECONDER:	Lynde
AYES:	Rafferty, Cavegn, Lynde, Ruhland and Stoesz

E. Resolution No. 24-91, Accepting Metropolitan Council Clean Water Fund Grant

The Community Development Director provided an overview of the proposed Resolution No. 24-91, Accepting Metropolitan Council Clean Water Fund Grant. He highlighted the program elements and types of funding.

Motino to adopt Resolution No. 24-91, Accepting Metropolitan Council Clean Water Fund Grant

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Lynde
SECONDER:	Ruhland
AYES:	Rafferty, Cavegn, Lynde, Ruhland and Stoesz

7. UNFINISHED BUSINESS

None

8. NEW BUSIENSS

None

9. NOTICES AND COMMUNICATIONS

Mayor Rafferty reported that the July 10th Planning and Zoning Meeting and July 11th Economic Development Advisory Committee Meetings had been cancelled. He stated that there will be a City Council Work Session and Regular meeting, on July 22nd beginning at 6 p.m. at City Hall.

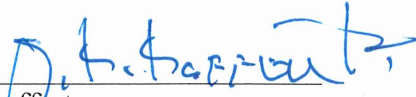
ADJOURNMENT

Mayor Rafferty adjourned the meeting at 9:03 p.m.

These minutes were considered an approved at the regular Council Meeting on August 26, 2024.



Roberta Colotti, CMC
City Clerk



Rob Rafferty,
Mayor

E hibit B

1 st Reading: June 24, 2024	Publication: July 16, 2024
2 nd Reading: July 8, 2024	Effective: August 15, 2024

**CITY OF LINO LAKES
ORDINANCE NO. 11-24**

**INTERIM ORDINANCE CREATING A MORATORIUM ON THE CREATION OF
NEW LOTS FOR RESIDENTIAL PURPOSES IN A CERTAIN PART OF THE
CITY OF LINO LAKES**

The City Council of Lino Lakes ordains:

Section 1. Purpose and Intent. The purpose and intent of this Ordinance is to exercise the City’s authority under Minnesota Statutes 462.355, Subd. 4 by the creation of an interim ordinance which has the effect of creating a moratorium on the subdivision of lands for residential uses in that part of the City of Lino Lakes described and depicted in the attached Exhibit A.

Section 2. Preliminary Findings: The City Council hereby makes the following preliminary findings to serve as the basis for the necessary study to be made during the moratorium, which serve as the reasons why it is in the public interest for the City to declare a moratorium by virtue of this Ordinance:

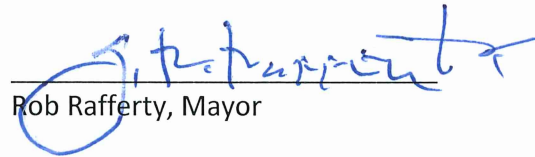
- 1) Main Street at Sunset Avenue (CR 53) is identified as a “gateway” in the City’s 2040 Comprehensive Plan.
- 2) The City’s 2040 Comprehensive Plan recommends the preparation of a Master Plan for the Main Street corridor between 4th Avenue and Sunset Avenue (CR 53). No such plan presently exists.
- 3) The City has been presented with two development proposals within the Exhibit A area that total 400 acres with approximately 900 new lots for residential use.
- 4) A moratorium will provide the City with time to study and work towards preparation of a Master Plan for the Exhibit A area that will address land uses, transportation, environmental resources preservation, parks, surface waters, and utility issues. A moratorium also presents the possibility of conducting an Alternative Urban Areawide Review (AUAR) environment study for the area.

Section 3. Moratorium: Until the Planning & Zoning Board and City Council complete studies related to the aforementioned findings, the City shall not accept or continue to process any land use applications for land use proposals which propose in

whole or in part, the creation of new lots for residential purposes. Notwithstanding the moratorium imposed herein, a land use application for a minor subdivision in compliance with City Code Section 1001.075 thru 1001.081 may be processed. The study period will last no longer than one (1) year from the effective date of this Ordinance, unless further extended by the City in accordance with Minnesota Statutes 462.355, Subd. 4.

Section 4. Effective Date: This Ordinance is effective upon publication of the Ordinance in accordance with the City Charter.

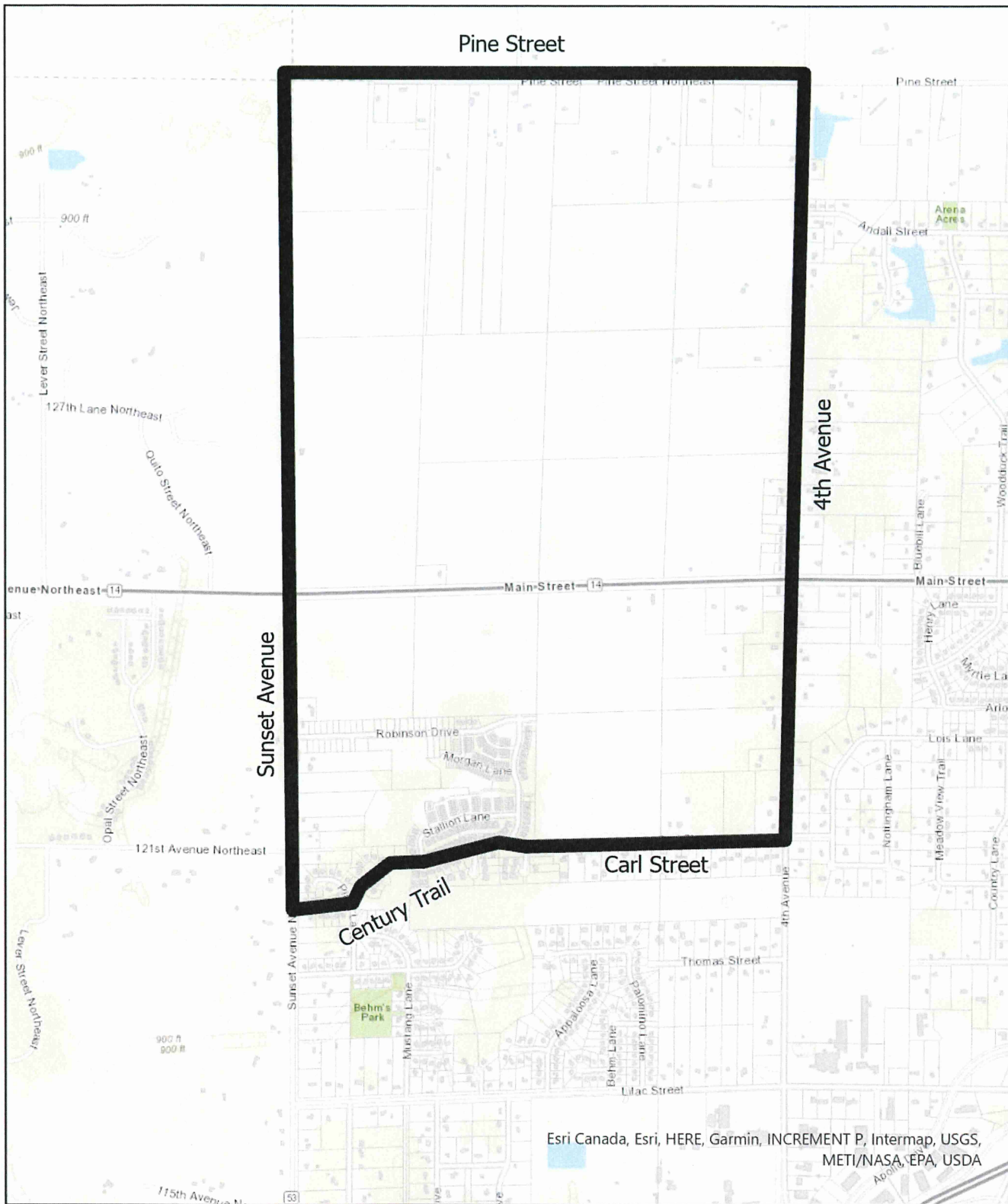
Adopted by the Lino Lakes City Council this 8th day of July, 2024.


Rob Rafferty, Mayor

ATTEST:


Roberta Colotti, CMC,
City Clerk

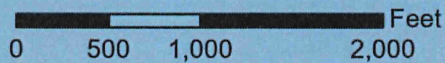
EXHIBIT A



Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA



Proposed Project Area



7/3/2024

E h i b i t C

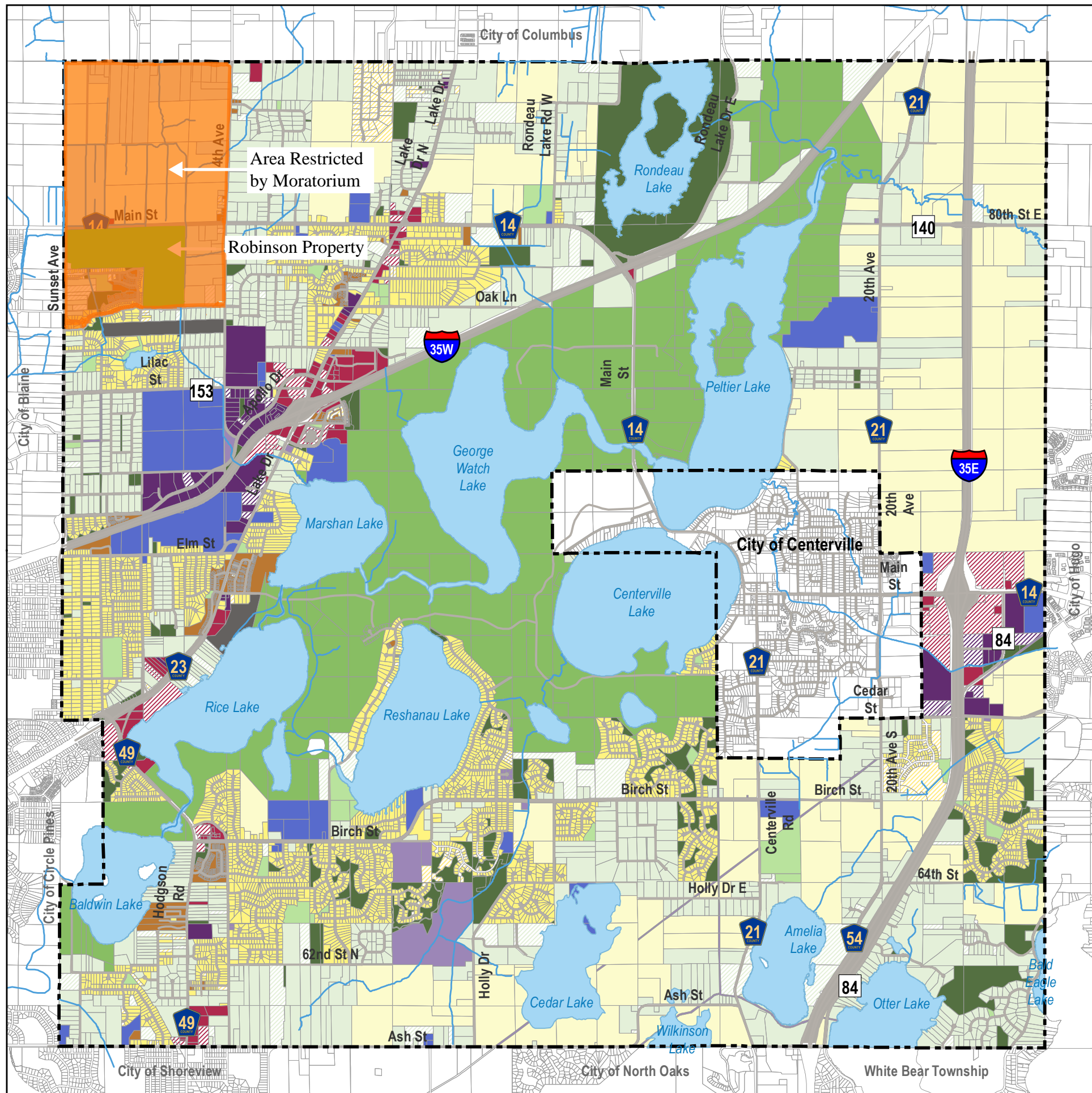




E hibit D

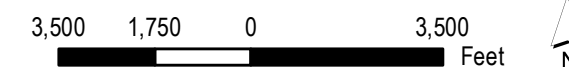


Figure 2-17
2017 Existing Land Use



Legend

Agricultural	Vacant-Industrial
Rural Residential	Vacant-Residential
Single-Family Residential	Vacant-Rural Residential
Multi-Family Residential	Open Water
Commercial	Right-of-Way
Industrial	Municipal Boundary
Utility	Parcels
County Park and Recreation	Streams
City Park and Recreation	
Open Space and Conservation	
Public/Semi-Public	
Private Airfield	
Vacant-Commercial	



E hibit E

Christopher Lyden <CLyden@linolakes.us>

Tuesday, August 6, 2024 7:42:54 AM

Observer Williams <williamsobserver@yahoo.com>; danbarry@nytimes.com
<danbarry@nytimes.com>; Jaylani Hussein <jHussein@cair.com>; Ibrahim Hooper <ihooper@cair.com>
Re: NYT: MINNESOTA Muslim Development (8/4/24) / Islam & Koran / "I-phobia" /
Jew/Christian-phobic (Islam) / 9/11 & K 9:111 / W & Islam / Islamic Deception / Koran 98:6 / Allah's Hate
/ Koran Hate Speech / Allah's Curse / Koran's Bigotry / Jihad & Isla...

Observer Williams <williamsobserver@yahoo.com>

Sunday, August 4, 2024 5:10:26 PM

danbarry@nytimes.com <danbarry@nytimes.com>; jhussein@cair.com <jhussein@cair.com>;
Christopher Lyden <clyden@linolakes.us>; ihooper@cair.com <ihooper@cair.com>
NYT: MINNESOTA Muslim Development (8/4/24) / Islam & Koran / "I-phobia" / Jew/Christian-
phobic (Islam) / 9/11 & K 9:111 / W & Islam / Islamic Deception / Koran 98:6 / Allah's Hate / Koran Hate
Speech / Allah's Curse / Koran's Bigotry / Jihad & Islam / ...

You don't often get email from williamsobserver@yahoo.com. [Learn why this is important](#)

Caution:

Mr. Barry. I read your article:

<https://www.yahoo.com/news/battle-over-farm-mosque-moral-155503080.html>

It's funny how NYT reporters write about Muslims though they don't know anything about Islam. Know the Koran, Dan? I didn't think so. Well, the Koran contains Muslim beliefs. Don't you think you should know some before throwing the fake word "Islamophobia" around?

There's no such thing. The ersatz word, coined to silence non-Muslim critics of Islam, should be removed from discourse. 7c Islam's Jew/Christian-phobic. Did you know? Oh, you're Koran-illiterate.

There's no such thing as "I-phobia" because Islam's our declared enemy. If you knew the Koran you'd know that. 9/11 = Koran 9:111. "Kill and be killed in Allah's Cause" (*Jihad*).

Why OBL chose the date of 9/11. First you've heard of it, eh? You don't know one Koran verse, yet think you're capable of writing about Muslims. Islam's not peace. Like you, W was Koran-illiterate.

"Our project aims to be one that is inclusive, open to everyone and promotes peace and harmony," he [Yussuf] said."

Ha Ha! Islamic Deception (K 3:28). Those aren't Islam. Islam hates us. We're *Infidels* who should be fought, subjugated, killed (Koran). Isn't that true, cair deceivers. Yussuf = LIAR! Harem pants on fire!

The 21c Saracens count on your Koran-illiteracy, Dan. They see you coming, uninformed NYT reporter. Allah says Jews and Christians are the "worst of creatures" and hell-bound for rejecting Islam (K 98:6). Deceiver Hussein knows. He knows you don't know.

<https://corpus.quran.com/translation.jsp?chapter=98&verse=6>

Islam's anti-Jew/Christian. So we can be anti-Muslim! Got that, convert Hoop? Islam hates us (Koran). We're *Infidels*. Hoop knows.

Put the kibosh on the Muslim development. They don't want *Infidels!* MUSLIMS ONLY! Allah forbids integration with non-Muslims (K 3:118). Isn't that true, Jaylani and Hoop. Allah hates us (K 3:32, 30:45).

But, the NYT reporter, who knows zip about Islam/Koran, goes to MN and starts flinging "I-phobia" around. Give it a rest, will ya.

The Koran is hate speech against Jews and Christians, esp. Jews. Americans, though, ignore the Koran as though it's irrelevant. *It's a cookbook!* Allah curses Jews and Christians for rejecting Islam (K 9:30). Meanwhile, Muslims aren't in the Bible. The hate is one-way, 7th century ISLAM'S way. I got your number (fig.), goons of cair.

"CAIR asserted that the project had faced "significant opposition fueled by *Islamophobic sentiment...*"

There's no such thing! Islam's our enemy! There's no "phobia!"

Islam hates us. We're *Infidels*. Jaylani knows. Islam's our enemy. See: Koran, since current events since 9/11 haven't clued you in, Dan. Allah accepts only Islam (K 3:85). Islam eschews "inclusion." Islam's divisive. The two groups: Muslims and *Mushrikun* (Unbelievers). Word of advice:

DON'T BELIEVE THE LYING MUSLIMS.

Muslims conceal the Koran's hate and bigotry. Jews are "apes and pigs" (K 5:60). Unbelievers are "cattle and livestock" (K 7:179) and "beasts in Allah's sight" (K 8:55). The Minnesotans who oppose the development would fare much better if they could point to hateful and bigoted Koran verses. Unbelievers are "filth" and "unclean" (K 9:28) and Muslims must *fight Jews and Christians until they submit* (K 9:29). Not nice, is it?

Well, Dan. Learning? The liars and deceivers of CAIR won't tell you. They keep the Koran sub rosa because Islam hates us. Have you noticed? Where's the Buddhist or Hindu Ban? There's no need. Only Islam has *Jihad* — Islamic holy war against non-Muslims.

I don't reside in MN or I'd attend the meetings with KORAN VERSES. That's probably never been done. I'd be the first one. Any shouts of "Islamophobe"

and I'd counter with "Islam hates your Infidel guts."

The Muslims would quake with fear seeing a Koran in my hand.

"Fight the disbelievers and be harsh upon them" — K 9:73, 66:9.

"Fight in Allah's Cause" — K 2:244.

"Fighting is ordained for you Muslims" — K 2:216.

"Fight the unbelievers who are near to you" — K 9:123.

Where's the peace, Dan?

"Kill the unbelievers wherever you find them" — K 9:5. The Verse of the Sword. Should we let people with those beliefs live among us?

Walter? Does he know the Koran? Ask him. It's an ugly book, filled with hate and bigotry against non-Muslims, esp. Jews and Christians.

"Muslims knelt in prayer." Wooooh! Everyone bow and scrape! Do you even know any Muslim prayers, Dan? "Allah give us victory over the unbelievers" (K 2:286). It's not the "Our Father," is it.

The Koran opens with the most popular Muslim prayer, 5x a day, the *Al-Fatihah* (7 lines). Muslims pray not to become Jews or Christians (K 1:6-7). You see, Jews "angered Allah" and Christians "went astray" (from Islam). That's kind of Jew/Christian-phobic. Don't you agree?

So much for inclusion in Islam, eh Dan? Stop being a dupe.

Council member Lyden: Don't believe a word Muslims say. Deception is permitted in Islam (*Al Taqiyya*).* Allah's the best of deceivers (K 3:54).

*K 3:28.

From article:

"CAIR's website may preach mutual understanding and justice, **Lyden** said, but "they make no mention of the Oct. 7 attack on Israel."

Chris, Islam doesn't have "mutual understanding." Islam hates us. Jaylani knows, I assure you. THEY'RE LIARS. They know you're all Koran-illiterates and so say what you want to hear. But it's all lies!

When they shout "I-phobe" at you, shout "Jew/Christian-phobe" at them! That's what I'd do. Don't let the Mohammedans intimidate you! Tell 'em to go invent something, the parasites.

"Justice" in Islam is *Shariah*, Allah's divine law. That's the Koran again, *not* the Bible. Koran doesn't have the 10 C's, Golden Rule, or Jesus's teachings. Jesus is a *Muslim* in Islam (K 19:30). Allah has no son (K 19:35). Abraham is a *Muslim* (K 3:67). So is Mary (K 3:42-43).

Do I know the Koran, or what? So, PAY ATTENTION. The Saracens see you Koran-illiterate fools coming. Isn't that true, convert Hoop (cair).

"We plan to be a part of the community and get integrated," he [Yussuf] said."

Ha Ha! Allah forbids integration with non-Muslims (K 3:118).

<https://corpus.quran.com/translation.jsp?chapter=3&verse=118>

Oh, Yussuf forgot to mention! Gee, what a surprise! Stop being chumps!

What do the Robinson's (from article) know about Islam and Koran? Answer: Nothing. They're blank slates. How to find out if someone knows Islam. Ask for a Koran verse. Here's a good one:

"Take not Jews and Christians as friends and allies" — K 5:51.

<https://corpus.quran.com/translation.jsp?chapter=5&verse=51>

Chris, email the verse to everyone involved. Conversations will start. And don't take any "I-phobia" crap from the Muslims, tell 'em to stuff it. Islam's our enemy (Koran). They know, I assure you.

Good luck halting the Muslim conquest of Minnesota!

Thanks for your time.

— Sean, USA (college-educated white)

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**CITY OF LINO LAKES
RESOLUTION NO. 24-114**

RESOLUTION TO CENSURE COUNCILMEMBER

WHEREAS, the City of Lino Lakes has been involved in significant discussions over the last number of months concerning the proposed Madinah Lakes project, the need to master plan the area where the proposed project is located, and the adoption of an interim ordinance to allow the needed master planning to occur; and,

WHEREAS, the adoption of an interim ordinance by the City Council on July 8, 2024, was driven by the City's Comprehensive Plan and the potential for two large-scale developments in the NW Quadrant of the City being undertaken in the absence of a master plan; and,

WHEREAS, on August 6, 2024, Councilmember Chris Lyden replied to an email sent on August 4, 2024, by williamsobserver@yahoo.com, which the email contains very significant negative and derogatory commentary related to the Koran and the Muslim faith. In response to the email, Councilmember Lyden replied from his City email account (clyden@linolakes.us):

“Might be the best email I have ever received! Thank you Sir!”; and,

WHEREAS, Councilmember Lyden's reply could be interpreted by some as endorsing the views and opinions expressed in the email; and,

WHEREAS, Councilmember Lyden's response was inappropriate and reflects poorly on the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lino Lakes, Minnesota that Councilmember Lyden is hereby censured by the City Council for his response to the August 4, 2024, email from williamsobserver@yahoo.com. The response neither reflects the views of the City or the views of the City Council. The Council disavows the email response in its entirety.

Adopted by the City Council of the City of Lino Lakes this 23rd day of September 2024.

Rob Rafferty, Mayor

ATTEST:

Roberta Colotti, CMC, City Clerk