

**OFFICIAL PROCEEDINGS
MINNEAPOLIS CITY COUNCIL**

**ADJOURNED MEETING OF APRIL 3, 2020
(FROM THE REGULAR MEETING OF MARCH 27, 2020)**

(Published April 8, 2020, in *Finance and Commerce*)

CALL TO ORDER

Council President Bender called the meeting to order at 9:30 a.m. in the Council Chamber, a quorum being present.

Pursuant to Minnesota Statutes Section 13D.021, the meeting was held by electronic means and Council Members participated remotely due to the local public health emergency (novel coronavirus pandemic) declared on March 16, 2020.

Present - Council Members Kevin Reich, Cam Gordon, Steve Fletcher, Phillipe Cunningham, Jeremiah Ellison, Lisa Goodman, Andrea Jenkins, Alondra Cano, Lisa Bender, Jeremy Schroeder, Andrew Johnson, Linea Palmisano.

Bender moved to adopt the agenda.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (12)

Noes: (0)

Absent: (0)

Adopted.

The following resolutions and ordinance were signed by Mayor Jacob Frey on April 6, 2020. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city. A complete copy of each summarized ordinance and resolution is available for public inspection in the Office of City Clerk.

INTRODUCTION & REFERRAL CALENDAR

Bender moved to introduce an ordinance amending Title 6, Chapter 128 of the Minneapolis Code of Ordinances relating to Emergency Preparedness and Management: Emergency Management, for first reading and referral to the Policy & Government Oversight Committee, by adding new sections related to succession in office for elected policymakers.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (12)

Noes: (0)

Absent: (0)

Adopted.

NEW BUSINESS

Mayor Jacob Frey presented a report relating to the local public health emergency resulting from imminent health conditions caused by the presence of the Coronavirus Disease (COVID-19), as set forth in Legislative File No. 2020-00405.

On direction by Council President Bender, the report was received and filed.

Jenkins moved to adopt Resolution 2020R-094 amending Resolution 2020R-075 entitled “Approving and extending the Mayor’s Declaration of Local Public Health Emergency resulting from imminent health conditions caused by the presence of the Coronavirus Disease (COVID-19),” adopted March 19, 2020.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2020R-094

**By Bender, Reich, Gordon, Fletcher, Cunningham, Ellison,
Goodman, Jenkins, Cano, Schroeder, Johnson, and Palmisano**

Amending Resolution 2020R-075 entitled “Approving and extending the Mayor’s Declaration of Local Public Health Emergency resulting from imminent health conditions caused by the presence of the Coronavirus Disease (COVID-19),” adopted March 19, 2020.

Whereas, the City of Minneapolis, Minnesota, has a current local public health emergency resulting from imminent health conditions caused by presence of the Coronavirus Disease (COVID-19); and

Whereas, pursuant to the provisions set forth in Minnesota Statutes, Chapter 12.29, and the Minneapolis Code of Ordinances, Section 128.50, Mayor Frey declared a state of local public health emergency within the City of Minneapolis on Monday, March 16, 2020, to be and remain in force and effect beginning that date and continuing for as long as the State of Minnesota peacetime emergency declaration remains in effect, which declaration of local public health emergency was ratified and continued by the City Council pursuant to Resolution No. 2020R-075; and

Whereas, subsequent to adoption of Resolution No. 2020R-075, Mayor Frey proclaimed Emergency Regulation 2020-6, creating an interim designation to be applied to emergency responders in alignment with the federal Emergency Paid Sick Leave Act (H.R. 6201), and addressing leave(s) tied to illness, quarantine, or closure of schools or places of care as a result of COVID-19, and authorizing additional leave for all City personnel; and

Whereas, subsequent to adoption of Resolution No. 2020R-075, Mayor Frey proclaimed Emergency Regulation 2020-7, suspending license renewal installment fees for liquor, wine, or beer; and

Whereas, subsequent to adoption of Resolution No. 2020R-075, Mayor Frey proclaimed Emergency Regulation 2020-8, amending the list of places of public accommodation closed or otherwise restricted during the declared local public health emergency to include any commercial pedal car licensed by the City; and

Whereas, subsequent to adoption of Resolution No. 2020R-075, Mayor Frey proclaimed Emergency Regulation 2020-9, amending emergency procurement/purchasing provisions under Emergency Regulation 2020-02; and

Whereas, the declared state of local public health emergency and concerns for the safety of City staff and the public have made it impractical and imprudent to conduct meetings in person and, as a consequence, infeasible to allow members of the public to be present for such meetings; and

Whereas, the City Council now desires to account for these subsequent actions, findings, and determinations and to provide further and additional provisions by amending Resolution No. 2020R-075;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That in accordance with Section 128.50 of the Minneapolis Code of Ordinances (Declaration of Emergency), the City Council does hereby ratify the state of local public health emergency proclaimed by Mayor Frey on Monday, March 16, 2020, pertaining to the City of Minneapolis and all its residents.

That the declared state of local public health emergency shall continue and does hereby remain in force and in effect for the same time period as the peacetime emergency declaration issued by Governor Walz for the State of Minnesota, or until such time as the City Council, by official action, may further extend or terminate the declared state of local public health emergency for the City of Minneapolis.

That meetings of the City Council and its Committees, and of the boards and commissions of the City, shall be conducted by telephonic or other electronic means until further action and direction by the City Council, and staff are directed to provide public notice on the ways in which such meetings may be accessed and monitored from remote locations, as authorized pursuant to Minnesota Statutes, Section 13D.021.

That pursuant to Minneapolis Code of Ordinances, Section 128.80, the Mayor's Emergency Regulations Nos. 2020-1, 2020-2, 2020-3, 2020-4, and 2020-5, 2020-6, 2020-7, 2020-8, and 2020-9 are hereby ratified and shall be extended throughout the duration of the declared state of local public health emergency, until such time as they may be renewed by further action of the Mayor, or until such time as the City Council, by official action, may further extend or terminate said emergency regulations.

Be It Further Resolved that the City Council hereby directs the City Clerk to publish and post this resolution ratifying the declared state of local public health emergency in the City of Minneapolis, including posting on the City's website and official bulletin boards.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (12)

Noes: (0)

Absent: (0)

Adopted.

Ellison moved to adopt Resolution 2020R-095 declaring a vacancy in the Ward 6 City Council seat and calling a special election to fill the unexpired term consistent with statutory and charter requirements.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2020R-095

By Ellison

Declaring a vacancy in the Ward 6 City Council seat and calling a special election to fill the unexpired term consistent with statutory and charter requirements.

Whereas, on January 29, 2020, the Minneapolis Public Housing Authority appointed Abdi Warsame, Member elected to represent Ward 6 on the Minneapolis City Council, as its executive director, an appointment that was confirmed by the City Council at its meeting on March 27, 2020 (see Legislative File No. 2020-00185); and

Whereas, Mr. Warsame tendered his notice to the City Clerk, pursuant to City Charter, Section 8.3(c) on March 30, 2020, that he resigned his seat on the City Council, representing Ward 6, effective that same day; and

Whereas, pursuant to Minnesota Statutes, Section 205.07, subd. 1a, and City Charter, Section 8.2(d)(2), the current term for City Council Members will expire January 4, 2022, which creates an “early vacancy” in the Ward 6 seat as defined under City Charter, Section 4.2(d)(1), which must be filled by a special municipal election; and

Whereas, pursuant to City Charter, Section 8.2(g)(1)(A), the City Council is the body responsible for determining that a vacancy exists in the office of a Council Member and thereafter calling a special municipal election to fill the unexpired portion of the term;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That a vacancy is hereby determined and declared to exist in the Ward 6 seat of the City Council following the resignation of Abdi Warsame, which is determined to be an “early vacancy” as defined in and pursuant to the provisions of Minneapolis City Charter, Section 4.2(d)(1), which must be filled by a special municipal election.

That a special municipal election to fill the unexpired portion of the existing term in the Ward 6 seat is hereby ordered and the City Clerk is hereby directed to give public notice of the same, consistent with the provisions of City Charter, Section 3.1(c).

That the following timeline for the Ward 6 special municipal election is hereby approved and adopted; to-wit:

1. Notices.

- A. The City Clerk shall immediately notify Hennepin County of the call for a special municipal election and shall post and broadly disseminate notice of the special election to the community, and particularly to the residents of Ward 6.
- B. The City Clerk shall by not later than Tuesday, May 5, 2020, publish notice of the dates of the candidate filing period for the Ward 6 special election, as determined by ordinance enacted by the City Council, pursuant to Minnesota Statutes, Section 205.13 and City Charter, Section 3.3(a), as applicable.
- C. The City Clerk shall publish notice of the Ward 6 special election on July 25 and August 4, as required pursuant to Minnesota Statutes, Section 205.16, subd. 1 and City Charter, Section 3.1(c).

2. Appointment of election judges. The City Clerk shall present for appointment by the City Council qualified individuals to serve as election judges in the Ward 6 special election by not later than Friday, July 17, 2020, pursuant to Minnesota Statutes, Section 204B.21, subd. 2.
3. Absentee Balloting Period. The City Clerk shall plan and administer an absentee balloting period for the Ward 6 special election, consistent with Minnesota Statutes, Section 203B.081, which shall begin Friday, June 26, and continue through Monday, August 10, including a Direct Balloting period during the final seven days of the absentee balloting period, running from Tuesday, August 4, and continuing through Monday, August 10, with in-person voter service hours offered in both weekends prior to the date of the general election.
4. Sample Ballot. Pursuant to Minnesota Statutes, Section 205.16, subd. 2, the sample ballot for the Ward 6 special election shall be published and posted and made available to voters not later than Saturday, July 25, 2020.
5. Public Accuracy Test. Pursuant to Minnesota Statutes, Section 206.83, a Public Accuracy Test (PAT) of all computer programs and voting systems must be conducted within 14 days of the date of the election, which for the Ward 6 special election will be on Friday, July 31, 2020, with notice of the PAT being given no less than 2 days prior, which would be published by Wednesday, July 29, 2020.
6. Special General Municipal Election. The date of the special general municipal election shall be Tuesday, August 11, 2020, consistent with the dates for special municipal elections as provided under Minnesota Statutes, Section 205.10, subd. 3(a). Polls shall be open to all voters from 7 a.m. to 8 p.m. in all precincts in Ward 6, as provided under Minnesota Statutes, Section 205.175. Voters in queue at 8 p.m. at their assigned precincts to cast ballots shall be allowed to do so. The special municipal election shall be conducted using single transferable voting (Ranked-Choice Voting), pursuant to City Charter, Section 3.1(b). Unofficial results will be published following the close of polls. Tabulation using the RCV methodology, if required, will commence the following day, on Wednesday, August 12, 2020.
7. Canvassing Returns & Certification. The City Council, in its capacity as the Municipal Canvassing Board, shall convene Wednesday, August 19, 2020, at 10 a.m. to canvass the returns of the Ward 6 special municipal election, pursuant to Minnesota Statutes, Section 205.185, subd. 3(a).

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (12)

Noes: (0)

Absent: (0)

Adopted.

Ellison moved to introduce Ordinance 2020-017, for first and second reading and passage, setting the dates for the candidate filing period for the special municipal election to fill the unexpired term in the office of Council Member, Ward 6, unanimous consent having been achieved.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2019-017

By Ellison

Intro & 1st Reading: 4/3/2020
2nd Reading: 4/3/2020

An ordinance setting dates for the candidate filing period for the special municipal election to fill the unexpired term in the office of Council Member, Ward 6.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. Pursuant to Minneapolis City Charter, Section 3.3(a), a candidate filing period must be established by ordinance for a special election, which special municipal election has been called by resolution of the City Council for Tuesday, August 11, 2020, to fill the unexpired term in the Ward 6 seat.

Section 2. Pursuant to Minnesota Statutes, Section 205.13, subd. 1a, the dates for the candidate filing period for this Ward 6 special municipal election are determined to be and shall open at 8 a.m. on Tuesday, May 19, 2020, and shall continue each business day through 5 p.m. on Tuesday, June 2, 2020, excepting Monday, May 25, 2020, in observance of the Memorial Day holiday. Candidate filing shall be conducted at the Minneapolis Elections & Voter Services headquarters located at 980 East Hennepin Avenue, Minneapolis, Minnesota, 55414-1314.

Section 3. The City Clerk is ordered to publish notice of the declared candidate filing period and to provide such other and further notifications as may be required or advisable pursuant to the requirements of all applicable state statutes and charter provisions.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (12)

Noes: (0)

Absent: (0)

Adopted.

Ellison moved to (1) receive and file the transmittal letter from the Charter Commission relating to a proposed Charter amendment by ordinance relating to conditions for special municipal elections, addressing potential conflict with state election law; and (2) introduce an ordinance amending the Minneapolis City Charter relating to Article III Elections, Article IV City Council, and Article VII Administration, for first reading and referral to the Policy & Government Oversight Committee.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (12)

Noes: (0)

Absent: (0)

Adopted.

On direction by Council President Bender, Mayoral Regulation Nos. 2020-6; 2020-7; 2020-8; and 2020-9 were received and filed, as set forth in Legislative Clerk File No. 2020-00003.

PROCLAMATION OF THE MAYOR
Emergency Regulation No. 2020-6

Whereas, on March 16, 2020, I declared a local public health emergency related to the COVID-19 pandemic in the City of Minneapolis and assumed executive responsibilities attendant thereto; and

Whereas, pursuant to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29, and Minneapolis Code of Ordinances, Sections 128.50 and 128.60, I am authorized to promulgate emergency regulations to protect the public health, safety, and welfare during this declared emergency;

Whereas, H.R. 6201, signed into law on March 18, 2020, contains the Emergency Paid Sick Leave Act that provides up to 80 hours of emergency paid leave for absences due to illness, quarantine, and school or place of care closure as result of COVID-19;

Whereas, H.R. 6201 contains the Emergency Family and Medical Leave Expansion Act that amends the Family and Medical Leave Act and provides for up to 12 weeks of job-protected leave for absences due to illness, quarantine, and school and place of care closure as a result of COVID-19;

Whereas, City of Minneapolis employees, with certain exceptions including elected officials and certain non-civil service employees, are eligible for the benefits provided by the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act;

Whereas, H.R. 6201 provides that employers may elect to exclude Emergency Responders from certain benefits provided under the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act;

NOW, THEREFORE, I, Jacob Frey, Mayor of the City of Minneapolis, do hereby order the following emergency regulation creating an interim designation to be applied to emergency responders and further authorize additional leave to be made available through City Departments for City personnel, as provided herein, during the declared local public health emergency:

Emergency Responder Definition and COVID-19 Paid Leave

“Emergency Responder” is expected to be defined in federal regulation as local government public safety, fire, law enforcement, emergency response, emergency medical, and related personnel. The City may interpret emergency response to include certain public works and other department front-line workers. Department Heads will recommend to the Mayor which of their employees are deemed emergency responders. The Mayor will have final determination of which individuals and job classes meet the definition of emergency responders.

In consideration of the benefits listed below and acknowledging the important role they play in city functions on an every-day basis, the City of Minneapolis hereby elects to exclude Emergency Responders from the benefits provided by H.R. 6201 under the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act. Emergency Responders are entitled to all other rights provided by local, state, and federal law including the Family and Medical Leave Act.

In recognition of certain exclusions allowed under H.R. 6201, Emergency Responders are entitled, under this City regulation, the following benefits:

1. Full-time Emergency Responders are entitled to up to 80 hours of COVID-19 paid leave (prorated for part-time employees) for the following reasons which occur on or before April 18, 2020 (the expiration of this regulation), or such date as selected by future emergency regulations:
 - a. The employee is subject to a Federal, State, or local quarantine or isolation related to COVID-19.
 - b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

2. Full-time Emergency Responders are entitled to 80 hours of COVID-19 paid leave in recognition of the need for these staff to continue to provide first responder and other public safety services during this challenging time. This 80 hours of COVID-19 paid leave may not be utilized until this emergency declaration has expired or at the expiration of any future emergency regulation except upon the Emergency Responder's medically confirmed written diagnosis of COVID-19.

Additional Leave Options for All Employees

After an employee has exhausted benefits under the Emergency Paid Sick Leave Act and the Emergency Paid Family and Medical Leave Expansion Act as provided by H.R. 6201, or an Emergency Responder has exhausted the COVID-19 paid leave as described above, an employee shall then use their remaining accrued sick leave, vacation leave or compensatory time for COVID-19 related absences.

Upon exhaustion of leave as described above, including exhausting all sick leave, an employee may accrue up to 80 hours of negative sick leave accruals (pro-rated for part-time) for COVID-19 related absences, with Department Head approval. Employees may retain a balance of 40 hours of vacation leave.

Options for Part-Time Status and Unpaid Leave For Non-Emergency Responder Employees

The following options are available for non-Emergency Responder employees at the discretion of Department Heads to enable flexibility and safety for employees and their families. Employees shall work with their immediate supervisor, manager and Department Head to utilize the following options:

1. Full-time employees, exempt or non-exempt, can voluntarily move temporarily to a part-time basis. Exempt employees can work at a 50% basis, either daily or on a pay period basis. Employees can continue to be paid at a full-time rate if they utilize vacation or sick leave for the balance of the work day or pay period. Department Head approval is required and will be granted for one week at a time.
2. The employee may be eligible for voluntary emergency budgetary leave with approval of the Department Head. This emergency budgetary leave is unpaid, but the employee maintains their health benefits. Emergency Budgetary leave may be granted in one-week increments.

The Finance and Property Services and Human Resources departments are authorized to issue guidelines for further detail on this regulation. The City Attorney, in consultation with the City Coordinator, is authorized to set an effective date of this regulation. The intent of this regulation is to provide benefits to employees sooner than the effective date of H.R. 6201.

Jacob Frey, Mayor of Minneapolis

PROCLAMATION OF THE MAYOR Emergency Regulation No. 2020-7

Whereas, on March 16, 2020, I declared a local public health emergency related to the COVID-19 pandemic in the City of Minneapolis and assumed executive responsibilities attendant thereto; and

Whereas, pursuant to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29, and Minneapolis Code of Ordinances, Sections 128.50 and 128.60, I am authorized to promulgate emergency regulations to protect the public health, safety, and welfare during this declared emergency;

NOW, THEREFORE, I, Jacob Frey, Mayor of the City of Minneapolis, do hereby order the following emergency regulation:

In order to ensure operational continuity and continued business capacity during this period of declared emergency and the continued maintenance of certain business licenses when the City may not be able to receive and process related applications within normal time frames, any license renewal installment fees which may ordinarily accrue from the effective date of this Emergency Regulation attendant to the renewal of any liquor, wine, or beer license issued by the City of Minneapolis and its Business Licensing Division shall be and is hereby suspended.

Jacob Frey, Mayor of Minneapolis

**PROCLAMATION OF THE MAYOR
Emergency Regulation No. 2020-8**

Whereas, on March 16, 2020, I declared a local public health emergency related to the COVID-19 pandemic in the City of Minneapolis and assumed executive responsibilities attendant thereto; and

Whereas, pursuant to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29, and Minneapolis Code of Ordinances, Sections 128.50 and 128.60, I am authorized to promulgate emergency regulations to protect the public health, safety, and welfare during this declared emergency; and

Whereas, it is a priority that race and equity be of paramount consideration in enacting and carrying out emergency regulations during the COVID-19 pandemic; and

Whereas, on March 16, the Governor of the State of Minnesota issued Emergency Executive Order 20-04 providing for the temporary closure of bars, restaurants, and other places of public accommodation; and

Whereas, City of Minneapolis law enforcement and local public health authorities are charged with monitoring and enforcing Executive Order 20-04 as long as it remains in effect;

Whereas, on March 16, I promulgated Emergency Regulation No. 2020-1 that adopted and incorporated by reference Executive Order 20-04.

NOW, THEREFORE, I, Jacob Frey, Mayor of the City of Minneapolis, do hereby amend Emergency Regulation No. 2020-1 to include within the ambit of places of public accommodation subject to the order the following additional type of use: any commercial pedal car licensed or required to be licensed by the City of Minneapolis.

Jacob Frey, Mayor of Minneapolis

**PROCLAMATION OF THE MAYOR
Emergency Regulation No. 2020-9**

Whereas, on March 16, 2020, I declared a local public health emergency related to the COVID-19 pandemic in the City of Minneapolis and assumed executive responsibilities attendant thereto; and

Whereas, pursuant to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29, and Minneapolis Code of Ordinances, Sections 128.50 and 128.60, I am authorized to promulgate emergency regulations to protect the public health, safety, and welfare during this declared emergency; and

Whereas, it is a priority that race and equity be of paramount consideration in enacting and carrying out emergency regulations during the COVID-19 pandemic; and

Whereas, on March 17, 2020, I promulgated Emergency Regulation No. 2020-2, which authorized the

expedited procurement of goods and services in connection with the declared local public health emergency; and

Whereas, it is imperative at this time to extend such expedited authority to a broader array of actions necessary to respond to the declared emergency.

NOW, THEREFORE, I, Jacob Frey, Mayor of the City of Minneapolis, do hereby order the following emergency regulation:

The City of Minneapolis Finance and Property Services department (the “Department”) is hereby authorized to enter into contracts and incur obligations necessary to respond to the conditions related to the Local Public Health Emergency declared on March 16, 2020 (the “Emergency”), by protecting the health and safety of persons and property and by providing emergency assistance to the victims of the Emergency, without compliance with time-consuming procedures and formalities ordinarily required by the laws of the State of Minnesota or City of Minneapolis, including but not limited to provisions relating to low bids, cooperative contracts, obtaining multiple quotes, and requests for proposals, when in the opinion of the head of the Department it is in the best interests of the City and for good value:

1. enter into contracts;
2. incur obligations;
3. obtain professional services;
4. rent equipment; and
5. purchase supplies and materials.

The Department shall consult with the Civil Rights Department on all contracts and obligations over \$50,000.

The Department shall regularly report all such actions taken pursuant to this Regulation to the Mayor and the City Council. This authorization expires when the Emergency terminates, lapses, or otherwise concludes.

Jacob Frey, Mayor of Minneapolis

ADJOURNMENT

The meeting was adjourned at 11:38 a.m.

Casey Joe Carl,
City Clerk