

**OFFICIAL PROCEEDINGS
MINNEAPOLIS CITY COUNCIL**

**REGULAR MEETING OF
AUGUST 8, 2019**

(Published August 17, 2019, 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.

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

Absent: Council Member Andrew Johnson.
(Republished August 20, 2019)

On motion by Jenkins, the agenda was adopted.

On motion by Jenkins, the minutes of the regular meeting of July 25, 2019, were accepted.

On motion by Jenkins, the petitions, communications, and reports were referred to the proper Committees.

The following actions, resolutions, and ordinances were signed by Mayor Jacob Frey on August 14, 2019. 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.

REPORTS OF STANDING COMMITTEES

The ECONOMIC DEVELOPMENT & REGULATORY SERVICES Committee submitted the following report:

COUNCIL ACTION 2019A-0644

The Minneapolis City Council hereby approves the application for Olive & Lamb Eatery, 2424 UNIVERSITY AVE NE Minneapolis, MN, submitted by M & M Food Service LLC, BLWine, LIC378395, for an On Sale Wine with Strong Beer, No Live Entertainment License, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

Approved by Mayor Jacob Frey 8/12/2019.

(Published 8/13/2019)

COUNCIL ACTION 2019A-0645

The Minneapolis City Council hereby:

1. Approves the application for Cosmic Bean Dispensary, 1315 4TH ST SE Minneapolis, MN, (Ward 3) submitted by Cosmic Bean Dispensary LLC, BLFood, LIC380342, for a Sidewalk Cafe License with eight seats, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

2. Approves the application for Cosmic Bean Dispensary, 1315 4TH ST SE Minneapolis, MN, submitted by Cosmic Bean Dispensary LLC, BLGeneral, LIC380339, for an Extended Hours of Operation License, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

Approved by Mayor Jacob Frey 8/12/2019.

(Published 8/13/2019)

COUNCIL ACTION 2019A-0646

The Minneapolis City Council hereby approves the application for The Lyndale Tap House, 2937 LYNDALE AVE S Minneapolis, MN, (Ward 10) submitted by Eastwest Classic LLC, BLAmend, LIC381104, for an On Sale Liquor with Sunday Sales, General Entertainment License, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

Approved by Mayor Jacob Frey 8/12/2019.

(Published 8/13/2019)

COUNCIL ACTION 2019A-0647

Goodman moved approval of the 2020 License Fee Schedule with increases to the current 2019 License Fee Schedule, as set forth in Legislative file 2019-00765 on file in the Office of the City Clerk.

On motion by Goodman, the license fee schedule was amended to add a new category entitled “Food Cart Vendor, Sidewalk – Multiple” with a Year 2020 fee in the amount of \$465.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted, as amended.

COUNCIL ACTION 2019A-0648

The Minneapolis City Council hereby approves the following applications (22) for Liquor Licenses, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

1. DUMPLING, 4004 MINNEHAHA AVE Minneapolis, MN, (Ward 12) submitted by DUMPLING LLC, BLAmend, LIC381232
2. Prime Oil & Gas Corp, 2951 CENTRAL AVE NE Minneapolis, MN, (Ward 1) submitted by Prime Oil & Gas Corp, BLBeerOff, LIC379639
3. Roat Osha, 3001 HENNEPIN AVE Minneapolis, MN, (Ward 10) submitted by Top Notch Services Inc, BLLiquor, LIC381084
4. Speedway #4021, 4320 LAKE ST E Minneapolis, MN, (Ward 2) submitted by Northern Tier Retail LLC, BLAmend, LIC381183
5. Speedway #4024, 2501 HENNEPIN AVE Minneapolis, MN, (Ward 10) submitted by Northern Tier Retail LLC, BLAmend, LIC381179
6. Speedway #4034, 2200 LYNDAL AVE S Minneapolis, MN, (Ward 10) submitted by Northern Tier Retail LLC, BLAmend, LIC381178
7. Speedway #4056, 300 BROADWAY ST NE Minneapolis, MN, (Ward 3) submitted by Northern Tier Retail LLC, BLAmend, LIC381184
8. Speedway #4060, 801 LAKE ST W Minneapolis, MN, (Ward 10) submitted by Northern Tier Retail LLC, BLAmend, LIC381180
9. Speedway #4135, 4001 LYNDAL AVE S Minneapolis, MN, (Ward 8) submitted by Northern Tier Retail LLC, BLAmend, LIC381181
10. Speedway #4161, 4740 CEDAR AVE S Minneapolis, MN, (Ward 11) submitted by Northern Tier Retail LLC, BLAmend, LIC381187
11. Speedway #4165, 5101 34TH AVE S Minneapolis, MN, (Ward 12) submitted by Northern Tier Retail LLC, BLAmend, LIC381309
12. Speedway #4166, 6000 PORTLAND AVE Minneapolis, MN, (Ward 11) submitted by Northern Tier Retail LLC, BLAmend, LIC381182
13. Speedway #4172, 3800 LAKE ST W Minneapolis, MN, (Ward 7) submitted by Northern Tier Retail LLC, BLAmend, LIC381188
14. Speedway #4173, 3357 UNIVERSITY AVE SE Minneapolis, MN, (Ward 2) submitted by Northern Tier Retail LLC, BLAmend, LIC381189
15. Speedway #4185, 1820 37TH AVE NE Minneapolis, MN, (Ward 1) submitted by Northern Tier Retail LLC, BLAmend, LIC381191
16. Speedway #4232, 3453 NICOLLET AVE Minneapolis, MN, (Ward 8) submitted by Northern Tier Retail LLC, BLAmend, LIC381192
17. Speedway #4378, 2445 BLOOMINGTON AVE Minneapolis, MN, (Ward 9) submitted by Northern Tier Retail LLC, BLAmend, LIC381193
18. Speedway #4382, 3744 CHICAGO AVE Minneapolis, MN, (Ward 8) submitted by Northern Tier Retail LLC, BLAmend, LIC381196
19. Speedway #4388, 101 GRANT ST W Minneapolis, MN, (Ward 7) submitted by Northern Tier Retail LLC, BLAmend, LIC381198

20. Troubadour Wine Bar, 2827 HENNEPIN AVE Minneapolis, MN, submitted by Troubadour Wine Bar, LLC, BLWine, LIC379980
21. WHOLE FOODS MARKET, 222 HENNEPIN AVE Minneapolis, MN, submitted by WHOLE FOODS MARKET GROUP INC, BLAmend, LIC380103
22. WHOLE FOODS MARKET, 222 HENNEPIN AVE Minneapolis, MN, (Ward 3) submitted by WHOLE FOODS MARKET GROUP INC, BLAmend, LIC380104

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

Approved by Mayor Jacob Frey 8/12/2019.

(Published 8/13/2019)

COUNCIL ACTION 2019A-0649

The Minneapolis City Council hereby approves the following applications (2) for Gambling Licenses, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

1. Minneapolis Firefighters Local 82 Charities, 501 WASHINGTON AVE S Minneapolis, MN, submitted by Minneapolis Firefighters Local 82 Charities, BLGeneral, LIC381618
2. Minneapolis Firefighters Local 82 Charities, 2911 HENNEPIN AVE Minneapolis, MN, submitted by Minneapolis Firefighters Local 82 Charities, BLGeneral, LIC381619

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

Approved by Mayor Jacob Frey 8/12/2019.

(Published 8/13/2019)

COUNCIL ACTION 2019A-0650

The Minneapolis City Council hereby approves the following applications (4) for Gambling License Renewals, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

1. EAGLES AERIE #34, 2600 27TH AVE S Minneapolis, MN, submitted by EAGLES AERIE 34, BLGeneral, LIC69163
2. EDISON COMMUNITY AND SPORTS FOUNDATION, 3300 CENTRAL AVE NE Minneapolis, MN, submitted by EDISON COMMUNITY AND SPORTS FOUNDATION, BLGeneral, LIC369702
3. Minneapolis Hockey Association, 415 60TH ST W Minneapolis, MN, submitted by Minneapolis Hockey Association, BLGeneral, LIC370032
4. MPLS RIVERVIEW LIONS, 207 WASHINGTON AVE N Minneapolis, MN, submitted by MPLS RIVERVIEW LIONS, BLGeneral, LIC68168

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

Approved by Mayor Jacob Frey 8/12/2019.

(Published 8/13/2019)

COUNCIL ACTION 2019A-0651

The Minneapolis City Council hereby:

1. Accepts grants from the Minnesota Department of Employment and Economic Development (DEED), in the total amount of \$934,354, for the following projects: 901/907 Winter Street Project, 901 Winter St NE (\$211,214); 3120 Excelsior Project, 3120 Excelsior Blvd (\$98,996); Bessemer at Seward Commons, 2200 Snelling Ave, 2206 Snelling Ave, 2210 Snelling Ave, 2214 Snelling Ave, and 2218 Snelling Ave (\$328,488); Capri Theater, 2027 W Broadway, 2029 W Broadway, 2033 W Broadway, and a portion of 2101 W Broadway, 2104 23rd Av N and 2106 23rd Ave N, 2301 Oliver Ave N and 2210 Oliver Ave N (\$58,991); Leef South Lot fka Currie & Irving, 190 James Ave N, 194 James Ave N, 196 James Ave N, 198 James Ave N, 187 Irving Ave N, 191 Irving Ave N, 195 Irving Ave N, and 199 Irving Ave N (\$163,214); and Malcolm Yards Market, 501 30th Ave SE (\$73,451).
2. Accepts grants from the Metropolitan Council's Tax Base Revitalization Account (TBRA), in the total amount of \$1,234,900, for the following projects: 901/907 Winter Street Project, 901 Winter St NE (\$122,400); 3120 Excelsior Project, 3120 Excelsior Blvd (\$98,900); Calhoun Towers -- Building C, 3404 List Place and 3430 List Place (\$272,400); Checkerboard, 3716 Dight Ave S (\$600,000); Leef South Lot fka Currie & Irving, 190 James Ave N, 194 James Ave N, 196 James Ave N, 198 James Ave N, 187 Irving Ave N, 191 Irving Ave N, 195 Irving Ave N, and 199 Irving Ave N (\$37,300); and Malcolm Yards Market, 501 30th Ave SE (\$103,900).
3. Authorizes contracts or agreements with DEED and the Metropolitan Council for the aforesaid grants.
4. Authorizes one or more funding agreements with each of the sub-recipients identified (or an affiliated entity) and/or disbursement and related agreements for these grants.
5. Passage of Resolution 2019R-218 approving appropriation of funds to the Community Planning and Economic Development Department.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

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

RESOLUTION 2019R-218
By Goodman and Warsame

Amending the 2019 General Appropriation Resolution.

Resolved by The City Council of the City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

1. Increasing the appropriation for Community Planning & Economic Development Department Fund 01600- Other Grants-State and Local (01600-8900320) by \$634,752.
2. Increasing the appropriation for Community Planning & Economic Development Department Fund 01600- Other Grants-State and Local (01600-8900220) by \$1,534,502
3. Increasing the revenue source for Community Planning & Economic Development Department Fund 01600-Other Grants-State and Local (01600-8900900-321508) by \$934,354.
4. Increasing the revenue source for Community Planning & Economic Development Department Fund 01600-Other Grants-State and Local (01600-8900900-322503) by \$1,234,900.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

**The HOUSING POLICY & DEVELOPMENT Committee submitted the following report:
COUNCIL ACTION 2019A-0652**

The Minneapolis City Council hereby:

1. Passage of Resolution 2019R-219 approving the sale of the property at 314 36th Ave N, (Disposition Parcel No. MH-155), to Danella Thompson or affiliated entities for \$16,000, subject to conditions.
2. Approves the award of up to \$20,000 in Homebuyer Incentive funds to Danella Thompson or affiliated entities.
3. Authorizes related agreements with Danella Thompson or affiliated entities.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

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

RESOLUTION 2019R-219

By Gordon

Authorizing sale of land Disposition Parcel MH-155, under the Minneapolis Homes Program at 314 36th Ave N.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel MH-155, in the McKinley neighborhood, from Danella Thompson or affiliated entities, hereinafter known as the Redeveloper, the Parcel MH-155, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of MH-155; 314 36th Ave N: The East 40 feet of Lots 12, 13, 14 and 15, Block 6, Nichols-Frissell Co's Lyndale Park Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$16,000 for Parcel MH-155 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on July 5, 2019, a public hearing on the proposed sale was duly held on July 17, 2019, at the regularly scheduled Housing Policy and Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 S 5th St, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Redevelopment Plan and/or Program is hereby determined to be the sum of \$16,000 for Parcel MH-155.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in the best interests of the City and its people and that the transaction furthers the City's general plan of economic development in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions: 1) land sale closing must occur on or before 90 days from the date this Resolution is approved by the City; and 2) payment of holding costs of \$300.00 per month if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate City official of the City.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0653

The Minneapolis City Council hereby:

1. Passage of Resolution 2019R-220 approving the sale of the property at 2803 Aldrich Ave N, (Disposition Parcel No. MH-157), to Richard Ayuk or affiliated entities for \$5,400, subject to conditions.
2. Approves the award of up to \$20,000 in Homebuyer Incentive funds to Richard Ayuk or affiliated entities.
3. Authorizes related agreements with Richard Ayuk or affiliated entities.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

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

RESOLUTION 2019R-220

By Gordon

Authorizing sale of land Disposition Parcel MH-157, under the Minneapolis Homes Program at 2803 Aldrich Ave N.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel MH-157, in the Hawthorne neighborhood, from Richard Ayuk, hereinafter known as the Redeveloper, the Parcel MH-157, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of MH-157; 2803 Aldrich Ave N: Lot 7, Block 8, Fairmount Park Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$5,400 for Parcel MH-157 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on July 19, 2019, a public hearing on the proposed sale was duly held on July 31, 2019, at the regularly scheduled Housing Policy and Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 S 5th St, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Redevelopment Plan and/or Program is hereby determined to be the sum of \$5,400 for Parcel MH-157.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in the best interests of the City and its people and that the transaction furthers the City's general plan of economic development in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions: 1) land sale closing must occur on or before 90 days from the date this Resolution is approved by the City; and 2) payment of holding costs of \$300.00 per month if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate City official of the City.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0654

The Minneapolis City Council hereby:

1. Passage of Resolution 2019R-221 approving the sale of the property at 1701 Thomas Ave N, (Disposition Parcel No. MH-156), to Jean-Claude Gbedjangni and Carrie Ann Gbedjangni or affiliated entities for \$21,700, subject to conditions.
2. Approves the award of up to \$20,000 in Homebuyer Incentive funds to Jean-Claude Gbedjangni and Carrie Ann Gbedjangni or affiliated entities.
3. Authorizes related agreements with the Jean-Claude Gbedjangni and Carrie Ann Gbedjangni or affiliated entities.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

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

RESOLUTION 2019R-221

By Gordon

Authorizing sale of land Disposition Parcel MH-156, under the Minneapolis Homes Program at 1701 Thomas Ave N.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel MH-156, in the Willard-Hay neighborhood, from Jean-Claude Gbedjangni and Carrie Ann Gbedjangni, hereinafter known as the Redeveloper, the Parcel MH-156, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of MH-156; 1701 Thomas Ave N: Lot 14, Block 2, Fairlawn Addition; and

Whereas, the Redeveloper has offered to pay the sum of \$21,700 for Parcel MH-156 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on July 19, 2019, a public hearing on the proposed sale was duly held on July 31, 2019, at the regularly scheduled Housing Policy and Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 S 5th St, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Redevelopment Plan and/or Program is hereby determined to be the sum of \$21,700 for Parcel MH-156.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in the best interests of the City and its people and that the transaction furthers the City's general plan of economic development in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions: 1) land sale closing must occur on or before 90 days from the date this Resolution is approved by the City; and 2) payment of holding costs of \$300.00 per month if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate City official of the City.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

On behalf of the Housing Policy & Development Committee, Gordon offered Resolution 2019R-222 authorizing preliminary and final approval of the issuance of Tax Exempt Multifamily Housing Revenue Entitlement Bonds in an amount not to exceed \$8.5 million for the Madison Apartments project at 501 15th St E.

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

RESOLUTION 2019R-222

By Gordon

Authorizing the issuance of bonds, in a principal amount not to exceed \$8,500,000 in the form of Housing Revenue Bonds for the Madison Apartments Project at 501 15th St E, Series 2019, and approving and authorizing the execution of various documents in connection therewith.

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C, as amended (the "Act"), a city is authorized to carry out programs for the financing of multifamily housing for persons of low and moderate income, and to authorize its housing and redevelopment authority to act on its behalf; and

Whereas, the Act requires adoption of a housing finance program after a public hearing held thereon for which notice was published in a newspaper of general circulation in the City at least fifteen (15) days in advance of the hearing; and

Whereas, there has been proposed a program (the "Program") for the issuance of up to \$8,500,000 of one or more of its tax-exempt Housing Revenue Bonds (Madison Apartments Project), Series 2019 (the "Bonds") to finance the acquisition, rehabilitation and equipping by Madison Renewal LLC, a Minnesota limited liability company (the "Owner"), of a 51-unit multifamily rental housing development and facilities functionally related and subordinate thereto, located at 501 East 15th Street in the City (the "Project"); and

Whereas, the Housing Policy and Development Committee of the Minneapolis City Council, on behalf of the City held a public hearing on the Program and proposed issuance of the Bonds after at least 15 days published notice thereof and after submission of the Program to the Metropolitan Council for review and comment; and

Whereas, the City on July 31, 2019, did conduct a public hearing on the Program; and

Whereas, the Council has been advised by Stifel, Nicolaus & Company, Incorporated, representing the Owner, that on the basis of information available to them, the Project is economically feasible; and

Whereas, the City desires to facilitate the development of rental housing within the community, encourage the preservation of affordable housing opportunities for residents of the City, encourage the

preservation of housing facilities designed for occupancy by persons of low or moderate income within the boundaries of the City, and the maintenance of affordable units in the Project would assist the City in achieving these objectives; and

Whereas, the Program will result in the provision of decent, safe and sanitary rental housing opportunities to persons within the community; and

Whereas, this City Council has been advised that conventional, commercial financing to pay the capital costs of the Program is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but the City Council has been further advised that with the aid of municipal financing and resulting low borrowing costs, the Project is economically more feasible; and

Whereas, the staff of the City considers the proposed Program to be in furtherance of the housing policies of the State of Minnesota as stated in the Act and of the City; and

Whereas, the Program is to be financed from the proceeds of the Bonds, to be issued by the City, and the revenues from the Project (as defined below) shall be pledged for the security and payment of the Bonds (except as may otherwise be set forth in the Indenture and Loan Agreement hereinafter referred to); and

Whereas, the proceeds of the Bonds will be used by the City to fund a loan to the Owner to finance the acquisition and rehabilitation of the Project; and

Whereas, the Owner has requested that the City issue the Bonds for the benefit of the Owner, pursuant to the terms of a Trust Indenture, dated on or after September 1, 2019 (the "Indenture"), between the City and a trustee to be selected by the Owner (the "Trustee"); and

Whereas, the Owner has requested that the City loan the proceeds derived from the sale of the Bonds to the Owner pursuant to the terms of a Loan Agreement, dated on or after September 1, 2019 (the "Loan Agreement"), between the City and the Owner, and the Owner proposes to apply the proceeds of the loan made pursuant to the terms of the Loan Agreement (the "Loan") to the payment of a portion of the costs of the acquisition, rehabilitation and equipping of the Project and related costs; and

Whereas, the Bonds will be issued pursuant to the terms of the Indenture and this resolution and the Bonds and the interest on the Bonds: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City; and

Whereas, forms of the following documents (including the exhibits referred to therein) have been submitted to the City:

- a) The Bonds;
- b) The Loan Agreement;

- c) The Indenture;
- d) A Regulatory Agreement, dated on or after September 1, 2019 (the "Regulatory Agreement"), between the City, the Owner, and the Trustee, entered into to ensure continuing compliance with certain rental and occupancy restrictions imposed by the Act and Section 142(d) of the Code, and to ensure continuing compliance with certain restrictions imposed by the City; and
- e) A Bond Purchase Agreement, dated on or after the pricing date of the Bonds, between the City, the Owner, and Stifel, Nicolaus & Company, Incorporated, as original purchaser of the Bonds.

The agreements described and referred to in paragraphs a through e above shall hereinafter sometimes be referred to collectively as the "Agreements";

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

That it is hereby found, determined and declared that:

- a) The preservation of the quality of life in the City is dependent upon the maintenance, provision and preservation of an adequate housing stock which is affordable to persons and families of low or moderate income, that accomplishing this is a public purpose, and that many would-be providers of housing units in the City are either unable to afford mortgage credit at present market rates of interest or are unable to obtain mortgage credit because the mortgage credit market is severely restricted.
- b) The development and implementation of the Program, and the issuance of the Bonds by the City, and the execution and delivery of the Agreements and the performance of all covenants and agreements of the City contained therein and of all other acts and things required under the Constitution and Laws of the State of Minnesota to make the Agreements and the Bonds valid and binding obligations of the City in accordance with their terms, are authorized by the Act.
- c) The implementation of the Program for the purposes and in the manner contemplated by the Agreements conforms or will conform to all pertinent statutes, regulations and ordinances of the State of Minnesota and the City.
- d) It is desirable that the Bonds be issued by the City, in an aggregate principal amount not to exceed \$8,500,000, on the terms set forth in the Resolution, the Indenture, the Loan Agreement, the Regulatory Agreement and the Bonds.
- e) The payments required or provided for by the Agreements are intended to produce income and revenues sufficient to provide for the payment when due of principal of and interest on the Bonds issued under the Resolution, and payments are required to be made for such expenses of, among other things, administration of the Program as will be necessary to protect the interests of the City.
- f) Pursuant to the provisions of the Act, and as provided in the Agreements, the Bonds shall be retired solely from the revenues of the Project.

Be It Further Resolved that the Agreements in substantially the forms submitted to the City at this meeting are hereby approved. Such of the documents as require the execution of the City are hereby authorized and directed to be executed or accepted, as the case may be, and delivered in the name and on behalf of

the City by its Finance Officer upon execution thereof by the parties thereto as appropriate. The Bonds and the Agreements shall be executed and delivered as provided therein. Copies of all the documents necessary for the consummation of the transactions described herein and in the Agreements shall be delivered, filed and recorded as provided herein and in the Agreements.

Be It Further Resolved that the form and terms of the Agreements may be varied prior to execution and delivery by the parties thereto, provided that any such variance shall not be, in the opinion of the City's legal counsel and the Finance Officer, materially adverse to the interests of the City. The execution and delivery of the Agreements as provided above shall be conclusive evidence of the determination that any such variance was not materially adverse to the interests of the City.

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Bonds, which issuance is approved, substantially in the forms and upon the terms set forth in the Agreements and the Bonds, the terms of which are for this purpose incorporated in this Resolution and made a part hereof as if fully set forth herein. The Bonds shall be dated as of the date and shall mature on the dates (subject to redemption on such earlier dates as provided in the Bonds), bear interest and be payable at the rates, all determined as set forth in the Agreements and the Bonds, to be approved, executed and delivered by Finance Officer, which approval shall be conclusively evidenced by such execution and delivery; provided that such rates shall result in an average coupon rate not greater than three percent (3%) per annum with respect to the Bonds.

Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the Program are hereby approved, ratified and confirmed.

Be It Further Resolved that the Bonds are hereby designated "Program Bonds" and are determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Be It Further Resolved that the execution of said Bonds to the Purchaser is hereby approved, and the Bonds are hereby directed to be delivered to the Purchaser, upon the terms and conditions set forth in the Agreements and the Bonds. The Finance Officer of the City is hereby authorized and directed to prepare and execute by manual or facsimile signature the Bonds as described in the Agreements and to deliver it to the Purchaser together with a certified copy of this Resolution, and the other documents required by the Agreements.

Be It Further Resolved that the Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including various certificates of the City, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to the Bonds, a certificate as to arbitrage and rebate, and similar documents, appropriate amendments to the Housing Program, and all other documents and certificates as the Finance Officer shall deem to be necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds. The City hereby authorizes Kutak Rock LLP, as bond counsel to the City in connection with this financing ("Bond Counsel"), to prepare, execute, and deliver its approving legal opinions with respect to the Bonds.

Be It Further Resolved that the City will not participate in the preparation of an official statement or other disclosure document relating to the offer and sale of the Bonds (the "Disclosure Document"), and will make no independent investigation with respect to the information contained in the Disclosure

Document, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information.

Be It Further Resolved that all covenants, stipulations, obligations and agreements of the City contained in this Resolution and the aforementioned documents shall be deemed to be the covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the City. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City by the provisions of this Resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

Be It Further Resolved that no covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council nor any officer or employee executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Bonds or in any other document related to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Project, the proceeds of which are to be applied to the payment of the Bonds, as provided therein and in the Agreements. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Bonds, or the interest thereon, or to enforce payment thereof against any property of the City. The Bonds shall recite in substance that the Bonds, including the interest thereon, are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that except as herein otherwise expressly provided, nothing in this Resolution or in the aforementioned documents expressed or implied is intended or shall be construed to confer upon any person or firm or corporation, other than the City or any holder of the Bonds issued under the provisions of this Resolution, any right, remedy or claim, legal or equitable, under and by reason of this Resolution or any provision hereof, this resolution, the aforementioned documents and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and any holder from time to time of the Bonds issued under the provisions of this Resolution.

Be It Further Resolved that in case any one or more provisions of this Resolution, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution, or of the aforementioned documents, or of the Bonds, but this Resolution, the aforementioned documents, the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Be It Further Resolved that the Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this Resolution, to the issuance of the Bonds and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this Resolution, and precedent to issuance of the Bonds, and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that in the event any of the officers of the City authorized to execute documents on behalf of the City under this resolution have resigned or shall for any reason be unable to do so, any member of the City, or officer of the City, is hereby directed and authorized to do so on behalf of the City, with the same effect as if executed by the officer authorized to do so in this Resolution.

Be It Further Resolved that the City hereby allocates up to \$8,500,000 of its 2019 (or carryover) entitlement authority to issue tax-exempt bonds pursuant to Minnesota Statutes, Chapter 474A, to the Bonds, the actual amount of such allocation to be in the aggregate principal amount of Bonds issued.

Be It Further Resolved that this Resolution shall take effect upon publication.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

On behalf of the Housing Policy & Development Committee, Gordon offered Resolution 2019R-223 approving the Hennepin County Housing and Redevelopment Authority (HRA) to provide financial assistance from the 2019 Affordable Housing Incentive Fund to the following projects: Lydia Apartments, 1920 LaSalle Ave; PERIS Development, 1930 Hennepin Ave S; Maya Commons, 1220 Brook Ave SE; Amber Apartments, 4525 Hiawatha Ave; Olson Townhomes, 1201 Olson Memorial Hwy; Prosperity Village, 4046 Lyndale Ave N; Pokegama North, scattered sites; and CLCLT Homebuyer Initiated Program, scattered sites.

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

RESOLUTION 2019R-223

By Gordon

Granting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to affordable housing projects located in the City of Minneapolis under the Minnesota Housing and Redevelopment Authorities Act and Minnesota Statutes, Section 383B.77.

Whereas, representatives of the Hennepin County Housing and Redevelopment Authority (the “County HRA”) have advised the City of Minneapolis, Department of Community Planning and Economic Development that the County HRA proposes to provide financial assistance from Hennepin County’s Affordable Housing Incentive Fund to the Lydia Apartments, PERIS Development, Maya Commons, Amber Apartments, Olson Redevelopment, Prosperity Village, City of Lakes Community Land Trust, and Pokegama North projects in Minneapolis, Minnesota (the “Projects”); and

Whereas, pursuant to Minnesota Statutes, Section 383B.77, subd. 3, the City must approve any project by the County HRA before it is undertaken by the County HRA;

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

That, as required by Minnesota Statutes, Section 383B.77, subd. 3, City Council hereby approves the County HRA exercising its powers in the City for the limited purpose of providing financial support to the Projects in the City, which Projects have requested, or may hereafter request, financial assistance from the County HRA.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City to assist the Projects, nor shall the City be in any way responsible for any financing obligation or agreement of the County HRA with respect to its provision of financial assistance to the Projects.

Be It Further Resolved that the request made hereunder extends only to the powers of the County HRA with respect to the financial assistance the County HRA proposes to provide to the Projects, and the City shall retain all other powers and jurisdiction over matters relating to the City and the Projects.

Be It Further Resolved that nothing in this resolution is intended to endorse the merits of the Projects to be undertaken.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

Approved by Mayor Jacob Frey 8/12/2019.

(Published 8/13/2019)

COUNCIL ACTION 2019A-0655

The Minneapolis City Council hereby approves the creation of a Single Room Occupancy (SRO)/Shared Housing Pilot within the Affordable Housing Trust Fund.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

Approved by Mayor Jacob Frey 8/12/2019.

(Published 8/13/2019)

COUNCIL ACTION 2019A-0656

The Minneapolis City Council hereby:

1. Directs Community Planning and Economic Development (CPED) staff to include language in Requests for Proposals (RFPs) for housing or mixed-use development proposals for City-owned land or City

financial assistance stating that the City may limit or prohibit short term rentals in any residential project that receives City financial assistance and/or is developed on land sold by the City.

2. Directs CPED staff to recommend changes to the Unified Housing Policy by December 13, 2019, to establish a limit on the number or percentage of units allowed to be operated as short term rentals in projects that receive City financial assistance or are developed on land sold by the City.
3. Directs CPED staff to negotiate for the inclusion of language in development agreements resulting from existing RFPs on city-owned land sales for a limit on the number or percentage of units allowed to be operated as short term rentals. The city's opening proposal shall, by default, be zero percent until a permanent policy is established.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following report:

Jenkins moved to postpone to the August 23, 2019, meeting consideration of an ordinance amending Article IX, Section 9.3 of the Minneapolis City Charter relating to Finance: Budget, establishing a biennial budget process, clarifying details required in the Mayor's recommended budget, and aligning timelines with Minnesota Statutes.

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

Noes: (0)

Absent: Johnson (1)

Adopted.

On behalf of the Intergovernmental Relations Committee, Jenkins offered Resolution 2019R-224 affirming the lodging tax rate of three percent as provided in Resolution 2001R-570, pursuant to Laws of Minnesota for 2019, 1st Special Session, Chapter 6, Article 6, Section 5.

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

RESOLUTION 2019R-224

By Johnson

Affirming the lodging tax rate of three (3) percent as provided in Resolution 2001R-570 pursuant to Laws of Minnesota for 2019, 1st Special Session, Chapter 6, Article 6, Section 5.

Whereas, Laws 1986, Chapter 396, Section 5, as amended by Laws 2001, 1st Special Session, Chapter 5, Article 12, Section 87, and Laws 2012, Chapter 299, Article 3, Section 3 granted the City of Minneapolis (City) the right to levy an excise tax of up to three (3) percent on the gross receipts from lodging tax; and

Whereas, in Resolution 2001R-570, the City Council increased the lodging tax to the rate of three (3) percent; and

Whereas, the City's lodging tax was subject to a cap of 13% of cumulative sales and lodging taxes levied by the State of Minnesota and local taxing districts unless specifically exempted; and

Whereas, the State of Minnesota subsequently reduced the lodging tax when new sales taxes were instated without an exemption to the 13% cumulative sales and lodging tax; and

Whereas, in 2008 the State of Minnesota passed the Legacy Amendment which in 2009 raised the State sales tax by .375% from 6.50% to 6.875%, which subsequently resulted by operation of law in the City of Minneapolis lodging tax to be decreased by .375% from 3.00% to 2.625%; and

Whereas, effective October 1, 2017, Hennepin County imposed a 0.50% sales tax for transportation purposes, which subsequently resulted by operation of law in the City of Minneapolis lodging tax to be further decreased by .50% from 2.625% to 2.125%; and

Whereas, pursuant to Laws 2019, 1st Special Session, Chapter 6, Article 6, Section 5, the legislature authorized the City to reinstate the three (3) per cent lodging tax effective for sales and purchases made after September 30, 2019; and

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

That the City Council hereby affirms that there be levied lodging tax in the amount of three (3) percent on the gross receipts from the furnishing for consideration of lodging, for a period of less than 30 days at a hotel or motel located within the City which has more than 50 rooms available for lodging effective for sales and purchases made after September 30, 2019.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

The PUBLIC HEALTH, ENVIRONMENT, CIVIL RIGHTS & ENGAGEMENT Committee submitted the following report:

Cunningham offered Ordinance 2019-030 amending Title 13, Chapter 301 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Laundries and Dry Cleaning Establishments, amending regulations to prohibit any use of tetrachloroethylene in a dry cleaning facility.

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

ORDINANCE 2019-030
By Johnson
Intro & 1st Reading: 7/12/2019
Ref to: PECE
2nd Reading: 8/8/2019

Amending Title 13, Chapter 301 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Laundries and Dry Cleaning Establishments.

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

Section 1. That Section 301.105 of the above-entitled ordinance be amended to read as follows:

301.105. Tetrachloroethylene (Perchloroethylene). No dry cleaning machine, new or used, ~~installed after March 1, 2016,~~ shall use tetrachloroethylene, otherwise known as “perc,” as a solvent. Tetrachloroethylene shall also not be used for other means of spot cleaning or any other use in the dry cleaning facility.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

Cunningham offered Ordinance 2019-031 amending Title 2, Chapters 18 and 40 of the Minneapolis Code of Ordinances relating to Administration: Purchasing and Workplace Regulations, preventing wage theft, adding overtime and break requirements, and restricting City contracts from being awarded to entities with outstanding wage obligations.

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

ORDINANCE 2019-031
By Palmisano, Fletcher, Cunningham
Intro & 1st Reading: 6/21/2019
Ref to: PECE
2nd Reading: 8/8/2019

Amending Title 2 of the Minneapolis Code of Ordinances relating to Administration.

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

Section 1. That Section 18.115 contained in Chapter 18, Purchasing, be amended to read as follows:

18.115. - Contracts not to be awarded to persons or entities in default or with outstanding wage obligations. ~~Neither the city council nor any officers or employee of said city shall entertain any bid from or enter into any contract as defined in section 18.100, section 18.105 or any contract as defined in~~

~~Chapter 423 with any person, firm, corporation or other entity that is in default to the city or any department thereof, on any contract or any bond or in any other way.~~

Neither the city council nor any officer or employee of the City shall enter into any contract with any person, firm, corporation or other entity that is in default to the City on any contract, or on any bond, or in any other way, or that is listed, at the time of the making of the contract, on the List of Outstanding Violations authorized by Chapter 40, Section 40.580(e) of this Code.

Section 2. That Chapter 40, Workplace Regulations, of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 40.460 to read as follows:

40.460. – Overtime, Breaks. (a) An employer shall pay all overtime compensation required by Minnesota Statutes § 177.25, and amendments thereto.

(b) An employer shall permit employees to take the rest breaks and meal breaks required by Minnesota Statutes § 177.253 through § 177.254 and amendments thereto. This subsection shall not require employers to pay employees during any required meal break. This section shall not prohibit employers and employees from establishing rest or meal breaks different from those provided in this subsection pursuant to a collective bargaining agreement.

(c) The Department shall have jurisdiction over the implementation, administration, and enforcement of this section pursuant to Section 40.410.

Section 3. That Chapter 40, Workplace Regulations, of the Minneapolis Code of Ordinances be amended by adding thereto a new Article V, including Sections 40.500 through 40.650, to read as follows:

ARTICLE V. – WAGE THEFT PREVENTION

40.500. – Short Title. This Article V shall be known and may be cited as the Minneapolis Wage Theft Prevention Ordinance.

40.510. - Findings; Purpose. The City Council makes the following findings:

(a) As a home rule charter city, Minneapolis has broad authority through its police powers to enact regulations to further the public health, safety, and general welfare.

(b) Research shows that nearly half of hourly workers in the City are directly affected by the underpayment or nonpayment of wages. The most vulnerable low wage workers are the most likely to be affected by wage theft. Wage theft is also one of the key indicators of labor trafficking. Labor trafficking victims have often reported not being paid what was promised, not being paid at all, or deduction of unexplainable charges from their wages. A national study reported at least eighty percent (80%) of labor trafficking victims experienced some form of wage theft – denial of what was promised or pay all together.

(c) Eliminating and preventing the theft of wages earned by persons working within the City promotes the public health and the general welfare by increasing economic security and dignity, increasing employees' ability to care for themselves and their families, and addressing the injustice employees experience when they do not receive the wages they have earned.

(d) Research shows that wage theft disproportionately affects low wage workers of color. Through its adopted goal of “One Minneapolis,” the City has recognized that income inequality is one of the most pressing issues facing the City. The City can reduce these economic disparities by working to prevent and end wage theft, and by doing so can help to prevent labor trafficking, which disproportionately impacts communities of color.

(e) Eliminating wage theft also promotes business and economic development through the elimination of unfair economic competition by unscrupulous businesses that do not pay or underpay their employees.

(f) Eliminating wage theft also diminishes the burden imposed on the public when employees of unscrupulous businesses are forced to rely on public assistance due to underpayment or nonpayment of wages that have been earned.

(g) For all of these reasons, it is the policy of the City and the purpose of this Ordinance to eliminate and prevent wage theft.

40.520. - Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Minneapolis.

Department means the Minneapolis Department of Civil Rights.

Director means the Director of the Department of Civil Rights, or the Director’s designee.

Employee means any individual employed by an employer, including temporary employees and part-time employees, who performs work within the geographic boundaries of the city for at least eighty (80) hours in a year for that employer. For purposes of this chapter, "employee" does not include the following:

(1) Employees classified as individuals receiving extended employment services as defined in Minnesota Rules part 3300.6000, subpart 13, and participating in the Minnesota Statutes, Section 268A.15 extended employment program.

(2) Casual babysitters, employed on an irregular or intermittent basis.

Employer means any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee. For purposes of this article, "employer" does not include any of the following:

(1) The United States government.

(2) The State of Minnesota, including any office, department, agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary.

(3) Any county or local government, except the city.

Gratuities means monetary contributions received directly or indirectly by an employee from a guest, patron, or customer for services rendered and includes an obligatory charge assessed to customers,

guests, or patrons which might reasonably be construed by the guest, customer, or patron as being a payment for personal services rendered by an employee and for which no clear and conspicuous notice is given by the employer to the customer, guest, or patron that the charge is not the property of the employee.

Wages means all monetary compensation earned by an employee by reason of employment including salary, gratuities, earnings, and commissions, at the employee's rate or rates of pay, or the applicable rate or rates of pay required by law, whichever is greater, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value.

Piece rate means a price paid per unit of work.

40.530. – Wage Theft Prohibited. (a) An employer shall pay all wages earned by an employee by reason of employment, for work performed in the City of Minneapolis, on a regularly scheduled payday. The regularly scheduled payday shall be identified in the notice required by Section 40.540.

(b) No employer shall directly or indirectly cause an employee to give a receipt for wages for a greater amount than actually paid to the employee for services rendered.

(c) No employer shall directly or indirectly demand or receive from any employee any rebate or refund from the wages owed to the employee, when doing so would deprive an employee of wages that have been earned. This section shall not prevent employers from recovering overpayments of wages, provided that the employee shall be given written notice before the overpayment is recovered.

(d) No employer shall make or attempt to make it appear that the wages paid to any employee were greater than the amount actually paid to the employee.

40.540. – Prehire Notice to Employee. (a) At the start of employment, an employer shall provide each employee a written notice containing the following information:

(1) The information required by Minnesota Statutes § 181.032(d);

(2) The date on which the employment is to begin;

(3) A notice of the employee's rights under the Sick and Safe Time Ordinance, Articles I through III of this Chapter, including the method by which the employee will accrue sick and safe time, the date upon which the employee is entitled to use accrued sick and safe time, and the date upon which the employer's year for the purpose of sick and safe time accrual begins and ends.

(4) A statement that the sharing of gratuities is voluntary, in accordance with Minnesota Statutes section 177.24, subd. 3, if applicable to the position; and

(5) The overtime policy applicable to the employee's position, if any, including when overtime shall be paid and the applicable rate or rates of pay.

The written notice may provide this information by explicit reference to an employee handbook, collective bargaining agreement, or similar document if employees are directed to the specific sections of the handbook in which such information is provided.

(b) The employer must keep a copy of the notice under subsection (a) signed by each employee acknowledging receipt of the notice, along with the date the notice was received by the employee.

(c) An employer must provide the employee any written changes to the information contained in the notice under subsection (a) prior to the date the changes take effect. The changes must be signed by the employee before the changes go into effect, unless the change is an increase in wages and the employee is informed in advance of the change of the specific amount of the wage increase and the specific date on which it will occur, in which case the employee's signature is not required. The employer must keep a copy of all notices of changes, including a signature when required, as well as the initial notices under subsection (a).

(d) The employer shall provide to the employee a copy of the notice required to be posted pursuant to Section 40.570(b). The employer may provide the notice in English unless the employer has previously communicated with the employee in another language or been made aware that the employee prefers another language, in which case the notice shall be provided in that language if published by the Department.

(e) An employer who chooses to provide the notices required by subsections (a) and (c) in whole or in part by electronic means, including but not limited to by referencing an electronic employee handbook, must provide employees access to an employer-owned computer during an employee's regular working hours to review and print such notices. If, at the time of hire, an employee requests that the notice required by subsection (a) be provided in writing, rather than by electronic means, a written notice shall be provided before the start of the employment. An employer must provide the notices required by subsection (c) to an employee in writing, rather than by electronic means, if the employer has received at least 24 hours notice from an employee that the employee would like to receive the notices required by subsection (c) in written form. Once an employer has received notice from an employee that the employee would like to receive notices in written form, the employer must comply with that request on an ongoing basis.

(f) This prehire notice requirement is in addition to any additional pre-hire or recruitment notices that may be required by other applicable laws.

(g) An employer shall provide the prehire notice to all current employees as of the effective date of this Article if all of the information contained in the prehire notice has not already been provided to the employee.

40.550. – Required Statement of Earnings. (a) At the end of each pay period, the employer shall provide each employee an earnings statement, either in writing or by electronic means, covering that pay period. An employer who chooses to provide an earnings statement by electronic means must provide employee access to an employer-owned computer during an employee's regular working hours to review and print earnings statements.

(b) The earnings statement may be in any form determined by the employer but must include:

(1) The information required by Minnesota Statutes § 181.032(b), and amendments thereto; and

(2) The number of hours of Sick and Safe Time accrued and unused by the employee pursuant to Article III of this Chapter.

(c) An employer must provide earnings statements to an employee in writing, rather than by electronic means, if the employer has received at least twenty-four (24) hours notice from an employee that the employee would like to receive earnings statements in written form. Once an employer has received notice from an employee that the employee would like to receive earnings statements in written form, the employer must comply with that request on an ongoing basis.

40.560. – Employer Record Keeping. (a) An employer shall create and maintain the following records demonstrating compliance with this article.

(1) The name, address, and position of each employee;

(2) The prehire notice(s) and changes thereto required by section 40.540;

(3) The required statements of earnings required by section 40.550, together with any additional information required to demonstrate how the total amount of gross pay earned by the employee was calculated. This information includes, but is not limited to, the hours worked each day and workweek for employees paid on an hourly basis; the number of pieces completed for employees paid at a piece rate; and the method of calculating commissions for employees paid on a commission basis; and

(4) A list of personnel policies provided to the employee, including the date the policies were given to the employee and a brief description of the policies.

(b) Records required by this Article shall be retained while the employee is employed by the employer and for at least three (3) years after the termination of the employment, except for the required statement of earnings, which shall be retained for at least three (3) years after the date upon which the statement was provided to the employee.

(c) An employer must allow an employee to inspect records required by this Article relating to the employee at a reasonable time and manner.

40.570. – Notice and Posting. (a) On an annual basis and by May 1st each year, the Department shall publish and make available to employers, in all languages spoken by more than five percent (5%) of the workforce in the city (as calculated by the Department), notices suitable for posting by employers in the workplace informing employees of their rights under this Article.

(b) Every employer shall post, in a conspicuous place at any workplace or job site in the City where any employee works, in a place where it can be readily observed and easily reviewed by employees, the notices required by subsection (a). Every employer shall post this notice in English, and in any language spoken by at least five percent (5%) of the employees at the workplace or job site, if published by the Department. If the employer's employees do not perform work at a workplace or job site in which the notice may be posted, this requirement may be satisfied by providing a physical or electronic copy of the notice to each employee.

40.580. – Enforcement. (a) In general. The implementation, administration, and enforcement of this Article shall be made pursuant to Chapter 40, Article II, which is incorporated herein by reference, except for subsections 40.120(a) and (d).

(b) Report of Violations. An employee or other person may report to the Department any suspected violation of this Article. A report of a suspected violation may be filed only if the matter complained of occurred after the effective date of this Article and within two (2) years prior to the filing of the report or, if the violation was willful and not the result of mistake or inadvertence, within three (3) years prior to the filing of the report.

(c) Providing Notice of Determination of Violation. When a report of violation is finally resolved either through settlement, or through a Determination of Violation which has become final and unappealable, the Department:

(1) If other employees are affected by the settlement or the final, unappealable Determination of Violation, shall provide a summary of the Determination of Violation to the employer. Upon being provided with the summary of the Determination of Violation, the employer shall post it for thirty (30) days in the same location(s) as the notices required by Section 40.570.

(2) May as appropriate provide the Determination of Violation to any department of the City with licensing authority over the employer.

(d) Relief and administrative fines. If an employer is found to have violated this Article, the Director shall order the employer to cease and desist from engaging in the violative practice and may order any appropriate relief, including but not limited to:

(1) Reinstatement;

(2) Compensatory damages to the employee(s) in the amount of wages owed by reason of employment, less any amount that the employer can establish was actually paid to the employee(s). If the records maintained by the employer do not provide sufficient information to determine the exact amount of wages owed to an employee, the Director may make a determination of the wages due based upon the available evidence;

(3) Liquidated Damages to the employee(s) in an amount equal to the compensatory damages, or two hundred and fifty dollars (\$250.00), whichever is greater. For a second violation of Section 40.530 by the employer within a three (3) year period from the date on which the first violation occurred, the liquidated damages may be increased to up to double the compensatory damages, or five hundred dollars (\$500.00), whichever is greater. For a third violation of Section 40.530 within three (3) years from the date on which the first violation occurred, the liquidated damages may be increased to up to triple the compensatory damages, or one thousand dollars (\$1,000.00), whichever is greater. Liquidated damages may be awarded to an employee as provided in this section in compensation for payment of wages more than seventy-two (72) hours after the regularly scheduled payday even if all wages earned by the employee are paid before the Director makes a finding that the employer has violated this article. In determining the amount of the liquidated damages, the size of the employer and the gravity of the violation shall be considered;

(4) For a second or subsequent violation of Section 40.530 by the employer within a three (3) year period from the date on which the first violation occurred, payment to the Department of a civil fine of up to one thousand dollars (\$1,000.00) per violation per affected employee. For the purposes of this provision, an affected employee is an employee who was not paid all wages owed as required by section 40.530, regardless of whether the employee filed a report of violation. In determining the amount of the penalty, the size of the employer and the gravity of the violation shall be considered;

(5) Reimbursement of the Department for reasonable costs of investigation expended in enforcing this Article, unless the payment of costs would impose an extreme financial hardship on the employer, in which case the Director may order the payment of a percentage of costs expended which will not cause extreme financial hardship on the employer;

(6) Payment to the Department of a civil fine of up to one thousand dollars (\$1,000.00) for each failure to comply with section 40.560. For a second violation within three (3) years from the date on which the first violation occurred, the fine may be increased to up to one thousand five hundred dollars (\$1,500.00). For a third violation within three (3) years from the date on which the first violation occurred, the fine may be increased to up to two thousand dollars (\$2,000.00). In determining the amount of the fine, the size of the employer, the gravity of the violation, the employer's good faith efforts to comply with this Article, and whether the violation was intentional or inadvertent shall be considered;

(7) Payment to the Department of a civil fine of up to two hundred dollars (\$200.00) for each failure to comply with section 40.540, section 40.550, or section 40.570. For a second violation of the same section within three (3) years from the date on which the first violation occurred, the fine may be increased to up to four hundred dollars (\$400.00). For a third violation of the same section within three (3) years from the date on which the first violation occurred, the fine may be increased to up to six hundred dollars (\$600.00). In determining the amount of the fine, the size of the employer, the gravity of the violation, the employer's good faith efforts to comply with this Article, and whether the violation was intentional or inadvertent shall be considered;

(8) Payment to the Department of a civil fine of up to two thousand dollars (\$2,000.00) for failure to cooperate with the Department's investigation into a report of violation of this ordinance;

(9) Payment to the Department of a civil fine of not less than seven hundred dollars (\$700.00) nor more than three thousand dollars (\$3,000.00) for each violation of section 40.590. This fine shall be in addition to payment to the employee of compensatory damages for the retaliatory conduct in the amount of wages due but unpaid, up to one thousand dollars (\$1,000.00).

(e) *List of Outstanding Violations.* The Department may periodically publish a list of employers who have been determined to be in violation of this Article and which have unpaid relief due to employees or unpaid fines or costs due to the Department, along with the amounts of such unpaid relief or fines. No employer shall be placed on this list unless the determination is final and all rights of appeal have been exhausted, and at least 30 days have passed since such determination became final. Any employer who has fully paid all relief, fines and costs ordered to be paid, and has provided satisfactory proof of such payment to the Department, shall be removed from the list. An employer who appears on this list shall be deemed financially non-responsible and ineligible to be awarded new City contracts as otherwise provided by Chapter 18 of this Code. An employer who has a business license issued by the City and has been placed on this list may be subject to adverse license action as otherwise provided by the licensing provisions of this Code.

(f) If, during the pendency of a Department investigation, an employee who has reported a violation brings a private action in any court seeking unpaid wages based upon the same facts and allegations contained in the report to the Department, that employee's report of violation shall be deemed withdrawn and the investigation shall be closed. This section shall be interpreted narrowly to leave unaffected any rights not asserted in the private action and any rights of other employees.

(g) *Fines not cumulative.* The director shall not impose the civil fines authorized by this section if a state or federal administrative agency charged with the enforcement of labor standards laws has previously imposed fines upon the employer for violation of state or federal labor standards law based upon the same acts or omissions that constituted a violation of this Article.

40.590. – Retaliation. (a) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Article, including, but not limited to, inquiring, disclosing, reporting, or testifying about any violation of this Article. An employer shall not take adverse employment action or discriminate against an employee because the employee has exercised rights under this Article.

(b) For purposes of this section, retaliation may be established when an employee shows that the exercise of rights under this Article was a motivating factor in the adverse employment action, even if other factors also motivated the adverse employment action.

(c) It shall be rebuttably presumed that retaliation has occurred if an employer within ninety (90) days of the employee's exercise of rights under this Article materially changes the terms or conditions of the employee's employment, including terminating, constructively discharging, or reducing the employee's wages or benefits, or making other changes in the employment that affect the employee's future career prospects. The employer may rebut this presumption by presenting clear and convincing evidence that the action was taken for a non-retaliatory purpose.

40.600. – Preemption. Nothing in this Article shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. No provision of this Article shall apply to any employer that is operating under the protection of the bankruptcy court or under receivership or under a trustee appointed by a court of competent jurisdiction.

40.610. - No assumption of liability. In undertaking the adoption and enforcement of this Article, the City is undertaking only to preserve and protect safety, health, and general welfare. The City is not assuming liability, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury. This Article does not create a legally enforceable right against the City.

40.620. – Severability. If any of the parts or provisions of this Article or the application thereof to any person or circumstance is held invalid or unconstitutional by a decision of a court of competent jurisdiction, the remainder of this Article, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Article are severable.

40.630. – Rule making. The Director may make appropriate rules to implement, administer and enforce this Article. Such rules shall be consistent with this Article and may be relied upon by employers and employees in determining their rights and responsibilities under this Article. Rules shall be published and made available to the public at least ninety (90) days prior to their effective date. Any revisions to such rules shall be published and made available to the public at least thirty (30) days prior to their effective date.

40.640. - Annual Report. Beginning in 2021, and each year thereafter, the Director shall by March 31st provide a written report to the appropriate committee of the city council regarding this Article. The report

shall include, but not be limited to, a discussion of the implementation and enforcement of this Article, including the number and nature of violations, specific violations, industries and occupations with high rates of violations, and the penalties assessed in the prior year. The report may also include recommendations for possible improvements to this Article.

40.650. – Effective Date. This Article shall be effective on January 1, 2020.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0657

The Minneapolis City Council hereby approves the Council appointment of Council Member Phillippe Cunningham to the Violence Prevention Steering Committee, Seat 9, Ward 4, for a two-year term, beginning Jan 1, 2019, and ending Dec 31, 2021.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Palmisano, President Bender (11)

Noes: (0)

Abstain: Cunningham (1)

Absent: Johnson (1)

Adopted.

The PUBLIC SAFETY & EMERGENCY MANAGEMENT Committee submitted the following report:

COUNCIL ACTION 2019A-0658

The Minneapolis City Council hereby authorizes a contract with Grandma's Marathon - Duluth for the Minneapolis Police Department (MPD) to receive up to \$1,070 in buy-back funds for one USPCA certified police canine capable of detecting bombs/explosive materials, and the police officer handler, to work during Grandma's Marathon in Duluth, MN, on Jun 22, 2019.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0659

The Minneapolis City Council hereby:

1. Authorizes acceptance of a grant from the Minnesota Department of Commerce in the amount of \$415,962.47 for the Police Auto Theft Prevention Program for two years, from Jul 1, 2019 through Jun 30, 2021.

2. Authorizes a contract for the grant.
3. Passage of Resolution 2019R-225 appropriating funds to the Police Department.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

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

RESOLUTION 2019R-225

By Warsame

Amending The 2019 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Police Department in the Police State and Other Fund 01600/4003500 by \$415,962.47 and increasing the Police Department revenue estimate in the Police Special Revenue Fund 4003500/321516 by \$415,962.47.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0660

The Minneapolis City Council hereby:

1. Accepting the Minnesota Board of Firefighter Training and Education (MBFTE) Training Academy Reimbursement in the amount of \$52,060.
2. Passage of Resolution 2019R-226 approving appropriation to the Fire Department.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

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

RESOLUTION 2019R-226

By Warsame

Amending The 2019 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Fire Department in the Grants-Other Fund (01600-2800700) by \$52,060, and increasing the revenue source (01600-2800700-321513) by \$52,060.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0661

The Minneapolis City Council hereby authorizes the Minneapolis Police Department to enter into a cooperative agreement with the Fourth Judicial District Court whereby the Court shall compensate the City in an amount not-to-exceed \$43,000 per year to furnish police liaison, research, and monitoring services to assist in the enforcement of conditions of probation and effective operation of the Drug Court Program from Jul 1, 2019 through Jun 30, 2021.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following report:

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2019R-227 adopting and levying the assessments, and adopting the assessment roll for sidewalk repair and construction charges for the 2018 construction season on the list of properties dated July 1, 2019.

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

RESOLUTION 2019R-227

By Reich

Adopting and levying the assessments, and adopting the assessment roll for sidewalk repair and construction charges for the 2018 construction season on the list of properties dated July 1, 2019.

Whereas, preliminary to the public hearing, an Administrative Hearing was held to consider any objections or comments regarding unpaid charges for sidewalk repair and construction; and

Whereas, a public hearing was held on July 30, 2019, in accordance with Minneapolis City Charter, Article IX, Section 9.6(c), to consider the proposed assessments as shown on the proposed assessment roll on file with the City Engineer’s Special Assessment Office, and to consider all written and oral objections and statements regarding this matter;

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

That the proposed assessments against the affected properties on the list dated July 1, 2019, in the total amount of \$503,089.19, as shown on the proposed assessment rolls on file with the City Engineer’s Special Assessment Office, are hereby adopted and levied.

Be It Further Resolved that the assessments of more than \$1,500 be collected in ten successive equal annual principal installments beginning on the 2020 real estate tax statements, with interest of 5.0%.

Be It Further Resolved that the assessments of more than \$150 up to \$1,500 be collected in five successive equal annual principal installments beginning on the 2020 real estate tax statements, with interest of 4.8%.

Be It Further Resolved that the assessments of \$150 or less be collected in one installment on the 2020 real estate tax statements, with interest of 4.7%.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that certified copies of the assessment rolls be transmitted to the Hennepin County Auditor.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2019R-228 requesting a variance from Minnesota Department of Transportation State Aid Rule 8820.2800, Subpart 2a, for the 28th Ave S Bridge over Minnehaha Creek Project.

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

RESOLUTION 2019R-228

By Reich

Requesting a variance from Minnesota Department of Transportation State Aid Rule 8820.2800, Subpart 2a, for the 28th Ave S Bridge over Minnehaha Creek Project.

Whereas, the City of Minneapolis has opened bids for the 28th Ave S Bridge Replacement Project (SAP 141-431-005 and City Project No. 9935); and

Whereas, said project includes the replacement of the bridge and approach roadway; and

Whereas, 28th Ave S is a State of Minnesota Municipal State Aid (MSA) route; and

Whereas, State Aid Rule 8820.2800, Subpart 2a, states "only projects for which final plans are approved by the State Aid Engineer before opening bids are eligible for State Aid Construction funds;" and

Whereas, the project bids were opened before approval by the State Aid Engineer; and

Whereas, the award was a procedural violation of said rule; and

Whereas, the violation requires the City to request a variance from the application of said Rule to make MSA funds eligible for the project;

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

That the City of Minneapolis hereby requests a variance from State Aid Rule 8820.2800, Subpart 2a, to allow State Aid funding to be applied to the 28th Ave S Bridge over the Minnehaha Creek Project where bids were received prior to State Aid approval.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

Approved by Mayor Jacob Frey 8/12/2019.

(Published 8/13/2019)

COUNCIL ACTION 2019A-0662

The Minneapolis City Council hereby authorizes a contract with the Mississippi Watershed Management Organization (MWMO), in the amount of \$295,000, for construction costs related to the installation of stormwater planters as part of the 8th St S Street Reconstruction Project.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0663

The Minneapolis City Council hereby:

1. Authorizes an agreement with General Mills, in the amount of \$27,720, for construction services during the 35th St E Street Resurfacing Project from Hiawatha Ave to Dight Ave.
2. Authorizes an agreement with ADM, in the amount of \$14,410, for construction services during the 35th St E Street Resurfacing Project from Hiawatha Ave to Dight Ave.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2019R-229 increasing the appropriation and revenue for the University of Minnesota Protected Bikeways Project by \$300,000 in Municipal State Aid (MSA) funds due to an increase in construction costs.

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

RESOLUTION 2019R-229

By Warsame

Amending The 2019 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation and revenue in Public Works Paving Capital by \$300,000 for Municipal State Aid in the University of Minnesota Protected Bikeways Project Fund (04100-9010937-321514-CPV114).

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0664

The Minneapolis City Council hereby authorizes an engineering services agreement with Black & Veatch, in the amount of \$2,000,000, for alternative evaluations and construction phase services for the Fridley Softening Plant Lime Slaker Replacement and Storage Upgrade Project.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0665

The Minneapolis City Council hereby authorizes an increase to Contract No. C-43836 with Black and Veatch, in the amount of \$238,776 for a total amount not to exceed \$1,213,776, for additional services associated with the design and construction of a new water main under the Mississippi River at 10th Ave SE.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0666

The Minneapolis City Council hereby authorizes an increase to Contract No. C-43268 with Kimley-Horn & Associates, Inc., in the amount of \$580,000 for a total amount not to exceed \$3,161,428, for additional services associated with the final design and right-of-way acquisition along Hennepin Ave, from Washington Ave to 12th St, in conjunction with the Hennepin Ave Street Reconstruction Project.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0667

The Minneapolis City Council hereby authorizes a Memorandum of Understanding with the Minnesota Pollution Control Agency (MPCA) regarding MPCA's investigations and other operations in City-managed public right-of-way.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0668

The Minneapolis City Council hereby authorizes the acceptance of the low bid of Lunda Construction Company, submitted on Event No. 219, in the amount of \$49,891,496.68, to provide all materials, labor, equipment, and incidentals necessary for the 10th Ave SE River Bridge Rehabilitation Project, and authorizes a contract for the project, all in accordance with City specifications.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

The WAYS & MEANS Committee submitted the following report:

COUNCIL ACTION 2019A-0669

The Minneapolis City Council hereby approves the settlement of the lawsuit Eddie Knight v. City of Minneapolis by payment of \$21,500 to Eddie Knight and Meshbeshier & Spence, Trust Account, and authorizes the City Attorney's Office to execute any documents necessary to effectuate the settlement.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0670

The Minneapolis City Council hereby approves the settlement of the claim of Octavio Iniguez Ramirez by payment of \$9,000 to Octavio Iniguez Ramirez and Robichaud, Schroepfer & Correia, Trust Account, and authorizes the City Attorney's Office to execute any documents necessary to effectuate the settlement.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0671

The Minneapolis City Council hereby approves the Workers' Compensation claim of Christopher Schulte by payment of \$137,500 to Mr. Schulte and his attorneys, and authorizes the City Attorney's Office to execute any documents necessary to effectuate the settlement.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0672

The Minneapolis City Council hereby authorizes contracts to implement awards for the 2019 Housing Opportunities for Persons with AIDS (HOPWA) Program to address the housing needs of persons living with HIV/AIDS who are low-income and homeless or at-risk of homelessness, as follows:

1. Metropolitan Council Housing and Redevelopment Authority for an amount not to exceed \$542,000.
2. JustUs Health for an amount not to exceed \$575,000.
3. Clare Housing for an amount not to exceed \$70,639.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0673

The Minneapolis City Council hereby authorizes the acceptance of the low bid of Pump and Meter Service, Inc., submitted on Event No. 376, in the amount of \$340,433.48, to provide all materials, labor, equipment, and incidentals necessary for the East Side Facility Fuel Depot Project, and authorizes a contract for the project, all in accordance with City specifications.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0674

The Minneapolis City Council hereby authorizes a lease with 2700 East 28th Street LLC, in an amount not to exceed \$17,000 per year, for a Fire Department Employee Assistance Program at 2700 28th St E, Suite 193.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0675

The Minneapolis City Council hereby:

1. Approves a collective bargaining agreement with the Building Trades Unit for the period May 1, 2019, through April 30, 2022.
2. Approves the Executive Summary of the agreement.
3. Authorizes a collective bargaining agreement consistent with the terms of the Executive Summary.
4. Authorizes the Labor Relations Director to implement the terms and conditions of the collective bargaining agreement.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0676

The Minneapolis City Council hereby authorizes an increase to Contract C-44211 with Mid-Minnesota Legal Aid, in the amount of \$25,000 for a total amount not to exceed \$175,000, for additional services associated with legal representation to low-income Minneapolis tenants.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0677

The Minneapolis City Council hereby authorizes the City to act as the local government partner in the following applications to the Fiscal Year 2020 National Endowment of the Arts (NEA) Our Town program:

1. Capri Theater/Plymouth Christian Youth Center for Northside Filmmakers, a community filmmaking project that will help develop a cadre of cellphone filmmakers in the historically Black community of North Minneapolis, in the amount of \$50,000.
2. Pangea World Theater for Lake Street Commons, a celebration and reclaiming of the commons for the people living along this vibrant urban corridor from Bde Maka Ska to the Mississippi, in the amount of \$100,000.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

Approved by Mayor Jacob Frey 8/12/2019.

(Published 8/13/2019)

The ZONING & PLANNING Committee submitted the following report:

COUNCIL ACTION 2019A-0678

The Minneapolis City Council hereby denies an appeal submitted by Thomas Tulien regarding several decisions of the City Planning Commission approving land use applications (PLAN8914), notwithstanding staff recommendation, for a new mixed-use building located at 2542-2554 Blaisdell Ave and 110 26th St W, adopts Findings of Fact as submitted by the City Attorney's Office, and approves the following land use applications:

1. Conditional use permit to increase the maximum allowed height from 4 stories or 56 feet to 5 stories or 61.3 feet.
2. Variance to increase the maximum lot coverage from 70 percent to 77.7 percent.
3. Variance to reduce the minimum loading requirement from one small space to zero.
4. Variance to reduce the minimum front yard setback abutting 26th Street W from 19.7 feet to 1 foot.

5. Variance to reduce the minimum front yard setback abutting Blaisdell Avenue from 33.5 feet to 1 foot.
6. Variance to reduce the minimum rear yard setback along the west property line from 15 feet to 10 feet.
7. Site plan review for a new mixed-use building with 124 dwelling units and a ground-floor office space of approximately 600 square feet.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Jenkins, Cano, Palmisano, President Bender (10)

Noes: Goodman, Schroeder (2)

Absent: Johnson (1)

Adopted.

President Bender directed the City Clerk to reconcile the documents relating to the appeal and rezoning for the building project located at 2542-2554 Blaisdell Ave and 110 26th St W.

COUNCIL ACTION 2019A-0679

The Minneapolis City Council hereby:

1. Approves an application submitted by Yellow Tree to rezone (PLAN8914) the properties located at 110 26th St W and 2542 Blaisdell Ave from the R5 Multiple-family District to the OR2 High Density Office Residence District to construct a new mixed-use building with dwelling units and a ground-floor office of approximately 600 square feet.
2. Passage of Ordinance 2019-032 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

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

ORDINANCE 2019-032

By Schroeder

Intro & 1st Reading: 1/8/2018

Ref to: ZP

2nd Reading: 8/8/2019

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

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

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land, pursuant to MS 462.357:

Lot 9 and South half of Lot 8, ROBBINS' ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota (2542 Blaisdell Avenue – Plate #25) to the OR2 High-Density Office Residence District.

AND

West 75 feet of Lots 10 & 11, ROBBINS' ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota (110 26th Street W – Plate #25) to the OR2 High-Density Office Residence District.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0680

The Minneapolis City Council hereby:

1. Approves an application submitted by North Bay Companies to vacate (PLAN8904) that part of the east-west alley, parallel to 9th St SE, east of 6th Ave SE, and between 8th and 9th Sts SE, subject to the retention of easement rights by Xcel Energy and CenturyLink.
2. Passage of Resolution 2019R-230 vacating all that part of the east-west alley, parallel to 9th St SE, east of 6th Ave SE, between 8th and 9th Sts SE (Vac-1721).
3. Approves an application submitted by North Bay Companies to vacate (PLAN8904) the north-south alley located in the block bounded by 9th St SE, 9th Ave SE, 8th St SE, and 6th Ave SE.
4. Passage of Resolution 2019R-231 vacating the north-south alley located in the block bounded by 9th St SE, 9th Ave SE, 8th St SE and 6th Ave SE (Vac-1722).

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

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

RESOLUTION 2019R-230 By Schroeder

Vacating all that part of the east-west alley, parallel to 9th Street Southeast, east of 6th Avenue Southeast, between 8th and 9th Streets Southeast (Vac1721).

Resolved by The City Council of The City of Minneapolis:

That all that part of east-west alley (being parallel to 9th Street SE) dedicated in Block 2, Pillsbury's 2nd Addition to Minneapolis, Hennepin County, Minnesota lying Northwesterly of the Southwesterly extension of the Northwesterly line of the Southeasterly 13.12 feet of Lot 22, Block 2, Pillsbury's 2nd Addition to Minneapolis and lying Southeasterly of the Northwesterly line of said Block 2, Pillsbury's 2nd Addition to Minneapolis, is hereby vacated except that such vacation shall not affect the existing authority of CenterPoint Energy their successors and assigns, to enter upon that portion of the aforescribed area which is described in regard to each of said corporation as follows, to wit:

Xcel Energy: subject to the retention of an easement over the entire area to be vacated.

CenturyLink: subject to the retention of an easement over the entire area to be vacated.

To operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

RESOLUTION 2019R-231

By Schroeder

Vacating the north-south alley located in the block bounded by 9th Street Southeast, 9th Avenue Southeast, 8th Street Southeast and 6th Avenue Southeast (Vac1722).

Resolved by The City Council of The City of Minneapolis:

That an easement for the purposes of a public alley and right of way purposes of record in Book 1122 of Deeds, page 328, dated December 8, 1926, being all those parts and portions of Lots 3, 4 and 22, in Block 2, in Pillsbury's 2nd Addition to Minneapolis described as follows: Beginning at a point in the northeasterly line of said Block 2 of said Pillsbury's 2nd Addition to Minneapolis distant 76 feet southeasterly from the northwest corner of Lot 5, in said Block 2, and running thence southeasterly along the northeasterly line of said Block 2 a distance of 15.88 feet; thence southwesterly on a line at right angles to the northeasterly line of said Block 2 a distance of 206 feet to the northeasterly line of the alley running northwesterly and southeasterly through said Block 2; thence northwesterly along the northeasterly line of said alley 15.88 feet to a point distant 76 southeasterly from the southwesterly corner of Lot 24, in said Block 2; and thence northeasterly in a straight line to the point of beginning, all according to the plat of said addition on file and of record in the office of the register of deeds in and for said Hennepin County, Minnesota, is hereby vacated.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

Schroeder offered Ordinance 2019-033 amending Title 20, Chapters 520, 530, 548, 549, 550, and 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions, Site Plan Review, Commercial Districts, Downtown Districts, Industrial Districts, and Overlay Districts, amending regulations for drive-through facilities.

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

ORDINANCE 2019-033
By Bender
Intro & 1st Reading: 2/9/2018
Ref to: ZP
2nd Reading: 8/8/2019

Amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code.

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

Section 1. That the definition for “drive-through facility” contained in Section 520.160 of Chapter 520, Introductory Provisions, be amended to read as follows:

520.160. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. Additional definitions may be found within specific chapters of this zoning ordinance. All words and phrases not defined shall have their common meaning.

Drive-through facility. A facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait. Examples include but are not limited to drive-up windows, menu boards, order boards or boxes, drive-in restaurants, and drive-up banks and automated teller machines. Drive-through facilities shall not include the direct refueling of motor vehicles, ~~or a car wash~~ car washes, parking spaces used for customer pick-up or loading of goods or products purchased on-site or prior to the customer’s arrival, or parking and loading spaces used for the donation of secondhand goods.

Section 2. That Section 530.30 contained in Chapter 530, Site Plan Review, be amended to read as follows:

530.30. - Buildings and uses subject to site plan review. (a) *In general.* Table 530-1, Buildings and Uses Subject to Site Plan Review, lists all buildings and uses subject to site plan review. The site plan review requirements of this chapter shall apply to the establishment or expansion of any building, principal use or freestanding accessory parking garage listed on the table, except as otherwise provided by this section. Site plan review shall not be required where the property has received site plan approval and is in full compliance with such approval, and the establishment or expansion of the use does not alter the approved site plan. Any person with a legal or equitable interest in a property may choose to voluntarily

file an application for site plan review for any building or use not listed in Table 530-1, Buildings and Uses Subject to Site Plan Review. Voluntary applications shall be subject to administrative site plan review.

(b) *Downtown districts.* Any building containing fifty thousand (50,000) square feet or more of gross floor area located in the Downtown districts shall be exempt from the general landscaping and screening requirements. The parking and loading landscaping and screening requirements shall apply.

Table 530-1 Buildings and Uses Subject to Site Plan Review

<p>Any new principal non-residential or mixed use building. The site plan review application may be reviewed administratively if both of the following apply: (1) The project or proposal does not include any other land use application requiring a public hearing. (2) The building contains less than twenty thousand (20,000) square feet of gross floor area.</p>
<p>Any addition to a non-residential or mixed use building that would increase its gross floor area by two thousand five hundred (2,500) square feet or more. The site plan review application may be reviewed administratively if each of the following apply: (1) The project or proposal does not include any other land use application requiring a public hearing. (2) The building addition contains less than twenty thousand (20,000) square feet of gross floor area. ¹</p>
<p>Any building or use containing five (5) or more new or additional dwelling units or rooming units. ² The site plan review application may be reviewed administratively if both of the following apply: (1) The project or proposal does not include any other land use application requiring a public hearing. (2) The proposal includes fewer than ten (10) new or additional dwelling units or rooming units.</p>
<p>Any use with a <u>that includes the intensification, expansion or reconstruction of a legal nonconforming drive-through facility</u></p>
<p>Automobile services uses</p>
<p>Freestanding accessory parking garages containing thirty (30) or more new or additional parking spaces ³</p>
<p>Principal parking facilities containing ten (10) or more new or additional parking spaces ⁴</p>
<p>Public services and utilities uses</p>
<p>Recycling facility</p>
<p>Single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units The site plan review application shall be reviewed administratively and shall be subject to the standards of Article VI, Single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units.</p>
<p>Transportation uses</p>

¹ Additions that total twenty thousand (20,000) two thousand five hundred (2,500) square feet or more in any three (3) year period shall be subject to site plan review.

² Additions that total five (5) or more dwelling or rooming units in any three (3) year period shall be subject to site plan review and additions that total ten (10) or more dwelling or rooming units in any three (3) year period shall require a public hearing and shall not be eligible for administrative review.

³ Additions that total thirty (30) or more parking spaces in any three (3) year period shall be subject to site plan review.

⁴ Additions that total ten (10) or more parking spaces in any three (3) year period shall be subject to site plan review.

Section 3. That Section 548.120 contained in Chapter 548, Commercial Districts, be amended to read as follows:

548.120. - Lot dimension and building bulk requirements. (a) *Maximum floor area ratio.* The maximum floor area ratio of all structures located in the commercial districts shall be as set forth within each commercial district. The maximum floor area ratio (F.A.R.) may not be attainable without obtaining conditional use permit approval for increasing maximum height.

(b) *Minimum lot dimension requirements.* Lot dimension requirements for all uses located in the commercial districts, except residential uses, shall be as specified in Table 548-2, Lot Dimension Requirements in the Commercial Districts. Lot dimension requirements for residential uses shall be as set forth in each commercial district.

Table 548-2 Lot Dimension Requirements in the Commercial Districts

Use	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)
COMMERCIAL USES		
Retail Sales and Services	None	None
With drive-through facility	12,000	100
Offices	None	None
Automobile Services	None	None
With car wash or fuel pump	12,000	100
Automobile sales	12,000	100
Food and Beverages	None	None
With drive-through facility	12,000	100
Commercial Recreation, Entertainment and Lodging	None	None
Medical Facilities	None	None
Planned Unit Development	1 acre	None
Transportation	12,000	100
PARKING FACILITIES	5,000	40
Institutional and Public Uses		
Educational Facilities		

Early childhood learning center	20,000	100
Preschool	None	None
School, grades K—12	20,000	100
School, vocational or business	None	None
Social, Cultural, Charitable and Recreational Facilities		
Athletic field	20,000	100
Club or lodge	None	None
Community center	None	None
Community garden	None	None
Developmental achievement center	None	None
Library	None	None
Mission	None	None
Museum	None	None
Park, public	None	None
Religious Institutions		
Convent, monastery or religious retreat center	As required for congregate living in each commercial district	40
Place of assembly	None	None
Production, Processing, and Storage	None	None
Public Services and Utilities	As approved by C.U.P.	As approved by C.U.P.

Section 4. That Section 548.180 contained in Chapter 548, Commercial Districts, be amended to read as follows:

548.180. - Enclosed building requirement. (a) *In general.* All production, processing, storage, sales, display or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in sections (b) and (c) below or elsewhere in this ordinance.

(b) *Outdoor dining.* Outdoor dining shall be allowed, provided the following conditions are met:

(1) The outdoor dining area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Chapter 530, Site Plan Review.

(2) Sidewalk cafés shall comply with the requirements contained in Chapter 265 of the Minneapolis Code of Ordinances, Special Permits for Specific Businesses and Uses.

(c) *Outdoor sales and display.* The following may include outdoor sales and display provided such outdoor sales and display area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Chapter 530, Site Plan Review:

- (1) Automobile sales.
- (2) Direct refueling of motor vehicles.
- (3) Lawn and garden sales, provided the outdoor sales and display area shall be included in the maximum gross floor area of such use, as regulated in each district.
- (4) ~~Permitted~~ Legal nonconforming drive-through facilities.
- (5) Building material sales located in the C4 District only.
- (6) Truck, trailer, boat or recreational vehicle sales, service or rental, subject to the regulations of the C4 District governing the outdoor parking of trucks and other commercial vehicles.
- (7) Businesses with merchandise for sale on the premises, provided that the outdoor sales and display be limited to the following locations:
 - a. On the public sidewalk adjacent to a ground level retail space, as provided by Title 17, Streets and Sidewalks, of the Minneapolis Code of Ordinances.
 - b. On property adjacent to the public right-of-way, within the thirty (30) inch wide portion extending from the business's primary building wall along the lineal storefront area, provided that all products are sold within the principal use, all merchandise and related fixtures are removed outside of the business's hours of operation, and the use does not encroach on door openings, drive aisles, parking areas, loading zones, fire lanes, or a sixty (60) inch unobstructed, straight pedestrian way.
 1. Merchandise may only be displayed and sold pursuant to section 427.130(b) between the hours of 8:00 a.m. and 10:00 p.m.
 2. All merchandise, fixtures, tables, racks, shelving and other related materials must be completely removed when not in use or during restricted hours of operation.
 3. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space.
 4. Liquor, tobacco, tobacco-related products, and sexually oriented images and merchandise, and any merchandise otherwise prohibited from being sold outdoors shall be prohibited from being displayed and sold under this ordinance.

Section 5. That Section 548.300 contained in Chapter 548, Commercial Districts, be amended to read as follows:

548.300. - General district regulations. The following conditions govern uses in the C2 District:

(1) *Maximum floor area.* All commercial uses, including shopping centers, shall be limited to a maximum gross floor area of thirty thousand (30,000) square feet per use, except for planned unit developments.

(2) *Wholesale and off-premise sales.* Wholesale and off-premise sales accessory to retail sales shall be limited to four thousand (4,000) square feet of gross floor area or forty-five (45) percent of gross floor area, whichever is less, provided that the main entrance opens to the retail component of the establishment, except as otherwise provided in this ordinance.

(3) *Drive-through facilities prohibited.* ~~Drive-through facilities shall be permitted, subject to the standards of Chapter 530, Site Plan Review and Chapter 541, Off-Street Parking and Loading, except as otherwise prohibited by this article~~ Drive-through facilities shall be prohibited.

(4) *Outdoor speakers permitted.* Outdoor speakers shall be permitted, provided that speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.

(5) *Fast food restaurants.* Fast food restaurants established after the effective date of this ordinance shall be located only in storefront buildings existing on the effective date of this ordinance, provided further that no significant changes shall be made to the exterior of the structure and freestanding signs shall be prohibited, except where the property is part of an area of at least six hundred sixty (660) feet of continuous C2, C3S, C4 or industrial zoning fronting along the same side of the street as the fast food restaurant, without interruption by a residence, office residence, C1, C3A or Pedestrian Oriented Overlay District.

(6) *Automobile sales.* Automobile sales shall be limited to new and vintage passenger automobiles only, except that leased automobiles and used automobiles received in trade may be sold as an accessory use.

(7) *Production, processing and storage.* Production, processing, and storage uses shall be limited to five thousand (5,000) square feet of gross floor area.

Section 6. That Section 548.420 contained in Chapter 548, Commercial Districts, be amended to read as follows:

548.420. - General district regulations. The following conditions govern uses in the C3S District:

(1) *Wholesale and off-premise sales.* Wholesale and off-premise sales accessory to retail sales shall be limited to four thousand (4,000) square feet of floor area or forty-five (45) percent of gross floor area, whichever is less, provided that the main entrance opens to the retail component of the establishment, except as otherwise provided in this ordinance.

(2) *Drive-through facilities ~~permitted~~ prohibited.* ~~Drive-through facilities shall be permitted, subject to the standards of Chapter 530, Site Plan Review and Chapter 541, Off-Street Parking and Loading~~ Drive-through facilities shall be prohibited.

(3) *Outdoor speakers permitted.* Outdoor speakers shall be permitted, provided speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.

(4) *Automobile sales.* Automobile sales shall be limited to new and vintage passenger automobiles only, except that leased automobiles and used automobiles received in trade may be sold as an accessory use.

(5) *Community residential facilities.* Community residential facilities serving six (6) or fewer persons shall be located in structures existing on the effective date of this ordinance.

Section 7. That Section 548.480 contained in Chapter 548, Commercial Districts, be amended to read as follows:

548.480. - General district regulations. The following conditions govern uses in the C4 District:

(1) *Wholesale and off-premise sales.* Wholesale and off-premise sales shall be allowed.

(2) *Drive-through facilities ~~permitted~~ prohibited.* ~~Drive-through facilities shall be permitted, subject to the standards of Chapter 530, Site Plan Review and Chapter 541, Off-Street Parking and Loading~~ Drive-through facilities shall be prohibited.

(3) *Outdoor speakers permitted.* Outdoor speakers shall be permitted, provided speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.

(4) *Production, processing and storage.*

a. *In general.* Production, processing and storage uses shall be limited to thirty thousand (30,000) square feet of gross floor area.

b. *Hazardous materials.* Warehousing and distribution uses shall not include the storage of hazardous materials in excess of consumer commodities which are packaged for consumption by individuals for personal care or household use, except as provided in Chapter 535, Regulations of General Applicability, regarding the storage of Class I flammable liquids, flammable gases and flammable liquefied gases.

(5) *Community residential facilities.* Community residential facilities serving six (6) or fewer persons shall be located in structures existing on the effective date of this ordinance.

Section 8. That Section 549.100 contained in Chapter 549, Downtown Districts, be amended to read as follows:

549.100. - Lot dimension and building bulk requirements. (a) *Maximum floor area ratio.* The maximum floor area ratio of all structures located in the downtown districts shall be as set forth within each downtown district

(b) *Minimum lot dimension requirements.* Lot dimension requirements for all uses located in the downtown districts shall be as specified in Table 549-2, Lot Dimension Requirements in the Downtown Districts.

Table 549-2 Lot Dimension Requirements in the Downtown Districts

Use	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)
COMMERCIAL USES		
Retail Sales and Services	None	None
With drive-through facility	12,000	100
Offices	None	None
Automobile Services	None	None
With car wash or fuel pump	12,000	100
Automobile sales	12,000	100
Food and Beverages	None	None
With drive-through facility	12,000	100
Downtown Recreation, Entertainment and Lodging	None	None
Medical Facilities	None	None
Planned Unit Development	1 acre	None
Transportation	12,000	100
PARKING FACILITIES	5,000	40
RESIDENTIAL USES		
Dwellings	5,000	40
Planned Unit Development	1 acre	As approved by C.U.P.
Congregate Living	5,000	40
Institutional and Public Uses	None	None
PRODUCTION, PROCESSING, AND STORAGE	None	None
PUBLIC SERVICES AND UTILITIES	As approved by C.U.P.	As approved by C.U.P.

Section 9. That Section 549.160 contained in Chapter 549, Downtown Districts, be amended to read as follows:

549.160. - Enclosed building requirement. (a) *In general.* All production, processing, storage, sales, display or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in subsections (b) and (c) below or elsewhere in this ordinance.

(b) *Outdoor dining.* Outdoor dining shall be allowed, provided the following conditions are met:

(1) The outdoor dining area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary, as specified in Chapter 530, Site Plan Review.

(2) Sidewalk cafés shall comply with the requirements contained in Chapter 265 of the Minneapolis Code of Ordinances, Special Permits for Specific Businesses and Uses.

(c) *Outdoor sales and display.* The following may include outdoor sales and display provided such outdoor sales and display area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Chapter 530, Site Plan Review:

(1) Automobile sales in the B4C District only.

(2) Direct refueling of motor vehicles.

(3) Lawn and garden sales in the B4C District only.

(4) ~~Permitted~~ Legal nonconforming drive-through facilities.

(5) Building material sales in the B4C District only.

(6) Truck, trailer, boat or recreational vehicle sales, service or rental, subject to the regulations of the B4C District governing the outdoor parking of trucks and other commercial vehicles.

(7) Businesses with merchandise for sale on the premises, provided that the outdoor sales and display be limited to the following locations:

a. On the public sidewalk adjacent to a ground level retail space, as provided by Title 17, Streets and Sidewalks, of the Minneapolis Code of Ordinances.

b. On property adjacent to the public right-of-way, within the thirty (30) inch wide portion extending from the business's primary building wall along the lineal storefront area, provided that all products are sold within the principal use, all merchandise and related fixtures are removed outside of the business's hours of operation, and the use does not encroach on door openings, drive aisles, parking areas, required landscaped areas, loading zones, fire lanes, or a sixty (60) inch unobstructed, straight pedestrian way.

1. Merchandise may only be displayed and sold pursuant to section 427.130(b) between the hours of 8:00 a.m. and 10:00 p.m.

2. All merchandise, fixtures, tables, racks, shelving and other related materials must be completely removed when not in use or during restricted hours of operation.

3. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space.

4. Liquor, tobacco, tobacco-related products, and sexually oriented images and merchandise, and any merchandise otherwise prohibited from being sold outdoors shall be prohibited from being displayed and sold under this ordinance.

Section 10. That Section 549.510 contained in Chapter 549, Downtown Districts, be amended to read as follows:

549.510. - General district regulations. The following conditions govern uses in the B4C District:

(1) ~~Drive-through facilities permitted~~ prohibited. ~~Drive-through facilities shall be permitted, subject to the standards of Chapter 530, Site Plan Review and Chapter 541, Off-Street Parking and Loading~~ Drive-through facilities shall be prohibited.

(2) *Outdoor speakers permitted.* Outdoor speakers shall be permitted, provided speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.

(3) *Production, processing and storage.*

a. *In general.* Production, processing and storage uses shall be limited to thirty thousand (30,000) square feet of gross floor area.

b. *Hazardous materials.* Warehousing and distribution uses shall not include the storage of hazardous materials in excess of consumer commodities which are packaged for consumption by individuals for personal care or household use, except as provided in Chapter 535, Regulations of General Applicability, regarding the storage of Class I flammable liquids, flammable gases and flammable liquefied gases.

(4) *Parking garages.* The ground floor of principal and accessory parking garages shall have commercial, residential, office, or hotel uses located between the parking garage and any public sidewalk except where frontage is needed to provide vehicular and pedestrian access to the facility.

Section 11. That Section 550.150 contained in Chapter 550, Industrial Districts, be amended to read as follows:

550.150. - Lot dimension and building bulk requirements. (a) *Maximum floor area ratio.* The maximum floor area ratio for all structures located in the industrial districts shall be two and seven-tenths (2.7). The maximum floor area ratio (F.A.R.) may not be attainable without obtaining conditional use permit approval for increasing maximum height.

(b) *Minimum lot dimension requirements.* There shall be no minimum lot dimension requirements for uses located in the industrial districts except as specified in Table 550-2, Lot Dimension Requirements in the Industrial Districts.

Table 550-2 Lot Dimension Requirements in the Industrial Districts

Use	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)
INDUSTRIAL USES		
Planned Unit Development	1 acre	None
COMMERCIAL USES		
Retail Sales and Services		
With drive-through facility	12,000	100

Automobile Services		
With car wash or fuel pump	12,000	100
Automobile sales	12,000	100
Food and Beverages		
With drive-through facility	12,000	100
Transportation	12,000	100
PARKING FACILITIES	5,000	40
RESIDENTIAL USES		
Community correctional facility	5,000 or 750 sq. ft. per rooming unit, whichever is greater	40
PUBLIC SERVICES AND UTILITIES	As approved by C.U.P	As approved by C.U.P

Section 12. That Section 550.210 contained in Chapter 550, Industrial Districts, be amended to read as follows:

550.210. - Enclosed building requirement. (a) *In general.* All production, processing, storage, sales, display or other business activity in the I1 District shall be conducted within a completely enclosed building, except as otherwise provided in sections (b) through (d) below.

(b) *Outdoor dining.* Outdoor dining shall be allowed, provided the following conditions are met:

(1) The outdoor dining area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Chapter 530, Site Plan Review.

(2) Sidewalk cafés shall comply with the requirements contained in Chapter 265 of the Minneapolis Code of Ordinances, Special Permits for Specific Businesses and Uses.

(c) *Outdoor sales and display.* The following uses may include outdoor sales and display provided such outdoor sales and display area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use as specified in Chapter 530, Site Plan Review:

(1) Building materials sales.

(2) Direct refueling of motor vehicles.

(3) ~~Permitted~~ Legal nonconforming drive-through facilities.

(4) Truck, trailer, boat, or recreational vehicle, sales, service or rental, subject to the regulations of this chapter governing the outdoor parking of trucks and other commercial vehicles.

(5) Lawn and garden sales.

(6) Businesses with merchandise for sale on the premises, provided that the outdoor sales and display be limited to the following locations:

a. On the public sidewalk adjacent to a ground level retail space, as provided by Title 17, Streets and Sidewalks, of the Minneapolis Code of Ordinances.

b. On property adjacent to the public right-of-way, within the thirty (30) inch wide portion extending from the business's primary building wall along the lineal storefront area, provided that all products are sold within the principal use, all merchandise and related fixtures are removed outside of the business's hours of operation, and the use does not encroach on door openings, drive aisles, parking areas, required landscaped areas, loading zones, fire lanes, or a sixty (60) inch unobstructed, straight pedestrian way.

1. Merchandise may only be displayed and sold pursuant to section 427.130 (b) between the hours of 8:00 a.m. and 10:00 p.m.

2. All merchandise, fixtures, tables, racks, shelving and other related materials must be completely removed when not in use or during restricted hours of operation.

3. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space.

4. Liquor, tobacco, tobacco-related products, and sexually oriented images and merchandise, and any merchandise otherwise prohibited from being sold outdoors shall be prohibited from being displayed and sold under this ordinance.

(d) *Outdoor speakers.* Outdoor speakers shall not be audible from a residence or office residence district boundary or a permitted or conditional residential use.

Section 13. That Chapter 550 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 550.235 to read as follows:

550.235. – Drive-through facilities. Drive-through facilities shall be prohibited.

Section 14. That Section 550.280 contained in Chapter 550, Industrial Districts, be amended to read as follows:

550.280. - Enclosed building requirement. (a) *In general.* All production, processing, storage, sales, display or other business activity in the I2 District shall be conducted within a completely enclosed building, except as otherwise provided in sections (b) through (e) below.

(b) *Outdoor dining.* Outdoor dining shall be allowed, provided the following conditions are met:

(1) The outdoor dining area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and

shall be screened from such district boundary or residential use, as specified in Chapter 530, Site Plan Review.

(2) Sidewalk cafés shall comply with the requirements contained in Chapter 265 of the Minneapolis Code of Ordinances, Special Permits for Specific Businesses and Uses.

(c) *Outdoor sales and display.* The following uses may include outdoor sales and display provided such outdoor sales and display area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use as specified in Chapter 530, Site Plan Review:

(1) Building materials sales.

(2) Direct refueling of motor vehicles.

(3) ~~Permitted~~ Legal nonconforming drive-through facilities.

(4) Truck, trailer, boat, or recreational vehicle, sales, service or rental, subject to the regulations of this chapter governing the outdoor parking of trucks and other commercial vehicles.

(5) Lawn and garden sales.

(6) Businesses with merchandise for sale on the premises, provided that the outdoor sales and display be limited to the following locations:

a. On the public sidewalk adjacent to a ground level retail space, as provided by Title 17, Streets and Sidewalks, of the Minneapolis Code of Ordinances.

b. On property adjacent to the public right-of-way, within the thirty (30) inch wide portion extending from the business's primary building wall along the lineal storefront area, provided that all products are sold within the principal use, all merchandise and related fixtures are removed outside of the business's hours of operation, and the use does not encroach on door openings, drive aisles, parking areas, loading zones, fire lanes, or a sixty (60) inch unobstructed, straight pedestrian way.

1. Merchandise may only be displayed and sold pursuant to section 427.130 (b) between the hours of 8:00 a.m. and 10:00 p.m.

2. All merchandise, fixtures, tables, racks, shelving and other related materials must be completely removed when not in use or during restricted hours of operation.

3. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space.

4. Liquor, tobacco, tobacco-related products, and sexually oriented images and merchandise, and any merchandise otherwise prohibited from being sold outdoors shall be prohibited from being displayed and sold under this ordinance.

(d) *Outdoor speakers.* Outdoor speakers shall not be audible from a residence or office residence district boundary, or a permitted or conditional residential use.

(e) *Outdoor storage.* Outdoor storage, and outdoor sales and display not provided for in section (c) above, shall be allowed, provided such outdoor storage area shall be landscaped and screened from view as follows:

(1) *Areas fronting along or visible from public streets or sidewalks.* A landscaped yard at least five (5) feet wide and screening not less than six (6) feet in height and not less than ninety-five (95) percent opaque shall be provided along the public street or sidewalk, as specified in Chapter 530, Site Plan Review.

(2) *Areas within three hundred (300) feet of a residence or office residence district or adjacent to any zoning district other than an I2 or I3 District.* Screening not less than six (6) feet in height and not less than ninety-five (95) percent opaque shall be provided along the property line, as specified in Chapter 530, Site Plan Review.

Section 15. That Chapter 550 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 550.295 to read as follows:

550.295. – Drive-through facilities. Drive-through facilities shall be prohibited.

Section 16. That Section 550.330 contained in Chapter 550, Industrial Districts, be amended to read as follows:

550.330. - Enclosed building requirement. All production, processing, storage, sales, display or other business activity in the I3 District shall be subject to the provisions of this section.

(1) *Outdoor sales and display.* The following uses may include outdoor sales and display provided such outdoor sales and display area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use as specified in Chapter 530, Site Plan Review:

- a. Building materials sales.
- b. Direct refueling of motor vehicles.
- c. ~~Permitted~~ Legal nonconforming drive-through facilities.
- d. Truck, trailer, boat, or recreational vehicle, sales, service or rental, subject to the regulations of this chapter governing the outdoor parking of trucks and other commercial vehicles.
- e. Lawn and garden sales.

(2) *Outdoor speakers.* Outdoor speakers shall not be audible from a residence or office residence district boundary, or a permitted or conditional residential use.

(3) *Outdoor storage.* Outdoor storage, and outdoor sales and display not provided for in section (b) above, shall be allowed provided such outdoor storage area shall be landscaped and screened from view as follows:

a. *Areas fronting along or visible from public streets or sidewalks.* A landscaped yard at least five (5) feet wide and screening not less than six (6) feet in height and not less than ninety-five (95) percent opaque shall be provided along the public street or sidewalk, as specified in Chapter 530, Site Plan Review.

b. *Areas within three hundred (300) feet of a residence or office residence district or adjacent to any zoning district other than an I2 or I3 District.* Screening not less than six (6) feet in height and not less than ninety-five (95) percent opaque shall be provided along the property line, as specified in Chapter 530, Site Plan Review.

(4) *Outdoor production or processing.* Outdoor production or processing shall be allowed in the I3 District, provided such outdoor production or processing area shall be no closer than three hundred (300) feet from a residence or office residence district boundary or a ground floor permitted or conditional residential use, and shall be landscaped and screened from view as follows:

a. *Areas fronting along or visible from public streets or sidewalks.* A landscaped yard at least ten (10) feet wide and screening not less than eight (8) feet in height and not less than ninety-five (95) percent opaque shall be provided along the public street or sidewalk, as specified in Chapter 530, Site Plan Review.

b. *All other areas.* Screening not less than eight (8) feet in height and not less than ninety-five (95) percent opaque shall be provided along the property line, as specified in Chapter 530, Site Plan Review.

Section 17. That Section 551.90 contained in Chapter 551, Overlay Districts, be amended to read as follows:

551.90. - Prohibited uses. The following uses shall be prohibited in the PO Overlay District:

~~(1) Drive-through facilities.~~

~~(2) (1) Automobile services uses.~~

~~(3) (2) Transportation uses.~~

Section 18. That Section 551.900 contained in Chapter 551, Overlay Districts, be amended to read as follows:

551.900. - Prohibited uses. The following uses shall be prohibited in the NM Overlay District:

~~(1) Drive-through facilities.~~

~~(2) (1) Automobile services uses.~~

~~(3) (2) Transportation uses.~~

~~(4) (3) Sexually oriented uses as regulated by Chapter 549, Downtown Districts.~~

Section 19. That Section 551.1220 contained in Chapter 551, Overlay Districts, be and is hereby repealed.

~~**551.1220. Drive through facilities.** Drive through facilities shall be prohibited except where they are accessory to a drug store, or a bank or financial institution, subject to all other applicable regulations of this zoning ordinance and the following standards:~~

~~(1) Drive through facilities shall be accessory to a drug store, or a bank or financial institution occupying at least three thousand (3,000) square feet of floor area, in a multiple use building of two (2) or more floors.~~

~~(2) Drive through facilities shall be located so as to minimize their visibility from West Broadway, and not impede pedestrian access to building entrances.~~

~~(3) No more than one (1) drive through lane for drug stores and no more than two (2) drive through lanes for banks or financial institutions shall be permitted.~~

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0681

Bender moved to direct staff to allow any applicant with an application deemed complete pursuant to Minnesota Stat. 15.99 prior to August 8, 2019, to proceed through the regulatory review process under the regulations in effect for drive-through facilities at the time of submittal of the complete application.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

COUNCIL ACTION 2019A-0682

The Minneapolis City Council hereby approves the Zoning Code Text Amendment Work Plan, as set forth in Legislative File No. 2019-00878 on file in the Office of the City Clerk.

On roll call, the result was:

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

Noes: (0)

Absent: Johnson (1)

Adopted.

NOTICE OF ORDINANCE INTRODUCTIONS

Fletcher gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing, adding a new section to create a micro wholesaler food license endorsement allowing for the sale of qualifying retail food products through shelf space lease arrangements.

Jenkins gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to Planning and Development: Small and Underutilized Business Enterprise Program, adding thereto provisions relating to the applicability of the Small and Underutilized Business Program to amendments of City contracts.

INTRODUCTION & REFERRAL CALENDAR

Pursuant to notice, on motion by Jenkins and Cunningham, the subject matter of the following ordinance was introduced, given its first reading, and referred to the Transportation & Public Works Committee: Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing, amending provisions related to parking of overweight vehicles and commercial vehicles.

RESOLUTIONS

Resolution 2019R-232 honoring Chuck Lutz for his Career and Service to the City of Minneapolis was adopted.

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

RESOLUTION 2019R-232

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

Honoring Chuck Lutz for his Career of Service to the City of Minneapolis.

Whereas, Chuck Lutz is the first and only Deputy Director the Department of Community Planning and Economic Development has ever had. In this role, he has managed complex, transformative, highly visible, and sometimes controversial development projects for the City; and

Whereas, Chuck has been instrumental in the development of the City of Minneapolis for the past 40 years, including notable development projects and behind the scenes influence and advice; and

Whereas, over the past decades, Chuck has been involved in the revitalization of Hennepin Avenue in the late 80s and early 90s; working with Congressman Sabo and the United States Government Services Administration on the siting and funding for the Federal Courthouse, which sits across from City Hall; implementing the Hollman consent decree which resulted in the creation of the Heritage Park

redevelopment and de-concentration of public housing throughout the City; Midtown Exchange and Global Market; rebuilding downtown's Peavey Plaza; negotiations on and City financing of US Bank Stadium; negotiations for Downtown East and the Commons; and the new City office building. When there is a large, visible, contentious project happening, and you're not sure who's working on it, the answer has been Chuck; and

Whereas, Chuck has made the review and approval of countless committee reports his own -- first, the Minneapolis Community Development Agency Board; then Community Development and Community Development & Regulatory Services; now Economic Development & Regulatory Services and Housing Policy & Development, and he likes to tell stories about when other staff have suggested things could be run better without him involved. Needless to say, the stories end with someone asking Chuck nicely to keep doing what he's been doing; and

Whereas, Chuck has watched Mayors, Council Members, department leadership, and many projects come and go, all with his same eagle eye and interest in the best possible outcome;

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

That the Mayor and City Council do hereby wish Chuck all the best as he transitions from his role within the City to a new life of retirement and consulting, and we hope he will find time to offer the same advice and insight we have relied on for so long.

Resolution 2019R-233 recognizing contribution of Urban Scholars was adopted.

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

RESOLUTION 2019R-233

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

Recognizing contributions of Urban Scholars.

Whereas, Urban Scholars is a leadership and professional development program where students from diverse racial and ethnic backgrounds learn how to navigate today's workplaces while equipping both students and organizations with the tools, experiences, and guidance necessary to shift organizational culture towards an equitable workforce; and

Whereas, the City of Minneapolis provides students with distinctive professional experience focused on gaining essential leadership skills and creating career pathways to positions of influence; and

Whereas, Urban Scholars establishes a pipeline of experienced, diverse professionals for public sector leadership; and

Whereas, on May 22, 2019, the City of Minneapolis inaugurated the eighth cohort of Urban Scholars made up of fifty-one culturally competent, collaborative, resilient, and altruistic young talents; and

Whereas, Hibo Abdi, Iqbal Abdulkadir, Maryam Ali, Suheib Ali, Gabriela Ayana, Fatou Barry, Bisrat M. Bayou, Alejandra Bejarano, Prashasti Bhatnagar, Justin Blake, Mariah Cannon, Hannah Chong, Richard Crenshaw, Alberto De Los Rios, Laura Garcia Pimentel, Keegan Greaney, César Gutierrez, Arantxa Hernandez-Chaire, Yasmin Hirsi, Kevin Huynh, Daniel Jefferson, Edward Johnson, Kiara Jones, Kalia Lee, Chheang Sear Lim, Stephany Lopez, Gilles Mally, Fatuma Mohamed, Sahra Mohamud, Joseph Monbo-Babalola, Likhwa Ndlovu, Diana Nguyen, Ly Nguyen, Halley Norman, Matthew Odumuyiwa, Anahi Ortiz, Jessica Osei, Najma Osman, Courtney Overby, Guillermo Pérez Soberanes, Said Salah, Mikayla Smith, PaJou Thao, Kiana Thomas, Antonio Torres, Liv Williams, LaLinda Xiong, Pader Yang, Akira Yano, Nasteho Yasin, and Amy Zhou comprise the eighth cohort of Urban Scholars and have brought an intelligent, fresh and unique perspective to the work they have done; and

Whereas, The City of Minneapolis recognizes and appreciates each Urban Scholar for making significant and lasting contributions to the City;

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

That the Mayor and City Council do hereby proclaim August 14, 2019, as Urban Scholar Day in the City of Minneapolis, a time to recognize and congratulate Scholars on the many contributions made to the City and its many communities.

Be It Further Resolved that the Urban Scholars of the City of Minneapolis are hereby recognized for their significant contributions, commended for their accomplishments, and offered the sincere gratitude of Mayor Frey and the Members of the City Council on behalf of the people of this great community.

Resolution 2019R-234 honoring and recognizing August 20, 2019, as the 400th Year Commemoration of Resistance and Liberation of African Americans in the City of Minneapolis was adopted.

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

RESOLUTION 2019R-234

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

Honoring and recognizing August 20, 2019, as the 400th Year Commemoration of Resistance and Liberation of African Americans in the City of Minneapolis.

Whereas, the Papal Bull of 1452, issued by Pope Nicholas the V, stated that European nations had the permission of the Catholic Church to colonize the Americas and enslave Africans; and

Whereas, Portugal, Spain, and the Netherlands started to bring Africans who were enslaved to Europe, the Caribbean, and the Americas; and

Whereas, the British entered the practice in the 1600s and brought 20 Africans to the Americas in 1619; and

Whereas, Britain's involvement in the slave trade codified the institution, creating a racial hierarchy that bound enslaved Africans for a lifetime; and

Whereas, Minnesota participated in the slave trade by encouraging slave holders to vacation in this state and invest in Minnesota's businesses; and

Whereas, the involvement of slaveholders from the South in Minnesota's economy meant that enslaved Africans lived in Minnesota, even though it was a free state as designated by the Missouri Compromise; and

Whereas, in order to protect the wealth of states like Minnesota and the institution of slavery, the Supreme Court ruled that Blacks had no rights by which the legal system had to abide by when enslaved Africans like Dred Scott fought against being illegally held in free states; and

Whereas, after the Emancipation of Slavery, Minnesota continued to mistreat African Americans living in the state through violent and exclusionary practices including terrorizing and lynching African Americans for attempting to procure and sustain employment, wages, businesses, and homes or for any other perceived threat; redlining and destroying African American communities and businesses; moving jobs away from the central cities with the build out of the freeway system; mass incarceration; and disinvestments in public education; and

Whereas, the practices and policies of the City of Minneapolis continue to drive these disparities making it one of the worst places for African Americans to live in the country; and

Whereas, the City of Minneapolis, including its public institutions and private businesses, continues to make a profit off of funds from slave labor, slave holder investment, and continued oppression of African Americans; and

Whereas, the current state of disparities is in direct correlation with the institution of slavery that continues to undergird our local and national economy; and

Whereas, the City of Minneapolis recognizes the extent of the harm done and is taking active steps to reverse and repair the harm by passing the first racial equity action plan, building out affordable housing, having inclusive economic development policies, and building trust between community and city officials; and

Whereas, the City of Minneapolis believes that the remedies to reverse the longstanding disparities must address the extent to which ascendants of Africans who were enslaved have been harmed; and

Whereas, the solutions must be transformational in such a way that the City of Minneapolis becomes a place where everyone can thrive, where accountability and mutuality exists between City residents and government, and no one makes a profit at the expense of African Americans or anyone else as a result of their race, their gender, their sexual orientation, or any other way in which people are marginalized;

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

That the Mayor and City Council do hereby honor and recognize August 20, 2019, as the 400th Year Commemoration of Resistance and Liberation of African Americans in the City of Minneapolis and the week of August 19 – 24 as the Week of Resilience.

Be It Further Resolved that the City commits to deepening its work to institute policies and practices that will repair the harm experienced by people of African Ascent over the last 400 years as a result of the legacy of slavery and racism.

ADJOURNMENT

On motion by Jenkins, at 10:35 a.m. the meeting was adjourned to August 15, 2019, at 11:00 a.m. in the Council Chamber, for the purpose of receiving Mayor Jacob Frey's 2020 Budget Address.

Casey Joe Carl,
City Clerk