

**OFFICIAL PROCEEDINGS  
MINNEAPOLIS CITY COUNCIL**

**REGULAR MEETING OF  
OCTOBER 19, 2018**

(Published October 27, 2018, 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, Andrew Johnson, Linea Palmisano, President Lisa Bender.

On motion by Jenkins, the agenda was adopted.

On motion by Jenkins, the minutes of the regular meeting of October 5, 2018, 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 October 22, 2018. 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 2018A-0808**

The Minneapolis City Council hereby approves the application for MINNEAPOLIS EVENT CENTERS, 212 2ND ST SE Minneapolis, MN, (Ward 3) submitted by ENTOURAGE EVENTS GROUP INC, BLA Mend, LIC372111, for an On Sale Liquor with Sunday Sales, Class B 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, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

Goodman moved to postpone indefinitely the following rental dwelling license applications, and to waive Council Rule III, Section 8, requiring that matters under Unfinished Business for three consecutive regular meetings shall be returned to the appropriate standing committee for further consideration:

1. Jennifer Strand for the property located at 3115 Cedar Ave S.
2. Elizabeth and George Francois for the property located at 2726 Girard Ave S.
3. Kevin McMullen for the properties located at 2530 1st Ave S and 2532 1st Ave S.
4. Kevin McMullen for the property located at 3554 Emerson Ave S.
5. Kevin McMullen for the property located at 316 Oak Grove St.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Goodman moved to delete from the agenda the proposed revocation of the following licenses:

1. The On Sale Liquor with Sunday Sales, Class B License, for BULLWINKLE'S SALOON & FUN BAR, 1429 WASHINGTON AVE S Minneapolis, MN, (Ward 6) submitted by STAR INVESTMENTS INC, BLLiquor, LIC79996, due to outstanding fines and fees owed to the City of Minneapolis.
2. The Commercial Parking Lot, Class A License for RJS INVESTMENTS, 242 15TH AVE S Minneapolis, MN, submitted by RJS INVESTMENTS INC, BLGeneral, LIC71848, due to outstanding fines and fees owed to the City of Minneapolis.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

#### **COUNCIL ACTION 2018A-0809**

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

1. SUPER AMERICA, 641 BROADWAY ST NE Minneapolis, MN, (Ward 1) submitted by NE BROADWAY PUMP N MUNCH LLC, BLBeerOff, LIC369038
2. Belle Ame Lounge, 400 3RD AVE N Minneapolis, MN, (Ward 3) submitted by LONE WOLF ENTERTAINMENT INC, BLLiquor, LIC368499

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

**COUNCIL ACTION 2018A-0810**

The Minneapolis City Council hereby approves the Gambling License application for St. Lawrence Catholic Church, 1203 5TH ST SE Minneapolis, MN, submitted by St. Lawrence Catholic Church, BLGeneral, LIC372380, 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, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

**COUNCIL ACTION 2018A-0811**

The Minneapolis City Council hereby approves the Gambling License renewal application for BULL'S HORN FOOD AND DRINK, 4563 34TH AVE S Minneapolis, MN, submitted by MINNEAPOLIS HOCKEY, BLGeneral, LIC358726, 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, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

**COUNCIL ACTION 2018A-0812**

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

1. GOLD ROOM RESTAURANT AND LOUNGE, 528 HENNEPIN AVE Minneapolis, MN, (Ward 3) submitted by DGB MANAGEMENT LLC, BLFood, LIC371387, for a Sidewalk Cafe License.
2. GOLD ROOM RESTAURANT AND LOUNGE, 528 HENNEPIN AVE Minneapolis, MN, (Ward 3) submitted by DGB MANAGEMENT LLC, BLFood, LIC371388, for a Catering License.
3. GOLD ROOM RESTAURANT AND LOUNGE, 528 HENNEPIN AVE Minneapolis, MN, submitted by DGB MANAGEMENT LLC, BLGeneral, LIC371389, for a Tobacco License.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

**COUNCIL ACTION 2018A-0813**

The Minneapolis City Council hereby adopts the Business License Operating Conditions Agreement for GOLD ROOM RESTAURANT AND LOUNGE, 528 HENNEPIN AVE Minneapolis, MN, (Ward 3) submitted by DGB MANAGEMENT LLC, BLLiquor, LIC370033, allowing the licensee to obtain the On Sale Liquor with Sunday Sales, Class B License, subject to adherence with the conditions contained therein.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

**COUNCIL ACTION 2018A-0814**

The Minneapolis City Council hereby approves the Business License renewal application for RADISSON RED MINNEAPOLIS DOWNTOWN, 609 3RD ST S Minneapolis, MN, (Ward 3) submitted by RR MPLS MGMT LLC, BLEnter, LIC81094, 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, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

**COUNCIL ACTION 2018A-0815**

The Minneapolis City Council hereby adopts the Business License Settlement Conference Agreement for ALLIED PARKING, 412 HENNEPIN AVE Minneapolis, MN, submitted by ALLIED PARKING, INC, BLGeneral, LIC74191, allowing the licensee to retain the Class A Parking Lot License for 410, 412 and 414 Hennepin Ave, herein after "414 Hennepin Ave," subject to adherence with the conditions contained therein.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

**COUNCIL ACTION 2018A-0816**

The Minneapolis City Council hereby approves the reinstatement of the Rental Dwelling License for the property at 3720 Minnehaha Ave S, formerly held by Stephen Frenz, to be held by new owner Kevin McMullen, based on submittal of an acceptable management plan and verification that said property is now in compliance with rental licensing standards.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-0817**

The Minneapolis City Council hereby authorizes a cost participation agreement with Hennepin County Housing and Redevelopment Authority (HRA) for redevelopment on Penn Ave.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

**COUNCIL ACTION 2018A-0818**

The Minneapolis City Council hereby:

1. Authorizes a \$50,000 participation in a loan to benefit Cajun Twist LLC at 1221 Theodore Wirth Pkwy, Golden Valley, MN for equipment and leasehold improvements.
2. Authorizes a Joint Powers Agreement with the City of Golden Valley.
3. Authorizes a one-time modification to the Revolving Loan Fund Program Guidelines.
4. Authorizes loan participation agreements with Neighborhood Development Center.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-0819**

The Minneapolis City Council hereby:

1. Passage of Resolution 2018R-313 authorizing application to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant

Program for environmental investigation and/or remediation funding for the following projects: Bessemer at Seward Commons, 2200 Snelling Ave, 2206 Snelling Ave, 2210 Snelling Ave, 2214 Snelling Ave, and 2218 Snelling Ave; Creekside at Van White, 212 Girard Ave N, 210 Girard Ave N (west of Van White only), 1311 Currie Ave W, 1300 Chestnut Ave W, and 1129 2nd Ave N (west of Van White only); Gateway Northeast, 2419 Marshall St NE, 2423 Marshall St NE, 2435 Marshall St NE, 30 Lowry Ave NE, 34 Lowry Ave NE, 38 Lowry Ave NE and 44 Lowry Ave NE; Keller Building, 1325 Quincy St NE; Portland and Washington Mixed-Use Development, 500 3rd St S, 530 3rd St S, and 240 Portland Ave; and RBC Gateway, 30 3rd St S.

2. Passage of Resolution 2018R-314 authorizing application to the Metropolitan Council's Tax Base Revitalization Account [TBRA] Grant Program for environmental investigation and/or remediation funding for the following projects: Bessemer at Seward Commons, 2200 Snelling Ave, 2206 Snelling Ave, 2210 Snelling Ave, 2214 Snelling Ave, and 2218 Snelling Ave; Calhoun Towers -- Building C, 3404 List Place and 3430 List Place; Checkerboard, 3716 Dight Ave S; Creekside at Van White, 212 Girard Ave N, 210 Girard Ave N (west of Van White only), 1311 Currie Ave W, 1300 Chestnut Ave W, and 1129 2nd Ave N (west of Van White only); Gateway Northeast, 2419 Marshall St NE, 2423 Marshall St NE, 2435 Marshall St NE, 30 Lowry Ave NE, 34 Lowry Ave NE, 38 Lowry Ave NE and 44 Lowry Ave NE; Malcolm Yards Market, 501 30th Ave SE; and Rand Tower, 527 Marquette Ave.
3. Passage of Resolution 2018R-315 authorizing application to the Hennepin County Environmental Response Fund [ERF] for environmental investigation and/or remediation funding for the following projects: Calhoun Towers -- Building C, 3404 List Place and 3430 List Place; Checkerboard, 3716 Dight Ave S; CLCLT Homebuyer Initiated Program -- Fall 2018 (various addresses); Creekside at Van White, 212 Girard Ave N, 210 Girard Ave N (west of Van White only), 1311 Currie Ave W, 1300 Chestnut Ave W, and 1129 2nd Ave N (west of Van White only); Currie Park -- Phase I Improvements, 1417 5th St S, 420 15th Ave S, and 404 15th Ave S; Gateway Northeast, 2419 Marshall St NE, 2423 Marshall St NE, 2435 Marshall St NE, 30 Lowry Ave NE, 34 Lowry Ave NE, 38 Lowry Ave NE and 44 Lowry Ave NE; MN Brownfields Gap Financing Program (various addresses); Portland and Washington Mixed-Use Development, 500 3rd St S, 530 3rd St S, and 240 Portland Ave; and RBC Gateway, 30 3rd St S.
4. Approves requests for waivers from housing affordability guidelines for the Bessemer at Seward Commons and RBC Gateway projects.
5. Denies requests for waivers from housing affordability guidelines for the 36 Bryant and Bassett Creek East projects.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

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

**RESOLUTION 2018R-313  
By Goodman and Warsame**

**Authorizing applications to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant Program for various projects.**

Whereas, the City of Minneapolis has approved the Contamination Cleanup and/or Investigation grant applications to be submitted to the Department of Employment and Economic Development (DEED) on November 1, 2018 by the City of Minneapolis for the following sites/projects: Bessemer at Seward Commons, 2200 Snelling Ave, 2206 Snelling Ave, 2210 Snelling Ave, 2214 Snelling Ave, and 2218 Snelling Ave; Creekside at Van White, 212 Girard Ave N, 210 Girard Ave N (west of Van White only), 1311 Currie Ave W, 1300 Chestnut Ave W, and 1129 2nd Ave N (west of Van White only); Gateway Northeast, 2419 Marshall St NE, 2423 Marshall St NE, 2435 Marshall St NE, 30 Lowry Ave NE, 34 Lowry Ave NE, 38 Lowry Ave NE and 44 Lowry Ave NE; Keller Building, 1325 Quincy St NE; Portland and Washington Mixed-Use Development, 500 3rd St S, 530 3rd St S, and 240 Portland Ave; and RBC Gateway, 30 3rd St S;

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

That the City of Minneapolis act as the legal sponsor for the projects contained in the Contamination Cleanup and Investigation Grant Program applications to be submitted on November 1, 2018 and that the Director of the Department of Community Planning and Economic Development (or his designee) is hereby authorized to apply to the Department of Employment and Economic Development for funding of the aforementioned projects on behalf of the City and to submit a disclosure consent form in connection with such applications.

Be It Further Resolved that the City of Minneapolis has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.

Be It Further Resolved that the sources and amounts of the local match identified in the application are committed to the projects identified.

Be It Further Resolved that the City of Minneapolis has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

Be It Further Resolved that upon approval of its applications by the state and acceptance by the City Council, the City of Minneapolis may enter into agreements with the State of Minnesota for the above-referenced project(s), and that the City of Minneapolis certifies that it will comply with all applicable laws and regulation as stated in all contract agreements.

Be It Further Resolved that upon approval of its applications by the state and acceptance by the City Council, the Finance Officer or his designee will be authorized to execute such agreements as are necessary to implement the projects on behalf of the applicant.

Be It Further Resolved that the city of Minneapolis is located within the seven county metropolitan area defined in section 473.121, subdivision 2, and is participating in the local housing incentives program under section 473.254.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**RESOLUTION 2018R-314**  
**By Goodman and Warsame**

**Authorizing applications to the Metropolitan Council Tax Base Revitalization Account [TBRA] for various projects.**

Whereas, the City of Minneapolis (the “City”) is a participant in the Livable Communities Act’s Local Housing Incentives Account Program for 2018 as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following investigation and/or clean-up projects within the City that meet the Tax Base Revitalization Account’s purposes and criteria: Bessemer at Seward Commons, 2200 Snelling Ave, 2206 Snelling Ave, 2210 Snelling Ave, 2214 Snelling Ave, and 2218 Snelling Ave; Calhoun Towers -- Building C, 3404 List Place and 3430 List Place; Checkerboard, 3716 Dight Ave S; Creekside at Van White, 212 Girard Ave N, 210 Girard Ave N (west of Van White only), 1311 Currie Ave W, 1300 Chestnut Ave W, and 1129 2nd Ave N (west of Van White only); Gateway Northeast, 2419 Marshall St NE, 2423 Marshall St NE, 2435 Marshall St NE, 30 Lowry Ave NE, 34 Lowry Ave NE, 38 Lowry Ave NE and 44 Lowry Ave NE; Malcolm Yards Market, 501 30th Ave SE; and Rand Tower, 527 Marquette Ave; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project and grant administration; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the contract grant agreements; and

Whereas, the City finds that the contamination investigation and/or cleanup will not occur through private or other public investment within the reasonably foreseeable future without Tax Base Revitalization Account grant funding; and

Whereas, the City represents that it has undertaken reasonable and good faith efforts to procure funding for the activities for which Livable Communities Act Tax Base Revitalization Account funding is sought but was not able to find or secure from other sources funding that is necessary for investigation and/or cleanup completion and states that this representation is based on the following reasons and supporting facts: City staff members provide information about all potential sources of brownfield grant funding and actively encourage project proponents to seek funding from as many prospective funding sources as possible;

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

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate City staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects. The City acknowledges that for each grant awarded to and accepted by the City, the City will be

the grantee and will act as legal sponsor, and will administer and be responsible for grant funds expended for the project referred to in the applicable grant application.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**RESOLUTION 2018R-315**  
**By Goodman and Warsame**

**Authorizing applications to the Hennepin County Environmental Response Fund for various projects.**

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following investigation or cleanup projects: Calhoun Towers -- Building C, 3404 List Place and 3430 List Place; Checkerboard, 3716 Dight Ave S; CLCLT Homebuyer Initiated Program -- Fall 2018 (various addresses); Creekside at Van White, 212 Girard Ave N, 210 Girard Ave N (west of Van White only), 1311 Currie Ave W, 1300 Chestnut Ave W, and 1129 2nd Ave N (west of Van White only); Currie Park -- Phase I Improvements, 1417 5th St S, 420 15th Ave S, and 404 15th Ave S; Gateway Northeast, 2419 Marshall St NE, 2423 Marshall St NE, 2435 Marshall St NE, 30 Lowry Ave NE, 34 Lowry Ave NE, 38 Lowry Ave NE and 44 Lowry Ave NE; MN Brownfields Gap Financing Program (various addresses); Portland and Washington Mixed-Use Development, 500 3rd St S, 530 3rd St S, and 240 Portland Ave; and RBC Gateway, 30 3rd St S;

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

That the City Council approves the aforementioned investigation and/or cleanup projects (although said approval does not confer other benefits or waive zoning, land use, building code or other applicable requirements), for which Environmental Response Fund grant applications are being submitted to the Hennepin County Environment and Energy Department on November 1, 2018, by the City of Minneapolis or by the affected property owner or developer.

Be It Further Resolved that the City Council approves the investigation and cleanup projects (although said approval does not confer other benefits or waive zoning, land use, building code or other applicable requirements) to be funded by the Minnesota Brownfields Gap Financing Program, for which an Environmental Response Fund grant application will be submitted to the Hennepin County Environment and Energy Department on November 1, 2018, by Minnesota Brownfields (a nonprofit organization that will also be administering the program in question).

Be It Further Resolved that for each project identified above for which the City is not the applicant, the City Council approval granted by this resolution is specifically contingent upon the applicant agreeing to have City staff administer (subject to the applicable City grant administration fee) any Hennepin County ERF grant that results from an application submitted directly to the County by the project developer, if the City is administering funds from other grantors for related project activities.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**The ELECTIONS & RULES Committee submitted the following report:**

On behalf of the Elections & Rules Committee, Ellison offered Ordinance 2018-052 amending provisions related to conflict of interest, outside employment, statements of economic interest, and definitions.

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

**ORDINANCE 2018-052**

**By Ellison**

**Intro & 1st Reading: 10/5/2018**

**Ref to: ER**

**2nd Reading: 10/19/2018**

**Amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to Administration: Ethics in Government.**

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

Section 1. That Section 15.40 of the above-entitled ordinance be amended to read as follows:

**15.40. - Conflicts of interest.** (a) ~~Definition of Financial conflicts of interest.~~ A local official or employee, whether paid or unpaid, shall avoid any situation that might give rise to a financial conflict of interest. ~~A conflict of interest is present when, in the discharge of official duties, a local official or employee participates in a governmental decision, action or transaction in which he or she has a financial interest, except when that financial interest is no greater than that of another member of his or her business classification, profession or occupation or in matters involving city litigation when that financial interest is no greater than that of another member of the public impacted by the litigation. A financial interest is any interest, including loans, which shall yield, directly or indirectly, a monetary or other material benefit to the local official or employee (other than monetary or material benefits authorized by the city). A financial interest of a local official's or employee's employer (other than the City of Minneapolis), his or her associated business, or member of his or her household, including a spouse, domestic partner, or dependent, and their employers or associated businesses shall also be considered a financial interest of the local official or employee. The following assets shall not be considered a financial interest for purposes of this section:~~

~~(1) Ownership of shares in a diversified mutual fund.~~

~~(2) Membership in a pension plan or employee benefit plan.~~

~~(3) Ownership of bonds or publicly traded securities with a market value of less than two thousand five hundred dollars (\$2,500.00).~~

~~(4) Ownership of a whole life insurance policy.~~

(b) *Addressing potential financial conflicts of interest.* To address potential financial conflicts of interest:

(1) A local official or employee shall not participate in making or attempt to ~~use his or her position to~~ influence any city governmental decision, action, or transaction in which the local official or employee knows or has reason to know that ~~he or she has a conflict of~~ one's own financial interest is present. ~~To participate or participation means making the decision, taking action, entering into a transaction, providing advice or a recommendation, introducing, sponsoring, debating, voting on, approving, and investigating the decision, action, or transaction. Participation includes the direct and active supervision of the participation of a subordinate in the matter. Participation is more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral basis.~~

(2) A local official or employee may participate in a city governmental decision, action, or transaction involving an organization or entity when the local official or employee, or ~~his or her spouse, domestic partner, or dependent~~ a related person is an officer, director, board member, or trustee, if the local official or employee does not have a financial interest in the governmental decision, action, or transaction. However, the local official or employee must disclose ~~his or her~~ the affiliation with the organization or entity as though it were a potential financial conflict of interest. A local official or employee may participate in a city governmental decision, action, or transaction when the local official or employee has a financial interest in a matter involving city litigation but that financial interest is no greater than that of another member of the public impacted by the litigation. However, the local official or employee must disclose ~~his or her~~ the financial interest in the litigation as though it were a potential financial conflict of interest.

(3) A local official or employee may participate in a city governmental decision involving a related person, ~~other than his or her spouse, domestic partner, or dependent~~, if the local official or employee does not have a financial interest in the governmental decision, action, or transaction. However, the local official or employee must disclose ~~his or her~~ the relationship with the related person as though it were a potential financial conflict of interest.

(4) Any lobbyist (other than an employee of the city) who is lobbying on behalf of the city must disclose a complete list of the principals represented by that lobbyist or other lobbyists in the same firm, along with the project or projects on which lobbying is expected to occur on a principal's behalf, to all elected officials of the city and the city clerk. The ethics officer will report to the intergovernmental relations committee on what projects, if any, create, or may create a professional conflict of interest for the lobbyist. A ~~professional conflict of interest is a situation where the interests of a principal of the lobbyist are or may be adverse to the interests of the city.~~ The lobbyist must update the list any time there is a change in ~~his or her~~ the principal list.

(c) *Disclosure of potential financial conflicts of interest.* If a local official or employee, in the discharge of ~~his or her~~ official duties, recognizes that ~~his or her~~ participation would create a financial conflict of interest, the local official or employee shall disclose the potential financial conflict of interest as follows:

(1) The mayor and members of the city council shall disclose the potential financial conflict of interest to each other as soon as they become aware of the conflict. If such official becomes aware of a financial conflict during a meeting of the city council, or one (1) of its committees, or the executive committee, the official shall immediately disclose the potential financial conflict of interest orally. The mayor or city council member shall also prepare, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of ~~his or her~~ the potential financial conflict of interest. The written statement shall be distributed to the mayor and the members of the city council and filed with the city clerk. After the first time the official has orally disclosed a potential financial conflict of

interest and filed the form, the elected official may subsequently orally disclose a potential financial conflict by referring to the form. Because the mayor or city council members may not attend all city council or committee meetings, oral disclosure may consist of the written statement being read into the record by the presiding officer at the first regular meeting of the city council after the form has been filed.

(2) A department head shall disclose a potential financial conflict of interest to the mayor and the city council by preparing, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of ~~his or her~~ the potential financial conflict of interest. The form shall be distributed to the mayor and the members of the city council and filed with the city clerk.

(3) A local official who is not an employee and who is not covered by paragraphs (1) and (2) above shall disclose a potential financial conflict of interest to the other individuals on the agency, authority or instrumentality as soon as the local official becomes aware of the conflict. If a local official becomes aware of a potential financial conflict during a meeting, the local official shall immediately disclose the potential financial conflict of interest orally. The local official shall also prepare, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of ~~his or her~~ the potential financial conflict of interest. The written statement shall be distributed to the mayor and city council, any department head whose jurisdiction or agency could be affected, and filed with the city clerk.

(4) An employee who is not covered by paragraphs (1), (2) or (3) above shall disclose a potential financial conflict of interest (i) orally to ~~his or her~~ the employee's supervisor; and (ii) in writing as described below. If there is no supervisor, an employee shall disclose a potential financial conflict of interest in writing as described below. An employee who is required to disclose a potential financial conflict of interest in writing under this paragraph (4) shall prepare, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of ~~his or her~~ the potential financial conflict of interest. The written statement shall be distributed to the employee's immediate supervisor and department head, and filed with the city clerk.

~~(5) All initial written statements required by this section shall be filed not later than June 1, 2003. Thereafter, they shall be filed and distributed within one (1) week after the local official or employee becomes aware of the conflict of interest. All initial written statements shall be filed and distributed within one (1) week after the local official or employee becomes aware of the potential financial conflict of interest.~~

(6) If the local official or employee has a supervisor, the supervisor shall assign the matter, if possible, to another person who does not have a potential financial conflict of interest. If they have no immediate supervisor, the local official or employee shall remove ~~himself or herself~~ oneself from participating in the action or decision in question. If the local official is a member of the city council or the mayor, the local official shall not participate in any discussion or vote on any matter involving the potential financial conflict of interest. Although the mayor or city council member must abstain from voting on the matter, ~~he or she~~ the member shall be counted present for purposes of a quorum.

Section 2. That Section 15.60 of the above-entitled ordinance be amended to read as follows:

**15.60. - Outside employment.** (a) A local official or employee shall not accept employment or enter into a contract that:

(1) Interferes with the proper discharge of ~~his or her~~ the local official's or employee's public duty; or

(2) Creates a potential professional or private conflict of interest that would materially impair the local official's or employee's ability to serve the city.

Local officials, as defined in subsection (3) of that definition in section 15.280, who are not subject to provisions (c) and (d) of this section must still comply with this provision.

(b) Except for employment with the city, a local official, as defined in subsection (1) or (2) of that definition in section 15.280 of this Code, or employee shall not accept employment or enter into a contract with any party or beneficiary to:

(1) A pending or existing city contract if the local official or employee participated in the negotiation, development, awarding, or management of that contract; or

(2) Any other matter involving the local official's or employee's department or agency if the local official or employee participated in that matter.

(c) A local official, as defined in subsection (1) or (2) of that definition in section 15.280 of this Code, or an employee shall not solicit or accept any money or other thing of value in return for advice or assistance on matters concerning the operation or business of city government.

(d) A local official, as defined in subsection (1) or (2) of that definition in section 15.280 of this Code, or an employee shall not represent any person or organization for a fee or any other thing of value, before the mayor, the city council, any city council committee member, or the executive committee, before any department of the city, or before any city board, agency, commission, or committee of a city board, agency or commission.

(e) ~~An appointed~~ A local official, as defined in subsection (1) or (2) of that definition in section 15.280 of this Code, or an employee shall:

(1) Not use city facilities or equipment to solicit or perform outside work. This provision shall not apply to sworn employees of the police or fire department who use city facilities or equipment for outside work in accordance with written department policies.

(2) Not solicit or perform outside work during the local official's or employee's hours of employment. The written permission must address the use of vacation or compensatory time, if applicable.

(f) ~~An appointed~~ A local official, as defined in subsection (2) of that definition in section 15.280 of this Code, or an employee, shall provide notification before accepting outside employment or entering a contract for services. Subsequently, such notification shall be submitted annually on the last Monday of January of each year that the outside employment or contract for services exists. The notification shall be in writing on the form prescribed by the ethics officer.

(1) An employee, other than a department head, shall provide the notification to ~~his or her~~ the employee's department head.

(2) A department head shall provide ~~his or her~~ the notification to the chair of the appropriate appointing authority.

(3) An election judge employed on a temporary basis is exempt from this notification requirement.

(4) A stagehand/production technician employed on a temporary basis is exempt from this notification requirement.

Section 3. That Section 15.80 of the above-entitled ordinance be amended to read as follows:

**15.80. - Statements of economic interest.** (a) Minnesota Statutes, ~~Sections 10A.01 and~~ Section 10A.09 requires a local official who holds elective office in the city or who is appointed to or employed in a public position in the city in which the person has authority to make, to recommend, or to vote on as a member of a decision making body, major decisions regarding the expenditure or investment of public money to file a statement of economic interest with the City Clerk. ~~In accordance with these statutes and with the provisions of this Code, the following persons shall file a statement of economic interest with the city clerk on a form prescribed by the city clerk. The statement of economic interest shall include sections for disclosing sources of compensation, securities, real property, investments in pari-mutuel horse racing, and loans. A loan from a financial lending institution, negotiated by unrelated parties each acting in his or her own self-interest, with an interest rate of at least a market rate, does not need to be reported. The statement shall include the economic interests of the person filing the statement and his or her spouse or domestic partner, if any. Individuals required to file a statement of economic interest are subject to the penalty provisions of Minnesota Statutes, Section 10A.09 and this Code. All statements filed with the city clerk shall be public data.~~

~~(1) A candidate for the office of mayor, city council member, or board of estimate and taxation member within fourteen (14) days after filing an affidavit of candidacy or petition to appear on the ballot for an elective city office; and.~~

~~(2) An elected local official, as defined in subsection (1) of that definition in section 15.280 of this Code, within sixty (60) days after commencing his or her term of office; and.~~

~~(3) Appointed local officials, as defined in subsection (2) of that definition in section 15.280 of this Code, or employees, within sixty (60) days of accepting appointment or employment as a local official or employee in a position which the city council has determined has authority to make, to recommend, or to vote on as a member of a decision making body, major decisions regarding the expenditure or investment of public money. The list of these positions shall be maintained by the department of human resources; and~~

~~(4) Individuals appointed or designated by the mayor or appointed by the city council to the following agencies, authorities, or instrumentalities, within sixty (60) days of accepting appointment or employment as a local official:~~

~~Bassett Creek Watershed Management Commission  
Family Housing Fund, Minneapolis/St. Paul  
Planning Commission, Minneapolis  
Public Housing Authority, Minneapolis  
Shingle Creek Watershed Management Commission  
Sports Facilities Commission, Metropolitan.~~

~~(b) Each individual who is required to file a statement of economic interest shall file an annual statement on the last Monday in January of each year that he or she remains a local official.~~

(b) Roles and Responsibilities.

(1) Ethics Officer. The Ethics officer is responsible for:

a. Determining, in collaboration with the Human Resources Department and the Finance and Property Services Department, which employment positions within the city constitute the city's local officials.

b. Determining, in collaboration with the Finance and Property Services Department, which members of city boards, agencies, authorities or instrumentalities appointed or designated by the mayor or city council constitute the city's local officials.

c. Reviewing and revising existing city procedures and directing development and adoption of new procedures as appropriate for compliance with Minnesota Statutes, section 10A.09.

d. Promulgating training that effectively implements and is consistent with Minnesota Statutes, section 10A.09.

(2) Human Resources Department. The human resources department is responsible for including the statement of economic interest filing requirement in all impacted job classifications.

(3) Office of the City Clerk. The office of the city clerk is responsible for:

a. Annually, providing the list of local officials to the Minnesota Campaign Finance Board.

b. Accepting and maintaining local official statement of economic interest filings.

~~(c) Within thirty (30) days after leaving office, a local official shall file a statement of economic interest covering the period from the end date of the most recent statement through the last day of service as a local official if information on the most recently filed statement has changed.~~

~~(d) Individuals required to file a statement of economic interest are subject to the penalty provisions of Minnesota Statutes, Section 10A.09 and this Code. All statements filed with the city clerk shall be public data.~~

Section 4. That the definitions for associated business, financial interest, participate or participation, and professional conflict of interest contained in Section 15.280 of the above-entitled ordinance be amended to read as follows:

**15.280 Definitions.**

~~*Associated business* means any association in connection with which the individual is compensated in excess of fifty dollars (\$50.00) in any month, except for actual and reasonable expenses, as a director, officer, owner, member, partner, employer or employee, or is a holder of securities worth two thousand five hundred dollars (\$2,500.00) or more at fair market value.~~

Associated business means an association, corporation, partnership, limited liability company, limited liability partnership, or other organized legal entity from which the individual receives compensation in excess of two hundred fifty dollars (\$250.00), except for actual and reasonable expenses, in any month, as a director, officer, owner, member, partner, employer or employee, or whose securities the individual holds worth more than ten thousand dollars (\$10,000.00) at fair market value.

~~Financial interest~~ means any interest, including loans, which shall yield, directly or indirectly, a monetary or other material benefit to the local official or employee (other than monetary or material benefits authorized by the city). A financial interest of a local official's or employee's employer (other than the City of Minneapolis), his or her associated business, or his or her spouse, domestic partner, or dependent shall also be considered a financial interest of the local official or employee. The following assets shall not be considered a financial interest for purposes of this section:

~~(1) Ownership of shares in a diversified mutual fund.~~

~~(2) Membership in a pension plan or employee benefit plan.~~

~~(3) Ownership of bonds or publicly traded securities with a market value of less than two thousand five hundred dollars (\$2,500.00).~~

~~(4) Ownership of a whole life insurance policy.~~

Financial interest means any ownership or control in an asset which has the potential to produce a monetary return.

Participate or participation means making a the decision, taking action, entering into a transaction, providing advice or a recommendation, introducing, sponsoring, debating, voting on, approving, ~~or~~ and investigating the decision, action, or transaction. Participation includes the direct and active supervision of the participation of a subordinate in the matter. Participation is more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral basis.

Professional conflict of interest means a situation where the interests of ~~a~~ an employee, local official, or principal of the lobbyist are or may be adverse to the interests of the city.

Section 5. That Section 15.280 of the above-entitled ordinance be amended by adding thereto the following new definitions in alphabetical sequence to read as follows:

**15.280 Definitions.**

Financial conflict of interest means a local official or employee, in the discharge of official duties, participates in a governmental decision, action or transaction that would substantially affect the local official's or employee's financial interests or those of an associated business, unless the effect on the local official or employee is no greater than that of another member of the individual's business classification, profession or occupation.

Private interest means any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of a city department or employee that is not available to the general public.

Securities means any stock, share, bond, warrant, option, pledge, note, mortgage, annuity, debenture, lease, or commercial paper in any corporation, partnership, trust, or other association. Securities do not include deposits in a savings account; certificates of deposit; money market certificates; treasury bills; treasury bonds; treasury notes; dividends from securities; shares in a mutual fund; shares in an exchange traded fund; or the underlying holdings owned by an annuity or in a defined benefit pension plan. For beneficiaries of a blind trust, securities do not include the underlying assets owned by the blind trust.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**The ENTERPRISE Committee submitted the following report:**

**COUNCIL ACTION 2018A-0820**

The Minneapolis City Council hereby authorizes revenue contracts with Hennepin County Medical Center (HCMC), Minneapolis Park & Recreation Board (MPRB), and the University of Minnesota (U of M) in the amount of \$725,836, from Jan 1, 2019 - Dec 31, 2022, for the City's Information Technology (IT) Department to provide Computer Aided Dispatch (CAD) and related mobile equipment support services.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-0821**

The Minneapolis City Council hereby authorizes an increase to Contract No. C-28807 with CSC Cybertek Corporation in the amount of \$320,245, for a new total not-to-exceed amount of \$1,067,799, and extending the contract for three (3) years through Mar 14, 2023, for continued support and maintenance on existing services as well as new services to be implemented regarding the Risk Management Information & Claims Processing System.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-0822**

The Minneapolis City Council hereby authorizes an increase to Contract No. C-37703 with Avolve Software Corporation in the amount of \$83,000, for a new not-to-exceed total of \$718,488, for upgrading ProjectDox version 8.3 to version 8.6.5, which includes a new user-driven workflow known as ProjectFlow.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-0823**

The Minneapolis City Council hereby authorizes a contract with Clearwater Analytics, LLC, in the amount of \$100,000, for a period of one (1) year with an option to extend for two (2) additional one-year terms, to provide investment, capital, and debt management services for the Property Services Department using the Supplier's contract form.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-0824**

The Minneapolis City Council hereby authorizes the Information Technology (IT) Department to continue to donate its decommissioned computing equipment to various non-profit organizations through Dec 31, 2020, to advance the City's employment, economic development, and One Minneapolis goals as authorized under the Public Purpose provision.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**The HOUSING POLICY & DEVELOPMENT Committee submitted the following report:**

On behalf of the Housing Policy & Development Committee, Gordon offered Resolution 2018R-316 approving the sale of the property at 3110 Upton Ave N (Disposition Parcel No. MH-83), to Tai Hon L.L.C. for \$40,000, subject to conditions.

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

**RESOLUTION 2018R-316**

**By Gordon**

**Authorizing sale of land Disposition Parcel MH-83, under the Minneapolis Homes Program at 3110 Upton Ave N.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel MH-83 in the Jordan neighborhood, from Tai Hon L.L.C., hereinafter known as the Redeveloper, the MH-83, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of MH-83; 3110 Upton Ave N: Lot 24, Seallum Gates' Third Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$40,000 for Parcel MH-83; the offer includes a development plan and commitment to improve by rehabilitating the existing structure. This offer is in accordance with the 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 accepted methods of aiding the City in determining a \$40,000 re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on Friday, September 28, 2018, a public hearing on the proposed sale was duly held on October 10, 2018, 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 \$40,000 for Parcel MH-83.

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 official of the City.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Housing Policy & Development Committee, Gordon offered Resolution 2018R-317 authorizing the appropriate City officials to sign an Acknowledgement of Receptivity to an LCA Funding Award form in support of the potential award of Metropolitan Council Livable Communities Local Housing Incentive Account (LHIA) grant funds to the Maya Commons, Mino-bimaadiziwin, Olson Townhomes and Irving-James Near North Infill Development - New Construction projects.

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

**RESOLUTION 2018R-317**

**By Goodman**

**Authorizing the proper City officials to sign an Acknowledgement of Receptivity to an LCA Funding Award form in support of the award of Metropolitan Council Livable Communities Local Housing Incentive Account grant funds to certain projects located in the City of Minneapolis.**

Whereas, the City of Minneapolis (the “City”) was and is a participant in the Livable Communities Act’s Housing Incentives Program as determined by the Metropolitan Council, and is therefore eligible to participate in the Local Housing Incentive Account grant program; and

Whereas, the Metropolitan Council has notified the City that the following projects applied for funds in June of 2018 through the Minnesota Housing Common Application process: Maya Commons, Mino-bimaadiziwin, Olson Redevelopment Phase, and Irving-James Near North Infill Development – New Construction; and

Whereas, based upon preliminary information about the projects, the City expects to accept and make available in a timely manner to these applicants any Livable Communities Act award to the City to assist the housing program or activity proposed in the applications, subject to such terms and conditions as the

City determines are in the best interests of the City and comport with the Local Housing Incentive Account grant program’s purposes and criteria; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration;

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

That the City Council authorizes the appropriate City officials to sign an Acknowledgement of Receptivity to an LCA Funding Award in support of the award of Metropolitan Council Livable Communities Local Housing Incentive Account grant funds to certain projects located in the City of Minneapolis, and subject to acceptance and appropriation, to execute such agreements as are necessary to provide the awarded funding to the projects.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

#### **COUNCIL ACTION 2018A-0825**

The Minneapolis City Council hereby approves the awarding of exclusive development rights to Park Place Apartments, Inc. for a period not to exceed 12 months on the City-owned parcel at 2806 Park Ave S.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Housing Policy & Development Committee, Gordon offered Resolution 2018R-318 authorizing submission and priority ranking of a grant application to the Metropolitan Council Livable Communities Demonstration Account (LCDA) Pre-Development Program for the Grain Belt site project.

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

#### **RESOLUTION 2018R-318 By Gordon and Warsame**

**Identifying the need for Metropolitan Council Livable Communities Demonstration Account funding and authorizing an application for grant funds for the Grain Belt site project.**

Whereas, the City of Minneapolis is a participant in the Livable Communities Act’s Local Housing Incentives Account Program for 2018 as determined by the Metropolitan Council, and is therefore eligible to apply for Livable Communities Demonstration Account (“LCDA”) funds; and

Whereas, the City has identified a proposed project within the City that meets LCDA's purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

Whereas, the City has the institutional, managerial and financial capability to adequately manage an LCDA grant; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

Whereas, the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for LCDA development or redevelopment elsewhere in the region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

Whereas, only a limited amount of grant funding is available through the Metropolitan Council's Livable Communities LCDA initiative during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of LCDA grant funding;

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

That a grant application for the following project will be submitted to the Metropolitan Council by November 1, 2018:

Priority 1: Grain Belt Pre-Development Grant, in the amount of \$100,000

Be It Further Resolved that it is in the best interests of the City's development goals and priorities for the proposed project to occur at the particular site at this particular time.

Be It Further Resolved that the project components for which LCDA funding is sought will not occur solely through private or other public investment within the reasonably foreseeable future; and will occur within two years after the grant award only if LCDA Pre-Development funding is made available for this project at this time.

Be It Further Resolved that the Director of the Department of Community Planning and Economic Development is authorized to submit on behalf of the City an application for Metropolitan Council Livable Communities LCDA grant funds for the project components identified in the application and, upon acceptance of an award by the City Council, the Finance Officer or designee is authorized to execute such agreements as may be necessary to implement the LCDA project on behalf of the City.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-0826**

The Minneapolis City Council hereby directs the Departments of Regulatory Services and Community Planning & Economic Development staff to develop a scope of services and budget and to select a qualified external partner to supply tenant case management related to the Stephen Frenz rental dwelling license revocations for the remainder of 2018.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-0827**

The Minneapolis City Council hereby directs staff from the Department of Intergovernmental Relations (IGR) to prepare a substantial amendment to the City's U.S. Department of Housing and Urban Development (HUD) 2015-19 Five Year Consolidated Plan and 2018 Action Plan adding emergency shelter essential services for single adults as a funding priority and programming option in the City's Emergency Solutions Grant strategy. The substantial amendment will be subject to a public hearing before the Housing Policy & Development Committee by the end of 2018. IGR and Community Planning & Economic Development staff are further directed to work with the City of Minneapolis/Hennepin County Office to End Homelessness to identify how essential service case management activities at single adult shelters will be delivered.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

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

On behalf of the Public Health, Environment, Civil Rights & Engagement Committee, Cunningham offered Resolution 2018R-319 declaring October 2018 Domestic Violence awareness month.

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

**RESOLUTION 2018R-319**

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

**Declaring October 2018 Domestic Violence awareness month.**

Whereas, domestic violence is one of the most common and least visible forms of violence that affect many areas of life for its primary and secondary victims; and

Whereas, domestic violence takes many different forms from sexual, psychological, and physical; and

Whereas, it includes economic deprivation and isolation that can cause imminent danger and harm to the safety, health, and well-being of the whole person; and

Whereas, victims deserve protection, services, and resources; and

Whereas, in 2017, at least 24 Minnesotans were killed due to violence from a current or former intimate partner, at least 19 women died from domestic abuse, at least 5 family members/friends/interveners were murdered in the state of Minnesota, and at least 12 children were left motherless due to domestic violence murders; and

Whereas, economic justice and financial stability must be named, recognized, and be a part of the resources offered to victims as it is a direct barrier for those abused; and

Whereas, victims of domestic violence and their children are at risk for homelessness; and

Whereas, same sex relationships, both romantic and platonic, as well as those who identify as transgender and gender non-conforming suffer the same risk and consequences of this violence and are often not categorized in domestic violence studies; and

Whereas, regardless of how someone identifies, all victims and survivors of violence deserve to be seen, heard, and treated with respect and dignity; and

Whereas, we have a duty to protect both civil and human rights and enhance our response to victims by regional partnerships, education, outreach, and enforcement of the law;

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

That the Mayor and City Council do hereby name October 2018 as Domestic Violence Awareness Month.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

#### **COUNCIL ACTION 2018A-0828**

The Minneapolis City Council hereby:

1. Authorizes issuance of a Request for Proposals for low income household community solar gardens sited at the East Side Storage and Maintenance, Police Property and Evidence, and Water Treatment facilities.
2. Authorizes issuance of a Request for Proposals for City-owned-solar arrays at the Water Treatment reservoirs, the Currie Maintenance Facility, and any other City-owned buildings.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-0829**

The Minneapolis City Council hereby:

1. Authorizes an increase to the total amount of community solar garden subscriptions held by the City from 20 million kilowatt hours (kWh) annually to 30 million kWh annually.
2. Authorizes a contract with Innovative Power Systems, in an amount not to exceed \$272,000 annually over a 25-year period, for two million kWh community solar garden annual subscriptions.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**The TRANSPORTATION & PUBLIC WORKS Committee submitted the following report:**

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2018R-320 approving special services, the cost estimates, service charges, and the lists of service charges for 2019 in the Uptown, Dinkytown, Central Avenue, Eat Street, Stadium Village, Linden Hills, Lowry Hill, and 48th Street East and Chicago Avenue South Special Service Districts (non-428A districts) and directing the Department of Public Works to proceed with the work.

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

**RESOLUTION 2018R-320**

**By Reich**

**Approving special services, the cost estimates, service charges, and the lists of service charges for 2019 in the Uptown, Dinkytown, Central Avenue, Eat Street, Stadium Village, Linden Hills, Lowry Hill, and 48th Street East and Chicago Avenue South Special Service Districts (non-428A-districts) and directing the Department of Public Works to proceed with the work.**

Whereas, public hearings were held on Oct 9, 2018, in accordance with Laws of Minnesota, 1985, Chapter 302; Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38; Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28; Laws of Minnesota, 1996, Chapter 471, Article 8, Section 44; and Minneapolis Code of Ordinances, Chapters 438, 444, 446, 448, 450, 452, 454, and 457, to consider the proposed special services, the proposed service charges, and the proposed lists of service charges as on file in 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 special services, the proposed cost estimate in the total amount of \$415,000 for 2019, and the proposed service charges, and the proposed list of service charges (special assessments) for 2019 in the total amount of \$415,000 (amount remaining after adjusting the cost estimate of \$415,000 for previous years' unexpended balances and additional costs as provided for in Minneapolis, Code of Ordinances, Section 438.70) as prepared by the City Engineer and on file in the City Engineer's Special Assessment Office, be and hereby are approved for the Uptown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$191,500 for 2019, and the proposed service charges, and the proposed list of service charges (special assessments) for 2019 in the total amount of \$191,500 (amount remaining after adjusting the cost estimate of \$191,500 for previous years' unexpended balances and additional costs as provided for in Minneapolis Code of Ordinances, Section 444.70) as prepared by the City Engineer and on file in the City Engineer's Special Assessment Office, be and hereby are approved for the Dinkytown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$121,000 for 2019, and the proposed service charges, and the proposed list of service charges (special assessments) for 2019 in the total amount of \$121,000 (amount remaining after adjusting the cost estimate of \$121,000 for previous years' unexpended balances and additional costs as provided for in Minneapolis Code of Ordinances, Section 446.70) as prepared by the City Engineer and on file in the City Engineer's Special Assessment Office, be and hereby are approved for the Central Avenue Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$205,000 for 2019, and the proposed service charges, and the proposed list of service charges (special assessments) for 2019 in the total amount of \$205,000 (amount remaining after adjusting the cost estimate of \$205,000 for previous years' unexpended balances, and additional costs as provided for in Minneapolis Code of Ordinances, Section 448.70) as prepared by the City Engineer and on file in the City Engineer's Special Assessment Office, be and hereby are approved for the Eat Street Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$188,000 for 2019, and the proposed service charges, and the proposed list of service charges (special assessments) for 2019 in the total amount of \$188,000 (amount remaining after adjusting the cost estimate of \$188,000 for previous years' unexpended balances and additional costs as provided for in Minneapolis Code of Ordinances, Section 450.70) as prepared by the City Engineer and on file in the City Engineer's Special Assessment Office, be and hereby are approved for the Stadium Village Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$19,000 for 2019, and the proposed service charges, and the proposed list of service charges (special assessments) for 2019 in the total amount of \$15,722 (amount remaining after adjusting the cost estimate of \$19,000 for previous years' unexpended balances and additional costs as provided for in Minneapolis Code of Ordinances, Section 452.70) as prepared by the City Engineer and on file in the City Engineer's Special Assessment Office, be and hereby are approved for the Linden Hills Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$200,000 for 2019, and the proposed service charges, and the proposed list of service charges (special assessments) for 2019 in the total amount of \$200,000 (amount remaining after adjusting the cost estimate of \$200,000 for previous years' unexpended balances and additional costs as provided for in Minneapolis Code of Ordinances, Section 454.70) as prepared by the City Engineer and on file in the City Engineer's Special Assessment Office, be and hereby are approved for the Lowry Hill (formerly known as South Hennepin Avenue) Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$20,500 for 2019, and the proposed service charges, and the proposed list of service charges (special assessments) for 2019 in the total amount of \$20,500 (amount remaining after adjusting the cost estimate of \$20,500 for previous years' unexpended balances and additional costs as provided for in Minneapolis Code of Ordinances, Section 457.70) as prepared by the City Engineer and on file in the City Engineer's Special Assessment Office, be and hereby are approved for the 48th Street East and Chicago Avenue South Special Service District.

Be It Further Resolved that the Department of Public Works is hereby directed to proceed with the work.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2019 real estate tax statements in the same manner as special assessments without interest charges and that certified copies of said lists of service charges be transmitted to the Hennepin County Auditor.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2018R-321 ordering the work to proceed and adopting the special assessments in the amount of \$9,506 for the 4th St SE (from 25th Ave SE to Malcolm Ave SE) Street Lighting District No. 18LD1.

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

**RESOLUTION 2018R-321**

**By Reich**

**Ordering the work to proceed and adopting the special assessments in the amount of \$9,506 for the 4th St SE (from 25th Ave SE to Malcolm Ave SE) Street Lighting District No. 18LD1.**

Whereas, a public hearing was held in accordance with Minneapolis Code of Ordinances, Chapter 431, relating to street lighting districts on Oct 9, 2018, to consider the establishment of Street Lighting District No. 18LD1 as designated in Resolution 2018R-280, passed Aug 31, 2018, to consider the proposed special assessments as on file in 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 establishment of Street Lighting District No. 18LD1 (streets to receive lighting are as designated in the 4th St SE, from 25th Ave SE to Malcolm Ave SE, Street Lighting Project, Special Improvement of Existing Street No. 2286L and 2996L) as further set forth in City Council Action No. 2018A-065, passed by the City Council on Aug 31, 2018, be and hereby is approved.

Be It Further Resolved that the proposed assessments in the total amount of \$9,506 for the 4th St SE, from 25th Ave SE to Malcolm Ave SE) Street Lighting District No. 18LD1, as prepared by the City Engineer and on file in the City Engineer's Special Assessment Office, be and hereby are adopted and levied against the benefited properties.

Be It Further Resolved that the assessments be collected annually beginning on the 2020 real estate tax statements without interest.

Be It Further Resolved that certified copies of said 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, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Ordinance 2018-053 amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to General Provisions: Administrative Enforcement and Hearing Process, amending provisions for the administrative enforcement process for sewage disposal.

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

**ORDINANCE 2018-053**  
**By Reich**  
**Intro & 1st Reading: 8/31/2018**  
**Ref to: TPW**  
**2nd Reading: 10/19/2018**

**Amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to General Provisions: Administrative Enforcement and Hearing Process.**

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

Section 1. That Section 2.20 of the above entitled ordinance be amended to read as follows:

**2.20. - Persons authorized to issue citations.** The following city employees are authorized to issue citations for violations of the Minneapolis Code of Ordinances:

- (1) Police officers.
- (2) Animal control officers.
- (3) License inspectors.
- (4) Fire chief, fire marshal and fire inspectors.
- (5) Building inspectors.
- (6) Manager of environmental health and environmental health inspectors.

(7) Housing inspectors.

(8) Zoning inspectors.

(9) Traffic control unit staff.

(10) Sidewalk inspectors.

(11) Utility connection inspectors and their supervisor.

(12) Real estate investigators and their supervisor.

(13) Deputy director of environmental management and safety, environmental and code compliance inspectors.

(14) Any designee of the director of the department of regulatory services or any designee of the director of the department of public works for the purposes of enforcement of Title 17, Chapter 464 relating to newsracks.

(15) Any designee of the City Engineer for the purposes of enforcement of Title 19, Chapter 511, Sewers and Sewage Disposal.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Ordinance 2018-054 amending Title 3 by repealing Chapter 56 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Prohibited Discharges to Sanitary or Combined Sewer, repealing regulations for rainleader disconnect and time extension permit language to be incorporated in Title 19, Chapter 511.

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

**ORDINANCE 2018-054**  
**By Reich**  
**Intro & 1st Reading: 8/31/2018**  
**Ref to: TPW**  
**2nd Reading: 10/19/2018**

**Amending Title 3, Chapter 56 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Prohibited Discharges to Sanitary or Combined Sewer.**

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

Section 1. That Chapter 56 of the Minneapolis Code of Ordinances be and is hereby repealed.

**~~CHAPTER 56. PROHIBITED DISCHARGES TO SANITARY OR COMBINED SEWER~~**

**~~56.10. Purpose.~~** The City of Minneapolis has been pursuing an aggressive campaign of separating its sanitary sewer system from its stormwater drainage system to reduce the number of combined sewer overflows (CSO). However, some rainleaders and other components, which handle stormwater, are still connected to the sanitary sewer system. During rain events, infiltration and inflow from buildings and parking lots with rainleaders and area drains connected to the sanitary sewer system, cause its capacity to be exceeded resulting in overflows to adjacent storm drains. This overflow ends up discharging sewage and stormwater into the Mississippi River. Rooftop drains (rainleaders) that are connected to the sanitary sewer system are one (1) of the major causes of combined sewer overflows. Residential and commercial buildings, usually built before 1961, sometimes have pipes that lead underground directly into the sanitary sewer system, rather than through gutters to lawns or the stormwater drainage system. To protect the environment and prevent these overflows as well as preventing the possibility of sewage backing up into homes and businesses, rainleaders and other connections which deliver stormwater into the sanitary system rather than the stormwater drainage system or to pervious surfaces need to be disconnected. State and federal environmental mandates require us to work to eliminate combined sewer overflows. The city and Metropolitan Council have conducted studies that determined the main contributor to these overflows is rainleader connections. The purpose of this chapter is to define regulations that will aid the city in limiting inflow of rainwater to the sanitary sewer system. The ordinance will help to minimize the overflow problem resulting from the lack of capacity of the sanitary system to handle large amounts of rainwater. Rainwater runoff will be more appropriately handled through natural filtration and/or the stormwater drainage system. The net result will be a cleaner Mississippi River and a more efficient waste treatment system.

**~~56.20. Definitions.~~** For the purpose of this Code, the following terms shall have the meaning indicated in this part. No attempt is made to define ordinary words that are used in accordance with their established dictionary meaning except where it is necessary to define their meaning as used in this Code to avoid misunderstanding. Certain provisions of this Code contain other definitions. In case of any conflict between such other definitions the definitions in section 56.20 shall apply to Chapter 56.

*Area drain* is a receptacle designed to collect and convey surface or stormwater to the drainage system.

*Clearwater* is any surface flow, runoff, and drainage that does not contain any hazardous substance or sewage. This includes but is not limited to NPDES permitted discharges, stormwater and water from foundation and footing drains and basement sump pumps.

*Combined sewer* is a sewer that must handle flow of both sanitary wastewater and stormwater in a single pipeline.

*Combined sewer overflow (CSO)* occurs when excessive amounts of rainfall enter a sanitary sewer system. The result is a volume of rainwater and sanitary wastewater, which exceeds the system's capacity. Combined rainwater and sewage is forced to overflow into area streams and rivers through outfalls.

*Hazardous substances* are material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

~~*Liquid waste* means the discharge from any fixture, appliance, or appurtenance that does not receive fecal matter.~~

~~*Owner*, for the purposes of this chapter, shall mean the person who is listed as the contact person on the current rental licensing application on file with the city, if any, or if none, the person listed as owner by the city assessor on the homestead record, or if none, the taxpayer as shown by the records of the city assessor.~~

~~*Rainleader*, for the purposes of this chapter, shall be defined as any conduit that conveys stormwater from a rooftop to a point of discharge.~~

~~*Runoff* is precipitation and other surface drainage that is not infiltrated into or otherwise retained by the soil, concrete, asphalt, or other surface upon which it falls.~~

~~*Sanitary sewer system* means pipelines, pumping stations, force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conveying sewage or industrial waste or other wastes to a point of ultimate disposal.~~

~~*Separator* is a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter including but not limited to oil, grease and flammable wastes from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.~~

~~*Sewage* means the water carried waste from residences, buildings, institutions or any mobile source, including the excrementitious or other discharge from bodies of humans beings or animals, together with such ground water infiltration and surface water as may be present.~~

~~*Stormwater* is any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation.~~

~~**56.30. — Compliance with other codes and laws.** Compliance with the provisions of this chapter does not release a person from any responsibility to comply with any other law or regulation, whether federal, state, or local.~~

~~**56.40. — Conflict.** (a) *Conflict.* In the event that the provisions of this chapter shall conflict with any Minnesota Statute or any federal statute, the Minnesota Statute or federal statute shall govern to the extent of any direct conflict.~~

~~(b) *Conflict in orders.* In the event of a conflict between an order of the city and a valid order of a federal or state agency, the order of the federal or state agency shall govern to the extent of the conflict.~~

~~(c) *Conflict in permitted activity.* In the event that any conduct prohibited by this chapter is affirmatively and specifically authorized by a valid permit issued by a duly authorized official of the State of Minnesota or a duly authorized official of the United States of America, then the affirmative and specific authority granted in such permit shall govern to the extent of any direct conflict with this chapter.~~

~~**56.50. — Violations.** (a) *Violations of this Code.* Any person who violates any provision of this chapter shall be guilty of an ordinance violation and subject to the punishment and penalties of section 1.30(a), 1.40 and Chapter 2 of this Code.~~

~~(b) License revocation.~~ Any owner of land, buildings, or structures who possesses a city license to conduct business, in addition to the fine, may have his or her license revoked for failure to comply with this chapter.

~~**56.60. Authority to administer.**~~ The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the Minneapolis Health Department. The Minneapolis Watershed Management Authority, hereafter referred to as the "authority," shall have full authority to administer this chapter in addition to all authority given to it pursuant to section 48.70 and other sections of this Code.

~~**56.70. Prohibited connections.**~~ (a) ~~Connections not permitted.~~ Rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises shall be not connected or reconnected with any sanitary sewer system.

~~(b) Exceptions for new parking ramps.~~ Drains from an uncovered top deck of a new parking ramp shall not be connected to the sanitary sewer system. Ramp drains on all other floors shall be discharged to the sanitary sewer system via a separator.

~~**56.80. Previously allowed connections.**~~ (a) ~~Existing connections not permitted.~~ Rainwater pipes, rainleaders, area drains and other connections used for conveying stormwater and clearwater from any building, structure, ground or premises which were legally connected to the sanitary sewer system prior to 1961 or those which were connected later by city permission shall be disconnected from the sanitary sewer system pursuant to 56.140 of this Code or by January 1, 2005, whichever occurs first.

~~(b) Exceptions for existing parking ramps.~~ Drains from an uncovered top deck of an existing parking ramp shall not be connected to the sanitary sewer system. Ramp drains on all other floors shall be permitted to discharge as existing in so far as the discharge is not in conflict with state and federal requirements and other Minneapolis Codes.

~~**56.90. Downspout placement.**~~ Except as provided herein, all rainleader downspouts shall be placed so that drainage is to the back and/or to the front of the property. Downspouts shall be allowed in the existing side yards where adjacent structures are separated by more than ten (10) feet and where the downspout discharge point is no closer than ten (10) feet from an adjoining structure. The owner is responsible for the arranging drainage in a manner that complies with the law. Rainwater from downspouts shall be drained so as not to cause flooding of or dampness in walls, ceilings or floors in any portion of the building or in any adjacent building, structure or property. Downspout placement shall not be prohibited so long as no conflicts exist with this section and section 56.40 of this Code or any other applicable City Codes. For example, a building downspout shall not be prohibited from discharging to the building's property lot or common alleyway unless an applicable law, regulation or City Code prohibits it.

~~**56.100. Disconnection permit requirement.**~~ (a) ~~Permit required.~~ No person shall perform a disconnection of any rainwater pipe, rainleader, area drain or other connections used for conveying stormwater and clearwater from any building, grounds or premises from the sanitary sewer system without first having obtained a disconnection permit from the authority.

~~(b) *Permit expiration.* Permits issued under Chapter 56 shall be valid for the period during which the proposed activity takes place or is scheduled to take place, which ever is shorter, but in no event shall a permit be valid for more than one (1) year.~~

~~**56.110. — Permit fee.** The fee for obtaining a disconnection permit shall be established in section 91.70.~~

~~**56.120. — Requests for inspection.** The contractor or permit holder shall make a request for inspection with the authority before any work of the contractor or permit holder is covered up or concealed and shall file this request within forty eight (48) hours after the completion of any work done by said contractor or permit holder.~~

~~**56.130. — Manner of disconnection.** The disconnection shall be accomplished by a complete and permanent method and performed in a competent manner. Any disconnection, plugging, capping, rerouting, altering, or modifying must be done in accordance with all applicable state rules and Minneapolis ordinances.~~

~~**56.140. — Disconnection required.** (a) *Notification.* For all properties identified by the authority as having rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises to any sanitary sewer system the authority shall provide written notification to the owner informing the owner that they are required to disconnect from the sanitary sewer system as specified in the notice. As required by the official notification the property owner must obtain a rainleader disconnection permit and complete the disconnection prior to expiration of the permit, or request a time extension to the requirement of disconnection by the noted due date. In case the owner fails to make the disconnection as ordered, the city may elect to make the disconnection, or any part thereof, as it shall deem appropriate, and assess the cost against the property in the same manner as provided by Section 5, Chapter 9 of the City Charter. The owner shall continue to have the responsibility to do any additional work required to complete the disconnection from the city's sanitary sewer and direct the water for surface drainage in a manner that complies with all local, state and federal laws. The city shall take any steps that are legally required in order to gain entry to the property.~~

~~(b) *Order to connect to storm sewer.* If the authority determines based on the nature of the property that there is no reasonable way to disconnect rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises other than by connecting them to the city's storm sewer system, then the authority may, if the city engineer concurs, order the owner in a reasonable period of time of not less than thirty (30) days to disconnect from the sanitary sewer system by connecting to the city's storm sewer system as specified by the city engineer in a permit issued by the city engineer. The owner shall be responsible for the design and construction of the connecting line or lines within the terms of the permit and shall be responsible for all costs associated with the connection to the city's storm sewer system. The owner shall be responsible for all costs of maintenance, repair and replacement of the connection. In case the owner shall fail to make the connection as ordered, the city may elect to install the connection, or any part thereof, as it shall deem appropriate, and assess the cost thereof against the property in the same manner as provided by Section 5, Chapter 9 of the City Charter. The owner shall continue to have the responsibility to do any additional work required to complete the connection to the city's storm sewer and complete the disconnection from the city's sanitary sewer. The city shall take any steps that are legally required in order to gain entry to the property.~~

~~(c) *Request to city engineer to connect to storm sewer.* The owner of any property that needs to disconnect from the sanitary sewer and desires to connect to the storm sewer may, voluntarily and without an order pursuant to paragraph (b), request and authorize the city, on forms prescribed by the city engineer, to make the connection or hire a private contractor to make the connection. Such connection shall be made at the discretion of the city engineer and upon such terms as the city engineer shall determine. Such authorization by the owner to the city shall constitute, and such authorization form shall provide for, the right to enter upon the premises as may be necessary to make such connection; a waiver and release by the owner of any and all claims and damages against the city arising out of the making of such connection; and the consent of the owner to any unpaid charges for such work to be collected as a special assessment against the property as provided herein. The city engineer, upon receiving such authorization from the owner, may cause the connection of the property's stormwater line to be done by city forces or by a contractor as it shall direct. The costs of this connection shall be initially provided for by an advance of funds from the sewer rental fund or other fund as shall be determined by a council resolution or such other council action as they shall determine as appropriate, to be reimbursed from the collection of such charges. The city engineer, upon completion of any such repairs or replacement work, shall notify such owner of the amount of the charges for such work which the owner may pay to the city on or before July first, without penalty added thereto. If the charges or any part thereof for any such work is unpaid by July first, the city engineer shall prepare a proposed assessment roll listing the amount of charges unpaid and the benefited property which shall be filed with the city clerk. The city council shall assess and levy and cause to be collected the amount of such costs as a special assessment upon and against the property benefited in the manner provided by Minnesota Statutes, Sections 429.061, 429.071 and 429.081. Such costs so assessed shall be payable in a single installment except that the city council may provide that the costs so assessed may be paid in not to exceed ten (10) equal annual installments. Such assessments may include a penalty not to exceed ten (10) per cent of the amount thereof, as the council may determine, and shall bear interest at eight (8) per cent per annum or at such lesser rate as the council shall direct consistent with the City Charter. The owner shall continue to have the responsibility to do any additional work required to complete the connection to the city's storm sewer and complete the disconnection from the city's sanitary sewer.~~

~~(d) *Failure to respond.* Failure to obtain a permit and disconnect or obtain a time extension pursuant to the terms of any official notification or order shall subject the property owner to penalties as provided by sections 56.50, 1.30(a), 1.40, and Chapter 2 of this Code.~~

~~**56.150. — Time extension.** (a) *Time extension for compliance.* An owner may request a time extension to comply with a notification to disconnect. A time extension for one (1), two (2) or three (3) years may be requested and renewed prior to expiration as provided for in subsection (d). A request for a time extension must be submitted on a form provided by the authority with payment of a twenty-five dollar (\$25.00) filing fee to cover review, administration and handling costs.~~

~~(b) *Time extension approval.* A request for a time extension will be approved only in those cases in which the facts presented to the authority and city engineer demonstrate to the reasonable satisfaction and professional judgement of the authority and city engineer that timely disconnection would not be safe, prudent, or feasible and that a delay in disconnection is consistent with plans for the area's public infrastructure. For example, a disconnection that when performed would pose an increased risk to public health, or a disconnection that when performed would contribute to localized flooding would not be safe, prudent, or feasible. A time extension shall not be for a period longer than the period necessary to reasonably plan for and achieve compliance consistent with plans for the area's public infrastructure and~~

keeping in mind the city's overriding interest in limiting inflow of stormwater into the city's sanitary sewer system consistent with the purposes set forth in section 56.10.

~~(c) *Conditions of a time extension granted.* Issuance of a time extension means that the authority does not require disconnection at this time. The authority and the city engineer reserve the right to require minimization of the continued inflow, prohibit expansion of the inflow and impose other reasonable conditions based upon the facts in each case. The time extension may be reopened to require additional work if previously undisclosed or unknown information or changing regulatory requirements makes additional work necessary.~~

~~The fee for obtaining a time extension shall be waived for time extensions acquired prior to January 1, 2007. On or after January 1, 2007, the owner must at that time pay a fee for buildings or premises as calculated by the authority based on the following formula: The current sewer utility rate multiplied by the square footage of the area contributing rainwater to the sanitary sewer system multiplied by the average annual rainfall in the Minneapolis/St. Paul area from 1990 to 2000 as determined by the National Weather Service (twenty-six (26) inches, two and seventeen hundredths (2.17) feet).~~

~~Sample calculation: Current Sewer Rate in 2002—\$3.16 per 100 ft<sup>2</sup>; Average Rainfall—2.17 ft~~

~~(d) *Time extension renewal.* Prior to the expiration of an existing time extension, the owner may request an extension on a form provided by the authority pursuant to subsection (a).~~

~~(e) *Time extension disapproved.* If a time extension to disconnection is not approved, or is approved upon conditions that the applicant finds objectionable, the applicant may appeal pursuant to the procedures provided in sections 56.300 to 56.330 of this Code or their successor provisions. If the time extension is denied, or approved on conditions the applicant finds unacceptable, the obligation to disconnect or comply with the conditions of the time extension shall be stayed pending the specified appeal period and during the pendency of any appeal of the decision pursuant to sections 56.300 to 56.330 of this Code or their successor provisions. If there is no appeal or following the conclusion of the appeal procedures, the property owner shall disconnect or alternatively comply with any time extension granted on the conditions specified. Any failure to meet these obligations shall subject the property owner to penalties as provided by sections 56.50, 1.30(a), 1.40, and Chapter 2 of this Code.~~

~~**56.160. — Disclaimer.** The city in no way guarantees or implies that areas will be free from flooding or flood damages. The city does not assume a specific duty as to individual property owners to enforce this ordinance, but is enacting this chapter as a general regulation. This chapter is not intended for reliance by individual property owners. This chapter shall not create liability on the part of the city or its officers or employees for any flood damage that may result from the failure to comply with any portion of this chapter or any administrative decisions made pursuant thereto, whatever the cause.~~

~~**56.170. — Effective date.** This chapter shall become effective on August 1, 2003.~~

~~**56.180. — Rainleader disconnection appeals panel.** A rainleader disconnection appeals panel is hereby established to hear appeals related only to rainleader disconnection time extension decisions. The panel shall consist of the following two (2) members:~~

~~(1) Commissioner of the Minneapolis Health Department or designee;~~

(2) City engineer or designee;

The commissioner of the Minneapolis Health Department or their designee shall provide a secretary to the panel who will serve in a nonvoting capacity. The panel shall adopt its own rules for procedures which are not in conflict with applicable ordinances.

~~**56.190. — Duties and responsibilities of the panel.** The panel shall hear appeals from rainleader disconnection time extension decisions as specifically provided in section 56.150 of this Code. The panel may modify, sustain, or quash all or any portion of any order, interpretation, requirement, decision, or other determination made in matters relative only to rainleader disconnection time extension requests as specifically provided in section 56.150 of this Code.~~

~~**56.200. — Right to appeal; procedure.** (a) If a time extension to disconnection is not approved, or is approved upon conditions that the applicant finds objectionable, the applicant may, either personally or through his/her authorized agent, make an appeal to the panel. Such appeal shall be filed on a form provided by the rainleader disconnect program within fourteen (14) days from the date of the adverse determination. The appellant shall file any and all documents and/or affidavits that support the appeal. The payment of a fee in the amount of one hundred dollars (\$100.00) must accompany the submission of the appeal to cover administrative and handling costs.~~

~~(b) The appeals panel shall render its decision based upon the evidence submitted, unless the panel believes that a hearing is necessary in order to reach its decision. If a hearing is determined to be necessary, the Minneapolis Health Department or designee shall schedule a hearing. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant by mail, addressed to the appellant at his/her address shown on the appeal.~~

~~**56.210. — Hearings and decisions of the panel.** (a) All hearings before the panel shall be public. A record of the entire proceedings shall be made by tape recording. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees may be established by the panel, but shall in no event, be greater than the cost involved. The panel may grant continuances for good cause shown.~~

~~(b) The panel shall make specific findings of fact and/or conclusions in connection with any decision upon any appeal. For those appeals without a hearing, a decision shall be made within sixty (60) days of the date of appeal. For those appeals with a hearing, a decision on any appeal shall be made at the hearing in which the appeal is heard, unless the appeal is continued to a subsequent meeting. Any decision by the panel shall be made by a majority of the quorum. All decisions by the panel shall be a final decision and shall become final when signed by the commissioner of the Minneapolis Health Department or their designee chair, and shall become effective and enforceable at such time or at such alternative time as is specified therein.~~

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Ordinance 2018-055 amending Title 19, Chapters 505 and 511 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal: In General; and Sewers and Sewage Disposal, amending regulations to modernize, update, and consolidate sewer regulations, including new regulations on disposal of fats, oil, and grease.

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

**ORDINANCE 2018-055**  
**By Reich**  
**Intro & 1st Reading: 8/31/2018**  
**Ref to: TPW**  
**2nd Reading: 10/19/2018**

**Amending Title 19 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal.**

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

Section 1. That Section 505.10 contained in Chapter 505, In General, be amended to read as follows:

**505.10. - Permits required.** No person shall lay, relay or repair any branch or service ~~sewer or~~ water pipe, or tap or make any connection with any ~~sewer or~~ water main, without first having obtained a permit to do the same, as follows: If a water pipe or main, a permit shall then be obtained from the city engineer to make any necessary openings in any street, avenue, alley or public ground for the same; ~~if a sewer pipe or main, the necessary permit shall be obtained from the city engineer.~~

Section 2. That Section 505.20 contained in Chapter 505, In General, be amended to read as follows:

**505.20. - Permit to tap required.** No person other than an authorized officer of the city or an employee in the office of the city engineer shall tap or make any perforation or opening of any kind in any ~~sewer,~~ water main ~~or any public or private sewer or drain,~~ or any public or private service pipe within the boundaries of any street, avenue, alley or public ground without first having obtained a permit therefor as provided by the city council.

Section 3. That Section 505.40 contained in Chapter 505, In General, be amended to read as follows:

**505.40. - Inspection and excavation fees.** Before the issuance of any permit, the plumber or other person authorized to excavate in the streets, avenues, alleys or public grounds for any purpose as above named shall deposit with the city finance department a sufficient amount of money to cover the expense of inspection of such work and the restoration of the street. ~~The inspection fees shall be as follows:~~

<del>Storm sewer line or sanitary sewer line for house connection;</del>	Fee	Additional Fee Over Two Visits
<del>For first 75 feet or fraction thereof</del>	\$58.00	\$58.00

<del>For each additional 60 feet or fraction thereof in excess of the first 75 feet, an additional fee of</del>	<del>58.00</del>	<del>N/A</del>
<i>Water line for house connection:</i>		
<del>For first 75 feet or fraction thereof</del>	<del>58.00</del>	<del>58.00</del>
<del>For each additional 60 feet or fraction thereof in excess of the first 75 feet, an additional fee of</del>	<del>58.00</del>	<del>N/A</del>
<i>Water inspection, large tap where manhole is built:</i>		
<del>For first 75 feet or fraction thereof</del>	<del>58.00</del>	<del>58.00</del>
<del>For each additional 60 feet or fraction thereof in excess of the first 75 feet, an additional fee of</del>	<del>58.00</del>	<del>N/A</del>
<i>Repair inspection:</i>		
<del>For first 75 feet or fraction thereof</del>	<del>58.00</del>	<del>58.00</del>
<del>For each additional 60 feet or fraction thereof in excess of the first 75 feet, an additional fee of</del>	<del>58.00</del>	<del>N/A</del>

Section 4. That Section 505.60 contained in Chapter 505, In General, be amended to read as follows:

**505.60. - Pipes subject to inspection.** All ~~sewer, drain or~~ water pipes which shall be laid, relaid or repaired on any private premises shall be subject to the inspection of the city engineer, and the person who is causing the same to be laid, relaid or repaired as well as the person laying, relaying or repairing the same shall give the city engineer all reasonable facilities for so inspecting the laying, relaying or repairing of the same, and all work in connection therewith, and the same shall be laid, relaid or repaired according to the directions of the city engineer, where the same has not been prescribed by the city council.

Section 5. That Section 505.70 contained in Chapter 505, In General, be amended to read as follows:

**505.70. - Separation of pipes.** No ~~sewer or~~ water pipes shall be put into the same opening, nor shall either ~~of them~~ be put into any opening with any gas or other pipe, but each of said pipes must be far enough from all others to admit of the repair or removal or relaying of any one without disturbing any other one.

Section 6. That Section 505.80 contained in Chapter 505, In General, be amended to read as follows:

**505.80. - Refusal of water for nonpayment of fees.** The ~~superintendent of the waterworks~~ Director of Water Treatment and Distribution Services shall refuse to turn on water for any person who has had a connection made with any of the water mains or service pipes of the city or with any private service pipe who shall refuse or neglect to pay to the city finance officer any balance which may be due the city after exhausting the deposit made to pay the expense of inspection and repaving.

Section 7. That Section 505.90 contained in Chapter 505, In General, be amended to read as follows:

**505.90. - Tapping mains adjoining tax delinquent property.** (a) Wherever public water mains ~~or public sewers~~ have been or shall be constructed and the cost thereof has been or is wholly or partly paid out of funds of the city, and payment of any assessment levied against any abutting property for the purpose of

reimbursing the city for the cost of said water mains ~~or sewers~~ shall have or does become delinquent, and the lands assessed have been or are forfeited to the State of Minnesota for nonpayment of taxes and assessments, no person owning or in possession of said lands shall be entitled to use, tap or connect said delinquent tax lands to any such public water main ~~or sewer~~, and no permit to do so shall be issued to any person owning or in possession of said tax delinquent lands, unless such owner or person in possession shall first pay to the city finance officer all delinquent, unpaid and deferred installments of assessments levied against said lands as follows:

If said tax delinquent lands are or have been sold pursuant to Sections 282.01 through 282.12, Minnesota Statutes, and the proceeds of said sale are insufficient to meet the balance of said assessments due and deferred, penalties and interest, said owner or person in possession shall pay said balance before use of, tapping connection to, or issuance of a permit for the same, which balance shall be determined by the city engineer from the records of said sale and the assessment proceeding in which said assessments were levied.

In case property abutting upon any water main ~~or sewer~~ was or is not subject to assessment at the time such water main ~~or sewer~~ was or is constructed, either by reason of the fact that said property was or is tax delinquent land forfeited to the state, or otherwise exempt from assessment, and the owner or person in possession of such abutting property shall make application for permit to tap such water main ~~or sewer~~, no such permit shall be granted, nor shall such owner or person in possession be permitted to use, tap or make connection with any such water main ~~or sewer~~ unless such person shall first pay into the city treasury the cost of the construction of said water main ~~or sewer~~, together with interest from the date of construction to the date of payment, a sum of money equal to such amount per front foot as shall have been determined at the time such water main ~~or sewer~~ was or is constructed and assessed against other property then subject to assessment. Said payment shall be determined by the city engineer, but shall not exceed (in case of tapping a water main) the cost of laying a street water main six (6) inches in diameter in front of said premises, ~~nor (in case of tapping a sewer) the cost of laying a street sewer two (2) feet in diameter in front of said premises.~~

(b) The city engineer shall issue a certificate of the amount to be paid to the city finance officer, which the city finance officer shall receive and credit to the fund from which disbursed. Upon payment of the amount indicated by said certificate, permit shall be issued in the manner otherwise provided by this Code.

Section 8. That Section 505.100 contained in Chapter 505, In General, be amended to read as follows:

**505.100. - Revocation of license for violations.** Any person licensed to make connections with the ~~sewers,~~ water ~~or other~~ mains who shall be guilty of any violation of this chapter shall be immediately deprived of such license, by the revocation thereof by the city council, in addition to other penalties provided by this Code.

Section 9. That Chapter 511, Sewers and Sewage Disposal, of the Minneapolis Code of Ordinances be and is hereby repealed in whole and replaced with a new Chapter 511 to read as follows:

#### ARTICLE I. – GENERALLY

**511.10. - Definitions.** The following words shall have the following meanings for the purpose of this chapter.

*Alternative Treatment Technology.* Any treatment technology or structural alteration to a building drain, proposed as an alternative to a grease interceptor.

*Area drain.* A receptacle designed to collect and convey surface or stormwater to the drainage system.

*Building Drain.* The part of the lowest piping of a drainage system that receives the discharge from waste and other drainage pipes inside the walls of a building and conveys it to the sanitary sewer service lateral.

*Building Official.* The Construction Code Services Building Official or designee.

*City sanitary sewer collection system.* The sanitary sewer infrastructure that is owned and maintained by the City of Minneapolis, including pipes, manholes, tunnels, lift stations, and other constructions, devices and appurtenances used for conveying sewage or industrial waste or other wastes to the regional wastewater collection and treatment system.

*Clearwater.* Any surface flow, runoff, or drainage that does not contain any hazardous substance or sewage. This includes but is not limited to NPDES permitted discharges, stormwater and water from foundation and footing drains and basement sump pumps.

*Flammable Waste Interceptor.* A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter including but not limited to oil, grease and flammable wastes from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

*FOG.* Fats, oils, or grease generated by food service establishments during food preparation, food service, and/or kitchen cleanup, or generated by industrial facilities as a byproduct. FOG includes brown grease and yellow grease.

*FOG Control Plan.* A document describing a facility's Best Management Processes and records management including a log of cleanouts of FOG from the facility's system with dates the cleanout was accomplished that meets the City's minimum standards for the content of a FOG Control Plan. The City will, from time to time, establish and make available on its web site the minimum standards for the content of a FOG Control Plan.

*FOG Control Program.* The city's regulatory program to prevent the introduction and accumulation into the public sanitary sewer system of fats, oil and grease (FOG) that may cause or contribute to sanitary sewer blockages and obstructions.

*FOG Haulers.* Companies licensed by the City that pump out and clean grease interceptors.

*Food Service Establishment (FSE).* Any facility preparing and/or serving food for commercial use or sale. This term shall include operations such as cutting, preparing, handling, cleaning, cooking, and packaging food items of any kind. These facilities include restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotels, hospitals, convalescent homes, factory or school kitchens, catering kitchens, bakeries, meat packing facilities, or other establishments where grease is introduced into the sanitary sewer system. Individual dwelling units or private living quarters are not Food Service Establishments for the purposes of this definition.

*Gravity Grease Interceptor.* A plumbing appurtenance or appliance, generally installed outdoors, complying with the Plumbing Code or designed by a registered professional engineer and approved by the City Engineer or City Engineer’s designee or Building Official, that is installed in a sanitary sewer system to intercept nonpetroleum fats, oils, and greases (FOG).

*Grease.* A material composed primarily of FOG from animal or vegetable sources. Grease, for the purposes of this Chapter, does not include petroleum-based products.

*Grease Interceptor.* A hydromechanical, gravity, or engineered system plumbing appurtenance or appliance that is installed in a sanitary sewage drainage system to intercept nonpetroleum fats, oil, and greases (FOG) from a wastewater discharge.

*Hazardous substances.* Material which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Hydromechanical Grease Interceptor.* This definition comports with Uniform Plumbing Code (2009) 210.0, which states: “A plumbing appurtenance or appliance that is installed in a sanitary sewage drainage system to intercept nonpetroleum fats, oils, and grease (FOG) from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately, and one of the following:

- A – External flow control, with air intake (vent), directly connected
- B – External flow control, without air intake (vent), directly connected
- C – Without external flow control, directly connected
- D – Without external flow control, indirectly connected”

IAPMO/ANSI Uniform Plumbing Code (2009) 210.0.

*Liquid waste.* The discharge from any fixture, appliance, or appurtenance that does not receive fecal matter.

*May.* The word “May” has a permissive meaning for the purpose of this chapter.

*Metropolitan Disposal System.* The regional sanitary sewer collection and treatment system owned and maintained by the Metropolitan Council created by the Minnesota Legislature (Laws of 1967, Chapter 896). It is a system of interceptor sewer pipes, lift stations, meter stations, and treatment facilities for the conveyance, treatment and disposal of domestic waste, industrial waste and other waste from residential, commercial, institutional, and industrial users in the metropolitan area.

*Non-Structural Best Management Practices.* For the purposes of this chapter, Non-Structural Best Management Practices are actions to minimize FOG discharges that can be undertaken with minimal time for advance engineering, plan preparation, review or approval. They include education, training, schedules of activities, prohibitions of specified practices, maintenance procedures or other management practices that minimize FOG discharges.

*Owner.* For the purposes of this chapter, Owner shall mean the person who is listed as the contact person on the current rental licensing application on file with the city, if any, or if none, the person listed as owner

by the city assessor on the homestead record, or if none, the taxpayer as shown by the records of the city assessor.

*Private sanitary sewer system.* The infrastructure connected to the City system or regional system that is owned and maintained by a private land owner. It includes the lateral(s), appurtenances and connection(s) or wye(s).

*Public Sanitary Sewer System.* The public sanitary sewer system consists of sanitary sewer pipes, lift stations, force mains, and all other constructions, devices, and appliances appurtenant thereto. It consists of the collection system owned and maintained by the City of Minneapolis and the Metropolitan Council used for conveying sewage or industrial waste or other wastes to a point of ultimate disposal.

*Quick Start BMPs.* Non-Structural Best Management Practices that can be undertaken with minimal time for advanced engineering, plan preparation, review or approval.

*Rainleader.* Any conduit that conveys stormwater to a point of discharge, including, but not limited to, downspouts and area drains.

*Sanitary sewer service lateral.* A pipe and appurtenances that carry wastewater from the collection point on a property to the public sanitary sewer system. It includes the connection or wye segment that connects to the public sanitary sewer system, regardless of who owns the property where the connection is made to the sewer main or any other element of the public sanitary sewer system.

*Sanitary sewer service lateral repair.* The repair, reconstruction or rehabilitation of any portion of a private sanitary sewer system.

*Sanitary sewer service line.* See sanitary sewer service lateral.

*Sewage.* The water-carried waste from residences, buildings, institutions or any mobile source, including the excrementitious or other discharge from bodies of human beings or animals.

*Shall.* The word “Shall” has a mandatory, not permissive, meaning for the purpose of this chapter.

*Stormwater Runoff.* Rain or snow melt that runs off the land instead of seeping into the ground.

*Structural Best Management Practices (Structural BMPs).* Structural best management practices, for the purposes of this Chapter, are grease interceptors or alternative treatment technology intended to minimize FOG discharges. Structural BMPs include structural alterations to building drains.

*Wastewater.* The portion of the spent water of a community that is sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, and industrial plants and institutions.

**511.20. - Violations of this Code.** Any person who violates any provision of this chapter shall be guilty of an ordinance violation and subject to the punishment and penalties of Sections 1.30(a), 1.40 and Chapter 2 of this Code.

**511.30. - Administrative Procedures.** Any person subject to fines or penalties for a violation of the requirements of this chapter has a right to make an administrative appeal using the procedures and deadlines established in Chapter 2 of this Code. Such decisions shall be binding on the department. An appellant who disagrees with the hearing officer's decision may thereafter seek any judicial remedy provided by law.

## **ARTICLE II. SANITARY SEWER SERVICE LATERALS AND CONNECTIONS**

**511.40. - Ownership and Responsibility for Sanitary Sewer Service Laterals and Connections.** The sanitary sewer service lateral is owned in its entirety by the land owner whose property is connected to the public sanitary sewer system. The responsibility for its cleaning, maintenance or repair lies with the property owner. Regardless of who owns the property where the connection is made to the sewer main or any other element of the public sanitary sewer system, the property owner is responsible for ownership and maintenance and activities required to provide for the dependable and economical functioning of the sanitary sewer system, throughout the design or useful life, whichever is longer of the sanitary sewer system, and at the level of performance for which the sanitary sewer system was constructed. Operation and maintenance includes replacement. The owner is responsible to provide that the sanitary sewer service lateral is adequate for its proper purposes.

**511.50. - Responsibility to Keep Free of Obstruction.** The responsibility for the cleaning, maintenance or repair of the sanitary sewer service lateral shall include but not be limited to a responsibility to prevent the occurrence of or promptly eliminate any grease, settled solids, roots or any other material that restricts the flow into the public sanitary sewer system or causes the deposit of such materials into the public sanitary sewer system. Building drains and laterals shall be kept in good repair to eliminate backups and intrusion of roots and groundwater. The City Engineer or City Engineer's designee reserves the right to inspect building drains and laterals as provided by law, including televising, to verify compliance with this requirement.

**511.60. - Responsibility to Keep in Good Operating Condition, Written Order, Citations and Civil Fines.** The entire length and each piece of the lateral, whether or not in active use, shall be maintained and kept in operating condition by the owner adequate to collect and transmit all wastewater that is discharged into the public sanitary sewer system. Any failure to maintain the lateral and keep it in operating condition adequate to collect and transmit all wastewater that is discharged into the public sanitary sewer system may result in the City Engineer or City Engineer's designee issuing a written order to the owner of the property setting forth the correction or repair required to be done and specifying the date by which such repair is to be completed. The date will be determined by the City Engineer or City Engineer's designee according to the level of hazard and may vary from fifteen (15) to one hundred eighty (180) calendar days after the date of the notice. The written order will also state any requirements for televising and video recording of the sanitary sewer service lateral by the owner, to determine condition. Any property owner that has received a written order to make sanitary sewer service lateral repairs or corrections and/or submit required televising and video recording or any condition that is potentially non-compliant shall comply with such order by the date specified.

An owner failing to comply with such an order by the date specified may be subject to administrative enforcement pursuant to Chapter 2 of this Code. The City, in its discretion, may also take any other appropriate and available enforcement action provided by law or use any available remedy to make the lateral consistent with city standards or to protect the city's system from a non-compliant lateral. These remedies shall include, but not be limited to: (1) Disconnection of the lateral, and (2) The city or its

contractor televising and video recording the service lateral to determine its condition and the city or its contractor making the necessary corrections, repairs or replacements and applying all the costs and related expenses of all such work to the property owner's utility bill, and if not paid, assessing all of the cost of the work including reasonable overhead and attorney fees to the property as a special assessment on the tax rolls. If applied as a special assessment, the assessment procedures will be those outlined in this Chapter.

The City shall obtain any owner permissions or other permissions that are required to enter any particular piece of property where work will be performed. If an owner subject to an order under this section disputes the authority or legal reasonableness of the order issued by the City Engineer or City Engineer's designee, the owner shall serve a written protest and request for a meeting for review of the order with the City Engineer or City Engineer's designee. The written protest and request shall state all grounds for the protest and shall be served on the City Engineer within ten (10) calendar days of receipt of the order. The City Engineer or the City Engineer's designee shall conduct a meeting with the appellant regarding the order within fifteen (15) calendar days of receiving the protest and request or before the date specified for performance of the order, whichever occurs first.

**511.70. - Sewer Lateral Disconnection.** When making new sanitary sewer service lateral connections or modifications to existing sanitary sewer service lateral connections to the public sanitary sewer system, all existing unused sanitary sewer service laterals to the property shall be removed, or abandoned and bulkheaded in a manner satisfactory to the City Engineer or City Engineer's designee. When buildings are demolished or removed, all existing sanitary sewer service laterals to the property shall be removed, or abandoned and bulkheaded in a manner satisfactory to the City Engineer or City Engineer's designee. Installation of a sewer lateral or removal of an existing sewer lateral shall be performed only with the proper permits.

**511.80. - Sewer Lateral Testing Required for Re-Use.** If the property owner intends to re-use the sewer lateral, it shall be tested and all necessary repairs or replacements performed in accordance with this Chapter, and it shall be video-inspected as witnessed at the property by a utility inspector named by the City Engineer.

**511.90. - Inspection of sanitary sewer pipes and service laterals.** All components of the public sanitary sewer system, or components of the private sanitary sewer service laterals, shall be subject to the inspection of the City Engineer or the City Engineer's designee. All work on the public sanitary sewer system, or components of the sanitary sewer service laterals must be done under the supervision of an inspector named by the City Engineer or City Engineer's designee. For inspection or work on sanitary sewer service laterals, the city shall obtain any owner permissions or other permissions that are required.

**511.100. - Rules for sewer connections.** The following rules must be observed and carried out in all work on or relating to sewer connections:

(1) Connections with sewers must be made with the wye already put in by the city. Deviations from this requirement may only be made if the City Engineer or City Engineer's designee gives written consent before any such change is made.

(2) Any new connections must be made within the middle third of the interior height of the sewer to which the connection is made.

- (3) All connection pipes must be laid in a true line from the sewer to the curb.
- (4) All joints of sewer pipes must be made in the best available manner and to the satisfaction of the City Engineer or City Engineer's designee.
- (5) After the pipe is properly laid and inspected, the backfilling must proceed at once and it must be thoroughly tamped, and so done that there shall be no surplus earth left.
- (6) Should there be a deficiency of earth to fill the excavation, then the plumber or person doing such work must supply such deficiency with clean sand or other material approved by the City Engineer or City Engineer's designee.
- (7) No rock of any sort larger than four (4) inches in any direction may be put into any excavation.
- (8) Right-of-way restoration shall be done in accordance with excavation permit requirements. Such restoration shall assure that the general area is returned to the same condition that existed before the commencement of the work and that the work is performed in accordance with the standards and with the materials specified by the City Engineer or City Engineer's designee.
- (9) All work must be done under the supervision of an inspector named by the City Engineer.
- (10) Any sanitary sewer service lateral installed between the public sanitary sewer system main and the right-of-way line must be laid at a depth of not less than nine (9) feet as measured to the top of the pipe at the curb line. Any sanitary sewer pipe installed between the right-of-way line and the building line must be laid at a depth of not less than seven (7) feet as measured to the top of the pipe at the building line.

**511.110. - Permit required for changes.** No person shall lay, relay or repair, or make any extension or addition to or alteration of any sanitary sewer service lateral connected with the public sanitary sewer system without first having obtained from the City Engineer or City Engineer's designee a written permit to do so for each building or place where such work is to be performed and to make any necessary openings in any street, avenue, alley or public ground for the same. The fee for each permit shall be an amount as established in the schedule contained in the rate resolution, which the applicant shall pay to the city finance department, who shall issue a receipt therefor to be presented by the applicant to the City Engineer or City Engineer's designee before such permit be issued. In case of a second offense by any person in doing the work above mentioned without a permit, the City Engineer or City Engineer's designee shall have authority to refuse any further permits to such person.

**511.120. - All work to be done by plumber.** Any and all work on sanitary sewer service laterals including connections and work inside buildings must be performed by a master plumber. The City Engineer or City Engineer's designee shall grant such permit on application of any such licensed plumber, if such laying, relaying, repairing, or making such connection shall, in their judgment, be necessary and proper. Such permits shall describe the exact location at which laying, relaying, repairing, or making of such connection shall be done, which locations must not be departed from by such plumber in any degree, except on the written consent made on said permit by the officer giving the same.

**511.130. - Permit Fees.** Before the issuance of any permit, the plumber or other person authorized to excavate in the streets, avenues, alleys or public grounds for any purpose as above named shall deposit with the city finance department a sufficient amount of money to cover the expense of inspection of

such work and the restoration of the street. The fees shall be proposed by the City Engineer and established from time to time by City Council resolution.

**511.140. - Expense for street restoration.** The amount for the restoration of the street shall be as estimated by the City Engineer or City Engineer's designee in each case. After the refilling has been done and the work completed, the City Engineer or City Engineer's designee shall issue to the plumber or such other person a certificate directed to the city finance department, stating the amount of expense incurred by the city on account of the restoration of the street, and thereupon the city finance department shall return to said plumber or person such amount that the deposit made with the finance department exceeds the sum of such certified expense; in case such expense for restoration of the street shall exceed the amount of deposit made with the city finance department, such excess shall be paid within three (3) days to the city finance officer by such plumber or person.

**511.150. - Notice when connection ready for inspection.** The person who is to make the connection with any sewer or drain shall give notice at the office of the City Engineer or City Engineer's designee when such work is ready for inspection.

**511.160. - Supervision of work on sewer pipes.** The work of laying, relaying or repairing any sewer pipe or making any sewer connection with any main sewer for any private person, within the limits of any street, avenue, alley or public ground in the city, shall be done under the directions of the City Engineer or City Engineer's designee, and every person doing any such work shall do the same according to the directions of the City Engineer or City Engineer's designee.

**511.170. - Responsibility of user.** No proprietor, occupant, lessee or tenant of any building shall knowingly use or cause to be used, in any form, any sanitary sewer service lateral not constructed substantially as herein provided, without the written permission of the City Engineer or City Engineer's designee.

**511.180. - Revocation of license for violations.** Any person licensed to make connections with the public sanitary sewer system who shall be determined by the City Engineer or City Engineer's designee to be in violation of this chapter may be deprived of such license, by the revocation thereof by the city council, in addition to other penalties provided by this Code. A written notice of license revocation will be issued by the City Engineer or City Engineer's designee. If the person subject to license revocation under this section disputes the authority or legal reasonableness of the proposed revocation, the person shall serve a written protest and request for a meeting for review of the notice of license revocation with the City Engineer or City Engineer's designee. The written protest and request shall state all grounds for the protest and shall be served on the City Engineer within ten (10) calendar days of receipt of the written notice. The City Engineer or the City Engineer's designee shall conduct a meeting with the appellant regarding the revocation within fifteen (15) calendar days of receiving the protest and request. If following the meeting and decision of the City Engineer or City Engineer's designee, the person subject to license revocation still disputes a proposed revocation of the person's license, such person can make a written request within ten days thereof for a hearing in front of the appropriate committee of the City Council or in front of such hearing officer or administrative law judge as the committee shall determine in its sole discretion. If the hearing is in front of a hearing officer or administrative law judge, such hearing officer or administrative law judge shall conduct the hearing, receive evidence, and make written findings, conclusions, and a recommendation on the issue of license revocation. The hearing officer or administrative law judge shall submit the written findings, conclusions, and a recommendation on the issue of license revocation to the committee for consideration at a meeting thereof. The committee shall make a recommendation and forward it and the record for action by the full Council.

**ARTICLE III. – PROHIBITED DISCHARGES TO SANITARY SEWER**

**511.190. - Prohibited discharges to sanitary sewer.** (a) *Clearwater and stormwater drainage to sanitary sewers prohibited.* No person shall discharge or cause to be discharged into the sanitary sewer system any non-sewage or non-wastewater, including but not limited to, rainwater, stormwater, snowmelt, groundwater, or noncontact cooling water. Groundwater or surface water determined to be contaminated may be exempt from this prohibition as determined by the City Engineer or the City Engineer's designee.

(b) *Connections not permitted.* Rainwater pipes, rainleaders, area drains, foundation drains, drain tile, sump pumps or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises shall be not connected or reconnected with any sanitary sewer system.

(c) *Exceptions for new parking ramps.* Drains from an uncovered top deck of a new parking ramp shall not be connected to the sanitary sewer system. The uncovered top deck shall not discharge stormwater to the other ramp floors. Ramp drains on all other floors shall be discharged to the sanitary sewer system through a flammable waste interceptor.

**511.200. - Previously allowed connections, order to disconnect, permit required, Enforcement action.**

(a) *Existing connections not permitted.* Rainwater pipes, rainleaders, area drains and other connections used for conveying stormwater and clearwater from any building, structure, ground or premises which were legally connected to the sanitary sewer system prior to 1961 or those which were connected later by city permission shall be disconnected from the sanitary sewer system pursuant to this Chapter.

(b) *Notification.* The City Engineer or City Engineer's designee shall provide a written order to the owner informing the owner that they are required to disconnect from the sanitary sewer system as specified in the order.

(c) *Permit required.* As required by the official order the property owner must obtain a rainleader disconnection permit and complete the disconnection prior to expiration of the permit, or request a time extension to the requirement of disconnection by the noted due date.

(d) *Enforcement actions.* An owner failing to comply with such an order by the date specified may be subject to administrative enforcement pursuant to Chapter 2 of this Code. The City, in its discretion, may also take any other appropriate and available enforcement action provided by law or use any available remedy to disconnect from the sanitary sewer system. These remedies shall include, but not be limited to: the city or its contractor making the necessary disconnection of the connections used for conveying stormwater and clearwater to the sanitary sewer system, or any part thereof as it shall deem appropriate, and applying all the costs and related expenses of all such work to the property owner's utility bill, and if not paid, assessing all of the cost of the work including reasonable overhead and attorney fees to the property as a special assessment on the tax rolls. If applied as a special assessment, the assessment procedures will be those will be outlined in this Chapter. The City shall obtain any owner permissions, search warrants, court orders, or other permissions that are constitutionally required to enter any particular piece of property where work will be performed.

The owner shall continue to have the responsibility to do any additional work required to complete the disconnection from the city's sanitary sewer and direct the water for surface drainage in a manner that complies with all local, state and federal laws.

(e) *Order to connect to storm sewer.* If the City Engineer or City Engineer's designee determines based on the nature of the property that there is no reasonable way to disconnect rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises other than by connecting them to the city's storm sewer system, then the City Engineer or City Engineer's designee may order the owner in a reasonable period of time of not less than thirty (30) days to disconnect from the sanitary sewer system by connecting to the city's storm sewer system as specified in a Utility Connections permit issued by the City Engineer or City Engineer's designee. The owner shall be responsible for the design and construction of the connecting line or lines within the terms of the permit and shall be responsible for all costs associated with the connection to the city's storm sewer system. The owner shall be responsible for all costs of maintenance, repair and replacement of the connection.

(f) *Failure to respond.* Failure to obtain a permit and disconnect or obtain a time extension pursuant to the terms of any official notification or order shall subject the property owner to penalties as provided by sections 1.30(a), 1.40, and Chapter 2 of this Code.

(g) *Exceptions for existing parking ramps.* Drains from an uncovered top deck of an existing parking ramp shall not be connected to the public sanitary sewer system. An uncovered top deck shall not discharge stormwater to the other ramp floors. Ramp drains on all other floors shall be permitted to discharge to the public sanitary sewer system in so far as the discharge is not in conflict with state and federal requirements and other Minneapolis Codes.

**511.210. - Downspout placement.** Except as provided herein, all rainleader downspouts shall be placed so that drainage is to the back and/or to the front of the property. Downspouts shall be allowed in the existing side yards where adjacent structures are separated by more than ten (10) feet and where the downspout discharge point is no closer than ten (10) feet from an adjoining structure. The owner is responsible for arranging drainage in a manner that complies with the law. Rainwater from downspouts shall be drained so as not to cause flooding of or dampness in walls, ceilings or floors in any portion of the building or in any adjacent building, structure or property. Downspout placement shall not be prohibited so long as no conflicts exist with applicable City Codes. For example, a building downspout shall not be prohibited from discharging to the building's property lot or common alleyway unless an applicable law, regulation or City Code prohibits it.

**511.220. – Rainleader Disconnection Permit requirement.** (a) *Permit required.* No person shall perform a disconnection of any rainwater pipe, rainleader, area drain or other connections used for conveying stormwater and clearwater from any building, grounds or premises from the sanitary sewer system without first having obtained a rainleader disconnection permit from the City Engineer or City Engineer's designee.

(b) *Permit expiration.* Permits issued under this Section shall be valid for the period during which the proposed activity takes place or is scheduled to take place, whichever is shorter, but in no event shall a permit be valid for more than one (1) year.

**511.230. - Permit fee.** The fee for obtaining a disconnection permit shall be established by resolution.

**511.240. - Requests for inspection.** The contractor or permit holder shall make a request for inspection with the City Engineer or City Engineer's designee before any work of the contractor or permit holder on disconnection of any rainwater pipe, rainleader, area drain or other connection used for conveying

stormwater and clearwater from any building, grounds or premises from the sanitary sewer system is covered up or concealed and shall file this request within forty-eight (48) hours after the completion of any work done by said contractor or permit holder.

**511.250. - Manner of disconnection.** The disconnection of any rainwater pipe, rainleader, area drain or other connections used for conveying stormwater and clearwater from any building, grounds or premises from the sanitary sewer system shall be accomplished by a complete and permanent method and performed in a competent manner. Any disconnection, plugging, capping, rerouting, altering, or modifying must be done in accordance with all applicable state rules and Minneapolis ordinances.

**511.260. - Time extension.** (a) *Time extension for compliance.* An owner may request a time extension to comply with a notification to disconnect. A time extension for one (1), two (2) or three (3) years may be requested and renewed prior to expiration as provided for in subsection (d). A request for a time extension must be submitted on a form provided by the City Engineer or City Engineer's designee with payment of a filing fee in an amount set by resolution.

(b) *Time extension approval.* A request for a time extension will be approved upon payment of a time extension fee in an amount set by resolution, and only in those cases in which the facts presented to the City Engineer or City Engineer's designee demonstrate to the reasonable satisfaction and professional judgment of the City Engineer or City Engineer's designee that timely disconnection would not be safe, prudent, or feasible and that a delay in disconnection is consistent with plans for the area's public infrastructure. For example, a disconnection that when performed would pose an increased risk to public health, or a disconnection that when performed would contribute to localized flooding would not be safe, prudent, or feasible. A time extension shall not be for a period longer than the period necessary to reasonably plan for and achieve compliance consistent with plans for the area's public infrastructure and keeping in mind the city's overriding interest in limiting inflow of stormwater into the city's sanitary sewer system to prevent the possibility of sewage backing up into homes and businesses, and prevent discharge of raw sewage into the Mississippi River.

(c) *Conditions of a time extension granted.* If a time extension is granted, the City Engineer or City Engineer's designee reserves the right to require minimization of the continued inflow, prohibit expansion of the inflow and impose other reasonable conditions based upon the facts in each case. The time extension may be reopened to require additional work if previously undisclosed or unknown information or changing regulatory requirements or other conditions makes additional work necessary.

The fee for a time extension issued to buildings or premises shall be calculated by the City Engineer or City Engineer's designee based on the following formula:

The current sewer utility rate multiplied by the square footage of the area contributing rainwater to the sanitary sewer system multiplied by the average annual rainfall, in feet, in the Minneapolis/St. Paul area for the prior 10 years, for example, from 2008 to 2017 as determined by the National Oceanic and Atmospheric Administration (NOAA) National Centers for Environmental Information (31.40 inches = 2.62 feet).

*Sample calculation:* Current Sewer Rate in 2018 was \$3.88 per unit of water; one water unit = 100 ft<sup>3</sup>. Average rainfall for prior 10 years = 2.62 ft; Area contributing = 2000 ft<sup>2</sup>.

$$(\$3.88/100 \text{ ft}^3)(2000 \text{ ft}^2)(2.62\text{ft}) = \$203.31$$

(d) *Time extension renewal.* Prior to the expiration of an existing time extension, the owner may request an extension on a form provided by the authority pursuant to subsection (a).

**511.270. - Appeal of order to disconnect or of time extension disapproval.** *Right to Appeal, Procedure.* If an owner subject to the charges under this section disputes the authority or legal reasonableness of the time extension disapproval issued by the City Engineer or City Engineer's designee, the owner shall serve a written protest and request for an administrative hearing with the City Engineer within ten (10) days of receipt of the charges. The written protest and request shall state all grounds for the protest and shall be served on the City Engineer within ten (10) calendar days of receipt of the disapproval. The City engineer or the City Engineer's designee shall conduct an informal administrative hearing regarding the order within fifteen (15) calendar days of receiving the protest and request. If following the informal administrative hearing and the decision of the City Engineer or City Engineer's designee, a person subject to the time extension disapproval still disputes the disapproval, such person can make a written request within ten (10) days thereof for a hearing in front of the appropriate committee of the City Council or in front of such hearing officer or administrative law judge as the committee shall determine in its sole discretion. If the hearing is in front of a hearing officer or administrative law judge, such hearing officer or administrative law judge shall conduct the hearing, receive evidence, and make written findings, conclusions, and a recommendation on the issue of the time extension disapproval. The hearing officer or administrative law judge shall submit the written findings, conclusions, and a recommendation on the issue of the time extension disapproval to the committee for consideration at a meeting thereof. If the matter was referred to a hearing officer or administrative law judge, the committee shall then consider the matter based on the findings, conclusions, and recommendation, upon any responsive written comments submitted on behalf of the licensee, and upon the record of the hearing. The committee shall make a recommendation and forward it and the record for action by the full Council. If the matter was not referred to a hearing officer or administrative law judge, the committee shall conduct the hearing, receive evidence, and adopt written findings, conclusions, and a recommendation on the issue of the time extension disapproval. The committee shall make a recommendation and forward it and the record for action by the full Council.

**511.280. - Disclaimer.** The city in no way guarantees or implies that areas will be free from flooding or flood damages. The city does not assume a specific duty as to individual property owners to enforce this ordinance, but is enacting this chapter as a general regulation. This Chapter is not intended for reliance by individual property owners. This Article shall not create liability on the part of the city or its officers or employees for any flood damage that may result from the failure to comply with any portion of this chapter or any administrative decisions made pursuant thereto, whatever the cause.

#### **ARTICLE IV - FATS, OIL and GREASE (FOG) CONTROL PROGRAM**

**511.290. - Plumbing Code adopted.** Minnesota Rules, Part 4714, the Plumbing Code is hereby adopted by reference and is incorporated into this article and made a part hereof.

**511.300. - FOG Control Program participation required; discharge prohibited.** Food service establishments (FSEs) and other industrial or commercial establishments generating wastewater containing FOG are subject to this ordinance. The FOG Program establishes policies, requirements, guidelines, procedures, remedies and penalties. The goal of the program is to aid in preventing the introduction and accumulation into the public sanitary sewer system of fats, oil and grease that will cause or contribute to sanitary sewer blockages and obstructions. Food service establishments and other industrial or commercial establishments generating wastewater containing FOG are subject to this

chapter. This ordinance regulates such originators by requiring that grease interceptors and other devices and equipment be used to control FOG, and by requiring that such devices and equipment be installed, implemented and maintained in accordance with the provisions hereof. No Food Service Establishment (FSE) shall discharge any FOG into any portion of the public sanitary sewer system except in accordance with a FOG Control Plan Implementation Schedule for that facility that has been reviewed and accepted by the City Engineer or City Engineer's designee in writing, as provided for herein. Individual dwelling units, private living quarters, communal apartment house kitchens, dormitory style accommodations and employee break rooms are exempt from Fog Control Program requirements and penalties.

**511.310. - Additional FOG control prohibitions.** (a) Any structural alteration to a building drain of a structure designed to house a FSE is prohibited unless it meets the requirements of this ordinance and is approved by the Building Official.

(b) Discharge of wastewater containing grease accumulation from cleaning of fixtures and other equipment or tools in an FSE, including hood filters and floor mats, is prohibited.

(c) Introduction of any additives into the public sanitary sewer system for the purpose of emulsifying FOG or biologically or chemically treating any substance introduced into the public sanitary sewer system for purpose of treatment or pretreatment of wastewater, is prohibited unless a specific written authorization by the City Engineer or City Engineer's designee is obtained.

(d) Operation of grease interceptors is prohibited if the unit has accumulated waste, including, but not limited to, FOG and food solids, accounting for 25 percent or more of the total operating depth of the grease interceptor.

(e) Any grease interceptor shall be emptied of all material, including solids and liquids each time it is serviced. Discharge of any FOG or any other solid materials removed from the grease interceptor to the public sanitary sewer system is prohibited.

**511.320. - Liability of Owners.** The owner of the FSE, the owner of the structure in which it is located if different from the owner of the FSE, and the owner of any structure occupied by more than one FSE, shall be jointly and severally liable for compliance with the FOG Control Program, the servicing and maintenance of grease interceptors or alternative treatment technology, the servicing and maintenance of the sanitary sewer service laterals, and for any required servicing and maintenance of any portion of the public sanitary sewer system located downstream from said structure to remove any accumulations of FOG therefrom.

**511.330. - Inspections, Remedial Actions, FOG Control Plan Requirements, and Compliance Procedures.** City inspectors will carry out routine inspections for compliance with the provisions of this chapter relating to FOG or the use of the sanitary sewer system. For inspection related to FOG or use of the sanitary sewer system, the city shall obtain any owner permissions, search warrants, court orders, or other permissions that are constitutionally required.

In the event of noncompliance with the City's FOG Control Program, the following remedial actions, penalties, and/or assessments may be applied:

(1) *Tier 1. Written Notice, Education and Non-Structural Best Management Practices (BMPs) ('Quick Start' BMPs).* If a FOG discharge or improper maintenance is identified by a City inspector, the inspector shall

issue a Tier 1 written notice to the owner of the FSE of non-compliance with the FOG Control Program specifying each item or instance of non-compliance with the requirements of the FOG control program. Noncompliance may include FSEs with no FOG equipment or improperly sized or maintained FOG equipment. The FSE shall minimize FOG discharges by adopting Tier 1 'Quick-Start' practices that can be undertaken with minimal time for advance engineering, plan preparation, review or approval practices.

For the purposes of this chapter, Tier 1 Non-Structural Best Management Practices are education, training, schedules of activities, prohibitions or practices, maintenance procedures or other management practices that minimize FOG discharges. The FSE shall be subject to re-inspection in 30 days.

*(2) Tier 2. Written Notice, Structural Best Management Practices (BMPs) and FOG Control Plan.*

a. *FOG Control Tier 2 Written Notice.* If a FOG discharge or improper maintenance is still identified thirty (30) or more days after Tier 1 written notice, the inspector shall issue a Tier 2 written notice to the owner of the FSE that a FOG Control Plan must be developed and submitted to the City Engineer or City Engineer's designee for review and acceptance. The FOG Control Plan shall describe Tier 1 BMPs and Tier 2 BMPs to minimize FOG discharges including maintenance and self-inspection practices. For the purposes of this chapter, Tier 2 Structural Best Management Practices (Structural BMPs) are grease interceptors, alternative treatment technology to minimize FOG discharges, or structural alterations to building drains. Any installation of a grease interceptor or alternative treatment technology, or structural alteration to a building drain, must be in accordance with the Plumbing Code and approved by the Building Official.

b. *FOG Control Plan requirements.* The FOG Control Plan must conform to the following installation requirements:

1. Any installation of a grease interceptor or alternative treatment technology, or structural alteration to a building drain, shall only be carried out in accordance with a permit issued by the Building Official and in accordance with the Plumbing Code.

2. Only the plumbing fixtures producing greasy waste shall be piped to the interceptor.

3. Except as provided for in subsection 511.330(2)(b)(5), any property designed for or intended to be used for an FSE must have a grease interceptor installed before a permit to discharge into the public sanitary sewer system will be issued, and the grease interceptor must be constructed on the property occupied by the structure in a location outside of any building, so as to allow reasonably convenient and unrestricted access at any time to City representatives for the purposes of inspection, sampling, and testing. City representatives shall obtain any owner permissions, search warrants, court orders, or other permissions that are constitutionally required. Such grease interceptor must comply with all rules as set forth in the Plumbing Code.

4. Except as provided for in subsection 511.330(2)(b)(5), property owners of new commercial construction structures designed to house multiple FSEs on a single parcel shall be responsible for installing and maintaining a single grease interceptor to serve all of the FSEs housed on the parcel unless the property owner demonstrates to the City Engineer or City Engineer's designee that it is not practicable to install and maintain a single grease interceptor to serve all of the FSEs located in the structure. In such case the City Engineer or City Engineer's designee has discretion to approve a plan for such structure providing for more than one grease interceptor or a combination of grease interceptors to service such property, which

approval shall be in writing. The approved plan shall include the minimum number of grease interceptors that can reasonably serve the structure. The BMP program shall specifically include service for all approved grease interceptors.

5. Exception from grease interceptor requirements. If the FSE demonstrates to the reasonable satisfaction of the City Engineer or City Engineer's designee that installation of a grease interceptor is not feasible, the City Engineer or City Engineer's designee may grant an exception allowing the FSE to install alternative treatment technology determined by the City Engineer or City Engineer's designee to be effective at adequately controlling the release of FOG into the public sanitary sewer system. The FSE bears the burden of demonstrating that the installation of a grease interceptor is not feasible. The request for an exemption shall include the following information if relevant:

- i. Evidence of a lack of available exterior space necessary to place an interceptor relative to the location of the sewer main;
- ii. Evidence of a lack of adequate slope for gravity flow between kitchen plumbing fixtures in the FSE and the sanitary sewer service lateral;
- iii. A description of and specifications for the alternative treatment technology that will be installed; and
- iv. Evidence that the size, available seating or type of food preparation does not generate any significant volume of FOG.

6. *Tier 2 FOG Control Plan Submission.* The FSE shall submit the proposed FOG Control Plan within 90 days of the Tier 2 written notice, for review and acceptance by the City Engineer or City Engineer's designee. An FSE may request a time extension to comply with submission of the FOG Control Plan.

7. *Request for time extension.* A time extension of up to one-half year (180 days) for the FOG Control Plan may be requested within 90 days of the Tier 2 written notice. A request for a time extension must be submitted on a form provided by the City Engineer or City Engineer's designee with payment of a filing fee to cover review, administration and handling costs. The filing fee shall be established by resolution. A request must include an explanation of why the extension is needed. Within thirty (30) days, the City Engineer or City Engineer's designee will notify the FSE of acceptance or non-acceptance of the request for time extension. A request for a time extension will be approved only if the FSE has demonstrated it is needed due to complexity of alterations.

8. *Tier 2 FOG Control Plan review, acceptance and implementation.* Within thirty (30) days, the City Engineer or City Engineer's designee will review the submitted FOG Control Plan and will either accept the Control Plan, or will require modifications and resubmittal. Following written acceptance of the FOG Control Plan by the City Engineer or City Engineer's designee, the FSE shall implement the Control Plan BMPs within twelve (12) months of the date of written acceptance.

9. *FOG Control Plan maintenance and inspection.* The FSE shall maintain FOG Control Plan BMPs in accordance with the accepted FOG Control Plan.

a. *Proper removal and disposal.* In maintaining and cleaning grease interceptors and any other approved grease control device, the FSE shall be responsible for the proper removal and disposal of the captured material by appropriate means. If not performed by personnel under the direct control and direction of

any such owner, such removal and haul shall be performed by a FOG hauler that is a waste hauler currently licensed by the City or a liquid waste hauler holding a current Metropolitan Council permit. All grease waste shall be taken to a licensed and approved disposal facility for disposal and in no manner shall any grease interceptor container be discharged by an FSE or a FOG hauler to the public sanitary sewer system, or stormwater system. A log of cleaning dates, volume and disposal method shall be kept on-site and made available to inspectors. Each FOG hauler shall sign the log, certifying each date of cleanout.

b. *Written notice and FOG Control Plan resubmission.* After Control Plan implementation, if inspection, testing, or other sampling activity by the City Engineer or City Engineer's designee identifies any user that is contributing excessive FOG that results in extraordinary maintenance activity or repair two or more times in a single calendar year, to maintain the integrity of the public sanitary sewer system a Tier 2 written notice will be issued and the FSE will be required to modify and resubmit the Control Plan according to this Chapter, until FOG reduction requirements are met.

c. *Tier 3 – Written Notice, Citations and Civil Fines.* Any FSE that has received a Tier 2 written notice, and is non-compliant with the FOG Control Plan Requirements and Compliance Procedures may receive a Tier 3 written notice and may be subject to administrative enforcement pursuant to Chapter 2 of this Code, or any other appropriate and available enforcement provided by law. Administrative citations may be issued for Tier 3 non-compliance or to continuing violators.

d. *Tier 4 – Written Notice, License Revocation or Disconnection of Water and Sewer Service.* If FOG Control Program reduction requirements are not met by following the Tier 2 process or following the Tier 3 process, and there is continued introduction of FOG into the public sanitary sewer system resulting in partial or complete obstruction or an overflow, a Tier 4 written order may be issued to the FSE informing the owner of the FSE and the owner of the structure in which it is located if different from the owner of the FSE that after 40 calendar days the FSE's Food License may be revoked by the City Council and/or that the water and sewer service to the FSE and to the structure in which the FSE is located may be discontinued. The City, in its discretion, may also take any other appropriate and available enforcement action provided by law. If a person subject to the order under this section disputes the authority or legal reasonableness of the order issued by the City Engineer or City Engineer's designee, such person shall serve a written protest and request for a meeting for review of the order with the City Engineer. The written protest and request shall state all grounds for the protest and shall be served on the City Engineer within ten (10) calendar days of receipt of the order. The City Engineer or the City Engineer's designee shall conduct a meeting with the appellant regarding the order within fifteen (15) calendar days of receiving the protest and request. If following the meeting and decision of the City Engineer or City Engineer's designee, the person subject to license revocation still disputes a proposed revocation of the person's license, such person can make a written request within ten (10) days thereof for a hearing in front of the appropriate committee of the City Council or in front of such hearing officer or administrative law judge as the committee shall determine in its sole discretion. If the hearing is in front of a hearing officer or administrative law judge, such hearing officer or administrative law judge shall conduct the hearing, receive evidence, and make written findings, conclusions, and a recommendation on the issue of license revocation. The hearing officer or administrative law judge shall submit the written findings, conclusions, and a recommendation on the issue of license revocation to the committee for consideration at a meeting thereof. If the matter was referred to a hearing officer or administrative law judge, the committee shall then consider the matter based on the findings, conclusions, and recommendation, upon any responsive written comments submitted on behalf of the licensee, and upon the record of the hearing. The committee shall make a recommendation and forward it and the record for action by the full Council. If the matter was not referred to a hearing officer or administrative law judge, the committee shall

conduct the hearing, receive evidence, and adopt written findings, conclusions, and a recommendation on the issue of license revocation. The committee shall make a recommendation and forward it and the record for action by the full Council.

**511.340. - FOG hauler licensing.** Any FOG haulers removing FOG on behalf of a Minneapolis FSE and discharging into a designated collection system shall hold a current solid waste hauler's license issued by the City. Any person servicing a grease interceptor must dispose of the material according to all applicable rules and regulations. Each hauler shall also sign the log maintained by the FSE, certifying each date of cleanout. All grease waste shall be taken to a licensed and approved disposal facility for disposal and in no manner shall any grease interceptor container be discharged by a FOG hauler to the public sanitary sewer system, or stormwater system.

**511.350. - Charge for remedial maintenance or repair of the building drain or sanitary sewer service lateral.** The costs for curing lateral failures or resulting overflows, including cleaning and maintenance, caused in whole or in part by FOG, are the responsibility of the FSE.

**511.360. - Charges for remedial maintenance or repair of the public sanitary sewer system.** If action is taken by the City Engineer or by the Metropolitan Disposal System to control a partial or complete obstruction of the public sanitary sewer system to prevent a public health hazard, any FSE found to have discharged wastewater or waste containing FOG that contributed to the partial or complete obstruction shall be required to reimburse all cleanup, maintenance and repair costs of abating such condition. In situations where multiple FSEs are identified as contributing FOG the City Engineer will apportion the cost of the cleanup, maintenance, and repair costs based on each FSE's percentage share of the average annual total sanitary sewer charges for all such owners. If an owner subject to the charges under this section disputes the authority or legal reasonableness of the charges issued by the City Engineer or City Engineer's designee, the owner shall serve a written protest and request for a meeting for review of the charges with the City Engineer within ten (10) days of receipt of the charges. The written protest and request shall state all grounds for the protest and shall be served on the City Engineer within ten (10) calendar days of receipt of the billing. The City engineer or the City Engineer's designee shall conduct a meeting with the appellant regarding the order within fifteen (15) calendar days of receiving the protest and request. If following the meeting and decision of the City Engineer or City Engineer's designee, a person subject to the reimbursement requirement still disputes the proposed reimbursement requirement, such person can make a written request within ten (10) days thereof for a hearing in front of the appropriate committee of the City Council or in front of such hearing officer or administrative law judge as the committee shall determine in its sole discretion. If the hearing is in front of a hearing officer or administrative law judge, such hearing officer or administrative law judge shall conduct the hearing, receive evidence, and make written findings, conclusions, and a recommendation on the issue of the reimbursement requirement. The hearing officer or administrative law judge shall submit the written findings, conclusions, and a recommendation on the issue of the reimbursement requirement to the committee for consideration at a meeting thereof. If the matter was referred to a hearing officer or administrative law judge, the committee shall then consider the matter based on the findings, conclusions, and recommendation, upon any responsive written comments submitted on behalf of the licensee, and upon the record of the hearing. The committee shall make a recommendation and forward it and the record for action by the full Council. If the matter was not referred to a hearing officer or administrative law judge, the committee shall conduct the hearing, receive evidence, and adopt written findings, conclusions, and a recommendation on the issue of the reimbursement requirement. The committee shall make a recommendation and forward it and the record for action by the full Council.

**ARTICLE V. -- ASSESSMENT, METERS and BILLING**

**511.370. - Assessment for Sanitary Sewers.** Whenever the City Council deems it necessary to lay, re-lay or extend sanitary sewers through any street or alley of the City, or any portion thereof, the city council shall have the authority to levy and collect by special assessment the cost thereof or a portion thereof, in their discretion, upon the property on both sides of such street or alley fronting upon such improvement, and the cost shall not exceed the estimated cost of the main (including all necessary manholes and other appurtenances). The cost not provided for by such assessment, including the cost of laying mains upon crossing streets, as well as the proportion which would otherwise be assessed against any property which is by law exempt from such assessment, shall be paid out of the sewer enterprise fund established by this Code or as otherwise established by law.

**511.380. - Assessment for repairs to sanitary sewer service laterals.** (a) The owner of any property having a sanitary sewer service lateral in need of repair or replacement may request and authorize the City on forms prescribed by the City Engineer or City Engineer's designee to make all necessary repairs and replacements to the sanitary sewer service lateral. Such authorization by the owner to the city shall constitute, and such authorization form shall provide for, the right to enter upon the premises as may be necessary to make such repairs and replacement; a waiver and release by the owner of any and all claims and damages against the city arising out of the making of such repairs and replacement; and the consent of the owner to any unpaid charges for such work to be collected as a special assessment against the property as provided herein. The city, upon receiving such authorization from the owner, may immediately cause the repairs or replacement of the sanitary sewer service lateral to be done under its direction and control. The said repair or replacement costs shall be initially provided for by an advance of funds from the sewer enterprise fund to be reimbursed from the collection of such charges.

(b) The city, upon completion of any such repairs or replacement work, shall notify such owner of the amount of the charges for such work which the owner may pay to the city on or before September first. This amount may include an administrative charge set by the city council.

(c) If the charges or any part thereof for any such work is unpaid by September first (1st), the city shall prepare a proposed assessment roll listing the amount of charges unpaid and the benefited property which shall be filed with the city clerk. The city council shall assess and levy and cause to be collected the amount of such costs as a special assessment upon and against the property benefited in the manner provided by Minnesota Statutes, Sections 429.061, 429.071 and 429.081. Such costs so assessed shall be payable in a single installment except that the city council may provide that the costs so assessed may be paid in not to exceed five (5) equal annual installments. The interest rate shall be set annually by the city's finance officer and shall reflect the current interest rate environment, the term of the loan, lost investment earnings, and administrative costs to the city.

**511.390. - Sanitary Sewer utility charges.** The aggregate of all charges, whether collected pursuant to the City's charter or ordinances, Minnesota Statutes, Section 444.075, special laws, or other authority including charges for billing, metering, debt service, and other sewer related charges that are billed periodically to users of the public sanitary sewer system for the purpose of paying the cost of operation and maintenance of the public sanitary sewer system, including the sewage treatment works; for the capital cost of construction of such system, including the principal and interest on bonds sold for such construction; for paying Minneapolis' share of the MCES' annual budget as provided in Minnesota Statutes, Chapter 473; and for activities in accordance with regulations established pursuant to the Clean Water Act and Minnesota Rules and Statutes, specifically including the costs of obtaining and complying

with permits required by law, a sewer utility charge shall be levied and assessed against every lot, parcel of land, building, or premises now or hereafter having connection to the public sanitary sewer system or otherwise discharging domestic sewage, commercial or industrial wastewater, or other liquid, gaseous, or solid wastes either directly or indirectly to the public sanitary sewer system. Sanitary sewer charges may be fixed:

- (1) On the basis of water consumed; or
- (2) By reference to a reasonable classification of the types of premises to which service is furnished; or
- (3) By reference to the quantity, pollution qualities and difficulty of disposal of sewage produced; or
- (4) On any other equitable basis including any combination of equitable bases referred to above, but specifically excluding use of the basis referred to in Minnesota Statutes, Section 444.075, subdivision 3b, clause (1); and otherwise without limit.

**511.400. - Sanitary sewer rates established.** Sewer rental rates shall be set by City council resolution. Pursuant to Minnesota Statutes, Section 116A.22, whenever payment remains in default for sewage disposal services furnished to real property, the City Council may annually levy an assessment equal to such unpaid costs including penalty and interest against each property so served and upon which the utility charge is unpaid. The same administrative procedures for payments, delinquencies and service termination shall be applied to sewer rental charges as are applied for water use under Chapter 509 of the Minneapolis Code of Ordinances.

**511.410. - Deduct water meters (minus meters).** With the proper application, plan review, and permit, any commercial water user may purchase, from the City of Minneapolis or a vendor approved by the City Engineer or City Engineer's designee, a deduct water meter to eliminate sewer charges for water used that does not enter the public sanitary sewer system. Examples include water for underground irrigation purposes, production process water, or cooling tower makeup water. Such deduct meter shall be fitted with an appropriate backflow prevention device as required by the building code. All costs associated with the purchase, installation, testing, and maintenance of the deduct meter and reading equipment, as well as the fees for any required inspections of the backflow prevention devices, shall be the responsibility of the water user. It is the responsibility of the property owner to maintain the meter and carry out monthly meter reporting. No credits will be estimated for meter malfunction or other meter error unless approved documentation is received from the meter owner. In no case will credits be granted for periods exceeding three months. Deduct meters shall be charged an administrative charge each month to cover the costs of reading, billing, customer service, processing, and maintaining records. The administrative charge shall be established annually in the City Council Rate Resolution. Rules related to deduct water meters shall be in accordance with standards set by the City Engineer or City Engineer's designee.

**511.420. - Private water supply meters.** Any water user using a private water supply shall provide a meter at the source per Chapter 509 of this Code. Said meter shall be used to determine the sanitary sewer charges. All costs associated with the meter including purchase, installation, testing, maintenance and inspection fees shall be the responsibility of the water user. Rules related to private water supply meters shall be in accordance with standards set by the City Engineer or City Engineer's designee.

**511.430. - Sewer-only meters.** Any water user may use a sewer-only meter to measure flow to the public sanitary sewer system. Any such meter needs to be approved as to design by the City Engineer or City

Engineer's designee. All costs associated with purchase, installation, testing, and maintenance of the meter and fees for any required inspections shall be the responsibility of the water user. Rules related to these meters shall be in accordance with standards set by the City Engineer or City Engineer's designee.

**511.440. - Test wells, dewatering wells, and miscellaneous temporary discharges.** Any test well, dewatering well, or miscellaneous temporary discharges to the public sanitary sewer system shall be metered to determine the sanitary sewer charges. If metering is impractical on a temporary basis, the water volume shall be agreed to with the City Engineer or City Engineer's designee. Rules related to the meter or agreements shall be in accordance with standards set by the City Engineer or City Engineer's designee.

**511.450. - Water-only meters.** Where water meters are used for the following purposes no sewer charge will be applied:

(1) Hydrant meters used to measure water usage for irrigation, where permitted by the City of Minneapolis Water Treatment and Distribution Services Division.

(2) Hydrant meters used to measure water usage on a demolition or construction site where no flow will enter the public sanitary sewer system, where permitted by the City of Minneapolis Water Treatment and Distribution Services Division.

(3) Water meter installed in a separate account for irrigation purposes only, where permitted by the City of Minneapolis Water Treatment and Distribution Services Division.

#### **ARTICLE VI. - PUBLIC SANITARY SEWER COLLECTION SYSTEM**

**511.460. - Disposing of wastes from outside city.** No person shall bring into the city the contents of any cesspools, holding tanks, privy vaults, septic tanks, or other containers, devices or structures located outside the city and discharge into, dump or place such contents into any of the sewers of the city. This section shall not limit or affect the rights of any municipality or other persons having a valid contract with the city for the disposal of sewage or wastewater.

**511.470. - Tampering with system prohibited.** Except for City employees acting in the course of employment, no person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, including but not limited to manhole covers from any sewer or water manhole in the streets or use such manhole for any purpose whatever, without first obtaining a written permit from the City Engineer or City Engineer's designee.

**511.480. - Private wastewater disposal systems prohibited.** It is established that private wastewater disposal systems are not allowed without special approval of the City Engineer and City Council.

**511.490. - Declaration of Policy and Benefits.** It is hereby declared and ordained that the establishment and operation of the City sanitary sewer collection system is necessary and conducive to the public health, safety, welfare, and convenience of the City and its inhabitants; that such system shall constitute and be a public utility plant and convenience from which revenues may and shall be derived; and that service to be rendered to the inhabitants, industries, and properties by the collection of wastewater confers direct and indirect benefits to the inhabitants, industries and properties of the City for which reasonable rates and charges may be imposed.

**511.500. - Connection to public sanitary sewer collection system required.** The owner of any house, building, or properties of any character where wastewater develops or occurs is hereby required, at the owner's expense, to install, and thereafter maintain, suitable private building sanitary drains and sanitary sewer service laterals and to connect such facilities directly with the public sanitary sewer system in accordance with the provisions of this ordinance.

**511.510. - Damage to drainage system or public sewer.** It shall be unlawful to deposit, by any means whatsoever, into a plumbing fixture, floor drain, interceptor, sump, receptor, or device which is connected to a drainage system, public sanitary sewer system, private sanitary sewer system, any ashes, cinder, solids, rags, flammable, poisonous, or explosive liquids or gases, oils, grease, or any other thing whatsoever that is capable of causing damage to the drainage system or public sanitary sewer system or which is a violation of or may contribute to a violation of the City's National Pollution Discharge Elimination System or other permits.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

#### **COUNCIL ACTION 2018A-0830**

The Minneapolis City Council hereby authorizes temporary easement agreements with the owners of the properties located at 5140 and 5144 Cedar Ave S for the acquisition of temporary easements in conjunction with the Cedar Ave S (51st St to 52nd St) Sanitary Reconstruction Project.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

#### **COUNCIL ACTION 2018A-0831**

The Minneapolis City Council hereby authorizes an increase to Contract No. C-42209 with Global Specialty Contracting, Inc., in the amount of \$11,257.05, for a total amount not to exceed \$781,559.05, and an extension of the effective date of the contract through Dec 31, 2018, to make final payment and close the contract for the Northtown Bridge Interpretive Site.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2018R-322 authorizing Amendment No. 1 to Agreement No. PW 19-20-15 (City Contract No. C-40670) with Hennepin County, extending the agreement for one year, through Dec 31, 2019, for reimbursing the City for providing routine maintenance on certain County State Aid routes and bridges in the City of Minneapolis.

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

**RESOLUTION 2018R-322**

**By Reich**

**Authorizing Amendment No. 1 to Agreement No. PW 19-20-15 (City Contract No. C-40670) with Hennepin County, extending the agreement for one year, through Dec 31, 2019, for reimbursing the City for providing routine maintenance on certain County State Aid routes and bridges in the City of Minneapolis.**

Whereas, the City of Minneapolis has entered into Proposed Road Maintenance Agreement No. PW 19-20-15 (City Contract No. C-40670) with Hennepin County to provide reimbursement to the City for the costs of providing the necessary maintenance services for the roadway system, including snow and ice control on downtown roadways, patching and minor repair of downtown streets, street sweeping, rubbish removal, and turf maintenance; maintenance of bridges including surface flushing, street sweeping, snow/ice control, and snow removal on bridge sidewalks, rubbish removal, and bridge roadway and waterway navigation lights; maintenance of traffic signal system including poles, heads, loops, cabinets, controllers, and associated crash or vandalism damage; maintenance of traffic signs and linear lane pavement striping; and other activities; and

Whereas, the Agreement provides that the City Council delegates to the City's Director of Public Works the authority to make written letter agreements with the County's Director of Transportation for extraordinary maintenance, betterment, and construction or reconstruction, and allocating the costs thereof between the County and the City without coming back to the City Council if the amount is under \$50,000; and

Whereas, the Agreement provides that the City and the County agree to defend, indemnify, and hold each other harmless for their respective work on County roads as provided in the Agreement;

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

That the City Council authorize Amendment No. 1 to Agreement No. PW-19-20-15, City Contract No. C-40670, with Hennepin County extending the existing three-year agreement for a fourth year, from Jan 1, 2019, through Dec 31, 2019.

Be It Further Resolved that the amount of reimbursement for the year 2019 be determined by the three- year moving average method.

Be It Further Resolved that the proper City officers are authorized to execute Amendment No. 1 to Agreement No. PW 19-20-15 (City Contract No. C-40670).

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2018R-323 designating the improvement of 8th St S (Hennepin Ave to Chicago Ave) Street Reconstruction Project, Special Improvement of Existing Street No. 2287 (PV054).

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

**RESOLUTION 2018R-323**

**By Reich**

**Designating the improvement of certain existing streets in the 8th St S (Hennepin Ave to Chicago Ave) Street Reconstruction Project, Special Improvement of Existing Street No. 2287 (PV054).**

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Minneapolis City Charter, Article IX, Section 9.6(c), by full removal of the existing road, sidewalk, new pavement, new curb and gutter, utility improvements, trees, street lighting, new signage, and new pavement markings:

8th St S from Hennepin Ave to Chicago Ave.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-0832**

The Minneapolis City Council hereby adopts a report receiving a cost estimate of \$18,500,000 for street reconstruction improvements and a list of benefited properties for the 8th St S (Hennepin Ave to Chicago Ave) Street Reconstruction Project No. 2287 (CPV054), as designated by Resolution 2018R-323, passed Oct 19, 2018, and directs that the City Engineer prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2019 Uniform Assessment Rates.

Further, a public hearing is scheduled for Nov 27, 2018, in accordance with Minneapolis City Charter, Article IX, Section 9.6(c), and Minneapolis Code of Ordinances, Section 24.110, to consider approving the reconstruction of the above-designated street location and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2018R-324 designating the improvement of existing streets in the North Loop Paving (3rd St N, 5th Ave N, 7th Ave N, 8th Ave N, and 9th Ave N) Street Reconstruction Project, Special Improvement of Existing Streets No. 6766 (PV135).

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

**RESOLUTION 2018R-324**

**By Reich**

**Designating the improvement of certain existing streets in the North Loop Paving (3rd St N, 5th Ave N, 7th Ave N, 8th Ave N, and 9th Ave N) Street Reconstruction Project, Special Improvement of Existing Streets No. 6766 (PV135).**

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Minneapolis City Charter, Article IX, Section 9.6(c), by full removal of the existing road, sidewalk, new pavement, new curb and gutter, utility improvements, trees, new signage, and new pavement markings:

North Loop Paving (3rd St N, 5th Ave N, 7th Ave N, 8th Ave N, and 9th Ave N).

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-0833**

The Minneapolis City Council hereby adopts a report receiving a cost estimate of \$8,641,631 for street reconstruction improvements and a list of benefited properties for the North Loop Paving (3rd St N, 5th Ave N, 7th Ave N, 8th Ave N, and 9th Ave N) Street Reconstruction Project No. 6766 (CPV135), as designated by Resolution 2018R-324, passed Oct 19, 2018, and directs that the City Engineer prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2019 Uniform Assessment Rates.

Further, a public hearing is scheduled for Nov 27, 2018, in accordance with Minneapolis City Charter, Article IX, Section 9.6(c), and Minneapolis Code of Ordinances, Section 24.110, to consider approving the reconstruction of the above-designated street locations and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2018R-325 authorizing the acceptance of a quit claim deed from the State of Minnesota conveying all its interests in that real estate situated adjacent to Trunk Highway 55, between approximately Franklin Ave E and 54th St E, described in the quit claim deed dated May 2, 2016.

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

**RESOLUTION 2018R-325**

**By Reich**

**Authorizing the acceptance of a quit claim deed from the State of Minnesota conveying all its interests in that real estate situated adjacent to Trunk Highway 55, between approximately Franklin Ave E and 54th St E, described in the quit claim deed dated May 2, 2016.**

Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis accepts a quit claim deed from the Commissioner of Transportation of the State of Minnesota conveying all its interests in that real estate situated adjacent to Trunk Highway 55 in the City of Minneapolis, County of Hennepin, State of Minnesota, which is described in the quit claim deed for Minnesota Department of Transportation release number 1390 dated May 2, 2016.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**The WAYS & MEANS Committee submitted the following report:**

On behalf of the Ways & Means Committee, Warsame offered Resolution 2018R-326 amending Resolution 2018R-276 updating the funding stream for the appropriation of grant funds to the Health Department.

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

**RESOLUTION 2018R-326**

**By Warsame**

**Amending Resolution 2018R-276 entitled “Amending The 2018 General Appropriation Resolution,” passed on August 31, 2018, to reflect a corrected funding and revenue stream.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

**“Amending The 2018 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 Health Department ~~in the Grants Federal Fund (01300-8600152)~~ (01600-8600152 revenue code 321507) by \$50,135 and increasing the revenue estimate ~~(01300-8600152 Revenue Code 372001)~~ (01600-8600152) by \$50,135.”

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

#### **COUNCIL ACTION 2018A-0834**

The Minneapolis City Council hereby:

1. Approves the 2018 property tax special assessments for delinquent utility charges as indicated in the assessment roll on file in the City Clerk’s office.
2. Authorizes Utility Billing to cancel any assessments as a result of a payment.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

#### **COUNCIL ACTION 2018A-0835**

The Minneapolis City Council hereby authorizes an increase to Contract No. C99-13987 with Ungerboeck Systems, Inc. in the amount of \$50,000 for upgrades to the Minneapolis Convention Center's Event Business Management System (EBMS) online ordering portal.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

#### **COUNCIL ACTION 2018A-0836**

The Minneapolis City Council hereby accepts the sole bid of Meisinger Construction Company, Inc. submitted on Official Publication No. 8615, in the amount of \$749,500, to provide all materials, labor, equipment and incidentals for the Minneapolis Convention Center Terrazzo Update - Wall project for the Minneapolis Convention Center, 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, Johnson, Palmisano, President Bender (13)

Noes: (0)  
Absent: (0)  
Adopted.

**COUNCIL ACTION 2018A-0837**

The Minneapolis City Council hereby authorizes an increase to Contract No. C-37033 with LifeTech Services in the amount of \$60,000 for a new, not-to-exceed total of \$635,000, for emergency medical services at the Minneapolis Convention Center.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)  
Absent: (0)  
Adopted.

Approved by Mayor Jacob Frey 10/22/2018.  
(Published 10/23/2018)

**COUNCIL ACTION 2018A-0838**

The Minneapolis City Council hereby authorizes issuance of a Request for Proposals (RFP) to establish the City's Legal Services Panel for 2019-2021.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)  
Absent: (0)  
Adopted.

Approved by Mayor Jacob Frey 10/22/2018.  
(Published 10/23/2018)

**COUNCIL ACTION 2018A-0839**

The Minneapolis City Council hereby:

1. Accepts a grant award from the United States Department of Justice - Bureau of Justice Assistance 2018 Body-Worn Camera grant program in an amount of \$430,500 over three years for the expansion of the Police body-worn camera program.
2. Passage of a Resolution 2018R-327 approving appropriation of funds to the Police Department.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)  
Absent: (0)  
Adopted.

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

**RESOLUTION 2018R-327**

**By Warsame**

**Amending The 2018 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 Special Revenue Fund 01300/4004510/321010 by \$430,500 and increasing the Police Department revenue estimate in the Police Special Revenue Fund by \$430,500.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-840**

The Minneapolis City Council hereby:

1. Accepting the United States Department of Justice Bureau of Justice Assistance 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) award for funding through Hennepin County to support Police and City Attorney initiatives in the amount of \$281,248.61 over four years.
2. Passage of Resolution 2018R-328 approving appropriation of funds to the Police Department.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

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

**RESOLUTION 2018R-328**

**By Warsame**

**Amending The 2018 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 Special Revenue Fund 01300/4002120/321010 by \$11,912, and increasing the Police Department revenue estimate in the Police Special Revenue Fund by \$11,912.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Ways & Means Committee, Warsame offered Resolution 2018R-329 accepting donations for conference expenses for the director of Community Planning and Economic Development.

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

**RESOLUTION 2018R-329**

**By Warsame**

**Accepting donations for conference expenses for the director of Community Planning and Economic Development.**

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes, Section 465.03, for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes, Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the city:

Name of Donor – Big City Planning Directors’ Institute

Gift - The program sponsors will cover all expenses associated with registration, travel, meals and lodging for David Frank’s participation in the Big City Planning Directors Institute in Cambridge, Massachusetts from October 14-16, 2018.

Whereas, no goods or services were provided in exchange for said donation; and

Whereas, all such donations have been contributed to assist the city in the purposes stated, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donation offered;

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

That the donations described above are hereby accepted and shall be used for public purposes.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

**COUNCIL ACTION 2018A-0841**

The Minneapolis City Council hereby authorizes an agreement between the City of Minneapolis (the City) and the Minnesota Sports Corp (Minneapolis Local Organizing Committee- MLOC) for payment by MLOC to the City for additional City services for the 2019 National Collegiate Athletic Association (NCAA) Division I Men's Basketball Final Four, any events affiliated with the NCAA occurring from Apr 5-8, 2019, and to allow the MLOC to pay for additional City costs for parking, change orders, and contingencies.

On roll call, the result was:

Ayes: Reich, Fletcher, Cunningham, Warsame, Goodman, Jenkins, Cano, Schroeder, Palmisano, President Bender (10)

Noes: Gordon, Ellison, Johnson (3)

Absent: (0)

Adopted.

On behalf of the Ways & Means Committee, Warsame offered Resolution 2018R-330 amending the 2018 General Appropriation Resolution approving various appropriations not-to-exceed \$1,500,000 for the development of a navigation center located at 2105, 2109, and 2113 Cedar Ave and 1820 22nd St E.

Gordon and Warsame moved to amend the first resolved clause of the 2018 General Appropriation Resolution, to read as follows:

That the 2018 Budget Resolution, as amended, be further amended by increasing the appropriation for Community Planning and Economic Development by up to ~~\$1,500,000~~ \$1,000,000 in the Consolidated TIF District Fund (01CON-8900110) for development of a navigation center at 2109 Cedar Ave S; ~~to the extent costs aren't eligible for this expense under state statutes,~~ transferring up to ~~\$1,000,000~~ \$500,000 from the Pension Debt Service Fund (05270) to the General Fund (00100-8900110); and, increasing the appropriation for Community Planning and Economic Development in the General Fund by an amount equal to the amount transferred from the Pension Debt Service Fund up to ~~\$1,000,000~~ \$500,000 (00100-8900110).

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Ellison, Warsame, Cano, Schroeder, Johnson, Palmisano, President Bender (10)

Noes: Cunningham, Goodman, Jenkins (3)

Absent: (0)

Adopted.

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

**RESOLUTION 2018R-330**

**By Warsame**

**Amending the 2018 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 Community Planning and Economic Development in an amount up to \$1,000,000 in the Consolidated

TIF District Fund (01CON-8900110) for development of a navigation center at 2109 Cedar Ave S; transferring up to \$500,000 from the Pension Debt Service Fund (05270) to the General Fund (00100-8900110); and, increasing the appropriation for Community Planning and Economic Development in the General Fund by an amount equal to the amount transferred from the Pension Debt Service Fund up to \$500,000 (00100-8900110).

The total expenditure for development of a navigation center under this authority shall not exceed \$1,500,000.

Be It Further Resolved that Finance and Property Services staff shall notify the Ways & Means Committee no later than December 31, 2018 on the following:

1. The amount of TIF Fund dollars spent under this authority;
2. The amount of Pension Fund dollars transferred to the General Fund under this authority;
3. The total expenditure and use of funds provided under this authority.

On roll call, the result was:

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

Noes: Johnson (1)

Absent: (0)

Adopted, as amended.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

#### **COUNCIL ACTION 2018A-0842**

The Minneapolis City Council hereby authorizes actions necessary to advance the development of a navigation center located at 2105, 2109, and 2113 Cedar Ave and 1820 22nd St E, as set forth in Legislative File No. 2018-01234.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

On behalf of the Ways & Means Committee, Warsame offered Resolution 2018R-331 declaring that the Navigation Center Project is a neighborhood revitalization purpose for which Consolidated Redevelopment Tax Increment Financing (TIF) District funds may be expended.

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

**RESOLUTION 2018R-331**

**By Warsame**

**Declaring that the Navigation Center Project is a neighborhood revitalization purpose for which Consolidated Redevelopment Tax Increment Financing (TIF) District funds may be expended.**

Whereas, the Minnesota Legislature adopted Laws of Minnesota 2008, Chapter 366, Article 5, Section 37 (the “Special Legislation”) and the City of Minneapolis (the “City”) approved the Special Legislation on July 11, 2008, by Resolution 2008R-276, in accordance with Minnesota Statutes, Section 645.021, Subd. 3; and

Whereas, pursuant to the Special Legislation, by Resolution 2009R-595 duly adopted December 18, 2009, and approved December 22, 2009, the City approved the Consolidated Redevelopment TIF Plan, creating the Consolidated Redevelopment TIF District. By Resolution 2011R-336 duly adopted July 1, 2011, and approved July 6, 2011, the City approved Modification No. 1 to the Consolidated Redevelopment TIF Plan. By Resolution 2014R-155 duly adopted April 25, 2014, and approved April 30, 2014, the City approved Modification No. 2 to the Consolidated Redevelopment TIF Plan. By Resolution 2017R-210 duly adopted May 12, 2017 and approved May 18, 2017, the City approved Modification No. 3 to the Consolidated Redevelopment TIF Plan; and

Whereas, per the Consolidated Redevelopment TIF Plan, as amended, tax increment revenue from the Consolidated Redevelopment TIF District may be expended for neighborhood revitalization purposes as may be defined by the City Council from time to time; and

Whereas, the City expects to incur certain expenditures to construct temporary shelters, bathing facilities and a navigation center on property located at 2105, 2109, and 2113 Cedar Ave S and 1820 22nd St E, Minneapolis, for homeless individuals currently living in a tent encampment along Hiawatha Avenue in Minneapolis (the “Project”); and

Whereas, the City expects to use proceeds of the Consolidated Redevelopment TIF District to pay some of the expenditures with respect to the Project;

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

That the Project constitutes “neighborhood revitalization purposes” within the meaning of the Special Law and is an eligible use of Consolidated Redevelopment TIF District funds.

On roll call, the result was:

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

Noes: Johnson (1)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

On behalf of the Ways & Means Committee, Warsame offered Resolution 2018R-332 declaring the official intent of the City of Minneapolis to reimburse certain expenditures from the proceeds of tax exempt bonds to be issued by the City of Minneapolis.

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

**RESOLUTION 2018R-332**

**By Warsame**

**Declaring the official intent of the City of Minneapolis to reimburse certain expenditures from the proceeds of tax-exempt bonds to be issued by the City.**

Whereas, the Internal Revenue Service has promulgated Treasury Regulations, Section 1.150-2, as the same may be amended or supplemented (the “Reimbursement Regulations”), that establish the requirements under which an allocation of a portion of the proceeds of tax-exempt bonds, as defined in Section 150 of the Internal Revenue Code of 1986, as amended (the “Code”), to an expenditure that is originally paid from a source other than such tax-exempt bonds will be treated as an expenditure of the proceeds of such tax-exempt bonds on the date of such allocation; and

Whereas, the Reimbursement Regulations require that (i) not later than sixty (60) days after payment of the original expenditure, the issuer of the tax-exempt bonds must adopt an official intent for the original expenditure (in any reasonable form, including issuer resolution or action by an appropriate representative of the issuer), (ii) the official intent generally describes the project for which the original expenditure is paid and states the maximum principal amount of obligations expected to be issued for the project, and (iii) on the date of the declaration of official intent, the issuer must have a reasonable expectation that it will reimburse the original expenditure with proceeds of the tax-exempt bonds; and

Whereas, the original expenditure must be a capital expenditure or a cost of issuance for the tax-exempt bonds, and the reimbursement allocation (except with respect to (i) costs of issuance; (ii) amounts not in excess of the lesser of \$100,000 or five percent of the proceeds of the tax-exempt bonds; and (iii) preliminary expenditures (as defined in Section 1.150-2(f)(2) of the Reimbursement Regulations) not in excess of twenty percent (20%) of the aggregate issue price of the tax-exempt bonds), must be made not later than eighteen (18) months after the later of (i) the date the original expenditure is paid, or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid; and

Whereas, the City of Minneapolis (the “City”) expects to incur certain expenditures with respect to the project generally described in EXHIBIT A to this resolution (the “Project”) and such expenditures may be financed temporarily from sources other than tax-exempt bonds or other obligations; and

Whereas, the City expects to reimburse the expenditures with respect to the Project from the proceeds of tax-exempt bonds or other obligations expected to be issued for the Project in the principal amount set forth in EXHIBIT A to this Resolution; and

Whereas, the City has determined to make this declaration of official intent (the “Declaration”) to reimburse certain costs from proceeds of tax-exempt bonds or other obligations in accordance with the Reimbursement Regulations;

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

That the City reasonably intends to make expenditures for the Project. A portion of such expenditures may be temporarily financed with cash assets of the City or from other sources. The City reasonably intends to reimburse itself for such expenditures from the proceeds of tax-exempt bonds or other obligations that are proposed to be issued by the City.

Be It Further Resolved that all reimbursed expenditures will be capital expenditures, costs of issuance of bonds or other obligations, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.

Be It Further Resolved that the Finance Officer of the City (the "City Official") is hereby authorized to designate appropriate additions to EXHIBIT A by a written statement supplementing this resolution in the form attached in EXHIBIT B to this resolution (an "Additional Declaration"), dated as of the date of such action, and any such Additional Designation shall be reported to the Council at the earliest practicable date and shall be filed with the official records of the City Council. Each Additional Declaration shall comply with the following requirements: (i) each Additional Declaration shall be made not later than sixty (60) days after payment of the expenditure to be reimbursed; (ii) each Additional Declaration shall contain a reasonably accurate general description of the project with respect to which the expenditures to be reimbursed were made and shall state the maximum principal amount of obligations expected to be issued for such project; (iii) such Additional Declaration may be made only if the City reasonably expects that reimbursement bonds will be issued to reimburse such expenditures; and (iv) the City Official is authorized to consult with bond counsel with respect to the requirements of the Reimbursement Regulations and their application to the specific circumstances relating to the Additional Declaration.

Be It Further Resolved that this Declaration has been made not later than sixty (60) days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of tax-exempt bonds or other obligations, except for the following expenditures: (a) costs of issuance of bonds or other obligations; (b) costs in an amount not in excess of \$100,000 or five percent (5%) of the proceeds of an issue of bonds or other obligations; or (c) "preliminary expenditures" up to an amount not in excess of twenty percent (20%) of the aggregate issue price of the issue or issues that finance or are reasonably expected by the City to finance the Project for which the preliminary expenditures were incurred. The term "preliminary expenditures" includes architectural, engineering, surveying, soil testing, reimbursement bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction, or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

Be It Further Resolved that this Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations and any successor law, regulation, or ruling.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Approved by Mayor Jacob Frey 10/22/2018.

(Published 10/23/2018)

**EXHIBIT A  
THE PROJECT(S)**

General Description of the Project	Maximum Principal Amount of Obligations Expected to be Issued to Finance Project
<p>1. The demolition of existing structures at 2105, 2109, and 2113 Cedar Ave South and at 1820 22nd St E, Minneapolis, 55404, and the construction and equipping at such addresses of a building that includes 109 new affordable housing units targeted to households with sixty percent (60%) or less of area median income with twenty percent (20%) of the units be targeted for households facing long-term homelessness (“Mino-bimaadiziwin Apartments”). Mino-bimaadiziwin Apartments will also house on the first floor of the building a community wellness clinic and the Red Lake Embassy. Mino-bimaadiziwin Apartments will be owned by RLBC Franklin Station, LLC, a limited liability company formed by the Red Lake Band of Chippewa Indians, or another related entity to the Red Lake Band of Chippewa Indians.</p>	<p>\$19,000,000</p>

**EXHIBIT B  
ADDITIONAL DECLARATION OF OFFICIAL INTENT**

The undersigned, being the duly appointed and acting Finance Officer (the “City Official”) of the City of Minneapolis (the “City”) hereby states and certifies on behalf of the City, for the purposes of compliance with Treasury Regulations, Section 1.150-2 (the “Reimbursement Regulations”), as follows:

1. The City Official has been and is on the date hereof duly authorized by the City Council of the City to make and execute this Additional Declaration of Official Intent (the “Additional Declaration”) for and on behalf of the City.
2. This Additional Declaration relates to the following project, property, or program (the “Project”) and the costs thereof to be financed:

[General Description of the Project]

3. The City reasonably expects to reimburse itself for the payment of costs of the Project out of the proceeds of the tax-exempt bonds or other obligations (the “Bonds”) to be issued after the date of payment of such costs. As of the date hereof, the City reasonably expects that the maximum principal amount of the Bonds which will be issued to finance the Project is \$\_\_\_\_\_.

4. Each expenditure to be reimbursed from the Bonds is or will be a capital expenditure or a cost of issuance, or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Reimbursement Regulations.

5. As of the date hereof, the statements and expectations contained in this Additional Declaration are believed to be reasonable and accurate.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Finance Officer  
City of Minneapolis

**The ZONING & PLANNING Committee submitted the following report:**

Fletcher moved to postpone to the November 16, 2018, meeting the appeal submitted by Paul Dzubnar of LTI 9500, LLC. regarding the following decisions of the Heritage Preservation Commission (PLAN7017) to allow alterations to a contributing structure in the Warehouse Historic District to allow for enclosed, underground parking at 424 Washington Ave N, accessed from 5th Ave N:

1. Certificate of appropriateness to allow for alterations to the existing structure.
2. Historic variance to reduce the minimum drive aisle width.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Schroeder offered Ordinance 2018-056 amending Title 20, Chapters 521, 535, and 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally, Regulations of General Applicability, and Overlay Districts, amending regulations for lots containing two or more zoning classifications.

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

**ORDINANCE 2018-056**  
**By Johnson**  
**Intro & 1st Reading: 2/9/2018 and 8/3/2018**  
**Ref to: ZP**  
**2nd Reading: 10/19/2018**

**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 Section 521.10 contained in Chapter 521, Zoning Districts and Maps Generally, be amended to read as follows:

**521.10. Establishment of zoning districts.** In order to carry out the purposes and provisions of this zoning ordinance, the city shall be divided into the following zoning districts:

*(1) Residence Districts.*

R1 Single-family District  
R1A Single-family District  
R2 Two-family District  
R2B Two-family District  
R3 Multiple-family District  
R4 Multiple-family District  
R5 Multiple-family District  
R6 Multiple-family District

*(2) Office Residence Districts.*

OR1 Neighborhood Office Residence District  
OR2 High Density Office Residence District  
OR3 Institutional Office Residence District

*(3) Commercial Districts.*

C1 Neighborhood Commercial District  
C2 Neighborhood Corridor Commercial District  
C3A Community Activity Center District  
C3S Community Shopping Center District  
C4 General Commercial District

*(4) Industrial Districts.*

I1 Light Industrial District  
I2 Medium Industrial District  
I3 General Industrial District

*(5) Downtown Districts.*

B4 Downtown Business District  
B4S Downtown Service District  
B4C Downtown Commercial District  
B4N Downtown Neighborhood District

*(6) Overlay Districts.*

PO Pedestrian Oriented Overlay District  
IL Industrial Living Overlay District  
TP Transitional Parking Overlay District  
SH Shoreland Overlay District  
FP Floodplain Overlay District  
MR Mississippi River Critical Area Overlay District  
DP Downtown Parking Overlay District  
B4H Downtown Housing Overlay District  
DH Downtown Height Overlay District  
NM Nicollet Mall Overlay District  
HA Harmon Area Overlay District

AP Airport Overlay District  
WB West Broadway Overlay District  
UA University Area Overlay District  
DS Downtown Shelter Overlay District  
SZ Split Zoning Overlay District

Section 2. That Section 535.210 contained in Chapter 535, Regulations of General Applicability, be amended to read as follows:

**535.210. Lots containing two or more zoning classifications.** (a) *In general.* The combining of land, lots, parcels, or tracts shall not result in more than one (1) primary zoning classification on a single zoning lot, except as allowed by the TP Transitional Parking Overlay District and the SZ Split Zoning Overlay District. Land, lots, parcels, or tracts combined after February 1, 2009 in violation of this ordinance shall be treated as separate zoning lots corresponding with the boundaries of the different zoning classifications. Where the TP Transitional Parking Overlay District is part of the zoning lot served, land in the residential or office residential district shall not be included as a part of the required yards or minimum lot area for any structures or uses not allowed in the residential or office residential district.

(b) *Split zoning.* Where a zoning lot contains two (2) or more primary zoning classifications on February 1, 2009, or where a zoning lot with two (2) or more primary zoning classifications has not been created by the property owner through combining land, lots, parcels, or tracts after February 1, 2009, the zoning lot shall be subject to the following:

(1) *Most restrictive provisions shall apply.* For existing and proposed uses and structures, the more restrictive provisions of the primary zoning districts, including but not limited to, use and building bulk regulations, lot area, parking and loading, and yard requirements, shall apply to the entire zoning lot.

a. *Exception.* Where one (1) zoning district occupies at least seventy-five (75) percent of the total lot area and the other zoning district(s) occupies less than five thousand (5,000) square feet of the total lot area, the district regulations of the district occupying the larger portion of the lot shall apply to the entire zoning lot.

(2) *Yard requirements.* Yards shall not be required along split zoning district boundary lines.

Section 3. That Section 551.20 contained in Chapter 551, Overlay Districts, be amended to read as follows:

**551.20. Establishment of overlay districts.** The overlay district names are:

PO Pedestrian Oriented Overlay District  
IL Industrial Living Overlay District  
TP Transitional Parking Overlay District  
SH Shoreland Overlay District  
FP Floodplain Overlay District  
MR Mississippi River Critical Area Overlay District  
DP Downtown Parking Overlay District  
B4H Downtown Housing Overlay District  
DH Downtown Height Overlay District  
NM Nicollet Mall Overlay District

HA Harmon Area Overlay District  
NP North Phillips Overlay District  
AP Airport Overlay District  
WB West Broadway Overlay District  
UA University Area Overlay District  
DS Downtown Shelter Overlay District  
SZ Split Zoning Overlay District

Section 4. That Chapter 551, Overlay Districts, be amended by adding thereto a new Article XIX, including new Sections 551.1400 through 551.1490 to read as follows:

**ARTICLE XIX. SZ SPLIT ZONING OVERLAY DISTRICT**

**551.1400. Purpose.** The SZ Split Zoning Overlay District is established to allow more than one (1) zoning classification on a zoning lot to promote mixed use development without requiring the expansion of commercial zoning.

**551.1410. Established boundaries.** The boundaries of the SZ Overlay District shall be the areas shown on the official zoning map.

**551.1420. Eligible areas outside of established boundaries.** Any person having a legal or equitable interest in property located in the commercial districts and adjacent R4, R5, and R6 Residence Districts or office residence districts outside of the established boundaries may file a petition to request the addition of the SZ Overlay District classification in the manner provided for zoning amendments in Chapter 525, Administration and Enforcement.

**551.1430. Maximum number of primary zoning districts.** A zoning lot with the SZ Overlay District shall not include more than two (2) primary zoning districts.

**551.1440. Allowed uses.** All uses, including accessory parking, shall be located only on that portion of the lot where the use is allowed by the primary zoning district.

**551.1450. Lot dimension requirements.** The more restrictive of the lot area and lot width requirements of the primary zoning districts shall apply to the entire development.

**551.1460. Building bulk requirements.** (a) *In general.* The more restrictive of the height and floor area ratio requirements of the primary zoning districts shall apply to the entire development.

(b) *Density bonuses.* In addition to the bonuses authorized for enclosed parking and affordable housing in the residence, office residence and commercial districts, the entire development may also qualify for the mixed commercial-residential buildings density bonus as authorized by Chapter 535, Regulations of General Applicability.

**551.1470. Maximum lot coverage.** Maximum lot coverage requirements of each primary zoning district shall apply to that portion of development in which the development is located.

**551.1480. Impervious surface coverage.** Impervious surface coverage requirements of each primary zoning district shall apply to that portion of development in which the development is located.

**551.1490. Yard requirements.** (a) In general. Yard requirements of each primary zoning district shall apply to that portion of development in which the development is located.

(b) Exception. Yards shall not be required along split zoning district boundary lines.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Schroeder offered Ordinance 2018-057 amending Title 20, Chapters 520, 541, 547, 548, 549, and 550 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions, Off-Street Parking and Loading, Office Residence Districts, Commercial Districts, Downtown Districts, and Industrial Districts, amending the definition of limited entertainment and regulations related to general and limited entertainment.

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

**ORDINANCE 2018-057**  
**By Johnson**  
**Intro & 1st Reading: 2/9/2018 and 8/17/2018**  
**Ref to: ZP**  
**2nd Reading: 10/19/2018**

**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 definitions for entertainment, general; entertainment, limited; and nightclub 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.

~~*Entertainment, general.* Entertainment that does not meet one (1) or more of the definition requirements of limited entertainment.~~

~~*Entertainment, limited.* Entertainment limited to literary readings, story telling, live solo comedians, electronically reproduced music, karaoke, jukebox, amplified or nonamplified music by five (5) or fewer musicians and group singing participated in by patrons of the establishment, with no patron dancing.~~

*Nightclub.* A use engaged in the sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses, or a use other than a sit down restaurant which provides general entertainment.

Section 2. That the Commercial Uses, Food and Beverages section of Table 541-1 contained in Section 541.170 of Chapter 541, Off-Street Parking and Loading, be amended to read as follows:

**Table 541-1 Specific Off-Street Parking Requirements**

Use	Minimum Parking	Maximum Parking Allowed	Notes (see 541.170)
<b>COMMERCIAL USES</b>			
<b>Food and Beverages</b>			
Catering	1 space per 500 sq. ft. of GFA in excess of 4,000 sq. ft.	1 space per 200 sq. ft. of GFA	
Coffee shop	1 space per 500 sq. ft. of GFA up to 2,000 sq. ft. + 1 space per 300 sq. ft. of GFA in excess of 2,000 sq. ft.	1 space per 75 sq. ft. of GFA	2
Liquor store, off-sale	1 space per 500 sq. ft. of GFA	1 space per 200 sq. ft. of GFA	1
Nightclub	Parking equal to 30% of the capacity of persons	Parking equal to 40% of the capacity of persons	2
Restaurant, delicatessen	1 space per 500 sq. ft. of GFA up to 2,000 sq. ft. + 1 space per 300 sq. ft. of GFA in excess of 2,000 sq. ft.	1 space per 75 sq. ft. of GFA	2
Restaurant, fast food	1 space per 500 sq. ft. of GFA up to 2,000 sq. ft. + 1 space per 300 sq. ft. of GFA in excess of 2,000 sq. ft.	1 space per 75 sq. ft. of GFA	1
Restaurant, sit down	1 space per 500 sq. ft. of GFA up to 2,000 sq. ft. + 1 space per 300 sq. ft. of GFA in excess of 2,000 sq. ft.	1 space per 75 sq. ft. of GFA	2
Restaurant, with general entertainment	Parking equal to 30% of the capacity of persons	Parking equal to 40% of the capacity of persons	2

Section 3. That Section 547.30 contained in Chapter 547, Office Residence Districts, be amended to read as follows:

**547.30. - Principal uses for the office residence districts.**

(f) *Neighborhood serving retail sales and services.* Neighborhood serving retail sales and services include activities that serve the surrounding neighborhood by offering basic goods and services often needed on a day to day basis. The limited nature and scale of the uses minimizes their impact on surrounding properties. Neighborhood serving retail sales and services shall be subject to the following standards:

(1) Neighborhood serving retail sales and services shall be limited to the following uses:

- a. Bakery.
- b. Barber shop/beauty salon.
- c. Bicycle sales and repair.

- d. Bookstore, new or used.
- e. Clothing and accessories.
- f. Coffee shop, ~~with limited entertainment~~.
- g. Drug store.
- h. Dry cleaning pickup station.
- i. Florist.
- j. Grocery store.
- k. Hardware store.
- l. Jewelry store.
- m. Massage and bodywork establishment.
- n. Performing, visual or martial arts school.
- o. Restaurant, sit down or delicatessen, ~~with limited entertainment~~, provided no alcoholic beverages.
- p. Self-service laundry.
- q. Shoe repair/tailor.

Section 4. That the Commercial Uses, Food and Beverages section of Table 548-1 contained in Section 548.30 of Chapter 548, Commercial Districts, be amended to read as follows:

**Table 548-1 Principal Uses in the Commercial Districts**

Use	C1	C2	C3A	C3S	C4	Specific Development Standards
<b>COMMERCIAL USES</b>						
<b>Food and Beverages</b>						
Catering	P	P	P	P	P	
Coffee shop, <del>with limited entertainment</del>	P	P	P	P	P	✓
Liquor store, off-sale		C	C	C	C	✓
Nightclub			C			✓
Restaurant, delicatessen	P	P	P	P	P	✓
Restaurant, fast food	C	C	C	C	C	✓
Restaurant, sit down, including the serving of alcoholic beverages, <del>with limited entertainment</del>	P	P	P	P	P	✓
Restaurant, sit down, including the serving of alcoholic beverages, <del>with general entertainment</del>		P	P	P	P	✓

Section 5. That the Institutional and Public Uses, Social, Cultural, Charitable and Recreational Facilities section of Table 548-1 contained in Section 548.30 of Chapter 548, Commercial Districts, be amended to read as follows:

**Table 548-1 Principal Uses in the Commercial Districts**

Use	C1	C2	C3A	C3S	C4	Specific Development Standards
<b>INSTITUTIONAL AND PUBLIC USES</b>						
<b>Social, Cultural, Charitable and Recreational Facilities</b>						
Athletic field	C	C	C	C	C	✓
Club or lodge, <del>with limited entertainment</del>	C	P	P	P	P	
<del>Club or lodge, with general entertainment</del>		<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
Community center	C	P	P	P	P	✓
Community garden	P	P	P	P	P	✓
Community service facility	P	P	P	P	P	✓
Developmental achievement center	P	P	P	P	P	
Educational arts center	P	P	P	P	P	
Library	C	P	P	P	P	
Mission					C	✓
Museum	C	P	P	P	P	
Park, public	P	P	P	P	P	

Section 6. That the Commercial Uses, Food and Beverages section of Table 549-1 contained in Section 549.30 of Chapter 549, Downtown Districts, be amended to read as follows:

**Table 549-1 Principal Uses in the Downtown Districts**

Use	B4	B4S	B4C	B4N	Specific Development Standards
<b>COMMERCIAL USES</b>					
<b>Food and Beverages</b>					
Catering	P	P	P	P	
Coffee shop, <del>with limited entertainment</del>	P	P	P	P	✓
Liquor store, off-sale	P	P	P	P	✓
Nightclub	P	P	P		✓
Restaurant, delicatessen	P	P	P	P	✓
Restaurant, fast food	P	P	P	P	
Restaurant, sit down, including the serving of alcoholic beverages, <del>with general entertainment</del>	P	P	P	P	✓

Section 7. That the Institutional and Public Uses, Social, Cultural, Charitable and Recreational Facilities section of Table 549-1 contained in Section 549.30 of Chapter 549, Downtown Districts, be amended to read as follows:

**Table 549-1 Principal Uses in the Downtown Districts**

Use	B4	B4S	B4C	B4N	Specific Development Standards
<b>INSTITUTIONAL AND PUBLIC USES</b>					
<b>Social, Cultural, Charitable and Recreational Facilities</b>					
Club or lodge, <del>with general entertainment</del>	P	P	P	P	
Community center	P	P	P	P	
Community garden		P	P	P	
Community service facility	P	P	P	P	✓
Convention center, public		P	P	P	
Developmental achievement center		P	P	P	
Educational arts center	P	P	P	P	
Library	P	P	P	P	
Mission			C		✓
Museum	P	P	P	P	
Park, public	P	P	P	P	

Section 8. That the Commercial Uses, Food and Beverages section of Table 550-1 contained in Section 550.30 of Chapter 550, Industrial Districts, be amended to read as follows:

**Table 550-1 Principal Uses in the Industrial Districts**

Use	I1	I2	I3	Specific Development Standards
<b>Commercial Uses</b>				
<b>Food and Beverages</b>				
Catering	P	P		
Coffee shop, <del>with limited entertainment</del>	P	P		✓
Nightclub	C	C		✓
Restaurant, delicatessen	P	P		✓
Restaurant, fast food	C	C		✓
Restaurant, sit down, including the serving of alcoholic beverages <del>with general entertainment</del>	P	P		✓

Section 9. That the Institutional and Public Uses, Social, Cultural, Charitable, and Recreational Facilities section of Table 550-1 contained in Section 550.30 of Chapter 550, Industrial Districts, be amended to read as follows:

**Table 550-1 Principal Uses in the Industrial Districts**

Use	I1	I2	I3	Specific Development Standards
<b>INSTITUTIONAL AND PUBLIC USES</b>				
<b>Social, Cultural, Charitable, and Recreational Facilities</b>				
Athletic field	P	P	P	✓
Club or lodge, <del>with general entertainment</del>	P	P		
Community center	P	P		✓
Community garden	P	P		✓
Community service facility	P	P	P	✓
Development achievement center	P	P		
Educational arts center	P	P		
Mission	C	C	C	✓
Park	P	P	P	
Theater, indoor, live performances only	P	P		✓

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

Schroeder offered Ordinance 2018-058 amending Title 20, Chapters 520, 535, 546, 547, 548, and 550 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions, Regulations of General Applicability, Residence Districts, Office Residence Districts, Commercial Districts, and Industrial Districts, amending regulations related to rooftop mechanical equipment, penthouses, and building height.

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

**ORDINANCE 2018-058**  
**By Schroeder**  
**Intro & 1st Reading: 8/3/2018**  
**Ref to: ZP**  
**2nd Reading: 10/19/2018**

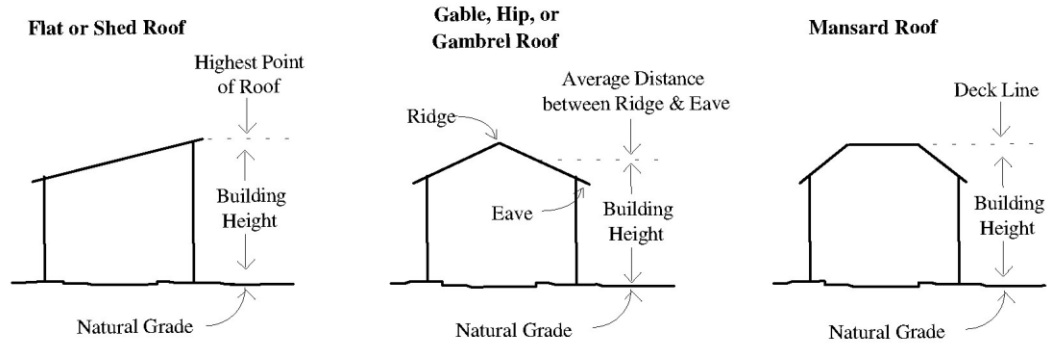
**Amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code.**

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

Section 1. That the definitions for “Height, structure or building” and “Story” 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.

*Height, structure or building.* The vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the structure including parapets, or to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eave edge and the ridge level for gable, hip and gambrel roofs. Dormers exceeding fifty (50) percent of the building width below a gable, hip and gambrel roof shall be included in the measured vertical distance. ~~Except in the SH Shoreland Overlay District, roof-top mechanical equipment and enclosures less than fourteen (14) feet tall on a flat roof shall not be included in the height provided the equipment and enclosures are set back from the exterior walls one (1) foot for every one (1) foot they extend above the roof surface.~~ On a corner lot, height shall be measured on that side of a building facing the front lot line. On a through lot, height shall be measured on that side of a building facing the front lot line where the natural grade is lowest.



Height, structure or building

*Story.* That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or fourteen (14) feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. Where a portion of a building included between the upper surface of any floor and the upper surface of the floor next above exceeds fourteen (14) feet in height, each fourteen (14) feet or fraction

thereof is considered a story except that the first story may be up to twenty (20) feet in height for all buildings other than single- and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units. If the finished floor surface directly above a basement, cellar or unused under floor space is more than six (6) feet above grade, for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar or unused under floor space shall be considered a story. Rooftop features used exclusively for mechanical equipment, elevators, and stairways shall not be considered a story.

Section 2. That Chapter 535, Regulations of General Applicability, be amended by adding thereto a new Section 535.65 to read as follows:

**535.65. General height exemptions for principal structures.** Except in the SH Shoreland Overlay District, the following may be exempt from the maximum height requirements of principal structures as set forth within each zoning district:

(1) Communication antennas, wind energy conversion systems, and solar energy systems otherwise allowed by administrative review in Chapter 535, Regulations of General Applicability.

(2) Parapets not exceeding three (3) feet, except where located on single or two-family dwellings or cluster developments.

(3) Railings up to four (4) feet in height as measured from the roof, and not more than sixty (60) percent opaque.

(4) Rooftop features used exclusively for mechanical equipment, elevators, or stairways, provided all of the following conditions are met:

a. Such building features are not located on single or two-family dwellings.

b. The combined coverage of such building features shall not occupy more than thirty (30) percent of the roof area of the floor below.

c. Such building features may extend up to fifteen (15) feet above the roof of the floor below.

d. Where located within fifteen (15) feet of the wall of the floor below, such building features shall not exceed twenty (20) feet in width as measured parallel to the adjacent wall.

(5) Rooftop features used exclusively for mechanical equipment, elevators, or stairways on single or two-family dwellings, provided all of the following conditions are met:

a. Such building features may extend up to ten (10) feet above the roof of the floor below.

b. The combined coverage of such building features shall not occupy more than one hundred fifty (150) square feet of the roof area.

Section 3. That Section 535.70 contained in Chapter 535, Regulations of General Applicability, be amended to read as follows:

**535.70. Screening of mechanical equipment.** (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact on all sides of the equipment from adjacent streets, public paths, and adjacent properties as observed from ground level using one (1) of the following methods. All screening shall be at least sixty (60) percent opaque and shall be at least as tall as the equipment it is intended to screen. All screening shall be kept in good repair and in a proper state of maintenance. Exterior mechanical equipment, including ductwork but not exhaust vents, shall not be located on street-facing building facades.

(1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:

a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.

b. The required screening shall be constructed with materials that are architecturally compatible with the structure.

c. Off-premise advertising signs and billboards shall not be considered required screening.

(2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.

(3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.

(4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

(b) *Exceptions.* The following mechanical equipment shall be exempt from the screening requirements of this section:

(1) Minor equipment not exceeding one (1) foot in height.

(2) Mechanical equipment accessory to a single or two-family dwelling.

(3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.

Section 4. That Section 546.100 contained in Chapter 546, Residence Districts, be amended to read as follows:

**546.100. Height.** ~~Except for communication antennas otherwise allowed by administrative review in Chapter 535, Regulations of General Applicability, the~~ The maximum height requirements of principal structures located in the residence districts shall be as set forth within each residence district. ~~Parapets not exceeding three (3) feet in height shall be exempt from such limitations, except where located on single or two-family dwellings or cluster developments.~~

Section 5. That Section 547.100 contained in Chapter 547, Office Residence Districts, be amended to read as follows:

**547.100. Height.** ~~Except for communication antennas otherwise allowed by administrative review in Chapter 535, Regulations of General Applicability, the~~ The maximum height requirements of principal structures located in the office residence districts shall be as set forth within each office residence district. ~~Parapets not exceeding three (3) feet in height shall be exempt from such limitations, except where located on single or two-family dwellings or cluster developments.~~

Section 6. That Section 548.100 contained in Chapter 548, Commercial Districts, be amended to read as follows:

**548.100. Height.** ~~Except for communication antennas subject to Chapter 535, Regulations of General Applicability, the~~ The maximum height requirements of principal structures located in the commercial districts shall be as specified within each commercial district. ~~Parapets not exceeding three (3) feet in height shall be exempt from such limitations, except where located on single or two-family dwellings or cluster developments.~~

Section 7. That Section 550.130 contained in Chapter 550, Industrial Districts, be amended to read as follows:

**550.130. Height.** ~~Except for communication antennas otherwise allowed by administrative review in Chapter 535, Regulations of General Applicability, the~~ The maximum height of all principal structures located in the industrial districts shall be four (4) stories or fifty-six (56) feet, whichever is less. ~~Parapets not exceeding three (3) feet in height shall be exempt from such limitations, except where located on single or two-family dwellings or cluster developments.~~

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Warsame, Goodman, Jenkins, Cano, Schroeder, Johnson, Palmisano, President Bender (13)

Noes: (0)

Absent: (0)

Adopted.

#### **NOTICE OF ORDINANCE INTRODUCTIONS**

Warsame gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 2 of the Minneapolis Code of Ordinances relating to Administration, increasing the amount of pre-approved form contracts for professional, technical and service contracts, bidded contracts, and Target Market contracts from \$100,000 to \$175,000, consistent with competitive bidding thresholds in state law:

1. Chapter 17 Finance Department.
2. Chapter 18 Purchasing.
3. Chapter 18A Target Market Program.

Warsame 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, increasing the threshold amount from \$100,000 to \$175,000, consistent with competitive bidding thresholds in state law.

Goodman gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, amending regulations related to administrative issuance of licenses.

Goodman gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations, amending regulations related to administrative issuance and transferring of licenses:

1. Chapter 259 In General.
2. Chapter 265 Special Permits for Specific Businesses and Uses.
3. Chapter 267 Amusements.
4. Chapter 269 Asphalt Shingle and Roofing Material Manufacture.
5. Chapter 271 Auctions and Auctioneers.
6. Chapter 272 Resin Manufacturing.
7. Chapter 277 Building Trades Licenses.
8. Chapter 281 Tobacco Dealers.
9. Chapter 283 Courtesy Benches.
10. Chapter 287 Filling Stations.
11. Chapter 293 Going Out of Business Sales.
12. Chapter 295 Mobile Food Stores.
13. Chapter 311 Motor Scooter Leasing.
14. Chapter 313 Motor Vehicle Dealers.
15. Chapter 319 Open Air Motor Vehicle Parking Lots.
16. Chapter 322 Precious Metal Dealers.
17. Chapter 325 Pest Control.
18. Chapter 341 Taxicabs.
19. Chapter 350 Recycling Activities and Salvage Yards.

Goodman gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 14 of the Minneapolis Code of Ordinances relating to Liquor and Beer, amending regulations related to administrative issuance and transferring of licenses:

1. Chapter 360 In General.
2. Chapter 363 Wine Licenses.

#### **INTRODUCTION & REFERRAL CALENDAR**

Pursuant to notice, on motion by Schroeder and Bender, the subject matter of the following ordinance was introduced, given its first reading, and referred to the Zoning & Planning Committee:  
Amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, limiting lot combinations in lower-density zoning districts:

1. Chapter 520 Introductory Provisions.
2. Chapter 525 Administration and Enforcement.
3. Chapter 531 Nonconforming Uses and Structures.
4. Chapter 535 Regulations of General Applicability.
5. Chapter 546 Residence Districts.
6. Chapter 547 Office Residence Districts.

Pursuant to notice, on motion by Ellison, the subject matter of the following ordinance was introduced, given its first reading, and referred to the Public Health, Environment, Civil Rights & Engagement Committee:

Amending Title 12, Chapter 240 of the Minneapolis Code of Ordinances relating to Housing: Lead Poisoning Prevention and Control, amending provisions related to lead paint disclosure notifications.

Pursuant to notice, on motion by Goodman, the subject matter of the following ordinance was introduced, given its first reading, and referred to the Economic Development & Regulatory Services Committee:

Amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to General Provisions: Administrative Enforcement and Hearing Process, amending requirements for administrative citations.

#### MOTIONS

State of Minnesota }  
County of Hennepin }  
ss. }

I, Casey Joe Carl, City Clerk of the City of Minneapolis, in the County of Hennepin, and State of Minnesota, hereby certify the following Council Action 2018A-0843 was duly presented to Mayor Jacob Frey on October 19, 2018, and was returned without his signature.

Therefore, in accordance with the provisions of Article 4, Section 4.4 (c) of the City Charter, said action has become and is valid, and I hereby certify that it has the same force and effect as if approved by said Mayor.

#### COUNCIL ACTION 2018A-0843

Cunningham moved to discharge the Public Health, Environment, Civil Rights & Engagement Committee from further consideration of the staff directive to complete an external evaluation of the research study on Minneapolis Police Department officer involvement in the use of sedatives during arrests; and to rescind from Council Action 2018A-0490 the language "Following the submission of this study, an external evaluation of the study and process will be completed to examine the City's research process and increase transparency."

On roll call, the result was:

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

Noes: Palmisano (1)

Absent: (0)

Adopted.

**ADJOURNMENT**

On motion by Jenkins, the meeting was adjourned.

Casey Joe Carl,  
City Clerk