

2014-Or-____
AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By Reich

Amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks adding a new Chapter 434 entitled “West Broadway Improvement Special Service District”.

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 434 to read as follows:

CHAPTER 434. WEST BROADWAY IMPROVEMENT SPECIAL SERVICE DISTRICT.

434.10 Establishment. Pursuant to the authority granted by Minnesota Statutes, Chapter 428A, sections 428A.01 through 428A.10, there is hereby established a West Broadway Improvement Special Service District (otherwise referred to herein as the "district").

(1) *District boundaries.* The district shall consist of the following area:

Commencing at intersection of the centerlines of West River Road North and 22nd Avenue North; thence Southerly along the centerline of West River Road North to the easterly extension of the south line of Lot 1, Block 1, NORTH WASHINGTON INDUSTRIAL CENTER 2ND ADDITION; thence westerly along said south line and its westerly extension to the centerline of 1st Street North; thence southerly along said centerline to the easterly extension of the south line of Lot 3, Block 34, BASSETT, MOORE AND CASE'S ADDITION TO THE TOWN OF MINNEAPOLIS; thence westerly along said south line to a point 5 feet west of the southwest corner of said Lot 3; thence southwesterly along LINE “A” to a point on the west line of Lot 8 distant 34.70 feet north of the southwest corner thereof; thence south along the west line of Lot 8 to the southwest corner thereof; then westerly on the west extension of Lot 8 to the centerline of 2nd Street North; thence south along said centerline to the centerline of 17th Avenue North; thence west along said centerline to the centerline of Washington Avenue North; thence north along said centerline to the centerline of 18th Avenue North; thence west along said centerline including vacated segments and parts taken for highway purposes to the centerline of Girard Avenue North; thence north along said centerline to the centerline of Golden Valley Road; thence west along said centerline to the centerline of Newton Avenue North; thence north along said centerline to the centerline of 21st Avenue North; thence northwesterly along said centerline to the centerline of Oliver Avenue North; thence north along said centerline to the centerline of 23rd Avenue North; thence northwest along said centerline to the centerline of Penn Avenue North; thence

north along said centerline to the easterly extension of the south line of Lot 1, Block 1, WYANT & KIICHLI'S ADDITION TO MINNEAPOLIS to the west corner of said Lot 1; thence northerly across Mcnair Avenue to the centerline of the vacated alley in HERMANN'S FIRST ADDITION TO MINNEAPOLIS; thence northwesterly a distance of approximately 132 feet to the intersection with the centerline of the southwesterly leg of said vacated alley; thence northeasterly along said centerline to the southwest line of Lot 7, HERMANN'S FIRST ADDITION TO MINNEAPOLIS; thence northwesterly along said lot line to the northwest corner of said Lot 7; thence northwesterly across 24th Avenue North to the centerline of the dedicated alley in AUDITOR'S SUBDIVISION NO. 150; thence northwest along said centerline to the east line of the SUBDIVISION OF LOTS IN FERRANTS 1ST ADDITION TO MINNEAPOLIS; thence north along said east line to the northeast corner of Lot 1, said Subdivision; thence east along the north line of said Lot 1 and its extension to the centerline of Sheridan Avenue North; then north along said centerline to the westerly extension of the south line of Block 5, NICHOLS-FRISSELL CO.'S PENN-LAWN ADDITION TO MINNEAPOLIS; thence east along said south line, continuing across Russell Avenue North, along the south line of Block 6, said addition and its extension to the centerline of Queen Avenue North; thence south along said centerline to the westerly extension of the centerline of the vacated alley in Block 1, WENZ ADDITION TO MINNEAPOLIS; thence easterly and southeasterly along said centerline, across Penn Avenue North, thence southwesterly along the centerline of the alley and its southeasterly extension in Block 20, FOREST HEIGHTS, to the centerline of Logan Avenue North; thence southerly along said centerline to the northwesterly extension of the alley in Block 19, FOREST HEIGHTS; thence easterly to the intersection with the centerline with the north/south alley in said Block 19; thence southerly and southeasterly along said alley centerline to its intersection with the southwest right of way line of James Avenue North; thence northeasterly across James Avenue North to a point where the southwest line of Lot 45, Block 17, FOREST HEIGHTS, intersects with a line described as 1 foot north of the southeast line of Lot 45, Block 17, FOREST HEIGHTS; thence northeast long said line and its extension to the centerline of the alley in said Block 17; thence easterly along said centerline and its extension to the centerline of Irving Avenue North; thence north along said centerline to the centerline of 21st Avenue North; thence east along said centerline to the centerline of Girard Avenue North; thence north along said centerline to the centerline of 22nd Avenue North; thence east along said centerline to the centerline of Fremont Avenue North; thence south along said centerline to the centerline of 21st Avenue North; thence east along said centerline to the centerline of 2nd Street North; thence north along said centerline to the centerline of 22nd Avenue North; thence east along said centerline to the point of commencement and there terminating.

DESCRIPTION OF LINE "A"

A line across Lots 7 and 8, Block 34, BASSETT, MOORE AND CASE'S ADDITION TO THE TOWN OF MINNEAPOLIS, described as commencing at the southwest corner of said Lot 8, thence north along the west line thereof a distance 34.70 feet to the point of beginning of Line "A"; thence deflecting right 66 degrees, 19 minutes, 00 seconds, a distance of 139.70 feet; thence northeasterly to a point on the south line of said Lot 8, Block 34, 5 feet west of the northeast corner of said Lot 7.

- (2) *Public hearing.* Before the district may be established, a public hearing shall be held pursuant to Minnesota Statutes, section 428A.02, Subd. 1, as may be amended.

- (3) *Benefit; objection.* Before the ordinance is adopted or at the hearing at which it is to be adopted, any affected landowner may file written objection pursuant to Minnesota Statutes, section 428A.02, Subd. 4, as may be amended.
- (4) *Appeal to district court.* Any person aggrieved under this section, who is not precluded by failure to object before or at the hearing, or whose failure to object is due to a reasonable cause, may appeal to the district court by serving a notice upon the mayor or city clerk pursuant to Minnesota Statutes, section 428A.02, Subd. 5, as may be amended.

434.20 Special services. Pursuant to Minnesota Statutes, section 428A.01, Subd. 3, as may be amended, special services to be furnished within the district may include:

- (1) Clean and safe programs, including, but not limited to, sweeping, litter pick up, trash removal, sidewalk cleaning, graffiti abatement, snipe and poster bill removal, snow services, security services, closed circuit television (CCTV) systems and monitoring, etc;
- (2) Marketing/promotion/special events, including, but not limited to, event programming, websites, newsletters, etc, district area business recruitment and retention programs, coordination of street markets and street vendors within the district, etc;
- (3) Physical enhancements, including, but not limited to, hanging baskets, landscape planters, trash receptacles, etc;
- (4) Maintenance of enhanced streetscape components above city standard, including, but not limited to, fixtures, sidewalks, electrical and irrigation systems, landscaping, fountains, etc; and
- (5) Management and oversight services and administrative services, including usual and customary start-up and on-going administrative costs.
- (6) Special services described in the annual operating plan adopted by the city council, in accordance with Section 434.30.

434.30 Annual operating plan. Each year, prior to imposition of any service charge, the city council shall adopt by resolution an operating plan that describes with particularity the special services proposed to be performed during the following calendar year. Any physical enhancements to be installed by the district shall be maintained by the district, and to the extent they are not maintained, the city shall have the right to remove them. The district shall not be obligated to maintain any physical enhancements installed by parties other than the district unless and until said maintenance is included in the adopted operating plan. Each annual operating plan, and any amendments that may be made from time to time by subsequent resolution, is hereby incorporated into this ordinance. Special services may not include a service that is ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the district.

434.40 Provision of services. Special services to be furnished within the district may be provided using one or more of the following:

- (1) The city may perform the services.

- (2) The city may contract for services.
- (3) The city may enter into a service agreement with a district management entity or a service provider. Notwithstanding any other ordinance provision, the service agreement provided for in this subsection is hereby exempt from the requirements of the following provisions of the Minneapolis Code of Ordinances: section 18.200 (equal benefits provisions in contracts); section 24.220 (prevailing wage); section 139.50 (non-discrimination and affirmative action provisions in contracts); and Chapter 423 (small and underutilized business enterprise program). Provided, however, that the service agreement shall contain provisions requiring the district management entity or service provider to do the following:
- a. The district management entity or service provider shall, when seeking competitive bids for special services in the district, issue bid solicitations to vendors including those on a list of small and underutilized businesses provided annually by the city.
 - b. The district management entity or service provider shall maintain a Modified Affirmative Action Plan that meets the requirements of Title VII of the Civil Rights Act of 1964 or Minneapolis Code of Ordinance section 139.50.
 - c. The district management entity or service provider shall extend any benefits offered to its employees based on marital status to employees with domestic partners registered as such pursuant to Minneapolis Code of Ordinances section 18.200.
 - d. The district management entity or service provider shall agree that any construction work that requires funding from more than one year's assessment cycle shall be subject to the prevailing wage provisions of section 24.220. Further, the district management entity shall or service provider not sell bonds to obtain a larger funding source.
 - e. The district management entity or service provider shall submit to the city finance officer as soon as practical after each calendar year end but prior to adoption of the next year's budget, an annual report of services activity and an independent audit of financial activity for each calendar year in which services are performed in the district.

434.50 Service charges. The city may impose service charges within the district at a rate or amount sufficient to produce the revenues required to provide special services in the district pursuant to Minnesota Statutes, sections 428A.03, as may be amended. Service charges may be collected in advance of, contemporaneously with, or subsequent to the rendering of services to which the service charges relate.

- (1) *Public hearing.* Before the imposition of service charges in the district, for each calendar year, a hearing must be held pursuant to Minnesota Statutes, section 428A.03, Subd. 1, as may be amended.
- (2) *Relationship to services.* The City may impose service charges against properties located within the district pursuant to Minnesota Statutes, section 428A.02, Subd. 3, as may be amended.

- (3) *Exemptions of certain properties from service charges.* Certain properties shall be exempt from service charges pursuant to Minnesota Statutes, section 428A.03, Subd. 2, as may be amended.
- (4) *Limitation.* Taxes and service charges may be levied pursuant to this chapter to finance special services ordinarily provided by the city only if the services are provided in the district at an increased level and, then, only in an amount sufficient to pay for the increase.
- (5) *Adjustments for errors and omissions.* The city council may, by resolution, decrease assessments to correct omissions, mistakes or erroneous estimates relating to the total cost of the services or any other particular.
- (6) *Collection.* Service charges authorized under this chapter shall be levied annually in an aggregate sum equal to the estimated cost of providing the services for the next ensuing calendar year.

434.60 Revenue surpluses; deficits; annual operating plan amendments. Any annual revenue surplus or deficit shall be addressed in accordance with one of the following procedures:

- (1) If the total taxes and service charges levied and collected under this chapter, with respect to any calendar year, exceed the cost of services actually rendered in the district in such calendar year, then the next ensuing year's levy of taxes and service charges may be decreased by a corresponding amount; or
- (2) If the total taxes and service charges levied and collected under this chapter, with respect to any calendar year, exceed the cost of services actually rendered in the district in such calendar year, then the subsequent years' annual operating plan may be amended by city council action, no later than May 1st of such subsequent year, to incorporate the prior year's excess revenue; or
- (3) If the cost of services actually rendered in the district in any calendar year exceed the total taxes and service charges levied and collected under this chapter with respect to such calendar year, then an amount necessary to recoup the excess costs may be levied as taxes, service charges, or both within the next two (2) ensuing years; or
- (4) If the cost of services actually rendered in the district in any calendar year exceed the total taxes and service charges levied and collected under this chapter with respect to such calendar year, then the subsequent years' annual operating plan may be amended by city council action, no later than May 1st of the subsequent year, to recoup the excess costs.

434.70 Petitions and notices. Petitions and notices required for hearings, petitions, or notices under this chapter, and for a resolution imposing any service charges, fees, or rates, shall be in compliance with any applicable petition and notice requirements imposed pursuant to Minnesota Statutes, sections 428A.01 through 428A.10, as may be amended.

434.80 Veto power of owners. The veto power of owners under this chapter and for a resolution imposing any service charges, fees, or rates, shall be in compliance with Minnesota Statutes, section 428A.09, and section 428A.10, as may be amended.

434.90 Advisory board. The city may create and appoint an advisory board for the district to advise the city in connection with the construction, maintenance, and operation of improvements, and the furnishing of special services in a district. The advisory board shall make recommendations to the governing body on the requests and complaints of owners, occupants, and users of property within the district and members of the public. Before the adoption of any proposal by the governing body to provide services or impose service charges within the district, the advisory board of the district shall have an opportunity to review and comment upon the proposal.

434.100 Definitions of construction. The terms used herein shall be defined as provided in Minnesota Statutes, sections 428A.01 through 428A.10 and said statute shall in all respects govern the creation, existence and operation of the district and the manner imposing service charges therein and this chapter shall be construed consistently therewith.

434.110 Notice to Commissioner of Revenue. Within thirty (30) days after adoption of this chapter, the city clerk shall send a copy of this chapter to the Commissioner of Revenue.

434.120 District sunset, renewal. The district shall expire at the end of the district's fifth year unless this chapter is renewed by following the procedures set forth in Minnesota Statutes, sections 428A.01 through 428A.10, or as permitted by applicable law.