

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JULY 17, 2009

(Published July 25, 2009, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

July 17, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Benson, Goodman, Hodges, Samuels, Gordon, President Johnson.

Absent – Council Member Remington.

Lilligren moved adoption of the agenda. Seconded.

Glidden moved to amend the agenda to include a resolution honoring the 1934 Teamsters Strike and “One Day in July” events. Seconded.

Adopted upon a voice vote.

Absent - Remington, Samuels.

Gordon moved to amend the agenda to include a resolution recognizing the Minnesota Fringe Festival and declaring July 30th Fringe Day. Seconded.

Adopted upon a voice vote.

Absent - Remington, Samuels.

The agenda, as amended, was adopted 7/17/2009.

Absent - Remington, Samuels.

Lilligren moved acceptance of the minutes of the regular meeting of June 26, 2009.

Seconded.

Adopted upon a voice vote 7/17/2009.

Absent - Remington, Samuels.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 7/17//2009.

Absent - Remington, Samuels.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

INTERGOVERNMENTAL RELATIONS (273577)

2010 Community Development Block Grant Funding Options Report.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273578)
Hennepin County Housing & Redevelopment Authority Affordable Housing Incentive Fund:
Financial assistance to 11 projects.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273579)
Fiscal Year 2009 HOME Budget.
Artspace Projects, inc (re Chicago Avenue Fire Arts Center): Revised loan terms for Great Street
Gap Financing loan.

ELECTIONS (See Rep):

ATTORNEY (273580)
Campaign Finance Disclosures: Hennepin County Attorney opinion.
CITY CLERK (273581)
2009 Elections: Designation of two additional polling places.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

CIVIL RIGHTS (273582)
Commission on Civil Rights: Five vacancies for Mayoral and City Council appointments.
COUNCIL MEMBER GORDON (273583)
Diversity Audit of Minneapolis Boards and Commissions: Authorize staff to conduct audit.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273584)
Minnesota Job Skills Partnership: Accept \$189,520 from the Minnesota Department of
Employment and Economic Development to administer a welding program for low income workers
during the period July 1, 2009 through June 30, 2010.
HEALTH AND FAMILY SUPPORT SERVICES (273585)
State Health Improvement Program Implementation Grant: Accept revenue from Minnesota
Department of Health, in the amounts of \$1,152,000 in State Fiscal Year 2010 and \$1,498,000 in State
Fiscal Year 2011, for the prevention of obesity and tobacco use; and Approve appropriation.
State Health Improvement Program Multi-Grantee Intervention Grant: Accept revenue from
Minnesota Department of Health, in the amounts of \$222,000 in State Fiscal Year 2010 and \$291,000
in State Fiscal Year 2011, for the prevention of obesity and tobacco use; Serve as fiscal agent and
coordinator for the grant to be implemented in collaboration with the Hennepin County Human Services
and Public Health Department and the Bloomington Health Department; and Approve appropriation.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (273586)
FY 2010 Federal Agenda for the City of Mpls:
Amendment to section "Reauthorization of Transportation Bill";
Amendment to reflect new policy positions regarding youth violence prevention.
Local Approval Requirement (re Augsburg College): Approving Laws of MN 2009 re authorizing
issuance of on-sale intoxicating liquor license to Augsburg College.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273587)

Club New York (423 5th Av): Grant On-Sale Liquor Class A with Sunday Sales License, with conditions.

El Meson (3450 Lyndale Av S): Approve License Settlement Conference recommendations relating to On-Sale Wine Class E with Strong Beer License.

LICENSES AND CONSUMER SERVICES (273588)

Elilxir Lounge (322 1st Av N): Grant On-Sale Liquor Class B with Sunday Sales License (expansion of premises for outdoor seating in private parking lot directly adjacent to the establishment during the summer months).

Sushi Tango (3001 Hennepin Av): Grant On-Sale Liquor Class E with Sunday Sales License (expansion of premises onto second floor rooftop area on southeast corner of Calhoun Square Shopping Center).

Obento-Ya Japanese Bistro (1510 Como Av SE): Grant On-Sale Wine Class E with Strong Beer License, with conditions.

Donny Dirk's (2027 2nd St N): Grant On-Sale Liquor Class C-2 with Sunday Sales License, with conditions.

LICENSES AND CONSUMER SERVICES (273589)

Licenses: Applications.

REGULATORY SERVICES (273590)

Rental Dwelling License at 2700 Morgan Av N: Revoke license held by Danna D. Investors III, LLC.

REGULATORY SERVICES (273591)

Vacant Building Registration: Ordinance amending Title 12, Chapter 249 of the Code amending Section 249.80 (b), Vacant Building Registration, adding the word "commercial".

Liquor Licensing: Ordinance amending Title 14, Chapter 362 of the Code permitting live solo comedians to perform in On-Sale Liquor Class D establishments.

PUBLIC SAFETY AND REGULATORY SERVICES and T&PW and W&M/Budget and Z&P (See Rep):

PUBLIC WORKS AND ENGINEERING (273592)

Used Fire Equipment: Authorize donation of Unit #71420 1988 International Pumper Fire Truck, to City of Pepin, Wisconsin; Unit #71530 1988 International Pumper Fire Truck, to City of Eldoret, Kenya; and Unit #71510 1988 International Pumper Fire Truck to Firefighters' Hall and Museum.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (273593)

Police Department Driver Training Facility Rental: Issue Request for Proposals for Emergency Response Pursuit training.

TRANSPORTATION AND PUBLIC WORKS:

CENTERPOINT ENERGY (273594)

Utility Pole installation at 4561 Minnehaha Ave.

PUBLIC WORKS AND ENGINEERING (273595)

Street Lighting Operations Fee: Proposed timeline for adoption.

Traffic Zones, Restrictions, and Controls: 2nd Quarter, 2009 Report.

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 1st Quarter, 2009 (See Petn No 273428).

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273596)

Cedar Lake Trail, Phase II: Condemnation petition amendments.

Access Minneapolis: Citywide Ten-Year Transportation Action Plan.

Minneapolis Comprehensive Plan: Memorandum of Understanding agreement with Met Council.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (273597)

Non-Motorized Transportation Pilot Program (NTP): Grant awards for Southern Bike Connection and 7th St N and 5th St NE Pedestrian Enhancements.

Bids: a) OP 7156, Metropolitan Mechanical Contractors, Inc., for skyway air handlers; and b) OP 7159, Construction Results Corporation, for areaway abandonment at 625 2nd Ave S.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (273598)

Special Compensation Fund: 1st Half 2009 Assessment.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273599)

Legal Settlement: a) Laurence Stewart; b) Sharon Williams; and c) Uptown Flats LLC and 3039 Bryant Ave South LLC.

Lockridge Grindal Nauen, PLLP: 3rd amendment to Master Legal Services Agreement.

2009 Byrne State Justice Assistance Grant: Authorize submit application to provide funding for FTE's and to help cover costs of the e-citation and e-charging initiatives.

BUSINESS INFORMATION SERVICES (BIS) (273600)

Automated Pawn System: Increase contract C-21693 scope 1 with Labyrinth Consulting.

COMMUNICATIONS (273601)

August 2009 Utility Billing Insert: Local Use Tax.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (273602)

Phillips West Master Land Use Plan: Adoption of the land use plan for amendment into the policy guidance for the neighborhood in the City's comprehensive plan.

Zoning Code Text Amendments:

On-Premise Signs: Title 20, Chapters 520, 543, & 551, and Title 5, Chapters 95 & 109.

FILED:

CHARTER COMMISSION (273603)

Amendments to Chapters 2 and 15 of Charter relating to Board of Estimate and Taxation: Letter of Transmittal to City Council. (See New Business).

CHARTER COMMISSION (273604)

Proposed Charter amendments relating to abolishing the Board of Estimate and Taxation and the Minneapolis Park & Recreation Board, and creating a City Administrator position: Comments.

SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION (273605)

Shingle Creek Watershed Management Commission Audit Report & CD, yr, ending 12/1/2008.

JULY 17, 2009

The following reports were signed by Mayor Rybak on July 22, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution requesting approval for Hennepin County Housing and Redevelopment Authority Affordable Housing Incentive Fund financial assistance in the amount of \$3,297,950 to the following Minneapolis projects under the Minnesota Housing and Redevelopment Authorities Act: Alliance Northside Properties (\$290,000), Alliance Scattered Site 8 Buildings (\$178,000), Many Rivers East Apartment Rehab (\$72,000), Rental: Reclaim (\$250,000), Clare Midtown (\$616,950), J. Jerome Boxleitner Place (\$700,000), Lyndale Green Apartments (\$600,000), City of Lakes Community Land Trust Homebuyer Initiated Program (\$120,000), Minneapolis Foreclosure Rehab (\$275,000), Project: Reclaim (\$150,000) and Lowell Curve (\$46,000).

Adopted 7/17/2009.

Absent - Remington, Samuels.

Approved by Mayor Rybak 7/20/2009.

(Published 7/21/2009)

Resolution 2009R-314, requesting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to Alliance Northside Properties (\$290,000), Alliance Scattered Site 8 Buildings (\$178,000), Many Rivers East Apartment Rehab (\$72,000), Rental: Reclaim (\$250,000), Clare Midtown (\$616,950), J. Jerome Boxleitner Place (\$700,000), Lyndale Green Apartments (\$600,000), City of Lakes Community Land Trust Homebuyer Initiated Program (\$120,000), Minneapolis Foreclosure Rehab (\$275,000), Project: Reclaim (\$150,000) and Lowell Curve (\$46,000) under the Minnesota Housing and Redevelopment Authorities Act, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-314

By Goodman

Requesting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to Alliance Northside Properties (\$290,000), Alliance Scattered Site 8 Buildings (\$178,000), Many Rivers East Apartment Rehab (\$72,000), Rental: Reclaim (\$250,000), Clare Midtown (\$616,950), J. Jerome Boxleitner Place (\$700,000), Lyndale Green Apartments (\$600,000), City of Lakes Community Land Trust Homebuyer Initiated Program (\$120,000), Minneapolis Foreclosure Rehab (\$275,000), Project: Reclaim (\$150,000) and Lowell Curve (\$46,000) under the Minnesota Housing and Redevelopment Authorities Act.

Whereas, representatives of the Hennepin County Housing and Redevelopment Authority (the "County HRA") have advised the City of Minneapolis, Department of Community Planning and Economic Development that the County HRA proposes to provide financial assistance from Hennepin County's Affordable Housing Incentive Fund in an amount up to \$3,297,950, to the City of Minneapolis (the "City") for the eleven (11) projects in Minneapolis, Minnesota identified in the attached spreadsheet (the "Projects"); and

Whereas, pursuant to Minnesota Statutes, Section 383B.77, subd. 2, the County HRA cannot exercise its powers within the boundaries of the City unless the City requests the County HRA to exercise specific powers within the City; and

Whereas, pursuant to Minnesota Statutes, Section 469.005 the City Council must declare there is a need for the County HRA to exercise its powers within the City, specifically through the provision of financial assistance for the Projects in the City;

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

That, as required by Minnesota Statutes, Section 383B.77, subd. 2, and pursuant to Minnesota Statutes, Section 469.005, the City Council hereby declares there is a need for and approves the County HRA exercising its powers in the City for the limited purpose of providing financial support to the Projects in the City, which Projects have requested, or may hereafter request, financial assistance in the combined amount up to \$3,297,950 from the County HRA.

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

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

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

Adopted 7/17/2009.

Absent - Remington, Samuels.

Approved by Mayor Rybak 7/20/2009.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends approval of the Fiscal Year 2009 HOME Budget, as set forth in the Department of Community Planning & Economic Development staff report.

Adopted 7/17/2009.

Absent - Remington, Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration approval of Community Development Block Grant-Recovery (CDBG-R) funds for the Chicago Avenue Fire Arts Center, now recommends approval of revised loan terms for the approved loan to Artspace Projects, Inc., or an affiliate or related entity, for \$425,000, in conformance with terms set forth in the Department of Community Planning & Economic Development staff report, as relates to the debt service for their Great Street Gap Financing Loan.

Adopted 7/17/2009.

Absent - Remington, Samuels.

The ELECTIONS Committee submitted the following reports:

Elections - Your Committee, to whom was referred an ordinance amending Title 8.5, Chapter 167 of the Minneapolis Code of Ordinances relating to *Municipal Elections: Rules of Conduct*, by adding a new Section 167.140 *Primary Date for Campaign Reports*, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 7/17/2009.

Absent - Remington, Samuels.

Ordinance 2009-Or-052, amending Title 8.5, Chapter 167 of the Minneapolis Code of Ordinances relating to *Municipal Elections: Rules of Conduct*, by adding a new Section 167.140 *Primary Date for Campaign Reports*, was adopted 7/17/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

JULY 17, 2009

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

ORDINANCE 2009-Or-052
By Glidden
Intro & 1st Reading: 6/12/2009
Ref to: Elections
2nd Reading: 7/17/2009

**Amending Title 8.5, Chapter 167 of the Minneapolis Code of Ordinances relating to
*Municipal Elections: Rules of Conduct.***

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

Section 1. That Chapter 167 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 167.140 to read as follows:

167.140. Primary Date for Campaign Reports Pursuant to Minn. Stat. §383B.048. For the sole purpose of filing campaign reports pursuant to Minn. Stat. §383B.048, subd. 1, the City hereby designates the first Tuesday after the second Monday in September during municipal election years as the date for a regular primary. Campaign reports will be due one week prior to this date, as provided in Minn. Stat. §383B.048, subd. 1, as if a primary were being held for such elective offices, notwithstanding the elimination of primary elections for municipal offices pursuant to Minneapolis Charter Chapter 2, Section 5B.

Adopted 7/17/2009.

Absent - Remington, Samuels.

Elections - Your Committee recommends passage of the accompanying resolution amending Resolution 2009R-278 entitled "Designating polling places for the November 2009 Municipal Election", passed June 12, 2009, by amending the Seventh Ward's polling places for Precinct 5 and Precinct 7.

Adopted 7/17/2009.

Absent - Remington, Samuels.

Resolution 2009R-315, amending Resolution 2009R-278 entitled, "Designating polling places for the November 2009 Municipal Election," passed June 12, 2009; by amending the Seventh Ward Precinct 5 and Precinct 7 locations, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-315
By Glidden

Amending Resolution 2009R-278 entitled, "Designating polling places for the November 2009 Municipal Election," passed June 12, 2009.

Resolved by The City Council of The City of Minneapolis:

That the above entitled Resolution be amended by amending the Seventh Ward Precincts as follows:

SEVENTH WARD

PRECINCT

- 1 - Bryn Mawr Community School, 252 Upton Ave S
- 2 - St. Paul's Episcopal Church, 1917 Logan Ave S
- 3 - First Unitarian Society, 900 Mount Curve Ave
- 4 - Jones Harrison Residence, 3700 Cedar Lake Ave
- 5 - Hennepin Ave Methodist, 511 Groveland Ave The Woman's Club of Minneapolis, 410 Oak Grove St

- 6 - Towers Apartments, 15 1st St S
- 7 - ~~OPEN~~The Lab Theater, 700 1st St N
- 8 - Emerson Spanish Immersion School, 1421 Spruce Place
- 9 - Westminster Church, 1200 Marquette Ave
- 10- Augustana Health Care Center, 1007 14th St E
- 11- Open Book, 1011 Washington Ave S
Adopted 7/17/2009.
Absent - Remington, Samuels.

The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following reports:

HE&E – Your Committee recommends passage of the accompanying resolution authorizing a Diversity Audit of Boards and Commissions.

Adopted 7/17/2009.

Absent - Remington, Samuels.

Resolution 2009R-316, authorizing a Diversity Audit of Boards and Commissions, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-316

By Gordon

Authorizing a Diversity Audit of Boards and Commissions.

Whereas, a key City goal is to be One Minneapolis, with “equal access, equal opportunity, and equal input” for all, and “diversity will be welcome, respected and valued”; and,

Whereas, citizen advisory boards and commissions have been identified as an important continuing component of the City’s community engagement work; and

Whereas, a Business Process Improvement team has made recommendations for improving the City’s process for appointing members of boards and commissions, with the stated goal of increasing the diversity of representation on these groups; and

Whereas, the City does not currently have adequate information about the diversity of the membership of City boards and commissions; and

Whereas, the City Coordinator, Civil Rights Director and Council Member Gordon’s office have dedicated the staff resources to undertake a diversity audit of City boards and commissions;

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

That the Director of Civil Rights and City Coordinator are directed to conduct a diversity audit of all Minneapolis appointed boards, commissions and advisory committees.

Adopted 7/17/2009.

Absent - Remington, Samuels.

HE&E – Your Committee, having under consideration Mayoral and City Council appointments to the Civil Rights Commission (five vacancies), with two terms to expire August 31, 2011 and three terms to expire on August 31, 2012, now recommends that the following applicants be sent forward without recommendation:

- Scott Flaherty, Attorney
- Joshua Williams, Attorney
- Arlene Santiago, Attorney
- Sarah Ali (Attorney)
- Jada K. Hansen
- Lonnie Nichols

Brittany Lewis

Alvaro Giraud.

Benson moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

Absent - Remington, Samuels.

HE&E – Your Committee, having under consideration Mayoral and City Council appointments to the Civil Rights Commission, now recommends approval of the following appointments for three year terms:

Mayoral

Scott Flaherty, Ward 7 (Attorney), to fill the unexpired term of Kristian Maul, to expire August 31, 2011

Joshua Williams, Ward 11 (Attorney), to fill the unexpired term of Amy Johnson, to expire August 31, 2011

Lonnie Nichols, Ward 2, to expire August 31, 2012

City Council

Brittany Lewis, Ward 4, to expire August 31, 2012.

Adopted 7/17/2009.

Absent - Remington, Samuels.

The HEALTH, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with the Minnesota Department of Employment and Economic Development to accept \$189,520 for the Minnesota Job Skills Partnership during the period July 1, 2009 through June 30, 2010 to recruit and assess 60 eligible low income candidates for training in welding, with placement and retention services following the training program.

Adopted 7/17/2009.

Absent - Remington, Samuels.

HE&E & W&M/Budget – Your Committee, having under consideration the State Health Improvement Program (SHIP) Implementation Grant, now recommends that the proper City officers be authorized to accept revenue from the Minnesota Department of Health, under Master Grant Agreement #26078, in the amounts of \$1,152,000 in State Fiscal Year 2010, and \$1,498,000 in State Fiscal Year 2011 for the prevention of obesity and tobacco use through policy, systems and environmental change interventions in the community, worksites, healthcare, and school settings.

Further, passage of the accompanying resolution appropriating \$2,650,000 to the Department of Health & Family Support.

Adopted 7/17/2009.

Absent - Remington, Samuels.

RESOLUTION 2009R-317

By Benson and Ostrow

Amending The 2009 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 Department of Health & Family Support Agency in the Grants - Other Fund (01600-8600130) by \$2,650,000 and increasing the Revenue Source (01600-8600130-321500) by \$2,650,000.

Adopted 7/17/2009.

Absent - Remington, Samuels.

HE&E & W&M/Budget—Your Committee, having under consideration the State Health Improvement Program (SHIP) Multi-Grantee Intervention Grant, now recommends that the proper City officers be authorized to accept revenue from the Minnesota Department of Health, under Master Grant Agreement #26078, in the amounts of \$222,000 in State Fiscal Year 2010 and \$291,000 in State Fiscal Year 2011, for the prevention of obesity and tobacco use through policy, systems and environmental change interventions in the community, worksites, healthcare, and school settings. The Department of Health & Family Support will serve as the fiscal agent and coordinator for the grant, which will be implemented in collaboration with Hennepin County Human Services and Public Health Department and the Bloomington Health Department.

Further, passage of the accompanying resolution appropriating \$513,000 to the Department of Health & Family Support.

Adopted 7/17/2009.

Absent - Remington, Samuels.

RESOLUTION 2009R-318

By Benson and Ostrow

Amending The 2009 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 Department of Health & Family Support Agency in the Grants - Other Fund (01600-8600130) by \$513,000 and increasing the Revenue Source (01600-8600130-321500) by \$513,000.

Adopted 7/17/2009.

Absent - Remington, Samuels.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:

IGR - Your Committee recommends that the City's Fiscal Year 2010 Federal Legislative Agenda, adopted February 20, 2009, be amended by deleting the Policy Initiative language entitled, "Reauthorization of Transportation Bill" and inserting new language, as follows:

Reauthorization of Transportation Bill

The congress anticipates to begin work on the federal transportation reauthorization bill in 2008 with passage in 2009. The City of Minneapolis has benefited from the current transportation authorization through regional and state funding programs as well as a direct grant for the bicycle community program. In the reauthorization bill the City will continue support of the regional and state programs as well as local projects. A separate list of projects will be developed for the bill.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act-Legacy for Users (SAFETEA-LU) expires on September 30, 2009. The House Transportation and Infrastructure Committee has released a draft reauthorization bill that could be marked-up in late July 2009. The draft bill proposes several transformational changes to national transportation policy as well as procedural and process reforms. While not opposing change to national transportation policy, the White House and Senate are proposing an extension of SAFETEA-LU for 18 months and an appropriation to sustain the Highway Trust Fund and the Mass Transit Account.

The City of Minneapolis has benefitted from the federal transportation act through regional and state programs as well as a direct grant to encourage bicycle commuting. The City of Minneapolis supports funding to sustain the Highway Trust Fund and Mass Transit Account.

The City of Minneapolis also supports the timely passage of a transportation act that addresses highway and transit needs of states and metropolitan regions.

Adopted 7/17/2009.

Absent - Remington, Samuels.

IGR - Your Committee recommends that the City's Fiscal Year 2010 Federal Legislative Agenda, adopted February 20, 2009, be amended to reflect new policy positions regarding youth violence prevention by inserting new language to follow the Policy Initiative entitled, "Restore Federal-Local Relationship on Crime Prevention" to read as follows:

"Youth Violence Prevention"

From 2003 to 2006 Minneapolis experienced a surge in violent crime. That spike was in large part due to a significant rise in violent crime involving young people, with approximately half of the total arrests citywide involving juvenile offenders.

In response, the City of Minneapolis developed the "Blueprint for Action," a comprehensive, multifaceted, community-based plan to prevent youth violence. The Blueprint emphasizes the need for an array of community-based prevention programs, along with increased law enforcement efforts to prevent youth violence in Minneapolis.

Recent evaluations indicate that the Blueprint is having an impact on youth violence. In 2008, there was a 43-percent reduction in youth violence in the targeted areas from the high recorded in 2006.

The City of Minneapolis supports the following federal legislative initiatives and principles:

1. Designate youth violence as a national priority and a preventable public health issue, and align new and existing resources accordingly.
 - Create a mechanism for effective policy coordination and strategy alignment for youth violence issues with state and local governments, tribes, school, community groups, faith communities and other supportive entities.
 - Refocus attention on policies and programs intended to prevent youth from engaging in the criminal justice system."

Adopted 7/17/2009.

Absent - Remington, Samuels.

IGR - Your Committee recommends passage of the accompanying resolution granting local approval to Laws of Minnesota 2009, Chapter 120, Article 1, Section 14, authorizing the City of Minneapolis to issue an on-sale intoxicating liquor license to Augsburg College, or to any qualifying entity holding a caterer's permit and a contract with Augsburg College.

Adopted 7/17/2009.

Absent - Remington, Samuels.

Resolution 2009R-319, approving Laws of Minnesota 2009 Legislative Session; Chapter 120, Article 1, Section 14, authorizing the City of Minneapolis to issue an on-sale intoxicating liquor license to Augsburg College, or to any qualifying entity holding a caterer's permit and a contract with Augsburg College, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-319
By Hodges

Approving Laws of Minnesota 2009 Legislative Session; Chapter 120, Article 1, Section 14.

Whereas, the Minnesota State Legislature has passed a law authorizing the City of Minneapolis to issue an on-sale intoxicating liquor license to Augsburg College, or to any qualifying entity holding a caterer's permit and a contract with Augsburg College; and

Whereas, the license authorizes sales on all days of the week; and

Whereas, said legislation, by its terms requires an affirmative vote of a majority of the members of the City Council by the first day of the next regular session of the legislature before it may become effective;

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

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 7/17/2009.

Absent - Remington, Samuels.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS – Your Committee, to whom was referred an ordinance amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, amending Section 249.80 (b), *Vacant Building Registration*, adding the word “commercial”, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 7/17/2009.

Absent - Remington.

Ordinance 2009-Or-053, amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, amending Section 249.80, *Vacant building registration*, to add the word “commercial”, was adopted 7/17/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-053

By Samuels

Intro & 1st Reading: 6/12/2009

Ref to: PS&RS

2nd Reading: 7/17/2009

Amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to Housing: Vacant Dwelling or Building, Nuisance Condition.

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

Section 1. That Section 249.80 (b) of the above-entitled ordinance be amended to read as follows:

249.80. Vacant building registration.

(b) The owner of a commercial building designated as vacant pursuant to this section may appeal such designation within twenty-one (21) days after receipt of the designation or a billing statement therefore to the nuisance condition process review panel pursuant to the procedures established in section 249.45. The notice of designation or billing statement shall notify the building owner of such appeal rights.

Adopted 7/17/2009.

Absent - Remington.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, permitting live solo comedians to perform in On-Sale Liquor Class D establishments, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 7/17/2009.

Absent - Remington.

JULY 17, 2009

Ordinance 2009-Or-054, amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, amending Section 362.30 to permit live solo comedians to perform in On-Sale Liquor Class D establishments, was adopted 7/17/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-054
By Samuels
Intro & 1st Reading: 6/12/2009
Ref to: PS&RS
2nd Reading: 7/17/2009

Amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses.

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

Section 1. That Section 362.30 (e) of the above entitled ordinance be amended to read as follows:

362.30. "On sale" licenses.

(e) *Class D*. A Class D "on sale" liquor license shall permit all Class E activities, and in addition thereto shall permit nonamplified music by one (1) musician, group singing participated in by patrons of the establishment, live solo comedians, and ethnic dance, provided that such dance shall be performed only in conjunction with full-service restaurant dining for patrons seated at tables. "Ethnic dance" shall mean a traditional and authentic dance performance native to an ethnic cultural group, performed by dancers attired with fully opaque covering over genitals, pubic area, buttocks, and female breasts below the top of the areola. The maximum number of ethnic dancers shall be the same as the maximum number of musicians permitted by each license class.

Adopted 7/17/2009.

Absent - Remington.

PS&RS - Your Committee, having under consideration the application of Mac Food Group LLC, dba L'Ecosse Restaurant, 4810 Chicago Av, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2010, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/17/2009.

Absent - Remington.

Approved by Mayor Rybak 7/20/2009.

(Published 7/21/2009)

PS&RS - Your Committee, having under consideration the application of Swanky Entertainment Inc, dba Elixir Lounge, 322 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License (expansion of premises for outdoor seating in private parking lot directly adjacent to the establishment during the summer months) to expire April 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/17/2009.

Absent - Remington.

PS&RS - Your Committee, having under consideration the application of Thao Brothers LLC, dba Sushi Tango, 3001 Hennepin Av, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises onto the second floor rooftop area on the southeast corner of Calhoun Square Shopping

Center) to expire July 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/17/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Obento-Ya Japanese Bistro, 1510 Como Av SE, for an On-Sale Wine Class E with Strong Beer License, subject to conditions.

Adopted 7/17/2009.

Absent - Remington.

Resolution 2009R-320, granting the application of Obento-Ya Japanese Bistro, 1510 Como Av SE, for an On-Sale Wine Class E with Strong Beer License, subject to conditions, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-320

By Samuels

Granting the application of Obento-Ya Japanese Bistro, 1510 Como Av SE, for an On-Sale Wine Class E with Strong Beer License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Obento-Ya LLC, dba Obento-Ya Japanese Bistro, 1510 Como Av SE, for an On-Sale Wine Class E with Strong Beer License (amended business plan) to expire April 1, 2010, subject to the following conditions:

1. The licensee will operate the restaurant no later than 11:00 p.m. daily.

2. The licensee shall follow the City of Minneapolis Charter requirements for a Wine and Strong Beer License, which are as follows:

Be a restaurant which gross receipts are at least 70% attributable to the sale of food; shall neither sell, serve or permit to be consumed any wine or intoxicating malt beverage, unless the patron orders a meal, nor have a bar or bar area.

3. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/17/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Donny Dirk's, 2027 2nd St N, for an On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions.

Adopted 7/17/2009.

Absent - Remington.

Resolution 2009R-321, granting the application of Donny Dirk's, 2027 2nd St N, for an On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

JULY 17, 2009

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

RESOLUTION 2009R-321

By Samuels

Granting the application of Donny Dirk's, 2027 2nd St N, for an On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Donny Dirk's Inc, dba Donny Dirk's, 2027 2nd St N, for an On-Sale Liquor Class C-2 with Sunday Sales License (new business) to expire July 1, 2010, subject to the following conditions:

1. The licensee will provide their written security plan to Business Licensing. The plan will include a method of controlling loitering and identifying those who are not patrons and their removal from the facility, to include the parking lot. The plan will be posted and all employees thoroughly trained on it.
2. The licensee will remove all litter and debris from the exterior of the business at the start and end of the business day at a minimum; more often if need be. The area the licensee is responsible for includes 100 feet from the property line in all directions, regardless of the origin of the trash or debris.
3. The licensee will strictly enforce Minneapolis City Ordinance 364.30 and Minnesota State Statute 340A.502, Sales to obviously intoxicated persons. No person may sell, give, furnish or in any way procure for another alcoholic beverages for the use of an obviously intoxicated person.
4. The licensee will have at a minimum four different pizza menu items available during all hours of operation. The licensee agrees to submit any additional menu items, other than delivery, to Environmental Health for review and approval.
5. The licensee will not accept patrons from party buses.
6. The licensee will actively participate in the business block club and contribute to the goals and projects of that group.
7. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/17/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Club New York, 423 5th Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted 7/17/2009.

Absent - Remington.

Resolution 2009R-322, granting the application of Club New York, 423 5th Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-322

By Samuels

Granting the application of Club New York, 423 5th Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Stallions LLC, dba Club New York, 423 5th Av, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire July 1, 2010, subject to the following conditions:

1. The establishment may not operate as a sexually oriented use as is defined in Section 549.340 of the Minneapolis Code of Ordinances.

2. The applicant will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities.

3. No "18 plus" or "all ages" event shall be provided in the establishment unless the applicant notified the local police precinct in writing upon the booking of the event or at least 24 hours prior to the event, whichever is sooner, if the event is in addition to the schedule adopted by Club New York and on file with the local police precinct. For purposes of this agreement, an "18 plus/all ages" event shall be defined as an event that is advertised as an 18 plus/all ages event that offers live entertainment or a DJ in a nightclub type setting.

4. During any 18 plus/all ages event, an Alcoblow/intoxilyzer shall be employed on all patrons entering the establishment who in the reasonable judgment of the on site management/staff of Club New York appear to be under the influence of an alcoholic beverage. Any patron under the age of 21 with any detectable presence of alcohol in their system shall be refused admittance into the establishment. All patrons under age 21 will be issued clearly defined wrist bands identifying the patron as under age 21 and not authorized to be served or consume alcoholic beverages.

5. During any 18 plus/all ages event, an identification card reader shall be available and shall be employed to verify, along with visual inspection of the identification, the age of each patron. If in the reasonable judgment of the on site management/staff of Club New York the individual is not personally known to be 21 years of age or there is reasonable suspicion that the identification presented is inadequate to establish the age of the patron, the patron will be refused admittance into the establishment.

6. The applicant or designated representative shall regularly attend the Downtown Entertainment District Security Meetings (Bar Watch) and maintain current e-mail contacts with the 1st Police Precinct.

7. Club New York at all times will keep an accurate occupancy count and immediately share such figures upon the request of any official or officer of the City of Minneapolis. Club New York shall not let more patrons into the establishment than is legally allowed.

8. The applicant will schedule and maintain adequate security during all hours of operation.

9. The applicant will schedule and maintain adequate security beyond closing time to assist in effective dispersal of crowds from the sidewalk in front of the licensed premises.

10. The applicant agrees not to permit employees or promoters to distribute handbills, flyers or business cards to the public, or hire others in the business of distributing handbills, flyers or business cards, in or on any publicly owned street, sidewalk or structure in the City of Minneapolis, except that applicant and its employees may conduct such constitutionally protected activity within 100 feet of the principal entrance of the licensed facility. The applicant will advise any independent promoters of the City's requirement that the promoter and its employees not distribute handbills, flyers or business cards to the public in or on any publicly owned street, sidewalk or structure in the City of Minneapolis, and will use reasonable efforts to assist the City in enforcing this prohibition such as putting this requirement in any contracts with such promoters.

11. To the extent reasonable practicable, the applicant agrees to use its best efforts to prevent patrons from congregating upon the public sidewalk within 15 feet of the principal entrance of the licensed facility so as to assist in the free passage for pedestrians.

12. All parties hereto agree that any alleged violation of the terms of this agreement may result in an adverse licensing action brought by the City.

13. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/17/2009.

Absent - Remington.

JULY 17, 2009

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 7/17/2009.

Absent - Remington.

Resolution 2009R-323, granting applications for Liquor, Wine and Beer Licenses, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-323

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273589):

Off-Sale Liquor, to expire October 1, 2009

France 44 Liquors Inc, dba France 44 Wines & Spirits (transfer of shares)

On-Sale Liquor Class A with Sunday Sales, to expire June 21, 2009

La Vina Inc, dba La Vina Restaurant & Banquet Center (temporary expansion of premises, June 21, 2009, 7:00 p.m. to 2:00 a.m.)

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2010

Trimark Hotel Corporation, dba Millennium Hotel, 1313 Nicollet Mall (new corporate officers)

On-Sale Liquor Class A with Sunday Sales, to expire August 8, 2009

Old Chicago of Colorado Inc, dba Old Chicago, 2841 Hennepin Av (temporary expansion of premises, August 7 & 8, 2009, Uptown Art Fair)

On-Sale Liquor Class B with Sunday Sales, to expire June 28, 2009

Fourth St Saloon Inc, dba Fourth St Saloon Inc, 328 W Broadway (temporary expansion of premises, June 27 & 28, 2009, Noon to 9:00 p.m.)

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2010

Sterbs Development LLC, dba Stub & Herbs, 801 Washington Av SE #101

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2010

Aster Pictures Corporation, dba Aster Cafe, 125 Main St SE (expansion of premises)

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2010

OSF International Inc, dba Old Spaghetti Factory, 233 Park Av (new shareholder)

Temporary On-Sale Liquor

Twin Cities Carifest Inc, dba Caribbean Cultural Event, 4801 4th Av S (Caribbean Cultural Event, July 25, 2009, 11:00 a.m. to 10:00 p.m., West River Rd)

On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 2010

Kramarczuk Sausage Co Inc, dba Kramarczuk Sausage Co, 215 E Hennepin Av (new shareholder/partner)

On-Sale Wine Class C-2 with Strong Beer, to expire July 25, 2009

La Poblanita Inc, dba La Poblanita Inc, 1621 E Lake St (temporary expansion of premises, July 25, 2009, 10:00 a.m. to 1:00 a.m.)

On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2010

G & D Foods Inc, dba Kafe 421, 421 14th Av SE (internal transfer of shares)

On-Sale Wine Class D with Strong Beer, to expire July 18, 2009

Maria's Cafe Inc, dba Maria's Cafe, 1113 E Franklin Av (temporary expansion of premises, July 18, 2009, 2:00 p.m. to 10:00 p.m., Columbian Independence Day Festival)

Temporary On-Sale Wine

Marketing Minneapolis LLC, dba Aquatennial, 81 S 9th St #260 (July 17, 2009, 5:00 p.m. to 11:00 p.m., parking lot Nicollet Mall between Marquette & 3rd St).

Adopted 7/17/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 7/17/2009.

Absent - Remington.

Resolution 2009R-324, granting applications for Business Licenses, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-324

By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of July 17, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273589):

Caterers; Confectionery; Food Market Distributor; Farm Produce Permits; Grocery; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Gasfitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Dealer – Cycles & Motorbikes; Motor Vehicle Dealer – New & Used; Motor Vehicle Dealer – Used Only; Motor Vehicle Dealer – Additional Lot; Motor Vehicle Repair Garage; Motor Vehicle Used Parts Dealer; Plumber; Recycling/Salvage Yard; Recycling/Salvage Yard; Refrigeration Systems Installer; Residential Specialty Contractor; Resin Manufacturer; Exhibition Operator Class C; Suntanning Facility; Tattooist/Body Piercer; Taxicab Vehicle-Fuel Efficient; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tobacco Dealer; Valet Parking; and Wrecker of Buildings Class B.

Adopted 7/17/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 7/17/2009.

Absent - Remington.

Resolution 2009R-325, granting applications for Gambling Licenses, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-325

By Samuels

Granting applications for Gambling Licenses.

JULY 17, 2009

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances

(Petn No 273589):

Gambling Exempt

Miracles of Mitch Foundation, dba Miracles of Mitch Foundation, 105 Peavey Rd Suite 190, Chaska (Raffle July 12, 2009, Hubert H Humphrey Metrodome)

Thrivent Financial for Lutherans, dba Thrivent Financial for Lutherans, 625 4th Av S (Raffle July 15, 2009)

Treasured Chests Events of Minnesota, dba Treasured Chests Events of Minnesota, 7080 Snow Owl Circle, Lino Lakes (Raffle July 31, 2009, Epic Event Center, 110 N 5th St)

Church of St. Anthony of Padua, dba Church of St. Anthony of Padua, 804 2nd St NE (Bingo, Raffle, Paddlewheel, Pulltabs and Tipboards August 2, 2009)

Scott Carver Dakota Cap Agency Inc, dba Scott Carver Dakota Cap Agency Inc, 712 Canterbury Rd, Shakopee (Raffle August 6, 2009, Epic Event Center, 110 N 5th St)

Childrens Home Society & Family Services, dba Childrens Home Society & Family Services, 1605 Eustis St, St. Paul (Raffle August 27, 2009, Solera, 900 Hennepin Av)

Minnesota AIDS Project, dba Minnesota AIDS Project, 1400 Park Av (Raffle August 27 & 28, 2009)

The Church of the Holy Cross, dba The Church of the Holy Cross, 1621 University Av NE (Raffle, Bingo, Paddlewheels, Pulltabs and Tipboards September 19, 2009)

Church of the Holy Name, dba Church of the Holy Name, 3637 11th Av S (Bingo, Raffle and Pulltabs October 11, 2009 at Risen Christ School, 1120 E 37th St).

Adopted 7/17/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by El Meson, 3450 Lyndale Av S.

Adopted 7/17/2009.

Absent - Remington.

Resolution 2009R-326, approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by El Meson, 3450 Lyndale Av S, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-326

By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by El Meson, 3450 Lyndale Av S.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on March 10, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 24 months, an employee of El Meson sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances, State Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

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

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1. That El Meson pay a sanction of \$3,000, of which \$1,500 will be stayed for a period of two years provided there are no same or similar violations. The sanction shall be paid at the time of signing the agreement.

2. That all current service staff undergo alcohol server training from a Department approved trainer on an annual basis, and that all new service staff undergo alcohol server training prior to serving alcohol.

3. Within two weeks of the date of the agreement El Meson shall provide the Department of Licenses & Consumer Services a written policy regarding the elimination of alcohol service to minors in their establishment, and that the policy be approved by the Department of Licenses & Consumer Services, and that El Meson implement and maintain this policy.

4. The date of this agreement shall be defined as the date that the licensee signs or otherwise executes this agreement. The agreement is subject to approval by the Minneapolis City Council; if such approval be obtained after the execution of this agreement, the approval shall be retroactive to the date of execution.

Adopted 7/17/2009.

Absent - Remington.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Danna D. Investors III, LLC for the property located at 2700 Morgan Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930 and 244.1940 of the Minneapolis Code of Ordinances relating to conduct on licensed premises, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 7/17/2009.

Absent - Remington.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals for Driver Training Facility Rental for Emergency Response Pursuit training for the Police Department's sworn personnel, police recruits, community service officers, MPD reserves and additional personnel assigned by police administration, subject to approval by the Permanent Review Committee.

Adopted 7/17/2009.

Absent - Remington.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to donate the following used Fire Department equipment:

a. Unit #71420, a 1988 International Pumper Fire Truck, to the City of Pepin, Wisconsin, for use by their fire department.

b. Unit #71530, a 1988 International Pumper Fire Truck, to the City of Eldoret, Kenya (a sister city to the City of Minneapolis) for use by their fire department.

c. Unit #71510, a 1988 International Pumper Fire Truck, to the Firefighters' Hall and Museum located at 664 22nd Av NE where it will be used as a ride truck.

Adopted 7/17/2009.

Absent - Remington.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the construction of the Cedar Lake Trail, Phase III, now recommends passage of the accompanying resolutions:

a) Authorizing the filing of an amendment to the condemnation petition in the City of Minneapolis v. Land Partners II, et al. for the purpose of acquiring an additional temporary access easement over Parcel 15 (Duddy Limited Partnership); and

b) Authorizing the filing of an amendment to the condemnation petition in the City of Minneapolis v. BNSF Railway Company, et al. for the purpose of acquiring temporary construction easements.
Adopted 7/17/2009.
Absent - Remington.

Resolution 2009R-327, approving acquisition of temporary easement for transportation purposes, and authorizing use of eminent domain proceeding relating to Cedar Lake Trail, Phase III (Parcel 15), was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-327
By Colvin Roy

Approving acquisition of temporary easement for transportation purposes, and authorizing use of eminent domain proceeding.

Whereas, the City of Minneapolis (the "City") completed Phase I and Phase II of the Cedar Lake Trail between the West City limits and Royalston Avenue in 1995; and

Whereas, extension of the Cedar Lake Trail from Royalston Avenue to the Mississippi River ("Cedar Lake Trail Phase III, a/k/a Cedar Lake Bike Trail Phase III") is a high priority for the City of Minneapolis ("City") and its residents; and

Whereas, in a Council action on December 17, 1999, the City Council authorized the City to enter into two easements for the Cedar Lake Bike Trail Phase III; and

Whereas, in a Council action on March 2, 2001, the City Council authorized the Director of Public Works to develop a temporary bike route plan for Cedar Lake Trail Phase III due to construction delays caused by other projects in the area; and

Whereas, in 2001, the City Council adopted Resolution 2001R-147, amending the 2001 Capital Improvement Appropriation Resolution, which included an increase to the budget for the Cedar Lake Bike Trail of \$300,000 with the revenue source being the settlement from the Federal Reserve Bank Project Tax Increment Financing District for the off-site public improvements; and

Whereas, in a Council action on August 24, 2001, the City Council authorized the proper City officers to apply for a series of federal funds (TEA-21) including \$2,160,000 for Cedar Lake Bike Trail Phase III; and

Whereas, in a Council action on September 28, 2001, the City Council authorized the expenditure of \$40,000 from the Commuter Bike Fund System (4100-943-9470-Project A7002990) for a temporary bike lanes alignment for the Cedar Lake Trail Phase III; and

Whereas, in 2004, the City Council adopted Resolution 2004R-580, approving the 2005-2009 Five Year Capital Budget, which included an appropriation of \$2,160,000 for the Cedar Lake Trail Phase III Project with the revenue source being the Federal Government; and

Whereas, in 2005, the City Council adopted Resolution 2005R-075, Supporting the Completion of the Cedar Lake Bike Trail to the Mississippi River; and

Whereas, in 2005, the City Council adopted Resolution 2005R-661, Requesting the issuance and sale of bonds including the Cedar Lake Bike Phase III Project; and

Whereas, in 2005, the City Council adopted Resolution 2005R-658, 2006-2010 Five Year Capital Budget which included an appropriation of \$583,000 for the Cedar Lake Bike Phase III Project, with the revenue source being Net Debt Bonds; and

Whereas, on November 17, 2006, the City Council authorized execution of Metropolitan Council Grant Agreement No SG-2006-145 in the amount of \$1,800,000 for the Cedar Lake Trail Phase III Project; and

Whereas, in 2006, the City Council adopted Resolution 2006R-584, Appropriation Increase to PW-Fund (0600-943-9480) by \$1,800,000 and increasing the revenue source (0600-943-9480-3215) by

\$1,800,000; and increasing the appropriation in PW-Fund (4100-943-9470-BIKOI) by \$1,800,000 and increasing the revenue source (4100-943-9470-3215) by \$1,800,000; and

Whereas, in a Council action on December 22, 2006, the City authorized the proper City officers to enter into negotiations with abutting owners for the acquisition of trail easements; and

Whereas, on March 9, 2007, the City Council authorized the acquisition by negotiation or condemnation of permanent and temporary trail easements for completion of the Cedar Lake Trail Phase III Project; and

Whereas, the region is currently constructing the first phase of the Downtown Minneapolis Intermodal Station (the "Intermodal Station"), which will provide a seamless connection between the Hiawatha and Central Light Rail Transit lines and the Northstar Commuter Rail line; and

Whereas, HCRRA's long-term transit vision for the region includes future phases of the Intermodal Station to accommodate additional Light Rail Transit lines (Southwest and Bottineau), additional Commuter Rail lines (Red Rock, Norwood/Young America, and Bethel/Cambridge), the Northern Lights Express Intercity Passenger Rail (Minneapolis to Duluth), and High Speed Rail from Chicago; and

Whereas, it is necessary for the City to commence construction of the Cedar Lake Trail Phase III in 2010 in order to meet state and federal funding deadlines and its obligations under an agreement with the Minnesota Department of Transportation, the Northstar Corridor Development Authority and the Metropolitan Council; and

Whereas, construction of the Cedar Lake Trail Phase III Project requires that the City secure a use permit to permit construction of the trail on four parcels owned by HCRRA; and

Whereas, development of additional phases of the Intermodal Station will greatly benefit the City, Hennepin County, and the entire metropolitan region; and

Whereas, the City and HCRRA wish to coordinate the Cedar Lake Trail Phase III Project and future rail projects in the area between North 5th Street and Washington Avenue to ensure timely and successful implementation of both projects; and

Whereas, the City has begun the right-of-way acquisition process for the Cedar Lake Trail Phase III Project, including an approximately 12 foot trail easement parallel to the property secured for the Northstar project between North 5th Street and Washington Avenue in the vicinity of where the Northstar Commuter Rail Line and the Hiawatha Light Rail Line connect, and where several other rail transit lines currently under study will converge at an intermodal station; and

Whereas, staging options for the ultimate build out of the Intermodal Station will be further developed after completion of Phase 2 of the Downtown Minneapolis Intermodal Station Study in late 2009/early 2010; and

Whereas, if the full Intermodal Station is to be constructed in the future, it is likely to occupy at least a portion of the area being acquired for the Cedar Lake Trail Phase III project; and

Whereas, on March 6, 2009, in Resolution 2009R-079, the City Council found that Parcels 14 and 15 described in Exhibit A to that Resolution ("Parcels 14 and 15") are needed for the Cedar Lake Trail Phase III Project, for reasons of cost effectiveness and efficiency and to ensure that Parcels 14 and 15 will remain free from encroachments by structures, and available for other foreseeable future uses, it is necessary, desirable, convenient and for a public purpose to secure permanent easements encumbering Parcels 14 and 15 for transportation purposes and related facilities, including, without limitation, rail, bus, bicycle, road and foot travel, the location of utility and communication facilities, including fiber optic lines, and for other future transportation and public facilities, and temporary easements for construction of the Cedar Lake Trail over Parcels 14 and 15, including by use of eminent domain proceedings, if necessary; and

Whereas, in Resolution 2009R-079, the City Council found that acquisition of such transportation easements encumbering Parcels 14 and 15 is necessary for transportation uses, serves a public purpose and is consistent with the use of the Cedar Lake Trail until such time as rail improvements and/or other public facilities are constructed within the right-of-way; and

Whereas, the City has previously commenced eminent domain proceedings to acquire permanent and temporary easements over Parcel 15 as described in said Resolution 2009R-079; and

Whereas, the City Council finds that it is necessary, convenient, and for a public purpose that the City also acquire a non-exclusive temporary easement for transportation purposes over said Parcel 15,

as is legally described in First Amended Exhibit A attached hereto ("Additional Temporary Easement") to expire December 31, 2010, to enable the City to facilitate construction of the Cedar Lake Trail, and to provide access for emergency, repair and maintenance vehicles for the benefit of the City, Minnesota Department of Transportation, Northstar Corridor Development Authority and the Metropolitan Council, as contemplated by the City's agreements with those agencies;

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

That if the Director of Public Works is unable to acquire said Additional Temporary Easement encumbering Parcel 15 for construction purposes by and for emergency access, maintenance, and repair vehicles upon terms acceptable to the City, the City Attorney and outside counsel retained by the City are hereby authorized and directed to amend the currently pending eminent domain proceedings to acquire such Additional Temporary Easement, and to use the quick take provisions of Minn. Stat. § 117.042 to acquire title and possession of such Easement prior to the filing of the Court Appointed Commissioners' report of damages caused by the taking.

Be It Further Resolved that with the assistance of the reports of independent real estate appraisers secured on behalf of the City, the Director of Public Works is hereby authorized to determine the amount of the City's offer of compensation to the owners of Parcel 15 for the Additional Temporary Easement and the approved appraisal of damages to be paid or deposited by the City pursuant to Minn. Stat. § 117.042.

Be It Further Resolved that the acquisition of such Additional Temporary Easement is hereby determined to be necessary and convenient and for a public purpose.

FIRST AMENDED EXHIBIT A

The complete legal description of easements to be acquired is on file in the office of the City Engineer. The Additional Temporary Easement to be acquired from Parcel 15 pursuant to this resolution is described below.

Parcel No 15 (Torrens Certificate of Title No 1032399 (PIN #22-029-24-42-0098 and #22-029-24-13-0110):

Property Address: 328 North 4th Street, Minneapolis, Minnesota (PID #22-029-24-13-0110)

Property Address: 333 Washington Avenue North, Minneapolis, Minnesota (PID #22-029-24-42-0098)

Torrens Portion as evidenced by Certificate of Title No 10322399

Those portions of Blocks 10, 57, and 58, Hoag's Addition to Minneapolis; and those portions of Blocks 57 and 58, Town of Minneapolis; and those portions of Blocks 19, 21 and 22 in Bradford and Lewis Addition to Minneapolis; together with those portions of abandoned alleys, abandoned Fourth Avenue North, and abandoned Third Street North, all described as follows:

Lot 3, said Block 57; Lot 6 said Block 10; all in Hoag's Addition to Minneapolis;

Those portions of Lots 4 and 5, said Block 10, lying southeasterly of a line drawn parallel with and 25 feet Southeasterly from the center line of the East bound track of the Burlington Northern Railroad, which lies Southwesterly of the Northeasterly right of way of Interstate Highway No 94;

The Northwesterly 62 feet of said Block 58, the Southeasterly line of said Northwesterly 62 feet is prolonged to terminate on the Northeasterly line of said Block 58;

That part of Lot 10, Block 58, Town of Minneapolis, shown as Block 21 in the plat of Bradford and Lewis Addition to Minneapolis;

Together with that part of said abandoned Fourth Avenue North lying between a line drawn northerly from the most Northerly corner of said Block 21, to the most Easterly corner of said Block 19 and the Northeasterly right of way line of Interstate Highway No 94;

Lots 1, 3 and 10; that part of Lot 2 lying Southeasterly of the Northwesterly 23.3 feet of said Lot 2; that part of Lot 9 lying Southeasterly of the Northwesterly 22 feet of said Lot 9 all in said Block 57, Town of Minneapolis;

Those portions of Lots 2, 15 and 16, Block 22, Bradford and Lewis Addition to Minneapolis, and that part of said Lot 5, Block 19, Hoag's Addition to Minneapolis, lying Northeasterly of the Northeasterly right of way line of Interstate Highway No 94, together with that part of adjoining abandoned alleys in said Block 10 and 22, all of which lie Southeasterly of a line hereinafter referred to as "Line A", described as follows:

Beginning at a point on the Southwesterly line of said Block 10 distant 29.27 feet Northwesterly from the most Southerly corner of said Block 10; thence Northeasterly along a straight line to a point on the

Southwesterly line of said Block 22 distant 107.48 feet Northwesterly from the most Southerly corner of said Block 22; thence Northeasterly along the prolongation of last described line 105.27 feet; thence Northeasterly along a non-tangential curve concave to the South having a radius of 1875.86 feet, the chord of said curve is measured 13 degrees 24 minutes 52 seconds to the right from said prolongation of the last described line to the Northeasterly line of said Block 22 and said "Line A" there terminating.

Lot 12, Block 19; Lot 1, Block 22; all in Bradford and Lewis Addition to Minneapolis;

That part of abandoned Third Street North lying between "Line A"; and a line described as beginning at the most Southerly corner of Lot 1, Block 57, Town of Minneapolis; thence along the Southwesterly extension of the Southeasterly line of said Lot 1 to the centerline of said street; thence, Northwesterly along said center line to the Northeasterly prolongation of a line drawn Northeasterly from a point on the Southwesterly line of Block 58, Hoag's Addition to Minneapolis distant 293.1 feet Northwesterly from the most Southerly corner of said Block 58 to a point on the Northwesterly extension of the Northeasterly line of said Block 58 distant 290.15 feet Northwesterly from the most Easterly corner of said Block 58; thence Southwesterly along the last described line to said Northwesterly extension and there terminating;

Together with that part of said abandoned Third Street North lying Northeasterly of the centerline of said street which lies between the Southwesterly extension of the Southeasterly line of the Northwesterly 23.3 feet of Lot 2, said Block 57 and the Southwesterly extension of the Southeasterly line of Lot 3, Block 57, Town of Minneapolis to said center line and there terminating.

That part of the Northeasterly half of the abandoned alley in Block 57, Town of Minneapolis lying Northwesterly of the Southwesterly extension of the Southeasterly line of the Northwesterly 22 feet of Lot 9 in said Block 57, together with that part of the Southwesterly half of said abandoned Alley lying Northwesterly of the Northeasterly extension of the Southeasterly line of the Northwesterly 23.3 feet of Lot 2, said Block 57.

Abstract Portion

PARCEL A

That part of Lots 4 and 5, Block 10, HOAG'S ADDITION TO MINNEAPOLIS, all in Hennepin County, Minnesota; which lies southeasterly of the hereinafter described line D and southerly of a line parallel with and distant 57 feet northerly of the following described line 1:

Line 1: Beginning at the point of intersection of the centerline of Second Avenue North with the centerline of Third Street North; thence run northwesterly on the centerline of Third Street North for 10.43 feet; thence deflect to the left on a tangential curve having a radius of 818.51 feet and a delta angle of 24 degrees 20 minutes 39 seconds for 347.77 feet; thence tangent to said curve for 605.89 feet; thence deflect to the right on a tangential curve having a radius of 1909.86 feet and a delta angle of 24 degrees 30 minutes 00 seconds for 816.67 feet and there terminating.

Line D: Beginning at a point of intersection of the southwesterly line of Block 10, HOAG'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota, and a line which is parallel with and 25 feet southeasterly of the centerline of the eastbound main track of the Burlington Northern Railroad, said point of beginning being distant 64.63 feet northwesterly of the most southerly corner of said Block 10; thence northeasterly along said line which is parallel with and 25 feet southeasterly of the centerline of the eastbound main track to a point on the northwesterly extension of the northeasterly line of Lot 5, Block 10, distant 64.46 feet northwesterly of the most easterly corner of said Lot 5.

Parcel A contains 7895 square feet, more or less. Subject to a highway easement per County Recorder Document No 4799825. Also, subject to easements, reservations and restrictions of record, if any.

PARCEL B

That part of the Northwesterly 50 feet of Block 58, HOAG'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota; which lies southerly of a line parallel with and distant 57 feet northerly of the hereinafter described line 1:

Line 1: Beginning at the point of intersection of the centerline of Second Avenue North with the centerline of Third Street North; thence run northwesterly on the centerline of Third Street North for 10.43 feet; thence deflect to the left on a tangential curve having a radius of 818.51 feet and a delta angle of 24 degrees 20 minutes 39 seconds for 347.77 feet; thence tangent to said curve for 605.89 feet; thence deflect to the right on a tangential curve having a radius of 1909.86 feet and a delta angle of 24 degrees 30 minutes 00 seconds for 816.67 feet and there terminating.

Parcel B contains 9,221 square feet, more or less. Subject to a highway easement per County Recorder Document No 4799825. Also, subject to easements, reservations and restrictions of record, if any.

PARCEL C - ABANDONED STREET RIGHT-OF-WAY

That part of abandoned Fourth Avenue North which lies northeasterly of the northeasterly line of Fourth Street North and southerly of a line run parallel with and distant 57 feet northerly of line 1 described as follows:

Line 1: Beginning at the point of intersection of the centerline of Second Avenue North with the centerline of Third Street North; thence run northwesterly on the centerline of Third Street North for 10.43 feet; thence deflect to the left on a tangential curve having a radius of 818.51 feet and a delta angle of 24 degrees 20 minutes 39 seconds for 347.77 feet; thence tangent to said curve for 605.89 feet; thence deflect to the right on a tangential curve having a radius of 1909.86 feet and a delta angle of 24 degrees 30 minutes 00 seconds for 816.67 feet and there terminating;

and, that part of the Southwesterly half of abandoned Fourth Street North which is adjacent to Blocks 9 and 85, HOAG'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota, which lies northwesterly of the following described line:

Beginning at a point on the northeasterly line of said Block 85 distant 265.87 feet northwesterly of the most easterly corner of said Block 85; thence northeasterly along an extension of a line drawn from the last described point to a point on the southwesterly line of said Block 85, distant 267.56 feet northwesterly from the most southerly corner of said Block 85 to the centerline of abandoned Fourth Street North and said line there terminating;

and lying southeasterly of the following described line:

Beginning at the point of intersection of the northeasterly line of said Block 9 and a line which is parallel with and 25 feet southeasterly of the centerline of the eastbound main track of the Burlington Northern Railroad, said point of beginning, being 64.72 feet northwesterly of the most easterly corner of said Block 9; thence northeasterly along said line which is parallel with and 25 feet southeasterly of the centerline of the eastbound main track to a point on the southwesterly line of Block 10, HOAG'S ADDITION TO MINNEAPOLIS, distant 64.63 feet northwesterly of the most southerly corner thereof and said line there terminating;

and, that part of the Northeasterly half of abandoned Fourth Street North, which is adjacent to Blocks 10 and 58, HOAG'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota, and which lies northwesterly of the following described line:

Beginning at a point on the southwesterly line of Block 58, HOAG'S ADDITION TO MINNEAPOLIS, said point distant 293.10 feet northwesterly of the most southerly corner of said Block 58; thence southwesterly along an extension of a line drawn from the last described point to a point on northwesterly extension of the northeasterly line of said Block 58, distant 290.15 feet northwesterly from the most easterly corner of said Block 58 to the centerline of Fourth Street North and said line there terminating;

and lying southeasterly of the following described line.

Additional Temporary Easement

A temporary easement for construction and vehicular access (by emergency maintenance and repair vehicles) purposes over, under and across those portions of Blocks 10, 57 and 58, HOAG'S ADDITION TO MINNEAPOLIS; and those portions of Blocks 57 and 58, TOWN OF MINNEAPOLIS; and those portions of Blocks 19, 21 and 22 in BRADFORD AND LEWIS ADDITION TO MINNEAPOLIS; together with those portions of abandoned alleys, abandoned Fourth Avenue North and abandoned Third Street North all described as follows:

Lot 3, said Block 57; Lot 6, said Block 10, all in HOAG'S ADDITION TO MINNEAPOLIS;

Those portions of Lots 4 and 5, said Block 10, lying Southeasterly of a line drawn parallel with and 25 feet Southeasterly from the center line of the East Bound track of the Burlington Northern Railroad (now known as BNSF RAILWAY COMPANY) as said centerline was located and established on September 16, 1999, which lies Southwesterly from the Northeasterly right-of-way of Interstate Highway No 94;

The Northwesterly 62 feet of said Block 58, the Southeasterly line of said Northwesterly 62 feet is prolonged to terminate on the Northeasterly line of said Block 58; That part of Lot 10, Block 58, TOWN OF MINNEAPOLIS, shown as Block 21 in the plat of BRADFORD AND LEWIS ADDITION TO MINNEAPOLIS;

Together with that part of said abandoned Fourth Avenue North lying between a line drawn northerly from the most Northerly corner of said Block 21, to the most easterly corner of said Block 19 and the Northeasterly right-of-way line of Interstate Highway No 94:

Lots 1, 3 and 10; that part of Lot 2 lying Southeasterly of the Northwesterly 23.3 feet of said Lot 2; that part of Lot 9 lying Southeasterly of the Northwesterly 22 feet of said Lot 9, all in said Block 57, TOWN OF MINNEAPOLIS;

Those portions of Lots 2, 15 and 16, Block 22, Bradford and Lewis Addition to Minneapolis and that part of said Lot 5, Block 19, HOAG'S ADDITION TO MINNEAPOLIS lying Northeasterly of the Northeasterly right-of-way line of Interstate Highway No 94, together with that part of adjoining abandoned alleys in said Blocks 10 and 22, all which lie Southeasterly of a line hereinafter referred to as "Line A" and described as follows:

Beginning at a point on the Southwesterly line of said Block 10, distant 29.27 feet Northwesterly from the most Southerly corner of said Block 10; thence northeasterly along a straight line to a point in the Southwesterly line of said Block 22, distant 107.48 feet Northwesterly from the most Southerly corner of said Block 22; thence Northeasterly along the prolongation of the last described line 105.27 feet; thence Northeasterly along a non-tangential curve concave to the south having a radius of 1875.86 feet, the chord of said curve is measured 13 degrees 24 minutes 52 seconds to the right from the said prolongation of the last described line to the Northeasterly line of said Block 22 and said "Line A" there terminating;

Lot 12, Block 19; Lot 1, Block 22; all in BRADFORD AND LEWIS ADDITION TO MINNEAPOLIS;

That part of abandoned Third Street North lying between "Line A" and a line described as beginning at the most Southerly corner of Lot 1, Block 57, TOWN OF MINNEAPOLIS; thence along the Southwesterly extension of the Southeasterly line of said Lot 1 to the center line of said street; thence Northwesterly along said center line to the Northeasterly prolongation of a line drawn Northeasterly from a point on the southwesterly line of Block 58, HOAG'S ADDITION TO MINNEAPOLIS distant 293.1 feet Northwesterly from the most Southerly corner of said Block 58 to a point on the Northwesterly extension of the Northeasterly line of said Block 58 distant 290.15 feet Northwesterly from the most easterly corner of said Block 58; thence Southwesterly along the last described line to said Northwesterly extension and there terminating;

Together with that part of said abandoned Third Street North lying Northeasterly of the center line of said street which lies between the southwesterly extension of the Southeasterly line of the Northwesterly 23.3 feet of Lot 2, said Block 57 and the southwesterly extension of the southeasterly line of Lot 3, Block 57, TOWN OF MINNEAPOLIS to said center line and there terminating;

That part of Northeasterly half of the abandoned alley in Block 57, TOWN OF MINNEAPOLIS lying Northwesterly of the Southwesterly extension of the Southeasterly line of the Northwesterly 22 feet of Lot 9, in said Block 57, together with that part of the Southwesterly half of said abandoned alley lying Northwesterly of the Northeasterly extension of the southeasterly line of the Northwesterly 23.3 feet of Lot 2, said Block 57;

Being registered land as evidenced by Certificate of Title No 1032399.

Said temporary construction and access easement lies within a distance of 157.50 feet southeasterly of the following described "Line 1" and also lying between two lines run parallel with and distant 37.32 feet and 74.49 feet southwesterly of the Southwesterly line of said Third Street North and also lying southeasterly of a line parallel with and 35.00 feet southeasterly of the following described "Line 2".

"Line 1" is described as commencing at the most easterly corner of Block 85, said HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 53 minutes 45 seconds West along the northeasterly line thereof and its northwesterly extension for 439.89 feet to the point of beginning of "Line 1" to be described; thence North 44 degrees 57 minutes 50 seconds East to an intersection with the southeasterly right of way line of BNSF Railway Company and there terminating.

"Line 2" is described as commencing at the most southerly corner of said Block 10; thence North 45 degrees 01 minutes 39 seconds West, assumed bearing along the southwesterly line of said Block 10, a distance of 17.87 feet to the point of beginning of said "Line 2"; thence North 45 degrees 03 minutes 49 seconds East a distance of 88.06 feet; thence northeasterly along a tangential curve concave to the southeast having a radius of 1000.00 feet, a central angle of 01 degrees 08 minutes 45 seconds, a distance of 20.00 feet; thence North 46 degrees 12 minutes 34 seconds East, tangent to said curve, a distance of 29.86 feet; thence northeasterly along a tangential curve concave to the northwest having a radius of 1015 feet, a central angle of 01 degrees 98 minutes 45 seconds, a distance of 20.30 feet; thence North 45 degrees 03 minutes 49 seconds East, tangent to last described curve, a distance of 400.40 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 550.00 feet, a central angle of 18 degrees 33 minutes 00 seconds, a distance of 178.07 feet; thence North 63 degrees 36 minutes 51 seconds East,

tangent to last described curve, a distance of 30.17 feet to the northeasterly line of said Block 22 and said "Line 2" there terminating.

Said temporary construction and access easement to be effective on July 6, 2009 and shall terminate on December 31, 2010.

Adopted 7/17/2009.

Absent - Remington.

Resolution 2009R-328, approving acquisition of temporary easements for transportation purposes, and authorizing use of eminent domain proceeding relating to Cedar Lake Trail, Phase III (Parcels 16, 17, 19, 21, 24), was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-328

By Colvin Roy

Approving acquisition of permanent and temporary easements for transportation purposes and authorizing use of eminent domain proceedings.

Whereas, the City of Minneapolis (the "City") completed Phase I and Phase II of the Cedar Lake Trail between the West City limits and Royalston Avenue in 1995; and

Whereas, extension of the Cedar Lake Trail from Royalston Avenue to the Mississippi River ("Cedar Lake Trail Phase III, a/k/a Cedar Lake Bike Trail Phase III") is a high priority for the City of Minneapolis ("City") and its residents; and

Whereas, in a Council action on December 17, 1999, the City Council authorized the City to enter into two easements for the Cedar Lake Bike Trail Phase III; and

Whereas, in a Council action on March 2, 2001, the City Council authorized the Director of Public Works to develop a temporary bike route plan for Cedar Lake Trail Phase III due to construction delays caused by other projects in the area; and

Whereas, in 2001, the City Council adopted Resolution 2001R-147, Amending the 2001 Capital Improvement Appropriation Resolution, which included an increase to the budget for the Cedar Lake Bike Trail of \$300,000 with the revenue source being the settlement from the Federal Reserve Bank Project Tax Increment Financing District for the off-site public improvements; and

Whereas, in a Council action on August 24, 2001, the City Council authorized the proper City officers to apply for a series of federal funds (TEA-21) including \$2,160,000 for Cedar Lake Bike Trail Phase III; and

Whereas, in a Council action on September 28, 2001, the City Council authorized the expenditure of \$40,000 from the Commuter Bike Fund System (4100-943-9470-Project A7002990) for a temporary bike lanes alignment for the Cedar Lake Trail Phase III; and

Whereas, in 2004, the City Council adopted Resolution 2004R-580, approving the 2005-2009 Five Year Capital Budget, which included an appropriation of \$2,160,000 for the Cedar Lake Trail Phase III Project with the revenue source being the Federal Government; and

Whereas, in 2005, the City Council adopted Resolution 2005R-075, Supporting the Completion of the Cedar Lake Bike Trail to the Mississippi River; and

Whereas, in 2005, the City Council adopted Resolution 2005R-661, Requesting the issuance and sale of bonds including the Cedar Lake Bike Phase III Project; and

Whereas, in 2005, the City Council adopted Resolution 2005R-658, 2006-2010 Five Year Capital Budget which included an appropriation of \$583,000 for the Cedar Lake Bike Phase III Project, with the revenue source being Net Debt Bonds; and

Whereas, on November 17, 2006, the City Council authorized execution of Metropolitan Council Grant Agreement No SG-2006-145 in the amount of \$1,800,000 for the Cedar Lake Trail Phase III Project; and

Whereas, in 2006, the City Council adopted Resolution 2006R-584, Appropriation Increase to PW-Fund (0600-943-9480) by \$1,800,000 and increasing the revenue source (0600-943-9480-3215) by

\$1,800,000; and increasing the appropriation in PW-Fund (4100-943-9470-BIKOI) by \$1,800,000 and increasing the revenue source (4100-943-9470-3215) by \$1,800,000; and

Whereas, in 2006, the City Council adopted Resolution 2006R-634, authorizing City representatives to enter into negotiations with abutting owners for the acquisition of trail easements; and

Whereas, on March 9, 2007, the City Council authorized the acquisition by negotiation or condemnation of permanent and temporary trail easements encumbering certain real estate for completion of the Cedar Lake Trail Phase III Project; and

Whereas, in Resolution 2009R-079 on March 6, 2009, the City Council authorized the execution of an agreement between the City and Hennepin County Regional Railroad Authority ("HCRRA") for cooperation in the acquisition of transportation easements by the City for construction of a portion of the Cedar Lake Trail Phase III (and anticipating other possible transportation and utility uses of those easements) ("HCRRA Agreement"); and

Whereas, it is necessary for the City to commence construction of the Cedar Lake Trail Phase III Project in 2010 in order to meet state and federal funding deadlines and the City's obligations under an agreement with the Minnesota Department of Transportation, the Northstar Corridor Development Authority and the Metropolitan Council; and

Whereas, construction of the Cedar Lake Trail Phase III Project requires that the City secure use permits to permit construction of the trail on four parcels owned by HCRRA (which permits HCRRA has agreed to issue pursuant to the HCRRA Agreement); and

Whereas, the City has begun the right-of-way acquisition process for the Cedar Lake Trail Phase III Project, including an approximately 12 foot trail easement parallel to the property secured for the Northstar project between North 5th Street and Washington Avenue in the vicinity of where the Northstar Commuter Rail Line and the Hiawatha Light Rail Line connect, and where several other rail transit lines currently under study will converge at an intermodal station; and

Whereas, it is necessary and convenient to install stormwater improvements within portions of the Cedar Lake Trail Phase III Project; and

Whereas, on May 22, 2009, in Resolution 2009 R-235, the City Council found that permanent and/or temporary easements encumbering Parcels 16, 17, 19, 21 and 24 described in Exhibit A attached hereto are needed for the Cedar Lake Trail Phase III Project, and that it is necessary, desirable, convenient, and for a public purpose to secure the easements described in Exhibit A, encumbering Parcels 16, 17, 19, 21 and 24 for construction and use of the Cedar Lake Trail and utility purposes, including by use of eminent domain proceedings, if necessary; and

Whereas, the City has previously commenced eminent domain proceedings to acquire permanent and temporary easements over Parcels 16, 17, 19, 21, and 24 as described in said Resolution 2009R-235; and

Whereas, the City Council finds that it is necessary, convenient, and for a public purpose that the City also acquire a temporary easement for construction purposes over said Parcels 17, 19, and 24, as is legally described in First Amended Exhibit A attached hereto ("Temporary Easement") to expire December 31, 2010, to enable the City to construct the Cedar Lake Trail; and

Whereas, City Staff has been unable to acquire the temporary easement as described on First Amended Exhibit A attached hereto by voluntary negotiations;

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

That if the Director of Public Works is unable to acquire permanent and temporary easements encumbering Parcels 16, 17, 19, 21 and 24, as described on First Amended Exhibit A, for trail and other transportation purposes, including, without limitation, bicycle, vehicular (maintenance and emergency) and foot travel, the location of all public utility and communication facilities, including fiber optic lines, and other public facilities, upon terms acceptable to the City, the City Attorney and outside counsel retained by the City are hereby authorized and directed to initiate and complete eminent domain proceedings to acquire such easements, and to use the quick take provisions of Minn. Stat. § 117.042 to acquire title and possession of such easements prior to the filing of the Court Appointed Commissioners' report of damages caused by the taking.

Be It Further Resolved that with the assistance of the reports of independent real estate appraisers secured on behalf of the City, the Director of Public Works is hereby authorized to determine the amount

JULY 17, 2009

of the City's offer of compensation to the owners prior to the filing of condemnation and the approved appraisal of damages to be paid or deposited by the City pursuant to Minn. Stat. § 117.042.

Be It Further Resolved that the acquisition of such permanent and temporary easements is hereby determined to be necessary and convenient and for a public purpose.

**FIRST AMENDED
EXHIBIT A**

LEGAL DESCRIPTIONS OF PROPERTIES TO BE ACQUIRED

The complete legal descriptions of the easements to be acquired are on file in the office of the City Engineer.

PARCEL 16

BNSF RAILWAY COMPANY
405 Washington Avenue North
Property Identification #22-029-24-13-0107

PARCEL 17

BNSF RAILWAY COMPANY
332-1/2 Washington Avenue North
Property Identification #22-029-24-14-0163

PARCEL 19

BNSF RAILWAY COMPANY
322 - 2nd Street North
Property Identification #22-029-24-14-0528

PARCEL 21

THREE QUARTERS, LLC
BRUCE STILLMAN
310 - 2nd Street North
Property Identification #22-029-24-14-0016

PARCEL 24

BNSF RAILWAY COMPANY
300 - 1st Street North
Property Identification #22-029-24-14-0008

Adopted 7/17/2009.
Absent - Remington.

T&PW - Your Committee recommends approval of the Access Minneapolis: Citywide Ten-Year Transportation Action Plan, as revised on July 7, 2009, and as set forth in Petn No 273596 on file in the office of the City Clerk.

Adopted 7/17/2009.
Absent - Remington.

T&PW - Your Committee recommends that the proper City officers be authorized to enter into a Memorandum of Understanding (MOU) with Metropolitan Council Environmental Services clarifying the positions of both agencies related to combined sewer overflow efforts and allowing the Comprehensive Plan to proceed with the final approvals.

Adopted 7/17/2009.
Absent - Remington.

T&PW - Your Committee having under consideration a request that the City Attorney be authorized to file a petition to intervene as a party in the proceeding known as *In the Matter of the Application for*

a *High Voltage Transmission Line Route Permit for the Hiawatha Transmission Project, MPUC Docket Number E-002/TL-09-38* in front of the Minnesota Public Utilities Commission, now recommends that said request be **sent forward without recommendation**.

Colvin Roy moved to amend the report by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be approved". Seconded.

Adopted upon a voice vote.

Absent - Remington.

The report, as amended, was adopted 7/17/2009.

Absent - Remington.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration Non-Motorized Transportation Pilot Program (NTP) grant awards, now recommends:

a) That the proper City officers be authorized to accept NTP federal grants in the amount of \$400,000 for the Southern Bike Connection and in the amount of \$350,000 for 7th Street N and 5th Street NE Pedestrian Enhancements;

b) That the proper City officers be authorized to enter into agreements with the Minnesota Department of Transportation (Mn/DOT) relating to said grants;

c) Passage of the accompanying resolution increasing the appropriation for the projects in the total amount of \$750,000; and

d) Passage of the accompanying resolution requesting that Mn/DOT act as the City's agent to accept the federal grants.

Adopted 7/17/2009.

Absent - Remington.

**RESOLUTION 2009R-329
By Colvin Roy and Ostrow**

Amending The 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the PW-Transportation Capitol Agency in the Permanent Improvement Projects Fund (01300-9010000) by \$750,000 and increasing the revenue source (01300-9010000 - Source 321012) by \$750,000.

Adopted 7/17/2009.

Absent - Remington.

Resolution 2009R-330, appointing the Commissioner of Transportation as agent of the City and enter into an agreement to accept grants for the Non-Motorized Transportation Pilot Program, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-330
By Colvin Roy and Ostrow**

RESOLUTION FOR AGENCY AGREEMENT

Appointing the Commissioner of Transportation as agent of the City of Minneapolis and entering into an agreement to accept grants for the Non-Motorized Transportation Pilot Program.

Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept as its agent, federal aid funds which may be made available for eligible transportation-related projects.

Be It Further Resolved that the proper City officers are hereby authorized and directed, for and on behalf of the City of Minneapolis, to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation for projects described as Southern Bike Connection (SP 141-090-35 & 141-090-36) and Pedestrian Enhancements at 5th Street NE and 7th Street N (SP 141-070-16 & 141-070-17).

Adopted 7/17/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 7156, Accept low bid of Metropolitan Mechanical Contractors, Inc., in the amount of \$45,290, to furnish, deliver, and install rooftop air handlers at the skyway over 12th Street and Grant Street; and

b) OP 7159, Accept low bid of Construction Results Corporation, in the amount of \$8,900, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the areaway abandonment at 625 2nd Ave S for the City of Minneapolis Public Works Department.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 7/17/2009.

Absent - Remington.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 7/17/2009.

Absent - Remington.

Resolution 2009R-331, authorizing settlement of *Laurence Stewart; Sharon Williams; and Uptown Flats LLC*, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-331

By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of:

a) *Laurence Stewart v. City of Minneapolis*, by payment of \$10,000 to Laurence Stewart and his attorney, Albert Goins, from the Internal Service Self Insurance Fund (06900-1500100-145675);

b) *Sharon Williams*, by payment of \$7,500 to Sharon Williams and Brenengen & Associates, from the Internal Service Self Insurance Fund (06900-1500100-145280); and

c) *Uptown Flats LLC and 3039 Bryant Ave South v. City of Minneapolis*, by payment of \$41,479 to Uptown Flats LLC, from the Internal Service Self Insurance Fund (06900-1500100-145630).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Adopted 7/17/2009.

Absent - Remington.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to further amend the Master Agreement for Legal Services between the City of Minneapolis and Lockridge Grindal Nauen, P.L.L.P., so that the compensation payable under said agreement not exceed \$1,200,000 for the term of this three year agreement, which began in 2007.

Adopted 7/17/2009.

Absent - Remington.

W&M/Budget - Your Committee, having under consideration the American Recovery and Reinvestment Act of 2009, now recommends that the City Attorney's office be authorized to submit an application for Byrne State Justice Assistance Grants, which will provide financial assistance for 3.5 FTEs, to include 2 community attorney paralegals, .5 investigator, a victim witness assistant, and help cover the costs of the e-citation and e-charging initiatives. This funding can be used for both lay-off prevention and hiring new employees.

Adopted 7/17/2009.

Absent - Remington.

W&M/Budget - Your Committee recommends that proper City officers be authorized to increase contract C-21693 (scope 1) to \$600,000 with Labyrinth Consulting to provide programming expertise and support for the Automated Pawn System (APS). No additional appropriation required.

Adopted 7/17/2009.

Absent - Remington.

W&M/Budget - Your Committee recommends approval of the August 2009 utility billing insert on behalf of the Finance Department about sales and use taxes.

Adopted 7/17/2009.

Absent - Remington.

The ZONING & PLANNING Committee submitted the following reports:

Z&P – Your Committee, having under consideration the *Phillips West Master Land Use Plan* as a long range land use planning document for the Phillips West Neighborhood, now concurs in the recommendation of the City Planning Commission that the plan be approved and that it be amended into the policy guidance for the area in the City's comprehensive plan.

Adopted 7/17/2009.

Absent - Remington.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to the *Zoning Code*, as follows:

- a. Amending Chapter 520 relating to *Introductory Provisions*;
- b. Amending Chapter 543 relating to *On-Premise Signs*;
- c. Amending Chapter 551 relating to *Overlay Districts*; and
- d. Returning Chapters 525, 531, and 535 to author;

AND

Amending Title 5 of the Minneapolis Code of Ordinances relating to the *Building Code*, as follows:

- e. Amending Chapter 95 relating to *Projections and Encroachments*, and
- f. Amending Chapter 109 relating to *Signs and Billboards*;

to comprehensively review and revise the current zoning code regulations relating to on-premise signs, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinances be given their second reading for amendment and passage, amended as follows by the Committee:

To Chapter 95 to allow the recovering of awnings or canopies without a permit:

95.140. Permits. No person shall install, reconstruct or alter any ~~marquee, awning or canopy awning, canopy or marquee~~ which projects over public property without first having obtained a permit from the ~~director of inspections~~ zoning administrator; however, no permit shall be required for recovering

the framework of awnings or canopies. The fee for such permits shall be as set forth in ~~section 91.90~~ Chapter 91, Permit Fees, of the Minneapolis Code of Ordinances.
 AND

To Chapter 543 to not allow pole signs in any zoning district:

Table 543-2 Specific Standards for Signs in the OR2, OR3 and Commercial Districts¹

Types of freestanding signs allowed

Pole Signs No No No No No No

Table 543-4 Specific Standards for Signs in the Industrial Districts¹

Signs Attached to Buildings

Maximum height of signs 24 ~~28~~ ft.

Freestanding Signs

Maximum height of signs ² 25 ~~8~~ ft. except pole signs shall not exceed 24 feet

Types of freestanding signs allowed

Monument Signs Yes

Pole Signs No

AND

To Chapter 543 to change the provisions relating to portable signs:

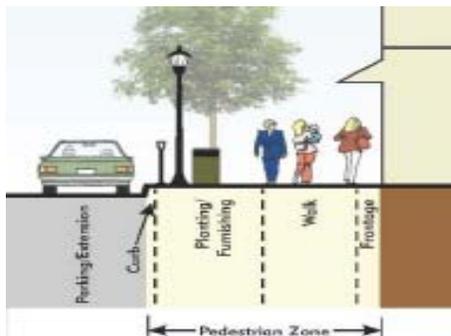
543.390. Portable signs. (a) *In general.* Portable signs shall be prohibited on the public right-of-way in the downtown area bounded by Interstate 35W, Interstate 94, Plymouth Avenue, and the Mississippi River, except as required or permitted in connection with an approved valet parking license or sidewalk café permit.

(ab) *Limits.* Portable signs shall not exceed twelve (12) square feet in area, shall not be illuminated, and shall be of sufficient weight to prevent movement by wind.

(bc) *On the public right-of-way.* Portable signs may be allowed on the public right-of-way outside the downtown area, as defined in 543.390(a). Portable signs shall be placed in the Planting/Furnishing Zone or Frontage Zone, and shall not be placed in the Through Walk Zone, as indicated in Figure 543-1. Portable signs shall not obstruct the public sidewalk and shall not be attached to public infrastructure.

(ed) *Exemption from regulations on number of freestanding signs.* Portable signs shall be exempt from the restrictions on the number of freestanding signs allowed on a zoning lot, provided such portable signs shall not exceed four (4) feet in height and there shall be not more than one (1) such portable sign per street frontage.

Figure 543-1:



Adopted 7/17/2009.
Absent - Remington.

Ordinance 2009-Or-055, amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, amending Section 520.160 to add definitions relating to on-premise signs, was adopted 7/17/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-055

By Schiff

Intro & 1st Reading:

Ref to:

2nd Reading:

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.

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

Section 1. That Section 520.160 of the above-entitled ordinance be amended thereto the following definitions in alphabetical sequence 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. All words and phrases not defined shall have their common meaning.

Sign. A structure, fixture, placard, announcement, declaration, image, device, demonstration, logo or insignia used for direction, information, identification, attraction, or to advertise or promote any business, product, activity, service, interest or entertainment.

Changeable copy sign, dynamic. A sign or portion thereof with letters or numbers only that can be electronically changed or rearranged without altering the face or the surface of the sign.

Changeable copy sign, manual. A sign or portion thereof with characters, letters or illustrations letters or numbers only that can be manually changed or rearranged without altering the face or the surface of the sign.

Flashing off-premise sign. A sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination or the illusion of intermittent flashing light by any means. Also, any mode of lighting which resembles zooming, twinkling or sparkling.

Dynamic sign. A sign, or any element of a sign, which provides the ability to change text or images, or exhibits changing effects in order to provide intermittent illumination or the illusion of such illumination, or any series of imagery or display which may appear to move or change, including changes produced by any electronic method. A dynamic sign is not a changeable copy sign, dynamic.

Ground sign. A freestanding sign with its sign face mounted on the ground, on a solid base at least as wide as the sign, or on one (1) or more poles or beams with not more than one (1) foot of open area between the sign face and the ground or base.

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Monument sign. A freestanding sign with its sign face mounted on the ground, on a solid base at least as wide as the sign, or on one (1) or more poles or beams with not more than one (1) foot of open area between the sign face and the ground or base.

Projecting sign. A sign which projects from a wall of a building in such manner that the sign face is perpendicular to the wall, or a sign which is suspended from a soffit or other permanent roof overhang.

Roof sign. A sign which is mounted on the roof of a building or which projects above the top of the wall of a building with a flat, gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

Snipe sign. A sign of any material, including but not limited to paper, cardboard, wood or metal, attached to any object and having no application to the premises where located.

Specific product or brand name sign. A sign which mentions a specific product or brand name sold or offered on the premises.

Stringer sign. A sign that is made of commercial or decorative pennants, flags or streamers which are attached to a string, rope or cable.

Time and temperature sign. A sign which displays current time and temperature only.

Adopted 7/17/2009.
Absent - Remington.

Ordinance 2009-Or-056, amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to *Zoning Code: On-Premise Signs*, to revise current regulations relating to on-premise signs, was adopted 7/17/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-056
By Schiff
Intro & 1st Reading: 9/26/2008
Ref to: Z&P
2nd Reading: 7/17/2009

Amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to Zoning Code: On-Premise Signs.

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

Section 1. That Section 543.30 of the above-entitled ordinance be amended to read as follows:
543.30. Compliance with standards. No person shall place, erect or maintain a sign, nor shall a lessee or owner permit property under his or her control to be used for such sign, which does not conform to the requirements of this chapter, Chapter 409, Signs and Billboards, Chapter 95, Projections and Encroachments of the Minneapolis Code of Ordinances, and all other applicable regulations.

Section 2. That Section 543.50 of the above-entitled ordinance be amended to read as follows:
543.50. Prohibited signs. The following signs shall be prohibited in all zoning districts, except as otherwise specified in this chapter:

- (1) Flashing signs, except in the downtown districts and C3A District, or when used to provide time and temperature, subject to the provisions of section 543.230, or when allowed on theaters, as specified in section 543.180.

- (21) Roof signs.
- (32) Balloon signs.
- (43) Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing signage.
- (54) Signs placed or maintained on natural features.
- (65) Audible signs.
- (76) Signs with moving or swinging parts or elements, except in the downtown districts and C3A District or as a window sign.
- (87) Any sign relating to sexually oriented uses and prohibited by the regulations governing such uses in Chapter 549, Downtown Districts.
- (98) Searchlights and strobe lights, except as allowed in Chapter 535, Regulations of General Applicability.
- (109) Signs attached to skyway bridges and intended to be read from the public right-of-way.
- (10) Stringer signs.
- (11) Off-premise signs that do not comply with Chapter 544, Off-Premise Signs and Billboards.
- (112) Any sign not listed as either permitted or conditional or any sign not determined by the zoning administrator to be substantially similar to a sign listed as permitted or conditional in the manner provided for in Chapter 525, Administration and Enforcement, governing determination of substantially similar uses.
- (13) Snipe signs.

Section 3. That Section 543.60 of the above-entitled ordinance be and is hereby repealed.

543.60. Height over public property. ~~Signs extending over public property shall maintain a minimum clearance, as specified in Chapter 109, Signs and Billboards, of the Minneapolis Code of Ordinances.~~

Section 4. That Section 543.70 of the above-entitled ordinance be amended to read as follows:

543.7060. Illumination of signs. (a) *In general.* All lighted signs shall comply with the performance standards governing lighting contained in Chapter 535, Regulations of General Applicability, and may be illuminated as follows where allowed by Tables 543-1, Specific Standards for Signs in the Residence and OR1 Districts, 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, and subject to all other applicable regulations of this chapter:

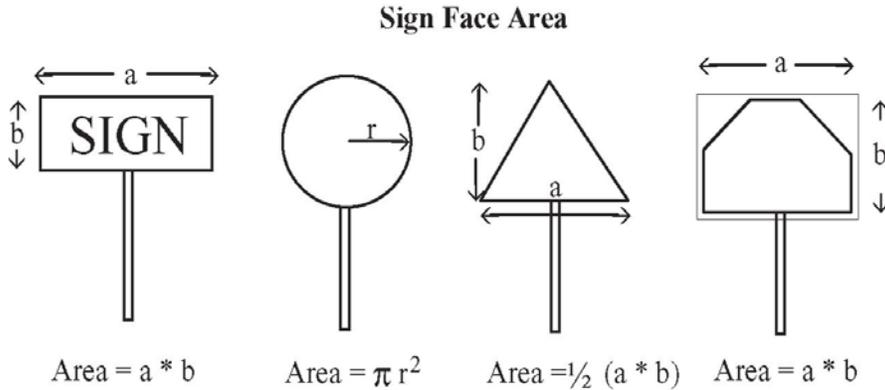
- (1) ~~*Back-lighted Backlit.*~~ A light source contained within the sign element or sign cabinet that illuminates by shining through a translucent surface or sign face, except where only the letters, numbers or logos of the sign copy are illuminated.
- (2) *External.* A light source outside the sign element or sign cabinet that illuminates by directing light onto the sign surface, such as by floodlight or spotlight.
- (3) *Internal.* A light source contained within the sign cabinet that illuminates by directing light onto the sign surface, or that illuminates only the letters, numbers or logos of the sign copy, and which is not ~~back-lighting backlit~~
- (4) ~~*Neon.*~~ A light source supplied by neon or other gas in which the light tube is bent to form letters, symbols or other shapes.

(b) *Lighted signs in the residence or OR1 Districts.* Lighted signs in the residence or OR1 Districts shall not be ~~back-lighted backlit~~, shall be no closer than twenty (20) feet from the nearest residence district or OR1 District property line, and shall be illuminated only by white or amber light.

(c) *Lighted signs in all other districts.* Lighted signs facing and on property adjacent to or across a street or alley from a residence district or OR1 District shall not be ~~back-lighted backlit~~, and shall be no closer than twenty (20) feet from the nearest residence district or OR1 District boundary. This provision shall not apply to signs that are located at least three hundred (300) feet from a residence or OR1 District.

Section 5. That Section 543.80 of the above-entitled ordinance be amended to read as follows:

543.8070. Computation of sign face area. (a) *Framed signs.* The area of a sign face enclosed in a frame or cabinet shall be determined on the basis of the outer dimensions of the frame or cabinet surrounding the sign face. Where the frame or cabinet is not in the shape of a rectangle, square, triangle or circle, the sign face area shall be determined by calculating the area of an imaginary rectangle drawn around the frame or cabinet.



(b) *Back-to-back signs.* When the faces of a back-to-back sign are parallel or within thirty-five (35) degrees of parallel, the sign face area shall be determined on the basis of only one (1) side of such sign. If the sign faces are not within thirty-five (35) degrees of parallel, the sign face area shall be determined on the basis of the sum of the areas of each sign face.

(c) *Multiple framed signs.* For freestanding and projecting signs that contain multiple frames on a single structure and oriented in the same direction, the sign face area shall be determined on the basis of the sum of the areas of each cabinet. *Freestanding signs.* For freestanding signs that have a solid base, the size of the base shall not be included in the total sign face area.

(d) *Three dimensional signs.* For globe signs, three (3) dimensional, three (3) or more sided signs, or signs with indistinct sign faces, the sign face area shall be determined on the basis of the maximum surface area visible at any one (1) time.

(e) *Individual elements.* When signs are constructed of individual elements attached to a building or wall, the sign face area shall be determined by calculating the area of an imaginary rectangle drawn around the sign elements.

(f) *Painted wall signs.* If a painted wall sign is incorporated into a painted wall decoration, both the wall sign and decoration shall be counted as the sign face area.

(g) *Awnings, canopies and marquees.* When signs are incorporated into awnings, canopies and marquees, the sign area shall be determined by computing the area of an imaginary rectangle drawn around the sign. Back-lighted Backlit awnings and canopies, with or without signage, shall be considered a sign and shall be included in the calculation of total permitted building sign area.

(h) *Banners.* When signs are incorporated into banners, the sign area shall be determined on the basis of the outer dimensions of the banner.

(i) *Building facades.* Back-lighted Backlit building facades, with or without signage, shall be included in the calculation of total permitted building sign area.

(j) ~~*Address exempted.* A building sign containing only the street number and street name shall be exempt from total sign face area calculations, provided such address lettering shall not exceed eight (8) inches in height and three (3) feet in length.~~

Section 6. That Section 543.90 of the above-entitled ordinance be renumbered as follows:

543.9080. Computation of sign height. Sign height shall be calculated as the vertical distance from the natural grade measured at a point either at the curb level or ten (10) feet away from the front center of the sign, whichever is closer, to the upper-most point used in measuring the area of a sign.

Section 7. That Articles III through VI of Chapter 543 of the Minneapolis Code of Ordinance be and is hereby repealed.

ARTICLE III. SPECIFIC SIGN STANDARDS BY ZONING DISTRICTS

543.100. Specific sign standards. (a) *In general.* All signs shall conform to the applicable standards of Table 543-1, Specific Standards for Signs in the Residence and OR1 Districts, Table 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, Table 543-3, Specific Standards for Signs in the Downtown Districts, and Table 543-4, Specific Standards for Signs in the Industrial Districts, and all other applicable regulations of this chapter.

(b) *Abbreviations.* For purposes of Tables 543-1, 543-2, 543-3 and 543-4, “sq. ft.” shall mean square feet, and “ft.” shall mean feet.

(c) *References to primary building wall.* For purposes of Tables 543-1, 543-2, 543-3 and 543-4, references to “primary building wall” shall be measured in linear feet.

Table 543-1 Specific Standards for Signs in the Residence and OR1 Districts¹

Use	Sign Standards
RESIDENTIAL USES	
Dwellings	
Single and two-family dwelling Multifamily dwelling, three (3) and four (4) units One (1) to four (4) dwelling units as part of a mixed use building	One nonilluminated, flat wall identification sign per dwelling unit not exceeding one (1) sq. ft. in area. Maximum height of eight (8) ft. or top of wall, whichever is less. On a corner lot, two such signs per dwelling unit.
Multiple-family dwelling, five (5) units or more on a lot less than 40,000 sq. ft.	One nonilluminated, flat wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of twelve (12) ft. or top of wall, whichever is less. On a corner lot, two such signs per building.
Multiple-family dwelling, five (5) units or more on a lot of 40,000 sq. ft. or more	One wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of twelve (12) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) freestanding ground sign not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the ground sign, but not both, may be illuminated.
Cluster development Planned residential development	As approved by CUP
Congregate Living	
Community residential facility serving six (6) or fewer persons	One nonilluminated, flat wall identification sign per dwelling unit not exceeding one (1) sq. ft. in area. Maximum height of eight (8) ft. or top of wall, whichever is less. On

	a corner lot, two such signs per dwelling unit.
Community residential facility serving seven (7) to thirty-two (32) persons Faculty house Fraternity or sorority Hospitality residence Residential hospice Supportive housing	One nonilluminated, flat wall identification sign not exceeding eight (8) sq. ft. Maximum height of twelve (12) ft. or top of wall, whichever is less. On a corner lot, two such signs per building.
Board and care/Nursing home/Assisted living	One wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of twelve (12) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) freestanding ground sign not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the ground sign, but not both, may be illuminated.
INSTITUTIONAL AND PUBLIC USES	
Educational Facilities	
Early childhood learning center School, grades K-12	One wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of sixteen (16) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) freestanding ground sign not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the ground sign, but not both, may be illuminated.
Preschool	One nonilluminated, flat wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of twelve (12) ft. or top of wall, whichever is less. On a corner lot, two such signs per building.
Social, Cultural, Charitable and Recreational Facilities	
Athletic field Cemetery Golf course Library-Park	One wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of twelve (12) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) freestanding ground sign not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the ground sign, but not both, may be illuminated.

Community garden	One nonilluminated identification sign not exceeding four (4) sq. ft. Maximum height of four (4) ft.
Developmental achievement center	One nonilluminated, flat wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of twelve (12) ft. or top of wall, whichever is less. On a corner lot, two such signs per building.
Religious Institutions	
Place of assembly on a lot less than 20,000 sq. ft.	One wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of twelve (12) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) freestanding ground sign not exceeding eight (8) sq. ft. in area and six (6) ft. in height. Either the wall sign or the ground sign, but not both, may be illuminated.
Place of assembly on a lot of 20,000 sq. ft. or more	One wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of sixteen (16) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) freestanding ground sign not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the ground sign, but not both, may be illuminated.
COMMERCIAL USES	
Bed and breakfast home	One nonilluminated, flat wall identification sign not exceeding four (4) sq. ft. Maximum height of eight (8) ft. or top of wall, whichever is less. On a corner lot, two such signs.
Child care center	One nonilluminated, flat wall identification sign not exceeding sixteen (16) sq. ft. twelve (12) ft. or top of wall, whichever is less. On a corner lot, two such signs per building.
Maximum height of	
Clinic, medical or dental	One nonilluminated, flat wall identification sign not exceeding eight (8) sq. ft. Maximum height of twelve (12) ft. or top of wall, whichever is less. On a corner lot, two such signs per building.
Nursery or green house	One wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of

	twelve (12) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) freestanding ground sign not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the ground sign, but not both, may be illuminated.
Offices	One nonilluminated, flat wall identification sign not exceeding eight (8) sq. ft. Maximum height of twelve (12) ft. or top of wall, whichever is less. On a corner lot, two such signs per building
PUBLIC SERVICES AND UTILITIES TYPES OF BUILDING SIGNS ALLOWED	As approved by CUP
Wall signs	Yes
Projecting signs	Not allowed
Awning and canopy signs	Yes, but no back-lighted awning or canopy signs.
Window signs	Not allowed
Roof signs	Not allowed
AUXILIARY SIGNS	See Section 543.190.

¹Freestanding ground signs, where allowed, may be located in a required front or corner side yard but shall be no closer than ten (10) feet from the nearest residence or office residence property line.

Table 543-2 Specific Standards for Signs in the OR2, OR3 and Commercial Districts¹

	Zoning-District Sign Standards					
	OR2; OR3	G1	G2	G3A	C3S	C4
Signs Attached to Buildings						
Size Allocation	For all districts except C3S, one (1) sq. ft. of signage per one (1) ft. of primary building wall if a freestanding sign is on the same zoning lot. If there is no freestanding sign on the same zoning lot, one and one half (1.5) sq. ft. of signage for each one (1) ft. of primary building wall. For the C3S-District, two (2) sq. ft. of signage per primary building wall. Sign area based upon one (1) primary building wall shall not be placed on another primary building wall.					
Minimum sign area guaranteed for a ground floor nonresidential use that comprises a portion of a building wall	30 sq. ft.					

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Maximum number of signs	No limit within size allocation					
Maximum area per sign, except projecting signs	180 sq. ft. except neighborhood serving retail and services shall not exceed 30 sq. ft.	45 sq. ft.	180 sq. ft.	180 sq. ft.	300 sq. ft.	180 sq. ft. except retail sales and services shall not exceed 45 sq. ft.
Maximum area per projecting sign	12 sq. ft.	12 sq. ft.	16 sq. ft.	48 sq. ft.	24 sq. ft.	16 sq. ft.
Lighting of signs	Yes					
Maximum height of signs	14 ft. ²	14 ft. ²	24 ft.	No limit	No limit	24 ft.
Types of signs allowed						
Wall signs	Yes					
Projecting signs	Yes, but a projecting sign shall not be allowed if a freestanding sign is on the same zoning lot. A projecting sign shall not extend outward from the building more than four (4) ft.					
Awning, canopy	Yes, but no back-lighted awning or canopy signs in the C3A and and marquee signs office residence districts.					
Window signs	Yes					
Roof signs	Not allowed					
Freestanding Signs						
Size allocation	One (1) sq. ft. of signage per one (1) ft. of frontage, subject to the zoning district sign area limitations. Where there is more than one (1) frontage, sign area shall be based upon the frontage toward which the sign is oriented. Sign area based upon one (1) frontage shall not be placed on another frontage except as otherwise provided in the C3S District.					
Maximum number of signs (See also section 543.220)	1-per zoning lot	1-per zoning lot	1-per zoning lot	1-per zoning lot	1-per 600-ft. of primary frontage or fraction thereof, but not	1-per zoning lot

					more than two (2); and 1 per secondary frontage of 600 ft. or more 3	
Maximum area per sign	32 sq. ft.	54 sq. ft.	80 sq. ft.	80 sq. ft.	One (1) sign up to 250 sq. ft. on the primary frontage. All other signs 80 sq. ft.	80 sq. ft.
Lighting of signs	Yes					
Maximum height of signs 4	8 ft.	20 ft.	25 ft.	25 ft.	One (1) to sign up 30 ft. on the primary frontage. All other signs 20 ft.	25 ft.
When not allowed	For all districts except C3S, a freestanding sign shall not be allowed if there is a projecting sign on the same zoning lot, or if existing signs attached to buildings on the same zoning lot exceed one (1) sq. ft. of signage for each one (1) ft. of primary building wall. For the C3S District, a freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed two (2) sq. ft. of signage for each one (1) ft. of primary building wall.					
Service Area Canopy Signs	See Section 543.310					
Auxiliary Signs	See Section 543.190.					

¹Signage for residential uses first allowed in the residence districts and bed and breakfast homes that are located in the OR2, OR3 or the commercial districts shall be governed by the regulations of Table 543-1.

²Where a building contains a nonresidential use above the ground floor, one (1) sign for such use not higher than twenty-four (24) ft. shall be allowed within size allocation and limits on maximum sign area.

³If a frontage is longer than six hundred (600) ft., one (1) additional sign based upon another frontage may be placed on such frontage for each three hundred (300) ft. of frontage in excess of six hundred (600) ft.

4Freestanding signs may be located in a required front or corner side yard but shall not be higher than eight (8) ft. and shall be no closer than ten (10) ft. from the nearest residence or office residence district boundary.

Table 543-3 Specific Standards for Signs in the Downtown Districts¹

	<i>Zoning District Sign Standards</i>			<i>Downtown Entertainment Area²</i>
	<i>B4</i>	<i>B4S</i>	<i>B4C</i>	
Signs Attached to Buildings				
Size Allocation	Two and one-half (2.5) sq. ft. of signage per one (1) ft. of primary building wall: Sign area based upon one (1) primary building wall shall not be placed on another primary building wall.			Eight (8) sq. ft. of signage per one (1) ft. of primary building wall.
Minimum sign area guaranteed for a ground floor nonresidential use that comprises a portion of a building wall	30 sq. ft.			45 sq. ft.
Maximum number of signs	No limit within size allocation			
Maximum area per sign, except projecting signs	120 sq. ft.			300 sq. ft.
Maximum area per projecting sign	48 sq. ft.			80 sq. ft.
Lighting of signs Maximum height of signs, except projecting signs	Yes, but no back-lighted signs: 16 ft. ³			No limit
Maximum height of projecting signs	24 ft.			No limit
Types of signs allowed				
Wall signs	Yes			
Projecting signs	Yes. A projecting sign shall not extend outward from the building more than four (4) feet except in the Downtown Entertainment Area where a projecting sign shall not extend outward from the building more than eight (8) feet.			
Awning, canopy and marquee signs	Yes, but no back-lighted awning or canopy signs.			

⁴Freestanding signs may be located in a required front or corner side yard but shall not be higher than eight (8) ft. and shall be no closer than ten (10) ft. from the nearest residence or office residence district boundary.

Table 543-4 Specific Standards for Signs in the Industrial Districts[†]

Industrial Districts Sign Standards

Signs Attached to Buildings

Size Allocation	One (1) sq. ft. of signage per one (1) ft. of primary building wall if a freestanding sign is on the same zoning lot. If there is no freestanding sign on the same zoning lot, one and one-half (1.5) sq. ft. of signage for each one (1) ft. of primary building wall. Sign area based upon one (1) primary building wall shall not be placed on another primary building wall.
Minimum sign area guaranteed for a ground floor nonresidential use	30 sq. ft.
Maximum number of signs	No limit within size allocation
Maximum area per sign, except projecting signs	180 sq. ft.
Maximum area per projecting sign	16 sq. ft.
Lighting of signs	Yes.
Maximum height of signs	24 ft.

Types of signs allowed

Wall signs	Yes
Projecting signs	Yes, but a projecting sign shall not be allowed if a freestanding sign is on the same zoning lot. A projecting sign shall not extend outward from the building more than four (4) ft.
Awning, canopy and marquee signs	Yes.
Window signs	Yes
Roof signs	Not allowed

Freestanding Signs

Size allocation	One (1) sq. ft. of signage per one (1) ft. of frontage, subject to the sign area limitations. Where there is more than one (1) frontage, sign area shall be based upon the frontage toward which the sign is oriented. Sign area based upon one (1) frontage shall not be placed on another site frontage.
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Maximum number of signs	1 per 600 ft. of primary frontage or fraction thereof, but not more than two (2), and 1 per secondary frontage of 600 ft. or more.
Maximum area per sign	80 sq. ft.
Lighting of signs	Yes.
Maximum height of signs ²	25 ft.
When not allowed	A freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed one (1) sq. ft. of signage for each one (1) ft. of primary building wall.
Service Area Canopy Signs	See Section 543.310.
Auxiliary Signs	See Section 543.190.

¹-Signage for residential uses that are located in the industrial districts shall be governed by the regulations of Table 543-1.

²-Freestanding signs may be located in a required front or corner side yard but shall not be higher than eight (8) ft. and shall be no closer than ten (10) ft. from the nearest residence or office residence district boundary.

ARTICLE IV. SPECIAL PROVISIONS FOR SPECIFIC USES

543.110. Convention center, public. Signs accessory to public convention centers shall be regulated by the sign standards for the Downtown Entertainment Area as specified in Table 543-3, Specific Standards for Signs in the Downtown Districts, except that freestanding signs shall be limited to a maximum area of three hundred (300) square feet and a maximum height of twenty-five (25) feet.

543.115. Farmers' market. Notwithstanding the provisions of Tables 543-1 Specific Standards for Signs in the Residence and OR1 Districts, 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4 Specific Standards for Signs in the Industrial Districts, signage accessory to a farmers' market shall be limited to one (1) square foot of signage per one (1) foot of street frontage of the zoning lot. One (1) freestanding sign shall be allowed per zoning lot. Freestanding signs shall not exceed fifty-four (54) square feet in area and twenty (20) feet in height. All other signs shall not exceed forty-five (45) square feet in area and fourteen (14) feet in height. Signs for temporary farmers' markets shall not be permanently installed on the site.

543.120. Multiple tenant buildings. (a) *Master sign plan required.* Any application for a sign permit for a multiple tenant building, or for a building permit or zoning certificate that includes the provision of signage for such multiple tenant building, shall include a master sign plan for the building. Said plan shall be drawn to scale and fully dimensioned, showing any signage to be provided in compliance with the Minneapolis Code of Ordinances.

(b) *Allocation of signage.* The property owner or the property owner's designee shall be responsible for allocating the allowable sign area among the tenants of a multiple tenant building. If the property owner does not allocate such sign area, the zoning administrator may do so based on the proportion of floor area occupied by each tenant.

543.130. Neighborhood serving retail sales and services. Freestanding signs shall be prohibited accessory to neighborhood serving retail sales and services located in the OR2 and OR3 Office Residence Districts.

543.140. Nonconforming uses. Newly established signs located on nonconforming uses shall meet the requirements of the zoning district in which the use is located, except as otherwise allowed in the manner provided for in Chapter 531, Nonconforming Uses and Structures, governing expansion or alteration of legal nonconforming uses and structures.

543.150. Parking lots. (a) *Off-site accessory parking lots.* Notwithstanding the provisions of Tables 543-1 Specific Standards for Signs in the Residence and OR1 Districts, 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4 Specific Standards for Signs in the Industrial Districts, signage accessory to off-site accessory parking lots shall be limited to one (1) nonilluminated sign per entrance, not to exceed eight (8) square feet in area and six (6) feet in height. In addition, not more than two (2) auxiliary signs per entrance shall be provided on the site. No sign shall project beyond the property line into the public right-of-way.

(b) *Principal use parking lots.* Notwithstanding the provisions of Tables 543-2, 543-3 and 543-4, signage accessory to principal use parking lots shall be limited to one (1) nonilluminated sign per entrance, not to exceed fifteen (15) square feet in area and fifteen (15) feet in height. In addition, not more than two (2) auxiliary signs per entrance shall be provided on the site. No sign shall project beyond the property line into the public right-of-way.

543.160. Planned unit developments. Signs accessory to planned unit developments shall be allowed as approved by the conditional use permit, as specified in Chapter 527, Planned Unit Development.

543.170. Regional sports arenas. (a) *In general.* Signs accessory to regional sports arenas shall be regulated by the sign standards for the Downtown Entertainment Area as specified in Table 543-3, Specific Standards for Signs in the Downtown Districts, except as otherwise provided in this section.

(b) *Roof signs.* Notwithstanding any other provision to the contrary, signs attached to the wall or roof of a regional sports arena are allowed, provided they shall not extend higher than twenty (20) feet above the top of the building wall. Signs applied flat on the roof and which are intended to be primarily viewed from above are allowed.

(c) *Maximum area per signs attached to buildings.* There shall be no limit to the maximum area per sign within the size allocation allowed pursuant to Table 543-3 for signs attached to buildings.

(d) *Sign placement.* Sign area allowed based upon the length of a primary building wall pursuant to Table 543-3 shall not be limited in placement to the primary building wall upon which it is based but may be placed upon any primary building wall.

(e) *Freestanding signs.* One (1) freestanding sign shall be allowed. The maximum height of a freestanding sign shall be thirty-five (35) feet. The sign may be a back-to-back sign with a maximum of one thousand two hundred (1,200) square feet of signage on each side. If the sign includes both on-premise and off-premise advertising, the total amount of signage shall not exceed one thousand two hundred (1,200) square feet on each side.

543.170. Regional sports arena. Signs accessory to regional sports arenas shall be regulated by the sign standards for the Downtown Entertainment Area as specified in Table 543-3, Specific Standards for Signs in the Downtown Districts.

543.180. Theaters. (a) *In general.* Changeable copy signs shall be permitted on theater marquees (in those districts where theaters are allowed) in addition to the permitted name or nameplate, with the following limitations:

- (1) Changeable copy signs shall list by means of lettering or other symbols only what is currently playing inside the theater, or coming attractions which will be presented in the theater, except signs regulated by the sign standards for the Downtown Entertainment Area.

- (2) The maximum vertical dimension of a theater changeable copy sign shall be eight (8) feet, four (4) inches.
- (3) There shall be a maximum of three (3) changeable copy signs on any one (1) theater marquee, but not more than one (1) changeable copy sign on any one (1) face.
- (4) Identification signs may be erected on or above any theater marquee, subject to the dimensional limitations listed for the district in which the theater is located. Identification signs shall be regulated the same as changeable copy signs as to number permitted.
- (5) Except in the office residence districts, traveling or chasing lights shall be allowed on the face of any changeable copy sign within the size limitation for such panel or as soffit lighting under such theater marquee.

(b) *Definition of theater marquee.* "Theater marquee," as used in this section only, shall be defined as a permanent, roof-like structure projecting over an entryway, parallel to the ground, located on a building in which entertainment is provided by the showing of pictures on a screen or by live production upon a stage and which building is designed with an auditorium with permanent fixed seating. (2001-Or-016, § 1,2-2-01)

543.185. Museums. Notwithstanding any other provision to the contrary, on-premise flashing wall or window signs may be allowed on museums of at least one hundred thousand (100,000) square feet (in those districts where museums are allowed) when approved as a sign adjustment pursuant to Chapter 543, On-Premise Signs, and Chapter 525, Administration and Enforcement.

ARTICLE V. SPECIAL PROVISIONS FOR SPECIFIC TYPES OF SIGNS

543.190. Auxiliary signs. (a) *Size.* The sign area of auxiliary signs shall be included in the calculation of maximum sign area allowed on a site, as specified in Tables 543-1, Specific Standards for Signs in the Residence and OR1 Districts, 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts. Each auxiliary sign shall be limited to four (4) square feet in area, except signs accessory to uses first allowed in the industrial districts shall not exceed sixteen (16) square feet in area.

(b) *Height.* Freestanding auxiliary signs shall be limited to four (4) feet in height. Auxiliary signs attached to buildings shall comply with the district regulations for sign height.

(c) *Logos and other commercial messages prohibited.* Auxiliary signs shall not contain any logo or other commercial message.

543.200. Awning, canopy and marquee signs. Awning, canopy and marquee signs shall be painted on or affixed flush against an awning, canopy or marquee. No such sign shall extend beyond the awning, canopy or marquee on which it is located, except as provided for theater marquees in section 543.180. Awning, canopy and marquee signs shall be included in the calculation of the total permitted building sign area.

543.210. Banners. (a) *Commercial banners.* Commercial banners shall be considered signs and therefore shall be included in calculating the total sign area of the site and shall be regulated as such. A commercial banner shall be considered a wall sign or a projecting sign.

(b) *Decorative banners.* Decorative banners shall be allowed in all districts, provided such banners comply with the following:

- (1) Commercial messages or logos shall be prohibited from decorative banners.
- (2) Decorative banners shall be exempt from the total allowable sign area for a site, provided the maximum aggregate area for decorative banners shall not exceed fifteen (15) percent of the total allowable sign area for a parcel, except that at least one (1) decorative banner not exceeding eight (8) square feet shall be allowed on a zoning lot.

- (3) Decorative banners shall not exceed fourteen (14) feet in height, except in the C3A and downtown districts and the Downtown Entertainment Area, where such district standards shall apply.

543.220. Fence signs. (a) *In general.* Signs attached to fences shall be included in the calculation of maximum wall sign area allowed on a site and shall be regulated as such. Signs attached to fences shall not project beyond the edge of the fence.

(b) *In required yards.* Signs attached to fences, retaining walls or other similar structures may be located within a required yard, provided such sign, including the back of such sign, shall not be visible from any residence or office residence district abutting such required yard.

543.230. Flashing signs. (a) *Downtown districts.* Flashing signs shall be allowed in the downtown districts, provided flashing signs containing changing written messages shall be limited to the news, weather, time or other public service messages, except signs regulated by the sign standards for the Downtown Entertainment Area, provided further that the vertical dimension of such changing written message shall not exceed four (4) feet, except signs regulated by the sign standards for the Downtown Entertainment Area. Other flashing signs shall comply with the sign regulations for the district in which the sign is located.

(b) *C3A district.* Flashing signs shall be allowed, except that flashing signs containing changing written messages shall be limited to time and temperature only.

(c) *All other commercial districts.* Flashing signs shall be limited to the time and temperature only and shall comply with the sign regulations for the district in which they are located, but in no case shall the vertical dimension of such sign exceed two (2) feet.

543.240. Freestanding signs. (a) *In general.* Except for auxiliary, political, portable, project information, real estate and temporary signs, decorative banners, menu boards and signs accessory to parking lots, not more than one (1) freestanding sign shall be permitted on a zoning lot, except as otherwise permitted in this section.

(b) *Public and institutional uses in the OR2 and OR3 Office Residence Districts.* Notwithstanding Table 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, not more than one (1) freestanding sign shall be permitted per frontage.

(c) *Uses located in the C3S District.* one (1) freestanding sign shall be permitted for each six hundred (600) feet of primary frontage or fraction thereof, but not more than two (2) such signs shall be allowed, except as otherwise provided in this section. In addition one (1) freestanding sign shall be permitted for each secondary frontage, provided such secondary frontage is at least six hundred (600) feet in length. If a frontage is longer than six hundred (600) feet, one (1) additional sign based upon another frontage may be placed on such frontage for each three hundred (300) feet of frontage in excess of six hundred (600) feet.

(d) *Landscaping.* Landscaping designed to screen the base of the freestanding sign and any light fixtures shall be provided. Such landscape materials shall be capable of screening the site all year and shall be well maintained.

543.250. Menu boards. (a) *Size.* The sign area of menu boards shall be included in the calculation of maximum sign area allowed on a site, as specified in Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts. Each menu board shall be limited to thirty-six (36) square feet in area.

(b) *Height.* Freestanding menu boards shall be limited to six (6) feet in height.

(c) *Exemption from regulations on number of freestanding signs.* Menu boards shall be exempt from the restrictions on the number of freestanding signs allowed on a zoning lot, provided there shall be no more than two (2) menu boards on a zoning lot. Such menu boards shall be single-sided.

543.260. Political signs. (a) *Location.* Political signs are allowed as a permitted encroachment in the required front yard. No political sign shall be closer than eight (8) feet from any other zoning lot. No political sign shall be placed on the public right-of-way, including boulevard trees and utility poles.

(b) ~~Size.~~

- (1) *Residence and OR1 Districts.* One (1) freestanding or wall political sign, not to exceed eight (8) square feet in area, shall be permitted per street frontage. A larger political sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.
- (2) *All other districts.* One (1) freestanding or wall political sign, not to exceed thirty-two (32) square feet in area, shall be permitted per street frontage. A larger political sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.

(c) ~~Height.~~

- (1) *Residence and OR1 Districts.* The height of a freestanding political sign shall not exceed six (6) feet. A political sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.
- (2) *All other districts.* The height of a freestanding political sign shall not exceed fourteen (14) feet. A political sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.

(d) ~~Sign removal.~~ Signs sponsoring candidates for public office shall be removed within ten (10) days after an election has been held unless the candidate is one (1) who qualifies as a candidate to be named on the ballot at a general election after a primary election. In that case, signs erected prior to the primary election may be left in place until ten (10) days after the general election.

543.270. Portable signs. (a) *Limits.* Portable signs shall not exceed twelve (12) square feet in area, shall not be illuminated, and shall be of sufficient weight to prevent movement by wind.

(b) *On the public right-of-way.* Portable signs may be allowed on the public right-of-way, provided an encroachment permit is obtained for such sign.

(c) *Exemption from regulations on number of freestanding signs.* Portable signs shall be exempt from the restrictions on the number of freestanding signs allowed on a zoning lot, provided such portable signs shall not exceed four (4) feet in height and there shall be not more than one (1) such portable sign per street frontage.

543.280. Project information signs. (a) *Location.* Project information signs are allowed as a permitted encroachment in the required front yard. No project information sign shall be closer than eight (8) feet to any other zoning lot. No project information sign shall be placed on the public right-of-way, including boulevard trees and utility poles.

(b) ~~Size.~~

- (1) *Residence and OR1 Districts.* One (1) freestanding or wall project information sign, not to exceed eight (8) square feet in area, shall be permitted per street frontage. A larger project information sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.
- (2) *All other districts.* One (1) freestanding or wall project information sign, not to exceed thirty-two (32) square feet in area, shall be permitted per street frontage. A larger project information sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.

(c) ~~Height.~~

- (1) *Residence and OR1 Districts.* The height of a freestanding project information sign shall not exceed six (6) feet. A project information sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.
- (2) *All other districts.* The height of a freestanding project information sign shall not exceed fourteen (14) feet. A project information sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.

(d) ~~Sign removal.~~

- (1) *Residence and OR1 Neighborhood Office Residence districts.* The project information sign may be in place only during the period that said project is under construction, not

to exceed one hundred eighty (180) days after the issuance of the building permit, and only while valid building permits are in force.

- (2) *All other districts.* The zoning administrator may issue an annual permit for a project information sign. Such sign may be in place only during the period that said project is under construction, and only while valid building permits are in force.

543.290. Projecting signs. A projecting sign shall not extend above the top of the wall or parapet line or, in the case of a mansard roof, beyond the deck line.

543.300. Real estate signs. (a) *Location.* Real estate signs are allowed as a permitted encroachment in the required front yard. No real estate sign shall be closer than eight (8) feet to any other zoning lot. No real estate sign shall be placed on the public right-of-way, including boulevard trees and utility poles.

(b) *Size.*

- (1) *Residence and OR1 Districts.* One (1) freestanding or wall real estate sign, not to exceed eight (8) square feet in area, shall be permitted per street frontage. A larger real estate sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.
- (2) *All other districts.* One (1) freestanding or wall real estate sign, not to exceed thirty-two (32) square feet in area, shall be permitted per street frontage. A larger real estate sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.

(c) *Height.*

- (1) *Residence and OR1 Districts.* The height of a freestanding real estate sign shall not exceed six (6) feet. A real estate sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.
- (2) *All other districts.* The height of a freestanding real estate sign shall not exceed fourteen (14) feet. A real estate sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.

543.310. Service area canopy and pump island signs. (a) *Service area canopy signs.* Notwithstanding Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, twenty-five (25) square feet of signage per frontage may be applied to the faces of the canopy facing any street. Such signage may be lighted externally or internally, or be back-lighted, but no other part of the face of the service area canopy shall be illuminated. Service area canopy signs shall not extend beyond the face of the canopy.

(b) *Pump island signs.* Signs on pumps and pump islands shall be permanently affixed, non-illuminated, less than one (1) square foot in area and less than six (6) feet in height.

543.320. Specific product or brand name signs. Signs which mention a specific product or brand name sold or offered on the premises, except identification signs, shall be subject to the following:

- (1) Such signs shall not exceed sixteen (16) square feet in area.
- (2) Not more than one (1) such sign shall be located on a freestanding sign.
- (3) Such signs shall be included in the calculation of the total permitted sign area.
- (4) Such signs shall comply with all of the applicable regulations of this zoning ordinance.

543.330. Temporary signs. (a) *Time.* During any calendar year temporary signs shall not be in place for more than a total of sixty (60) days. If temporary signs are maintained on a zoning lot in excess of sixty (60) days, such signage shall be considered permanent and shall be regulated as such.

(b) *Sign area and number.* Temporary signs shall be exempt from the calculation of total permanent sign area allowed on the site, but shall meet the same dimensional, locational, total sign area and other applicable regulations for permanent signs.

543.340. Wall signs. (a) *In general.* A wall sign shall not extend outward more than twenty-four (24) inches from the structure, except a flat wall sign shall not extend outward more than six (6) inches from the structure. A wall sign shall not extend above the top of the wall or parapet line or, in the case of a mansard roof, beyond the deck line, nor shall a wall sign extend beyond the corner of the building.

(b) *Exception.* Recognizing that certain larger uses may have unique identification needs, notwithstanding the height and area limits of Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, a conditional use permit may be applied for, as provided in Chapter 525, Administration and Enforcement, to allow not more than two (2) additional wall signs identifying the name or logo of a use that exceeds six (6) stories or eighty-four (84) feet in height, subject to the following:

- (1) Signs shall be limited to individual letters or elements permanently affixed to the building wall.
- (2) Signs shall not exceed three (3) square feet of sign area for each one (1) foot of building wall to which such sign is attached or three hundred (300) square feet, whichever is less.
- (3) Not more than one (1) sign shall be located on a building wall.
- (4) The vertical dimension of such sign shall not exceed fourteen (14) feet.

543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

ARTICLE VI. DESIGN AND MAINTENANCE

543.360. Mounting of signs. All signs shall be mounted in one (1) of the following manners:

- (1) Flat against a building or wall.
- (2) Back-to-back in pairs or otherwise arranged in such a manner so that the back of the signs will be screened from public view.
- (3) Otherwise mounted so that the backs of all signs showing to public view, including all parts of the sign structure, shall be painted a dark or neutral color and shall be well maintained.

543.370. Maintenance and repair. (a) *Maintenance required.* All signs shall be kept in good repair and free from peeling paint, rust, damaged or rotted supports, framework or other material, broken or missing faces or missing letters.

(b) *Activities considered normal maintenance and repair.* Normal maintenance and repair shall include activities such as replacement, restoration or improvement. Following damage or destruction, replacement of a nonconformity shall mean that the sign face or sign structure and site, if reinstated with a nonconformity as allowed under the terms of this chapter, shall be reconstructed to match the conditions of the sign face or sign structure that preceded damage or destruction. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property. Nonconformities that are completely or substantially reconstructed that include changes to building placement or design shall be subject to section 531.50, Expansion or alteration of nonconforming uses and structures.

(c) *Items not considered normal maintenance and repair.* Changes made to the location, size, height or bulk of the sign or addition of illumination are not considered normal maintenance and repair and shall require that a nonconforming sign be brought into conformance with all requirements of this chapter.

543.380. Sign removal. Any structure from which a sign has been moved or removed shall be repaired with materials which match the existing background.

543.390. Signs not to be a traffic hazard. (a) *Misleading signs.* No sign shall be installed in a way that obstructs clear vision of persons using the streets, or may be confused with any authorized traffic sign, signal, or device. No sign, other than a public sign, which makes use of the words "Stop," "Look," "Danger," or any other word, phrase, symbol, or character which may interfere with, mislead, or confuse persons shall be visible from a public street. In addition, a sign in direct line of vision of any traffic signal, from any point in the traffic lane from a position opposite the near sidewalk line to a position one hundred fifty (150) feet before said sidewalk line, shall not have red, green or amber illumination.

(b) *Site triangle.* No sign shall be constructed or maintained within a distance of fifteen (15) feet from any street or alley intersection where the zoning administrator finds it to obstruct a driver's view of approaching, merging or intersecting traffic.

Section 8. That Chapter 543 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article III, including new Sections 543.90 - 543.190, to read as follows:

ARTICLE III. SIGN PERMITTING, INSTALLATION AND MAINTENANCE

543.90. Sign hangers to be licensed. No person shall install, reconstruct, alter, repair or remove any sign or submit a sign permit application without first having secured a sign hanger's license from the director of regulatory services.

543.100. Permits required. (a) *In general.* No person shall paint or install any sign without first obtaining a permit from the zoning administrator. An application for a sign permit shall be filed on a form approved by the zoning administrator along with all supporting documentation including the permit fee. The fee for such permit shall be as set forth in Chapter 91, Permit Fees, of the Minneapolis Code of Ordinances.

- (b) *Exceptions.* No sign permit shall be required for the installation of the following signs:
- (1) Any sign that is less than three (3) square feet in area and which merely announces the name of the proprietor or the nature of the business conducted at that location.
 - (2) Portable sign less than twelve (12) square feet in area.
 - (3) Real estate or project information sign less than eight (8) square feet in area and six (6) feet in height.
 - (4) Signs placed on the inside of any building that are not visible or intended to be visible from the exterior of the building.
 - (5) Window sign, except a dynamic sign.
 - (6) Replacement of the changeable copy portion of a sign having a stationary framework or structure.
 - (7) Approved signs loosened from their supports and taken down, painted and replaced without any change having been made in their size, form, or illumination, or in the ownership thereof.
 - (8) Repainting any legal, existing sign when there is no change in copy or size for which previous permits had been issued.

543.110. Mounting of signs. All signs shall be mounted in one (1) of the following manners:

- (1) Flat against a building or wall.
- (2) Back-to-back in pairs or otherwise arranged in such a manner so that the back of the signs will be screened from public view.
- (3) Otherwise mounted so that the backs of all signs showing to public view, including all parts of the sign structure, shall be painted a dark or neutral color and shall be well maintained.

543.120. Installation of signs. Signs shall be subject to the provisions of the building code and state electrical code.

543.130. Height over public property. (a) *Public streets, public sidewalks or public pathways.* The minimum height of a sign that projects over a public street, public sidewalk or public pathway shall be located not less than eight (8) feet above the ground or pavement. Signs that do not project more than six (6) inches from the building are exempt from this provision.

(b) *Public alley.* The minimum height of a sign that projects over a public alley shall be located not less than fifteen (15) feet above the ground or pavement.

543.140. Signs not to be a traffic hazard. (a) *Misleading signs.* No sign shall be installed in a way that obstructs clear vision of persons using the streets, or may be confused with any authorized traffic sign, signal, or device. No sign, other than a public sign, which makes use of the words "Stop," "Look," "Danger," or any other word, phrase, symbol, or character which may interfere with, mislead, or confuse persons shall be visible from a public street. In addition, a sign in direct line of vision of any traffic signal, from any point in the traffic lane from a position opposite the near sidewalk line to a position one hundred fifty (150) feet before said sidewalk line, shall not have red, green or amber illumination.

(b) *Site triangle.* No sign shall be located within a distance of fifteen (15) feet from any street, alley or driveway intersection where the zoning administrator finds it to obstruct one's view of approaching, merging or intersecting traffic.

543.150. Maintenance and repair. (a) *Maintenance required.* All signs shall be kept in good repair and free from peeling paint, rust, damaged or rotted supports, framework or other material, broken or missing faces or missing letters. The zoning administrator may order the removal of any sign that is not maintained.

(b) *Activities considered normal maintenance and repair.* Normal maintenance and repair shall include activities such as replacement, restoration or improvement. Following damage or destruction, replacement of a nonconformity shall mean that the sign face or sign structure and site, if reinstated with a nonconformity as allowed under the terms of this chapter, shall be reconstructed to match the conditions of the sign face or sign structure that preceded damage or destruction. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property. Nonconformities that are completely or substantially reconstructed that include changes to building placement or design shall be subject to the findings and procedures for expansion or alteration of nonconforming uses and structures as specified in Chapter 531, Nonconforming Uses and Structures.

(c) *Items not considered normal maintenance and repair.* Changes made to the location, size, height or bulk of the sign or addition of illumination are not considered normal maintenance and repair and shall require that a nonconforming sign be brought into conformance with all requirements of this chapter.

543.160. Unsafe signs. Signs which are deemed unsafe by the zoning administrator shall be either repaired or removed immediately.

543.170. Abandoned signs. Any sign which advertises or directs attention to a business, profession, commodity, service or entertainment no longer in existence at the premises on which such sign is located, shall be deemed abandoned and shall be removed within thirty (30) days of notice from the zoning administrator or shall have shown reasonable cause for failure to do so. The removal required by this section shall include all supporting brackets, frames or other structural elements of the abandoned sign.

543.180. Complete removal of signs. Whenever a sign of any type is removed, either intentionally, accidentally or by an act of nature, all supporting brackets, frames or other structural elements shall be removed completely.

543.190. Surface repair. Any surface from which a sign has been moved or removed shall be repaired with materials which match the existing background.

Section 9. That Chapter 543 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article IV, including new Section 543.200, and Tables 543-1 through 543-4, to read as follows:

ARTICLE IV. SPECIFIC SIGN STANDARDS BY ZONING DISTRICTS

543.200. Specific sign standards. (a) *In general.* All signs shall conform to the applicable standards of Table 543-1, Specific Standards for Signs in the Residence and OR1 Districts, Table 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, Table 543-3, Specific Standards for Signs in the Downtown Districts, and Table 543-4, Specific Standards for Signs in the Industrial Districts, and all other applicable regulations of this chapter.

(b) *Abbreviations.* For purposes of Tables 543-1, 543-2, 543-3 and 543-4, "sq. ft." shall mean square feet, and "ft." shall mean feet.

(c) *References to primary building wall.* For purposes of Tables 543-1, 543-2, 543-3 and 543-4, references to "primary building wall" shall be measured in linear feet.

(d) *Sign location.* Signs shall be placed on a primary building wall.

Table 543-1 Specific Standards for Signs in the Residence and OR1 Districts

<u>Use</u>	<u>Sign Standards</u>
RESIDENTIAL USES	
<u>Dwellings</u>	
<u>Single and two-family dwelling</u>	<u>One nonilluminated, flat wall identification sign per dwelling unit not exceeding one (1) sq. ft. in area. Maximum height of eight (8) ft. or top of wall, whichever is less.</u>
<u>Multiple-family dwelling, three (3) and four (4) units</u>	
<u>One (1) to four (4) dwelling units as part of a mixed use building</u>	
<u>Multiple-family dwelling, five (5) units or more on a lot between zero (0) and 9,999 sq. ft.</u>	<u>One nonilluminated, flat wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building.</u>
<u>Multiple-family dwelling, five (5) units or more on a lot between 10,000 and 43,559 sq. ft.</u>	<u>One nonilluminated, flat wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building.</u>
<u>Multiple-family dwelling, five (5) units or more on a lot of 43,560 sq. ft. or more</u>	<u>One wall identification sign not exceeding forty-eight (48) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the monument sign¹, but not both, may be illuminated.</u>

Cluster development As approved by CUP

Planned unit development As approved by CUP

Congregate Living

Community residential facility serving six (6) or fewer persons One nonilluminated, flat wall identification sign not exceeding one (1) sq.ft. in area. Maximum height of eight (8) ft. or top of wall, whichever is less. On a corner lot, two such signs per building.

Community residential facility serving seven (7) to thirty-two (32) persons One nonilluminated, flat wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building.

Faculty house

Fraternity or sorority

Hospitality residence

Residential hospice

Supportive housing

Board and care/
Nursing home/
Assisted living One wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹, not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the monument sign¹, but not both, may be illuminated.

INSTITUTIONAL AND PUBLIC USES

Educational Facilities

Early childhood learning center One wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding sixteen (16) sq. ft. in area and six (6) ft. in height. Either the wall sign or the monument sign¹, but not both, may be illuminated.

School, grades K - 12 One wall identification sign not exceeding thirty-two (32) sq. ft. per block face. Maximum height of fourteen (14) ft. or top of wall, whichever is less. In addition, one (1) monument sign¹ not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the monument sign¹, but not both, may be a dynamic changeable copy sign. The dynamic changeable copy sign portion of the sign shall not exceed sixteen (16) sq. ft. Either the wall sign or the monument sign¹, but not both, may be illuminated.

Preschool One wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding sixteen (16) sq. ft. in area and six (6)

ft. in height. Either the wall sign or the monument sign¹, but not both, may be illuminated.

Social, Cultural, Charitable and Recreational Facilities

Athletic field
Cemetery
Golf course
Library
Park

One wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the monument sign¹, but not both, may be a dynamic changeable copy sign. The dynamic changeable copy sign portion of the sign shall not exceed sixteen (16) sq. ft. Either the wall sign or the monument sign¹, but not both, may be illuminated.

Community garden

One nonilluminated identification sign not exceeding eight (8) sq. ft. Maximum height of six (6) ft.

Developmental achievement center

One nonilluminated, flat wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building.

Educational arts center

One wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding sixteen (16) sq. ft. in area and six (6) ft. in height. Either the wall sign or the monument sign¹, but not both, may be illuminated.

Theater, indoor, provided live performances only

One wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding sixteen (16) sq. ft. in area and six (6) ft. in height. Either the wall sign or the monument sign¹, but not both, may be illuminated.

Religious Institutions

Place of assembly on a lot less than 20,000 sq. ft.

One wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding sixteen (16) sq. ft. in area and six (6) ft. in height. Either the wall sign or the monument sign¹, but not both, may be a dynamic changeable copy sign. The dynamic changeable copy sign portion of the sign shall not exceed sixteen (16) sq. ft. Either the wall sign or the monument sign¹, but not both, may be illuminated.

Place of assembly on a lot
Of 20,000 sq. ft. or more

One wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the monument sign¹, but not both, may be a dynamic changeable copy sign. The dynamic changeable copy sign portion of the sign shall not exceed sixteen (16) sq. ft. Either the wall sign or the monument sign¹, but not both, may be illuminated.

COMMERCIAL USES

Bed and breakfast home

One nonilluminated, flat wall identification sign not exceeding four (4) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs.

Child care center

One wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding sixteen (16) sq. ft. in area and six (6) ft. in height. Either the wall sign or the monument sign¹, but not both, may be illuminated.

Clinic, medical or dental

One wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding sixteen (16) sq. ft. in area and six (6) ft. in height. Either the wall sign or the monument sign¹, but not both, may be illuminated.

Nursery or green house

One wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the monument sign¹, but not both, may be illuminated.

Offices

One wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding sixteen (16) sq. ft. in area and six (6) ft. in height. Either the wall sign or the monument sign¹, but not both, may be illuminated.

**PUBLIC SERVICES
AND UTILITIES**

As approved by CUP

¹ Monument signs, where allowed, may be located in a required front or corner side yard but shall be no closer than ten (10) feet from the nearest residence or office residence property line.

Table 543-2 Specific Standards for Signs in the OR2, OR3 and Commercial Districts

Zoning District Sign Standards

OR2, OR3 C1 C2 C3A C3S C4

Signs Attached to Buildings

Size Allocation For all districts except C3S, one (1) sq. ft. of signage per one (1) ft. of primary building wall if a freestanding sign is on the same zoning lot. If there is no freestanding sign on the same zoning lot, one and one-half (1.5) sq. ft. of signage for each one (1) ft. of primary building wall. For the C3S District, two (2) sq. ft. of signage per primary building wall. Sign area based upon one (1) primary building wall shall not be placed on any other building wall.

Minimum sign area guaranteed for a ground floor nonresidential use that comprises a portion of a building wall 30 sq. ft

Maximum number of signs No limit within size allocation

Maximum area per sign, except projecting signs 180 sq. ft. 45 sq. ft. 180 sq. ft. 180 sq. ft. 300 sq. ft. 180 sq.ft.
except neighborhood serving retail and services shall not exceed 30 sq. ft.

Maximum area per projecting sign 12 sq. ft. 16 sq. ft. 20 sq. ft. 48 sq. ft. 24 sq. ft. 20 sq. ft.

Lighting of signs Yes, but no backlit signs.

Maximum height of signs 14 ft.¹ 14 ft.¹ 28 ft. No limit No limit 28 ft.

Types of signs attached to buildings allowed

Wall signs Yes

Projecting signs Yes, but a projecting sign shall not extend outward from the building more than four (4) ft.

<u>Awning, canopy and marquee signs</u>	<u>Yes, but no backlit awning or canopy signs.</u>						
<u>Dynamic Changeable Copy Signs</u>	<u>Yes, see Section 543.330.</u>						
<u>Dynamic signs</u>	<u>No</u>	<u>No</u>	<u>Yes, see Section 543.340</u>				
<u>Window signs</u>	<u>Yes</u>						
<u>Freestanding Signs</u>							
<u>Size allocation</u>	<u>One (1) sq. ft. of signage per one (1) ft. of frontage, subject to the zoning district sign area limitations. Where there is more than one (1) frontage, sign area shall be based upon the frontage toward which the sign is oriented. Sign area based upon one (1) frontage shall not be placed on another frontage except as otherwise provided in the C3S District.</u>						
<u>Maximum number of signs (See also Section 543.360)</u>	<u>1 per zoning lot</u>	<u>1 per zoning lot</u>	<u>1 per zoning lot</u>	<u>1 per zoning lot</u>	<u>1 per 600 ft. of primary frontage or fraction thereof, but not more than two (2), and 1 per secondary frontage of 600 ft. or more</u>	<u>1 per zoning lot</u>	
<u>Maximum area per sign</u>	<u>32 sq. ft.</u>	<u>54 sq. ft.</u>	<u>80 sq. ft.</u>	<u>80 sq. ft.</u>	<u>One (1) sign up to 250 sq. ft. on the primary frontage. All other signs 80 sq. ft.</u>	<u>80 sq. ft.</u>	
<u>Lighting of signs</u>	<u>Yes, but no backlit signs.</u>						

<u>Maximum height of signs</u>	<u>8 ft.</u>	<u>8 ft.</u>	<u>8 ft.</u> <u>except</u> <u>pole</u> <u>signs</u> <u>shall</u> <u>not</u> <u>exceed</u> <u>16 ft.</u>	<u>8 ft.</u>	<u>8 ft.</u> <u>except</u> <u>pole</u> <u>signs</u> <u>shall</u> <u>not</u> <u>exceed</u> <u>24 ft.</u>	<u>8 ft.</u> <u>except</u> <u>pole</u> <u>signs</u> <u>shall</u> <u>not</u> <u>exceed</u> <u>16 ft.</u>
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When not allowed For all districts except C3S, a freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed one (1) sq. ft. of signage for each one (1) ft. of primary building wall. For the C3S District, a freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed two (2) sq. ft. of signage for each one (1) ft. or primary building wall.

Location restriction A freestanding sign may be located in a required front or corner side yard not exceeding eight (8) ft. and shall be no closer than ten (10) ft. from the nearest residence or office residence district boundary.

Types of freestanding signs allowed

<u>Monument Signs</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Pole Signs</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Dynamic Changeable Copy Signs</u>	<u>Yes, see Section 543.330.</u>					
<u>Service Area Canopy Signs</u>	<u>Yes, see Section 543.430.</u>					
<u>Auxiliary Signs</u>	<u>Yes, see Section 543.300.</u>					

¹Where a building contains a nonresidential use above the ground floor, one (1) sign for such use not higher than twenty-eight (28) ft. shall be allowed.

Table 543-3 Specific Standards for Signs in the Downtown Districts

Downtown District Sign Standards

	<u>B4</u>	<u>B4S</u>	<u>B4C</u>	<u>Downtown Entertainment Area¹</u>
<u>Signs Attached to Buildings</u>				
<u>Size Allocation</u>	<u>Two and one-half (2.5) sq. ft. of signage per one (1) ft. of primary building wall.</u>			<u>Eight (8) sq. ft. of signage per one (1) ft. of primary building wall.</u>

Sign area based upon one (1) primary building wall shall not be placed on any other wall.

<u>Minimum sign area guaranteed for a ground floor nonresidential use that comprises a portion of a building wall</u>	<u>30 sq. ft.</u>	<u>45 sq. ft.</u>
<u>Maximum number of signs</u>	<u>No limit within size allocation</u>	
<u>Maximum area per sign, except projecting signs</u>	<u>120 sq. ft.</u>	<u>300 sq. ft.</u>
<u>Maximum area per projecting sign</u>	<u>48 sq. ft.</u>	<u>80 sq. ft.</u>
<u>Lighting of signs</u>	<u>Yes, but no backlit signs.</u>	
<u>Maximum height of signs</u>	<u>28 ft.</u>	<u>No limit</u>

Types of signs attached to buildings allowed

<u>Wall signs</u>	<u>Yes</u>
<u>Projecting signs</u>	<u>Yes. A projecting sign shall not extend outward from the building more than four (4) feet except in the Downtown Entertainment Area where a projecting sign shall not extend outward from the building more than eight (8) feet.</u>
<u>Awning, canopy and marquee signs</u>	<u>Yes, but no backlit awning or canopy signs.</u>
<u>Dynamic Changeable Copy Signs</u>	<u>Yes, see Section 543.330.</u>
<u>Dynamic signs</u>	<u>Yes, see Section 543.340</u>
<u>Window signs</u>	<u>Yes</u>

Freestanding Signs

<u>Size allocation</u>	<u>One (1) sq. ft. of signage per one (1) ft. of frontage, subject to the zoning district sign area limitations. Where there is more than one (1) frontage, sign area shall be based upon the frontage toward which the sign is oriented. Sign area based upon one (1) frontage shall not be placed on another frontage.</u>
<u>Maximum number of signs (See also Section 543.360)</u>	<u>One (1) per zoning lot</u>
<u>Maximum area per sign</u>	<u>32 sq. ft.</u>
<u>Lighting of signs</u>	<u>Yes, but no backlit signs.</u>

<u>Maximum height of signs</u>	<u>8 ft.</u>	
<u>When not allowed</u>	<u>A freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed two and one-half (2.5) sq. ft. of signage for each one (1) ft. of primary building wall.</u>	<u>A freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed eight (8) sq. ft. of signage for each one (1) ft. of primary building wall.</u>
<u>Location restriction</u>	<u>A freestanding sign may be located in a required front or corner side yard not exceeding eight (8) ft. in height and shall be no closer than ten (10) ft. from the nearest residence or office residence district boundary</u>	

Types of freestanding signs allowed

<u>Monument Signs</u>	<u>Yes</u>
<u>Pole Signs</u>	<u>No</u>
<u>Dynamic Changeable Copy Signs</u>	<u>Yes, see Section 543.330.</u>
<u>Service Area Canopy Signs</u>	<u>Yes, see Section 543.430.</u>
<u>Auxiliary Signs</u>	<u>Yes, see Section 543.300.</u>

¹ The Downtown Entertainment Area sign regulations shall govern all uses that have their main public entrance facing Hennepin Avenue within the following locations: (a) The north side of Hennepin Avenue between Tenth Street and Fifth Street, and (b) The south side of Hennepin Avenue between Ninth Street and Sixth Street.

Table 543-4 Specific Standards for Signs in the Industrial Districts

Industrial Districts Sign Standards

Signs Attached to Buildings

<u>Size Allocation</u>	<u>One (1) sq. ft. of signage per one (1) ft. of primary building wall if a freestanding sign is on the same zoning lot. If there is no freestanding sign on the same zoning lot, one and one-half (1.5) sq. ft. of signage for each one (1) ft. of primary building wall. Sign area based upon one (1) primary building wall shall not be placed on any other wall.</u>
<u>Minimum sign area guaranteed for a ground floor nonresidential use</u>	<u>30 sq. ft.</u>

<u>Maximum number of signs</u>	<u>No limit within size allocation</u>
<u>Maximum area per sign, except projecting signs</u>	<u>180 sq. ft.</u>
<u>Maximum area per projecting sign</u>	<u>20 sq. ft.</u>
<u>Lighting of signs</u>	<u>Yes, but no backlit signs.</u>
<u>Maximum height of signs</u>	<u>28 ft.</u>

Types of signs attached to buildings allowed

<u>Wall signs</u>	<u>Yes</u>
<u>Projecting signs</u>	<u>Yes, but a projecting sign shall not extend outward from the building more than four (4) ft.</u>
<u>Awning, canopy and marquee signs</u>	<u>Yes, but no backlit awning or canopy signs.</u>
<u>Dynamic Changeable Copy Signs</u>	<u>Yes, see Section 543.330.</u>
<u>Dynamic signs</u>	<u>Yes, see Section 543.340.</u>
<u>Window signs</u>	<u>Yes</u>

Freestanding Signs

<u>Size allocation</u>	<u>One (1) sq. ft. of signage per one (1) ft. of frontage, subject to the sign area limitations. Where there is more than one (1) frontage, sign area shall be based upon the frontage toward which the sign is oriented. Sign area based upon one (1) frontage shall not be placed on another frontage.</u>
<u>Maximum number of signs (See also Section 543.360)</u>	<u>1 per 600 ft. of primary frontage or fraction thereof, but more than two (2), and 1 per secondary frontage of 600 ft. or more.</u>
<u>Maximum area per sign</u>	<u>80 sq. ft.</u>
<u>Lighting of signs</u>	<u>Yes, but no backlit signs.</u>
<u>Maximum height of signs</u>	<u>8 ft. except pole signs shall not exceed 24 feet</u>
<u>When not allowed</u>	<u>A freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed one (1) sq. ft. of signage for each one (1) ft. of primary building wall.</u>

Location restriction A freestanding sign may be located in a required front or corner side yard not exceeding eight (8) ft. in height and shall be no closer than ten (10) ft. from the nearest residence or office residence district boundary

Types of freestanding signs allowed

Monument Signs Yes

Pole Signs No

Dynamic Changeable Copy Signs Yes, see Section 543.330.

Service Area Canopy Signs Yes, see Section 543.430.

Auxiliary Signs Yes, see Section 543.300.

Section 10. That Chapter 543 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article V, including new Sections 543.210 through 543.290, to read as follows:

ARTICLE V. SPECIAL PROVISIONS FOR SPECIFIC USES

543.210. Convention center, public. Signs accessory to public convention centers shall be regulated by the sign standards for the Downtown Entertainment Area as specified in Table 543-3, Specific Standards for Signs in the Downtown Districts, except that freestanding signs shall be limited to a maximum area of three hundred (300) square feet and a maximum height of twenty-five (25) feet.

543.220. Farmers' market. Notwithstanding the provisions of Tables 543-1 Specific Standards for Signs in the Residence and OR1 Districts, 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4 Specific Standards for Signs in the Industrial Districts, signage accessory to a farmers' market shall be limited to one (1) square foot of signage per one (1) foot of street frontage of the zoning lot. One (1) freestanding sign shall be allowed per zoning lot. Freestanding signs shall not exceed fifty-four (54) square feet in area and fourteen (14) feet in height. All other signs shall not exceed forty-five (45) square feet in area and fourteen (14) feet in height. Signs for temporary farmers' markets shall not be permanently installed on the site.

543.230. Multiple tenant buildings. (a) Master sign plan required. Any application for a sign permit for a multiple tenant building shall include a master sign plan for the building. Said plan shall be drawn to scale and fully dimensioned, showing any signage to be provided in compliance with the Minneapolis Code of Ordinances.

(b) Allocation of signage. The property owner or the property owner's designee shall be responsible for allocating the allowable sign area among the tenants of a multiple tenant building.

543.240. Museums. Notwithstanding any other provision to the contrary, on-premise dynamic wall or window signs may be allowed on museums of at least one hundred thousand (100,000) square feet of gross floor area (in those districts where museums are allowed) when approved as a sign adjustment pursuant to Chapter 543, On-Premise Signs, and Chapter 525, Administration and Enforcement.

543.250. Nonconforming uses. Newly established signs located on nonconforming uses shall be limited to one nonilluminated, flat wall identification sign, not to exceed sixteen (16) square feet in area and fourteen (14) feet in height. In addition, on a corner lot, two (2) such signs per building, except as otherwise allowed in the manner provided for in Chapter 531, Nonconforming Uses and Structures, governing expansion or alteration of legal nonconforming uses and structures.

543.260. Parking lots. (a) Off-site accessory parking lots. Notwithstanding the provisions of Tables 543-1 Specific Standards for Signs in the Residence and OR1 Districts, 543-2, Specific

Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4 Specific Standards for Signs in the Industrial Districts, signage accessory to off-site accessory parking lots shall be limited to one (1) nonilluminated sign per entrance, not to exceed eight (8) square feet in area and six (6) feet in height. In addition, not more than two (2) auxiliary signs per entrance shall be provided on the site. No sign shall project beyond the property line into the public right-of-way.

(b) *Principal use parking lots.* Notwithstanding the provisions of Tables 543-2, 543-3 and 543-4, signage accessory to principal use parking lots shall be limited to one (1) nonilluminated sign per entrance, not to exceed sixteen (16) square feet in area and fourteen (14) feet in height. In addition, not more than two (2) auxiliary signs per entrance shall be provided on the site. No sign shall project beyond the property line into the public right-of-way.

543.270. Planned unit developments. Signs accessory to planned unit developments shall be allowed as approved by the conditional use permit, as specified in Chapter 527, Planned Unit Development.

543.280. Regional sports arena. Signs accessory to regional sports arenas shall be regulated by the sign standards for the Downtown Entertainment Area as specified in Table 543-3, Specific Standards for Signs in the Downtown Districts.

543.290. Theaters. (a) *In general.* Manual changeable copy signs shall be permitted on theater marquees (in those districts where theaters are allowed) in addition to the permitted name or nameplate, with the following limitations:

- (1) Manual changeable copy signs shall list by means of lettering or other symbols only what is currently playing inside the theater, or coming attractions which will be presented in the theater, except signs regulated by the sign standards for the Downtown Entertainment Area.
- (2) The maximum vertical dimension of a theater manual changeable copy sign shall be nine (9) feet.
- (3) There shall be a maximum of three (3) manual changeable copy signs on any one (1) theater marquee, but not more than one (1) manual changeable copy sign on any one (1) face.
- (4) Identification signs may be erected on or above any theater marquee, subject to the dimensional limitations listed for the district in which the theater is located. Identification signs shall be regulated the same as manual changeable copy signs as to number permitted.
- (5) Except in the office residence districts, traveling or chasing lights shall be allowed on the face of any manual changeable copy sign within the size limitation for such panel or as soffit lighting under such theater marquee.

(b) *Definition of theater marquee.* "Theater marquee," as used in this section only, shall be defined as a permanent, roof-like structure projecting over an entryway, parallel to the ground, located on a building in which entertainment is provided by the showing of pictures on a screen or by live production upon a stage and which building is designed with an auditorium with permanent fixed seating.

Section 11. That Chapter 543 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article VI, including new Sections 543.300 through 543.500, to read as follows:

ARTICLE VI. SPECIAL PROVISIONS FOR SPECIFIC TYPES OF SIGNS

543.300. Auxiliary signs. (a) *Size.* The sign area of auxiliary signs shall be included in the calculation of maximum sign area allowed on a site, as specified in Tables 543-1, Specific Standards for Signs in the Residence and OR1 Districts, 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts. Each auxiliary sign shall be limited to four (4) square feet in area, except signs accessory to uses first allowed in the industrial districts shall not exceed sixteen (16) square feet in area.

(b) *Height.* Freestanding auxiliary signs shall be limited to four (4) feet in height. Auxiliary signs attached to buildings shall comply with the district regulations for sign height.

(c) Logos and other commercial messages prohibited. Auxiliary signs shall not contain any logo or other commercial message.

543.310. Awning, canopy and marquee signs. Awning, canopy and marquee signs shall be painted on or affixed to an awning, canopy or marquee. No such sign shall extend outward from the awning, canopy or marquee on which it is located, except as provided for theater marquees in Section 543.290. Awning, canopy and marquee signs shall be included in the calculation of the total permitted building sign area.

543.320. Banners. (a) Commercial banners. Commercial banners shall be considered signs and therefore shall be included in calculating the total sign area of the site and shall be regulated as such. A commercial banner shall be considered a wall sign or a projecting sign.

(b) Decorative banners. Decorative banners shall be allowed in all districts, provided such banners comply with the following:

- (1) Commercial messages or logos shall be prohibited from decorative banners.
- (2) Decorative banners shall be exempt from the total allowable sign area for a site, provided the maximum aggregate area for decorative banners shall not exceed fifteen (15) percent of the total allowable sign area for a parcel, except that at least one (1) decorative banner not exceeding eight (8) square feet shall be allowed on a zoning lot.
- (3) The height of decorative banners shall comply with the district regulations for sign height.

543.330. Changeable copy sign, dynamic. (a) In general. The dynamic changeable copy sign shall be limited to letters or numbers only. The background of the dynamic changeable copy sign shall be black and the text shall be colored.

(b) Number of signs. There shall not be more than one (1) dynamic changeable copy sign located on a zoning lot.

(c) Location. The dynamic changeable copy sign shall be located on a primary building wall or be part of a freestanding sign.

(d) Size. The maximum size of the dynamic changeable copy sign shall be sixteen (16) square feet. Dynamic changeable copy signs shall be included in the calculation of the total permitted sign area.

(e) Height. Notwithstanding Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, the maximum height of a dynamic changeable copy sign attached to a building shall be fourteen (14) feet, or top of wall, whichever is less.

(f) Duration of message. The copy of the dynamic changeable copy sign shall remain static for a period of not less than one (1) hour.

(g) Luminance. Between 7 a.m. and 7 p.m. the maximum luminance shall be 5,000 nits and between 7 p.m. and 7 a.m. the maximum luminance shall be 500 nits.

543.340. Dynamic signs. (a) In general. Except where allowed as-of-right in the Downtown Entertainment Area, dynamic signs may be allowed as a conditional use, subject to the provisions of Chapter 525, Administration and Enforcement, and the following:

(b) Number of signs. There shall not be more than one (1) dynamic sign located on a zoning lot.

(c) Location. The dynamic sign shall be located on a primary building wall.

(d) Height. Notwithstanding Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, the maximum height of a dynamic sign attached to a building shall be fourteen (14) feet, or top of wall, whichever is less.

(e) Size. Dynamic signs shall not exceed thirty-two (32) square feet. Dynamic signs shall be included in the calculation of the total permitted sign area.

(f) Duration of message. The sign message shall remain static for a period of not less than eight (8) seconds.

(g) Luminance. Between 7 a.m. and 7 p.m. the maximum luminance shall be 5,000 nits and between 7 p.m. and 7 a.m. the maximum luminance shall be 500 nits.

543.350. Fence signs. (a) In general. Signs attached to fences shall be included in the calculation of maximum wall sign area allowed on a site and shall be regulated as such. Signs attached to fences shall not project beyond the edge of the fence.

(b) In required yards. Signs attached to fences, retaining walls or other similar structures may be located within a required yard, provided such sign, including the back of such sign, shall not be visible from any residence or office residence district abutting such required yard.

543.360. Freestanding signs. (a) In general. Except for auxiliary, political, portable, project information, real estate and temporary signs, decorative banners, menu boards and signs accessory to parking lots, not more than one (1) freestanding sign shall be permitted on a zoning lot, except as otherwise permitted in this section.

(b) Public and institutional uses in the OR2 and OR3 Office Residence Districts. Notwithstanding Table 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, not more than one (1) freestanding sign shall be permitted per frontage.

(c) Base of sign. Landscaping or other decorative materials designed to screen the base of the freestanding sign and any light fixtures shall be provided. Such landscape or decorative materials shall be capable of screening the base of the sign all year and shall be well maintained.

543.370. Menu boards. (a) Size. The sign area of menu boards shall be included in the calculation of maximum sign area allowed on a site, as specified in Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts. Each menu board shall be limited to thirty-six (36) square feet in area.

(b) Height. Freestanding menu boards shall be limited to six (6) feet in height.

(c) Exemption from regulations on number of freestanding signs. Menu boards shall be exempt from the restrictions on the number of freestanding signs allowed on a zoning lot, provided there shall be no more than two (2) menu boards on a zoning lot. Such menu boards shall be single-sided.

543.380. Political signs. (a) Location. Political signs are allowed as a permitted encroachment in the required front yard. No political sign shall be closer than eight (8) feet from any other zoning lot. No political sign shall be placed on the public right-of-way, including boulevard trees and utility poles.

(b) Maximum number of signs. No limit within size allocation.

(c) Size.

(1) Residence and OR1 Districts. Maximum of eight (8) square feet in area; shall be permitted per street frontage. A larger political sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.

(2) All other districts. Maximum of thirty-two (32) square feet in area; shall be permitted per street frontage. A larger political sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.

(d) Height.

(1) Residence and OR1 Districts. The height of a freestanding political sign shall not exceed six (6) feet. A political sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.

(2) All other districts. The height of a freestanding political sign shall not exceed fourteen (14) feet. A political sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.

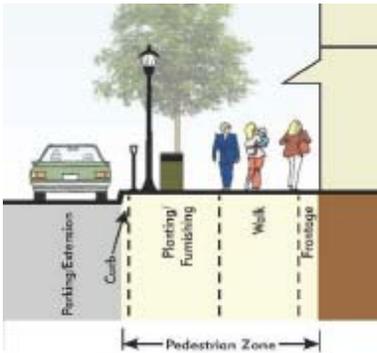
(e) Sign removal. Signs sponsoring candidates for public office shall be removed within ten (10) days after an election has been held unless the candidate is one (1) who qualifies as a candidate to be named on the ballot at a general election after a primary election. In that case, signs erected prior to the primary election may be left in place until ten (10) days after the general election.

543.390. Portable signs. (a) In general. Portable signs shall be prohibited on the public right-of-way in the downtown area bounded by Interstate 35W, Interstate 94, Plymouth Avenue, and the Mississippi River, except as required or permitted in connection with an approved valet parking license or sidewalk café permit.

(b) Limits. Portable signs shall not exceed twelve (12) square feet in area, shall not be illuminated, and shall be of sufficient weight to prevent movement by wind.

- (c) On the public right-of-way. Portable signs may be allowed on the public right-of-way outside the downtown area, as defined in 543.390(a). Portable signs shall be placed in the Planting/Furnishing Zone or Frontage Zone, and shall not be placed in the Through Walk Zone, as indicated in Figure 543-1. Portable signs shall not obstruct the public sidewalk and shall not be attached to public infrastructure.
- (d) Exemption from regulations on number of freestanding signs. Portable signs shall be exempt from the restrictions on the number of freestanding signs allowed on a zoning lot, provided such portable signs shall not exceed four (4) feet in height and there shall be not more than one (1) such portable sign per street frontage.

Figure 543-1:



543.400. Project information signs. (a) Location. Project information signs are allowed as a permitted encroachment in the required front yard. No project information sign shall be closer than eight (8) feet to any other zoning lot. No project information sign shall be placed on the public right-of-way, including boulevard trees and utility poles.

(b) Size.

- (1) Residence and OR1 Districts. One (1) freestanding or wall project information sign, not to exceed eight (8) square feet in area, shall be permitted per street frontage. A larger project information sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.
- (2) All other districts. One (1) freestanding or wall project information sign, not to exceed thirty-two (32) square feet in area, shall be permitted per street frontage. A larger project information sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.

(c) Height.

- (1) Residence and OR1 Districts. The height of a freestanding project information sign shall not exceed six (6) feet. A project information sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.
- (2) All other districts. The height of a freestanding project information sign shall not exceed fourteen (14) feet. A project information sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.

(d) Sign removal.

- (1) Residence and OR1 Neighborhood Office Residence districts. The project information sign may be in place only during the period that said project is under construction, not to exceed one hundred eighty (180) days after the issuance of the building permit, and only while valid building permits are in force.
- (2) All other districts. The zoning administrator may issue an annual permit for a project information sign. Such sign may be in place only during the period that said project is under construction, and only while valid building permits are in force.

543.410. Projecting signs. A projecting sign may extend above the top of the wall or parapet line or, in the case of a mansard roof, beyond the deck line. Subject to the sign height regulations, a projecting sign may extend two (2) feet per story, but not more than a total of ten (10) feet, above the roof line of a flat roofed building. In the case of a mansard roof, a projecting sign may extend not more than four (4) feet above the deck line. In no case shall any element of the projecting sign be attached to the roof of the building.

543.420. Real estate signs. (a) *Location.* Real estate signs are allowed as a permitted encroachment in the required front yard. No real estate sign shall be closer than eight (8) feet to any other zoning lot. No real estate sign shall be placed on the public right-of-way, including boulevard trees and utility poles.

(b) *Size.*

(1) *Residence and OR1 Districts.* One (1) freestanding or wall real estate sign, not to exceed eight (8) square feet in area, shall be permitted per street frontage. A larger real estate sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.

(2) *All other districts.* One (1) freestanding or wall real estate sign, not to exceed thirty-two (32) square feet in area, shall be permitted per street frontage. A larger real estate sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.

(c) *Height.*

(1) *Residence and OR1 Districts.* The height of a freestanding real estate sign shall not exceed six (6) feet. A real estate sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.

(2) *All other districts.* The height of a freestanding real estate sign shall not exceed fourteen (14) feet. A real estate sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.

543.430. Service area canopy and pump island signs. (a) *Service area canopy signs.* Notwithstanding Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, twenty-five (25) square feet of signage per frontage may be applied to the faces of the canopy facing any street. Such signage may be lighted externally or internally, but no other part of the face of the service area canopy shall be illuminated. Service area canopy signs shall not extend beyond the face of the canopy.

(b) *Pump island signs.* Signs on pumps and pump islands shall be permanently affixed, non-illuminated, less than one (1) square foot in area and less than six (6) feet in height.

543.440. Specific product or brand name signs. Signs which mention a specific product or brand name sold or offered on the premises, except identification signs, shall be subject to the following:

(1) Such signs shall not exceed sixteen (16) square feet in area.

(2) Not more than two (2) such signs shall be located on a freestanding sign.

(3) Not more than two (2) such signs per primary building wall.

(4) Such signs shall be included in the calculation of the total permitted sign area.

(5) Such signs shall comply with all of the applicable regulations of this zoning ordinance.

543.450. Temporary signs. (a) *In general.* All temporary signs shall be attached to a building.

(b) *Time.* During any calendar year temporary signs shall not be in place for more than a total of sixty (60) days. If temporary signs are maintained on a zoning lot in excess of sixty (60) days, such signage shall be considered permanent and shall be regulated as such.

(c) *Sign area and number.* Temporary signs shall be exempt from the calculation of total permanent sign area allowed on the site, but shall meet the same dimensional, locational, total sign area and other applicable regulations for permanent signs.

543.460. Time and temperature signs. (a) *Commercial districts.* Time and temperature signs shall comply with the sign regulations for the district in which they are located, but in no case shall the vertical dimension of such sign exceed two (2) feet.

(b) *Downtown districts.* Time and temperature signs shall comply with the sign regulations for the district in which they are located, but in no case shall the vertical dimension of such sign exceed four (4) feet.

543.470. Wall signs. (a) *In general.* A wall sign shall not extend outward more than twenty-four (24) inches from the structure, except a flat wall sign shall not extend outward more than six (6) inches from the structure. A wall sign shall not extend above the top of the wall or parapet line or, in the case of a mansard roof, beyond the deck line, nor shall a wall sign extend beyond the corner of the building.

(b) *Exception.* Recognizing that certain buildings or uses may have unique identification needs, notwithstanding the height and area limits of Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, a conditional use permit may be applied for, as provided in Chapter 525, Administration and Enforcement, to allow not more than two (2) additional wall signs identifying the name or logo of a building or use in a building that exceeds six (6) stories or eighty-four (84) feet in height, subject to the following:

- (1) Signs shall be limited to individual letters or elements permanently affixed to the building wall.
- (2) Signs shall not exceed three (3) square feet of sign area for each one (1) foot of building wall to which such sign is attached or three hundred (300) square feet, whichever is less.
- (3) Not more than one (1) sign shall be located on a building wall.
- (4) The vertical dimension of such sign shall not exceed fourteen (14) feet.

543.480. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in Section 543.450.

543.490. Procedure. An application for a sign adjustment shall be considered an application for a conditional use permit or a variance, as specified in Chapter 525, Administration and Enforcement. In addition to the conditional use permit or variance standards, the approval criteria of this article shall be met before a sign adjustment may be approved.

543.500. Approval criteria. Adjustment to the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district may be approved if the following criteria are met:

- (1) The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.
- (2) The sign adjustment will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.

Adopted 7/17/2009.

Absent - Remington.

Ordinance 2009-Or-057, amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, to revise current regulations relating to on-premise signs, was adopted 7/17/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-057
By Schiff
Intro & 1st Reading: 9/26/2008
Ref to: Z&P
2nd Reading: 7/17/2009

Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.

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

Section 1. That Section 551.120 of the above-entitled ordinance be amended to read as follows:

551.120. Building facade. (a) *Window area.* At least forty (40) percent of the first floor facade of any nonresidential use that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level. Windows shall be distributed in a more or less even manner. Minimum window area shall be measured between the height of two (2) feet and ten (10) feet above the finished level of the first floor.

(b) *Awnings and canopies.* Awnings and canopies are encouraged in order to provide protection for pedestrians and shall be placed to emphasize individual uses and entrances. ~~Back-lighted~~ Backlit awnings and canopies shall be prohibited.

Section 2. That Section 551.130 of the above-entitled ordinance be amended to read as follows:

551.130. Prohibited on-premise signs. The following on-premise signs shall be prohibited in the PO Overlay District:

- (1) Pole signs.
- (2) ~~Back-lighted~~ Backlit awning and canopy signs.
- (3) ~~Back-lighted~~ Backlit insertable panel projecting signs.

Section 3. That Section 551.250 of the above-entitled ordinance be amended to read as follows:

551.250. Building facade. (a) *Window area.* At least forty (40) percent of the first floor facade of any nonresidential use that faces a public street or sidewalk, shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building. Windows shall be distributed in a more or less even manner. Minimum window area shall be measured between the height of two (2) feet and ten (10) feet above the finished level of the first floor.

(b) *Awnings and canopies.* Awnings and canopies are encouraged to provide protection for pedestrians and shall be placed to emphasize individual storefronts and entrances. Plastic, vinyl or similar material and ~~back-lighted~~ backlit awnings shall be prohibited.

Section 4. That Section 551.260 of the above-entitled ordinance be amended to read as follows:

551.260. Prohibited on-premise signs. The following on-premise signs shall be prohibited in the LH Overlay District:

- (1) Pole signs.
- (2) ~~Back-lighted~~ Backlit awning signs.
- (3) ~~Back-lighted~~ Backlit insertable panel projecting signs.

Section 5. That Section 551.950 of the above-entitled ordinance be amended to read as follows:

551.950. On-premise signs. On-premise signs shall be subject to the regulations of Chapter 543, On-Premise Signs, and the following:

(1) *Sign area.* The amount of sign area allowed for signs attached to buildings shall be three and one half (3.5) square feet of sign area per one (1) foot of primary building wall.

(2) *Sign height.* The maximum height of signs attached to buildings, except projecting signs, shall be ~~twenty-four (24)~~ twenty-eight (28) feet. The provisions of Chapter 543, On-Premise Signs, for increasing the height of wall signs by conditional use permit shall not apply.

(3) *Projecting signs.* The maximum height of projecting signs shall be ~~sixteen (16)~~ twenty-eight (28) feet. The maximum area of projecting signs shall be twelve (12) square feet. Projecting sign materials shall be limited to ornamental metal, carved wood or cloth.

(4) *Lighting of signs.* ~~Back-lighted~~ Backlit signs shall be prohibited. Projecting signs shall be lighted by external illumination only.

Section 6. That Section 551.960 of the above-entitled ordinance be amended to read as follows:

551.960. Awnings and canopies. Awnings and canopies are encouraged in order to provide protection for pedestrians and to emphasize individual uses and entrances, and shall be subject to the following:

- (1) ~~Back-lighted~~ Backlit awnings and canopies shall be prohibited.

(2) Awning and canopy materials shall be limited to cotton, acrylic or vinyl coated cotton, copper or bronze coated metal, or clear or lightly tinted glass.

Adopted 7/17/2009.

Absent - Remington.

Ordinance 2009-Or-058, amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to *Building Code: Projections and Encroachments*, amending Section 95.100 to Section 95.140, relating to on-premise sign regulations, was adopted 7/17/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-058
By Schiff
Intro & 1st Reading: 9/26/2008
Ref to: Z&P
2nd Reading: 7/17/2009

Amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to Building Code: Projections and Encroachments.

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

Section 1. That Section 95.100 of the above-entitled ordinance be amended to read as follows:

95.100. Definitions. For the purpose of this article the following words and phrases shall have the meanings respectively ascribed to them in this section:

Awning: An awning is a retractable temporary shelter supported entirely from the exterior wall of a building roof-like cover, often constructed of fabric, plastic, vinyl, metal or glass, designed and intended for protection from the elements or as a decorative embellishment, and which projects from a wall of a structure.

Canopy: A canopy is a fixed structure not having a flat roof which projects over public property and which may or may not derive all of its support from the building from which it projects structure, often constructed of fabric, plastic, vinyl, metal or glass, with supports attached to the ground, sheltering an area or forming a sheltered walk to the entrance of a building.

Marquee: A marquee is a permanent, roofed structure attached to and supported by the building and projecting over public property permanent roof-like structure projecting over an entryway, parallel to the ground, generally designed and constructed to provide protection from the elements.

Section 2. That Section 95.110 of the above-entitled ordinance be amended to read as follows:

95.110. Awnings. (a) *Construction.* Awnings shall have a noncombustible frames but may have a combustible coverings. Every awning shall be collapsible, retractable or capable of being folded against the face of the supporting building. When An awning capable of being collapsed, retracted or folded, the design shall be designed such that the awning does not block any required exit. Awnings shall be designed and constructed to withstand snow loads and wind loads as required by the state building code.

(b) *Projection.* Awnings may extend over public property not more than seven (7) feet from the face of a supporting building but no portion shall extend nearer than two (2) feet from the face of the nearest curbline measured horizontally. In no case shall the awning extend over public property greater than two-thirds (2/3) of the distance from the property line to the nearest curbline in front of the building site.

(c) *Clearance.* All portions of any awning shall be at least eight (8) feet above any public walkway the ground or pavement below. Any valance attached to an awning shall not project above the roof of the awning at the point of attachment and shall not extend more than twelve (12) inches below the roof of the awning at the point of attachment, but in no case shall any portion of a valance be less than seven (7) feet in height above the ground or pavement below.

Exception: Any valance attached to an awning shall not project above the roof of the awning at the point of attachment and shall not extend more than twelve (12) inches below the roof of the awning at the point of attachment, but in no case shall any portion of a valance be less than seven (7) feet in height above a public right-of-way.

(d) Permits. Permits for the erection, reconstruction and structural alteration of awnings as set forth in this article may be issued by the director of inspections without requiring a permit by the city engineer.

(e) [Deadline for compliance.] All awnings within the city must comply with the provisions of this section not later than January 1, 1983.

Section 3. That Section 95.120 of the above-entitled ordinance be and is hereby repealed.

95.120. Marquees. (a) General. For the purpose of this section, a marquee shall include any object or decoration attached to or a part of said marquee.

(b) Projection and clearance. The horizontal clearance between a marquee and the curbline shall be not less than two (2) feet. A marquee projecting more than two-thirds of the distance from the property line to the curbline shall be not less than twelve (12) feet above the ground or pavement below. A marquee projecting less than two-thirds of the distance from the property line to the curbline shall be not less than eight (8) feet above the ground or pavement below.

(c) Length. A marquee projecting more than two-thirds ($2/3$) of the distance from the property line to the curbline shall not exceed twenty-five (25) feet in length along the direction of the street without specific approval of the city engineer.

(d) Thickness. The maximum height or thickness of a marquee measured vertically from its lowest to its highest point shall not exceed three (3) feet when the marquee projects more than two-thirds of the distance from the property line to the curbline and shall not exceed nine (9) feet when the marquee is less than two-thirds of the distance from the property line to the curbline.

(e) Construction. A marquee shall be supported entirely by the building and constructed of noncombustible material or when supported by a building of Type V construction may be of one-hour fire-resistive construction.

(f) Roof construction. The roof or any part thereof may be a skylight, provided wire glass is used not less than one-quarter inch thick with no single pane more than eighteen (18) inches wide. Every roof and skylight of a marquee shall be sloped to proper gutters and downspouts which shall conduct any drainage from the marquee in an approved manner and wherever there is a storm sewer in the adjacent street such downspouts shall be connected thereto.

(g) Locations prohibited. Every marquee shall be so located as not to interfere with the operation of any exterior standpipe or to obstruct the clear passage of stairways or exits from the building.

Section 4. That Chapter 95 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 95.120 to read as follows:

95.120. Canopies. (a) Construction. Canopies shall have a noncombustible frame but may have a combustible covering. Canopies shall be designed and constructed to withstand snow loads and wind loads as required by the state building code. The framework itself shall be of sufficient strength to transfer wind and dead load forces to the supporting members.

(b) Projection. A canopy may extend over public property but no portion shall extend nearer than two (2) feet from the face of the nearest curbline measured horizontally.

(c) Clearance. All portions of any canopy shall be at least eight (8) feet above the ground or pavement below. Nonrigid valances attached to a canopy may extend down to a point not less than seven (7) feet above the ground or pavement below.

(d) Supports. Canopy posts or other supports located in the public right-of-way shall be placed in a location approved by the city engineer.

Section 5. That Section 95.130 of the above-entitled ordinance be and is hereby repealed:

95.130. Canopies. (a) Construction. Canopies shall have a noncombustible frame but may have a combustible covering and all canopies shall be designed to support a thirty-pound per square foot snow load. Canopy roof surfaces having a pitch greater than twenty (20) degrees from the horizontal may be designed with a reduced snow load as set forth in the state building code, Appendix on snow loads, and the allowable deductions may be from the thirty-pound per square foot requirement set forth

in this section. All canopies shall be designed and constructed to withstand wind pressure applied to the projected exposed area, allowing for wind in any direction up to twenty (20) pounds per square foot of the exposed area. The framework itself shall be of sufficient strength to transfer wind and dead load forces to the supporting members.

(b) *Projection.* A canopy may extend over public property but no portion shall extend nearer than two (2) feet from the face of the nearest curb measured horizontally.

(c) *Clearances.* All portions of any canopy shall be at least eight (8) feet above any public right-of-way.

Exception: Nonrigid valances attached to a canopy may extend down to a point not less than seven (7) feet above a public way.

(d) *Supports.* Canopy posts or other supports shall be placed in a location approved by the director of traffic engineering.

(e) *Permits.* Permits for the erection, reconstruction and structural alterations to canopies weighing less than three (3) pounds per square foot of surface area and which derive all of their support from the building from which they project and do not exceed one hundred twenty-five (125) square feet in area measured in the horizontal plane may be issued by the director of inspections without requiring a permit by the city engineer.

(f) [Deadline for compliance.] All canopies within the city must comply with the provisions of this section not later than January 1, 1983.

Section 6. That Chapter 95 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 95.130 to read as follows:

95.130. Marquees. (a) *In general.* For the purpose of this section, a marquee shall include any object or decoration attached to or a part of said marquee.

(b) *Projection.* A marquee may extend over public property but no portion shall extend nearer than two (2) feet from the face of the nearest curblines measured horizontally.

(c) *Clearance.* A marquee projecting more than two-thirds (2/3) of the distance from the property line to the curblines shall be not less than twelve (12) feet above the ground or pavement below. A marquee projecting less than two-thirds (2/3) of the distance from the property line to the curblines shall be not less than eight (8) feet above the ground or pavement below.

(d) *Length.* A marquee projecting more than two-thirds (2/3) of the distance from the property line to the curblines shall not exceed twenty-five (25) feet in length along the direction of the street without specific approval of the city engineer.

(e) *Thickness.* The maximum height or thickness of a marquee measured vertically from its lowest to its highest point shall not exceed three (3) feet when the marquee projects more than two-thirds (2/3) of the distance from the property line to the curblines and shall not exceed nine (9) feet when the marquee is less than two-thirds (2/3) of the distance from the property line to the curblines.

(f) *Construction.* A marquee shall be supported entirely by the building and constructed of noncombustible material or when supported by a building of Type V construction may be of one-hour fire-resistive construction.

(g) *Roof construction.* The roof or any part thereof may be a skylight, provided wire glass is used not less than one-quarter inch thick with no single pane more than eighteen (18) inches wide. Every roof and skylight of a marquee shall be sloped to proper gutters and downspouts which shall conduct any drainage from the marquee in an approved manner and wherever there is a storm sewer in the adjacent street such downspouts shall be connected thereto.

(h) *Locations prohibited.* Every marquee shall be located as not to interfere with the operation of any exterior standpipe or to obstruct the clear passage of stairways or exits from the building.

Section 7. That Section 95.135 of the above-entitled ordinance be and is hereby repealed:

95.135. Backlit awning signs. (a) *Construction.* Shall be in accordance with 109.460. All backlit awning signs shall be designed and constructed to withstand snow loads per the state building code requirements, and wind loads, in any direction, up to twenty (20) pounds per square foot of the exposed area.

(b) *Projection.* A backlit awning sign may extend over public property, but no portion shall extend nearer than two (2) feet from the face of the nearest curb measured horizontally.

(e) ~~Clearances.~~ All portions of any backlit awning sign shall be at least eight (8) feet above any public right-of-way.

Exception: Nonrigid valances attached to a backlit awning sign may extend down to a point not less than seven (7) feet above a public right-of-way.

(d) ~~Permits:~~ Permits for the erection, reconstruction and structural alterations to backlit awning signs weighing less than three (3) pounds per square foot of surface area and which derive all of their support from the building from which they project may be issued by the director of inspections without requiring a permit by city engineer.

Section 8. That Section 95.140 of the above-entitled ordinance be amended to read as follows:

95.140. Permits. No person shall install, reconstruct or alter any ~~marquee, awning or canopy~~ awning, canopy or marquee which projects over public property without first having obtained a permit from the ~~director of inspections~~ zoning administrator; however, no permit shall be required for recovering the framework of awnings or canopies. The fee for such permits shall be as set forth in ~~section 91.90~~ Chapter 91, Permit Fees, of the Minneapolis Code of Ordinances.

~~No canopy regulated by this article of this Code shall be erected over any street or alley right-of-way where projecting signs are restricted by the Minneapolis Code of Ordinances so as to project more than seven (7) feet from the supporting building.~~

Adopted 7/17/2009.

Absent - Remington.

Ordinance 2009-Or-059, amending Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to *Building Code: Signs and Billboards*, amending Sections 109.10 to 109.60 relating to on-premise sign regulations, was adopted 7/17/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-059

By Schiff

Intro & 1st Reading: 9/26/2008

Ref to: Z&P

2nd Reading: 7/17/2009

Amending Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to Building Code: Signs and Billboards.

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

Section 1. That the Title of Chapter 109 of the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 109. SIGNS AND BILLBOARDS

Section 2. That Section 109.10 of the above-entitled ordinance be amended to read as follows:

109.10. Sign hangers, bBillboard erectors to be licensed. No person shall install, reconstruct, alter, repair or remove any sign upon the exterior walls or upon the roof of any building, or erect, reconstruct, alter or repair any billboard within or submit a sign permit application the city without first having secured a license from the director of regulatory services ~~authorizing him or her to do so.~~ Such licenses shall be divided into two (2) kinds, sign hanger's license and billboard erector's license. ~~Billboard erectors' licenses shall include erecting, reconstructing, altering or repairing billboards as defined in section 530.160 only.~~

Section 3. That Section 109.20 of the above-entitled ordinance be amended to read as follows:

109.20. Permits required. (a) In general. ~~Except as provided in section 109.30 and 543.40, n~~ No person shall paint or install any sign in any manner upon, or attached to, or supported by any building, ~~on the exterior thereof or erect or construct any billboard~~ without first obtaining a permit from the director

of inspections zoning administrator. An application for a sign permit shall be filed on a form approved by the director of inspections zoning administrator along with all supporting documentation including the permit fee. The fee for such permit shall be as set forth in Chapter 91, Permit Fees, of the Minneapolis Code of Ordinances.

(b) Exceptions. No sign permit shall be required for the installation of the following signs:

(1) Replacement of the changeable copy portion of a billboard having a stationary framework or structure.

(2) Repainting any legal, existing billboard when there is no change in copy or size for which previous permits had been issued.

Section 4. That Section 109.30 of the above-entitled ordinance be and is hereby repealed.

109.30. Permit exceptions. No sign permit shall be required for the installation of the following signs. The sign area of exempt signs shall still count towards the overall signage allocation:

(a) Any sign the area of which, computed by multiplying its greatest width by its greatest length, is less than three (3) square feet and which merely announces the name of the proprietor or the nature of the business conducted at that location.

(b) Signs placed on the inside of any building, including window signs.

(c) Replacement of the removable display board or panel or other removable display surface of a sign or of a billboard having a stationary framework or structure so designed that a display board or panel or other display surface may be inserted therein or attached thereto or removed therefrom whenever desired without unfastening or removing said stationary framework or structure from its supports.

(d) Approved signs loosened from their supports and taken down, painted and replaced without any change having been made in their size or form, or in the ownership thereof.

(e) Repainting any legal, existing projecting sign, flat wall sign, roof sign, ground sign, billboard when there is no change in copy or size for a sign painted directly on the wall of a building for which previous permit had been issued.

Section 5. That Section 109.40 of the above-entitled ordinance be and is hereby repealed.

109.40. Posting and “snipe” advertising, etc. No person, except a public officer or a government employee in the performance of a public duty, shall, maintain, place, erect, paint, paste, print, nail, tack or otherwise fasten any card, banner, picture, handbill, sign, poster, advertising or notice of any kind, or cause the same to be done, on any curb, street, walk or public thoroughfare surface, fence, board, barrel, box case, railing, pole, post, tree, barricade, material bridge, bridge fender, dock, building or structure of any kind, within the city except as may be permitted by this chapter or other provisions of this Code.

Section 6. That Section 109.50 of the above-entitled ordinance be and is hereby repealed.

109.50. Construction of signs on buildings. (a) All signs attached to or placed on any building shall be adequately supported and secured to such building by iron or metal anchors, bolts, supports, chains, stranded cables, steel rods or braces, in a manner subject to the approval of the director of inspections. No staples shall be used for securing any projecting sign to any building. All projecting and roof signs shall be constructed and braced to withstand a horizontal wind pressure of at least thirty (30) pounds for every square foot of surface exposed in any such sign.

(b) A building or part of a building to which a sign is to be attached, and the foundation of such building, shall be of sufficient strength to safely resist the resultant of the dead load and the wind load of the sign, in addition to the dead load, the live load and the wind load the building or part thereof is otherwise designed to carry.

Section 7. That Section 109.60 of the above-entitled ordinance be and is hereby repealed.

109.60. Signs obstructing egress, ventilation. No sign of any kind shall be erected, constructed or maintained on any building in such a manner as to obstruct any fire escape, or any window or door or opening used as a means of egress or for fire-fighting purposes or so as to prevent free passage from one (1) part of a roof to any other part thereof, nor shall any sign be attached, in any form, shape or manner, to a fire escape, or be so placed as to interfere with any opening required for legal ventilation. Transom windows may be covered entirely or in part by a completely incombustible sign built of metal panels, with all backing and supports of metal, when the glass and framework of the transom windows

are left in place. Windows, except transom windows referred to above, may be covered with a sign provided the opening is properly closed up as per building code requirement. Stationary shown windows in a building may have cutout letters of incombustible material covering the upper one-third of such show window providing such letters are a minimum of eight (8) feet above the sidewalk.

Section 8. That Section 109.70 of the above-entitled ordinance be and is hereby repealed.

109.70. Sign maintenance and removal. The director of inspections may order the removal of any sign that is not maintained or painted, or the supports, guys, braces and anchors of which are not so maintained, and it shall be unlawful for the owner or person having charge of such sign not to have the same repaired or removed after receiving notice from the director of inspections to do so.

Section 9. That Section 109.80 of the above-entitled ordinance be and is hereby repealed.

109.80. Abandoned signs. Any sign which advertises a commodity, service or entertainment no longer in existence and any sign which directs attention to a business, profession, commodity, service or entertainment no longer in existence at the premises on which such sign is located, shall be deemed abandoned and shall be removed by the owner of the premises on which such sign is located within thirty (30) days of notice so to do from the director of inspections or shall have shown reasonable cause for failure so to do. The removal required by this section shall include all supporting brackets, frames or other structural elements of the abandoned sign. The obtaining of an annual sign maintenance permit shall in no way be construed to modify, alter or extinguish the enforcement of this section.

Section 10. That Section 109.90 of the above-entitled ordinance be and is hereby repealed.

109.90. Height over public property. (a) Signs extending over public right-of-way may be hung so that the lowest point thereof shall be not less than eight (8) feet above ground elevation except flat wall signs not to extend six (6) inches shall have no minimum clearance.

(b) Signs projecting over public alleys, which shall not be hung less than fifteen (15) feet above the level of any such public alley.

Section 11. That Section 109.100 of the above-entitled ordinance be and is hereby repealed.

109.100. Electrical requirements. All electrical signs require an electrical permit issued by the department of inspections. Every electrical sign shall be wired and installed to meet the requirements of the electrical code of the city.

Section 12. That Section 109.110 of the above-entitled ordinance be and is hereby repealed.

109.110. Removal of unsafe signs. Every sign heretofore installed which is deemed unsafe by the department shall be either removed immediately on the order of the director of inspections or shall be put in a safe condition.

Section 13. That Section 109.120 of the above-entitled ordinance be and is hereby repealed.

109.120. Proximity to electrical conductors. (a) The minimum clearance of any sign from unprotected electrical conductors (whether on poles or otherwise) shall be not less than thirty-six (36) inches for conductors carrying not over six hundred (600) volts, and forty-eight (48) inches for conductors carrying more than six hundred (600) volts.

(b) In all cases where a sign is proposed to be hung adjacent to an electrical conductor carrying a voltage higher than six hundred (600) volts the sign shall not be erected until the conductors shall have been examined and approved by an electrical inspector of the department of inspections.

Section 14. That Section 109.130 of the above-entitled ordinance be and is hereby repealed.

109.130. Widening of streets. In case the roadway of any street is hereafter widened, any existing projecting sign which then projects to within less than eighteen (18) inches of the newly created outer curbline of said street shall be at once removed or brought into conformity with the requirements of this Code for signs hereafter erected.

Section 15. That Section 109.140 of the above-entitled ordinance be and is hereby repealed.

109.140. Inspection, correction of signs. The director of inspections shall inspect all new and existing signs on or attached to buildings as often as may be practicable. Where any such signs or their fastenings, anchorages, supports or bracing are found to be in an unsafe, insecure or defective condition or not in compliance with any ordinance provisions applicable thereto, the inspector shall order and compel the removal of any such sign or the elimination of such unsafe, insecure or defective condition or material, or require such changes as may be necessary to bring such sign and its fastenings, supports and bracing into conformity with ordinance requirements, as the case may require. The owner or person in charge or control of such sign shall, when so ordered by the director of

inspections as above provided, forthwith remove such sign, eliminate such unsafe, insecure or defective condition or material or so change such sign and its fastenings, supports and bracing as to bring the same into conformity with ordinance requirements, as so ordered:

Section 16. That Section 109.150 of the above-entitled ordinance be and is hereby repealed.

~~109.150. Removal of signs.~~ Whenever a sign of any type is removed, either intentionally, accidentally or by an act of God, all cables, fastenings, anchors, braces, guy wires, etc., must be removed completely.

Section 17. That Section 109.160 of the above-entitled ordinance be amended to read as follows:

~~109.16030. City financing of billboard advertising prohibited.~~ (a) Prohibition: The city, any city employee working within the scope of the employee's employment, and any agency or individual acting on behalf of the city shall not pay for or in any way financially support billboard advertising, taking place within the city limits of the City of Minneapolis.

All city contracts shall contain a provision prohibiting the use of city or city derived funds to pay for billboard advertising as a part of a city project or undertaking. Billboard space donated to the City of Minneapolis shall be exempt from this section. Production costs associated with in-kind donations shall not be prohibited.

(b) Exemption -- In kind donations. ~~Billboard space donated to the City of Minneapolis shall be exempt from this section. Production costs associated with in-kind donations shall not be prohibited.~~

Adopted 7/17/2009.

Absent - Remington.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of August, 2009, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 7/17/2009.

Absent - Remington.

RESOLUTIONS

Resolution 2009R-332, recognizing St. Maron Maronite Catholic Church for valuable contributions to the community, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-332

By Hofstede, Ostrow, Gordon, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges

Recognizing St. Maron Maronite Catholic Church for valuable contributions to the community.

Whereas, St. Maron's is one of two Maronite Parishes in the Twin Cities, with its first service in 1903; and

Whereas, Father Sharbel Maroun has led the church for more than a decade; and

Whereas, the church's 290 families form one close-knit congregation in the St. Anthony West neighborhood; and

Whereas, St. Maron hosts a number of social organizations in areas such as education, music, and finance; and

Whereas, St. Maron offers services in English, Aramaic, and Arabic in celebration of the church's wonderful diversity and Lebanese heritage; and

JULY 17, 2009

Whereas, the church shows its devotion to others through involvement in charities and other good works; and

Whereas, St. Maron dedicated a new senior residential housing within the church complex, named the Peter Nasseff Maronite Home on July 12, 2009; and

Whereas, the church has worked tirelessly to make the building attractive, comfortable, and consistent with the community's wishes; and

Whereas, Father Sharbel Maroun's outstanding leadership of the church in partnership with its members and the commitment of John Nasseff made the dedication possible;

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

That St. Maron Maronite Catholic Church is recognized for its success and outstanding contribution to the community in the form of new quality housing for seniors.

Adopted 7/17/2009.

Absent - Remington.

Resolution 2009R-333, honoring the 1934 Teamsters Strike and "One Day in July" events, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-333

By Gordon, Glidden, Ostrow, Hofstede, Johnson, Samuels, Lilligren, Goodman, Schiff, Remington, Benson, Colvin Roy and Hodges

Honoring the 1934 Teamsters Strike and "One Day in July" events.

Whereas, seventy-five years ago this summer, in grim economic times, a strike by Teamsters Local 574 shut down all truck traffic in Minneapolis; and

Whereas, the business community's Citizens Alliance, backed by Minneapolis police and its own forces, used violence to try to break the strike; and

Whereas, on Friday, July 20th, Minneapolis police opened fire on unarmed pickets, wounding sixty-seven and killing two, John Belor and Henry Ness; and

Whereas, on August 21, 1934, the head of the Citizens Alliance acceded to the union's major demands, signaling the defeat of employer resistance to unionization in Minneapolis; and

Whereas, the 1934 strikes helped establish the industrial form of union organization through the American Federation of Labor (AFL) and set the stage for the organization of over-the-road drivers throughout an 11-state area, transforming the Teamsters into a million-plus member union; and

Whereas, the 1934 Minneapolis strike, together with workers' struggles in other cities that year, helped prod Congress to pass the National Labor Relations Act in 1935, increasing union organizing nationwide and helping millions of workers attain a better life; and

Whereas, the strikes of 1934 played an important role in sparking the "Second New Deal," which included lasting reforms such as Social Security; and

Whereas, the City of Minneapolis has transcended its history of suppressing workers rights to become a strong and steadfast supporter of labor unions; and

Whereas, the Hennepin County Library and Labor Review newspaper are sponsoring two special events to commemorate this anniversary, a panel discussion at the Minneapolis Central Library and a Walking Tour starting at the library and including sites in the former Market District, now known as the Warehouse District;

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

That the City of Minneapolis honors the workers who fought for fair wages and the right to unionize in 1934, especially those who died on the 20th of July.

Be it Further Resolved that the City of Minneapolis recognizes community events planned to commemorate the 75th anniversary of the 1934 Teamsters strike, including the July 23rd film and panel discussion, the July 25th "street festival for the working class," the July 26th picnic and the August 6th walking tour.

Adopted 7/17/2009.

Absent - Remington.

Resolution 2009R-334, recognizing the Minnesota Fringe Festival and declaring July 30, 2009, Fringe Day, was adopted 7/17/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-334

By Gordon, Benson, Colvin Roy, Glidden, Goodman, Hodges, Hofstede, Johnson, Lilligren, Ostrow, Remington, Samuels and Schiff

Recognizing the Minnesota Fringe Festival and declaring July 30th Fringe Day.

Whereas, the Minnesota Fringe Festival is an annual eleven-day festival of unleashed performance; and

Whereas, since it was founded in 1993, Minnesota Fringe has brought thousands of artists to metro-area stages in performances ranging from shows created by teens to radical politics, from classics to the avant-garde; and

Whereas, this year, one hundred sixty-two productions will present eight hundred forty-seven performances at twenty-two venues; and

Whereas, the Fringe Festival will span the Mississippi for the first time in 2009, with venues in both Minneapolis and St. Paul; and

Whereas, the Fringe Festival brings artists from across the state, the country, and the world; and

Whereas, the Fringe Festival is one more reason that Minneapolis-St. Paul is a nationally known hotbed for the performing arts;

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

That the City of Minneapolis recognizes the contribution of the Minnesota Fringe Festival to the cultural landscape of the Twin Cities.

Be It Further Resolved that the City Council declares July 30, 2009, Minnesota Fringe Day.

Adopted 7/17/2009.

Absent - Remington.

UNFINISHED BUSINESS

PS&RS - Your Committee, having under consideration the property located at 1800 E 31st St which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been mailed to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel; and the Panel having recommended that the Order to Demolish be upheld, now recommends that the property be **sent forward without recommendation**.

Schiff moved that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof "authorized a stay of demolition, contingent upon the following conditions; if conditions are not met, Council directs staff to proceed with demolition:

1. Owner of 1800 East 31st Street must enter into a restoration agreement by August 3, 2009.
2. On or before August 3, 2009 owner must provide City of Minneapolis with a \$10,000 bond, irrevocable letter of credit or check made out to the City of Minneapolis.
3. Restoration Agreement will include abatement of all remaining Code Compliance requirements.

This will include removal of walls or other surfaces to determine if previous work, performed without permits, was done to code.

4. Restoration Agreement will include a landscaping plan.
5. Owner agrees to complete all repairs identified in the Restoration Agreement on or before February 3, 2010 (6 months).” Seconded.
Adopted by unanimous consent.
Absent – Remington.
The report, as amended, was adopted 7/17/2009.
Absent – Remington.

NEW BUSINESS

Referred to the Intergovernmental Relations Committee was an amendment to Chapters 2 and 15 of the Minneapolis City Charter relating to the membership of the Board of Estimate and Taxation for submittal to the qualified voters of the City of Minneapolis.
Adopted 7/17/2009.
Absent – Remington.

Ostrow moved to introduce the following ordinances amending Title 9 of the Minneapolis Code of Ordinances relating to Fire and Police Protection, for first reading and referral to the Public Safety & Regulatory Services Committee (amending, repealing and updating various sections throughout Chapters 173, 174, 175 and 177):

- a. Chapter 173 relating to Fire;
- b. Chapter 174 relating to Minneapolis Fire Department; Fire Prevention Bureau;
- c. Chapter 175 relating to Telephonic Alarm Systems; and
- d. Chapter 177 relating to Fireworks. Seconded.

Adopted by unanimous consent 7/17/2009.
Absent – Remington.

Schiff moved to introduce the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (to more clearly distinguish housing for the elderly from supportive housing):

- a. Chapter 520 relating to Introductory Provisions; and
- b. Chapter 536 relating to Specific Development Standards. Seconded.

Adopted by unanimous consent 7/17/2009.
Absent – Remington.

Schiff moved to introduce the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (amending regulations related to reception or meeting halls):

- a. Chapter 520 relating to Introductory Provisions;
- b. Chapter 536 relating to Specific Development Standards;
- c. Chapter 537 relating to Accessory Uses;
- d. Chapter 548 relating to Commercial Districts; and
- e. Chapter 551 relating to Overlay Districts. Seconded.

Adopted by unanimous consent 7/17/2009.
Absent – Remington.

Schiff moved to introduce the subject matter of an ordinance amending Title 13, Chapter 266 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Rental Halls, for first reading and referral to the Public Safety & Regulatory Services Committee (amending regulations related to rental halls). Seconded.
Adopted by unanimous consent 7/17/2009.
Absent – Remington.

Lilligren moved to adjourn to Room 315 City Hall for the purpose of discussing the matters of: a) Flowers v. City of Minneapolis, et al, United States District Court File No. 09-402 PJS/JJG; b) William P. Mavity v. City of Minneapolis; and c) Derrick Simmons v. Minneapolis, Minneapolis Commission on Civil Rights. Seconded.

Adopted upon a voice vote 7/17/2009.

Absent – Remington.

Room 315 City Hall

Minneapolis, Minnesota

July 17, 2009 – 10:44 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Hofstede, Ostrow, Lilligren, Colvin Roy, Glidden, Benson, Goodman, Hodges, Samuels, Gordon, President Johnson.

Absent – Council Members Schiff, Remington.

Peter Ginder, Deputy City Attorney, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving: a) Flowers v. City of Minneapolis, et al, United States District Court File No. 09-402 PJS/JJG; b) William P. Mavity v. City of Minneapolis; and c) Derrick Simmons v. Minneapolis, Minneapolis Commission on Civil Rights.

At 10:45 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Schiff, Remington.

Present - Council Members Hofstede, Ostrow, Schiff (In at 10:47 a.m.; Out at 11:45 a.m.; In at 11:51 a.m.), Lilligren (Out at 11:55 a.m.; In at Noon), Colvin Roy, Glidden (Out at 12:20 p.m.), Benson, Goodman (Out at 11:15 a.m.; In at 11:26 a.m.), Hodges, Samuels, Gordon, President Johnson.

Absent – Council Member Remington.

Also present – Susan Segal, City Attorney (In at 11:36 a.m.); Peter Ginder, Deputy City Attorney; James Moore and Timothy Skarda, Assistant City Attorneys; Scott Gerlicher, Deputy Police Chief; Steve Ristuben, City Clerk; and Jackie Hanson, City Clerk's Office.

Skarda summarized the William P. Mavity v. City of Minneapolis claim from 10:46 a.m. to 11:04 a.m.

Moore summarized the Derrick Simmons v. Minneapolis, Minneapolis Commission on Civil Rights case from 11:04 a.m. to 11:17 a.m.

Moore summarized the Flowers v. City of Minneapolis, et al. lawsuit from 11:17 a.m. to 12:26 p.m.

At 12:26 p.m., Colvin Roy moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent – Glidden, Remington.

Benson moved to settle the claim of *William P. Mavity v. City of Minneapolis, et al.* occurring on June 19, 2008, on the following terms and conditions: payment in the amount of \$80,000 to William P. Mavity; assumption of liability for any subrogation claim; and authorize the City Attorney to execute any documents necessary to effectuate the settlement payable from Fund/Org. 6900-150-1500-4000. Seconded.

Adopted 7/17/2009.

Absent – Glidden, Remington.

JULY 17, 2009

Hodges moved to approve the settlement of the case of *Derrick Simmons v. Minneapolis Police Department, Minneapolis Commission on Civil Rights* File No. A6163-PS-1A with payment of \$35,000 to Complainant and his attorney Stephen Smith. The payment shall be from Fund/Org. 06900-1500100-145400. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 7/17/2009.

Absent – Glidden, Remington.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 7/17/2009

Absent – Glidden, Remington.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Steven J. Ristuben,
City Clerk.

Unofficial Posting: 7/22/2009
Official Posting: 7/24/2009