Capital Long Range Improvement Committee and
City Planning Commission
Review of Public Improvements

The City's vision statement is a component part of its strategic planning efforts and is shared among policy makers, city staff, residents and business owners alike. It describes the city's values and spirit, and inspires pride and community.

> **"Minneapolis is a city that people choose to call home. It offers its residents a progressive tradition of good government, civic participation and a vibrant economy for business and industry. In Minneapolis, residents cherish their children, value education, embrace their diversity, respect their neighbors and protect their environment. Their promise to future generations is an even greater, more beautiful city than the one they inherited."**

The Minneapolis Plan, the City's comprehensive plan, outlines the details of this vision, by focusing on the physical, social and economic attributes of the city.

State Law and the City Charter require certain review processes to be completed in relation to City improvements/actions and consistency with comprehensive plan.

Certain improvement projects and land transactions to be conducted by government agencies within the City of Minneapolis must be submitted to the City Planning Commission for determination of whether the proposal is in compliance with the City's comprehensive plan. The review authority is established in the City Charter, Chapter 13, §4, and in Minnesota Statutes, §462.356, subd. 2; however, the scope of these two provisions are not identical.

Charter, Chapter 13, Section 4, "Commission to Approve Public Improvements And Indebtedness For Same."

> **No public improvements shall be approved or authorized to be constructed in the City, nor indebtedness incurred therefor, until the location and design of the same have been approved by the City Planning Commission, provided in case of disapproval the Commission shall communicate its reason to the City Council, and the majority vote of such body shall be sufficient to overrule such disapproval. If the reasons for disapproval are not given to the City Council within thirty (30) days after the plans for the public improvements are submitted to the City Planning Commission, said plan shall be deemed to be approved by the City Planning Commission, provided, that the term "public improvements" shall include all paintings, mural decorations, stained glass, statues, bas-reliefs, or other sculptures, monuments, fountain arches, gates, gateways or other structures of permanent character intended for ornament or commemoration.**

The charter provision only applies to boards, departments and agencies of the City of Minneapolis (includes the Library Board and Park Board). It does not apply to other public entities that construct public improvements in the City (e.g. Hennepin County). It has been the opinion of the City Attorney's Office for many years that "location and design" review for purposes of this Charter provision means reviewing the proposal for consistency with the City's comprehensive plan.

It's effect is to prohibit approval or indebtedness for public improvements until the location and design of the same have been approved by the Planning Commission; however if the Planning Commission does not submit reasons for its disapproval to the Council within 30 days of submission of the plans, the plans are deemed approved by the Planning Commission. Further, the City Council can overrule the disapproval by the Planning Commission and either authorize a project or incur indebtedness therefore, notwithstanding the disapproval of the Planning Commission. The Charter provision does not require the City Council to authorize or sell bonds for a project that the Planning Commission approved (or failed to comment upon in a timely manner).

Statutory Requirement For Review Of Acquisition Or Sale Of Publicly Owned Real Property And Of Capital Improvements, Minn. Stat. §462.356, subd. 2, "Compliance With Plan."

> **After a comprehensive municipal plan or section thereof has been recommended by the planning agency and a copy filed with the governing body, no publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency thereof or any other political subdivision having jurisdiction within the municipality until after the planning agency has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the governing body or other special district or agency or political subdivision concerned, its findings as to compliance of the proposed acquisition, disposal or improvement with the comprehensive municipal plan. Failure of the planning agency to report on the proposal within 45 days after such a reference, or such other period as may be designated by the governing body shall be deemed to have satisfied the requirements of this subdivision. The governing body may, by resolution adopted by two-thirds vote dispense with the requirements of this subdivision when in its judgment it finds that the proposed acquisition or disposal of real property or capital improvement has no relationship to the comprehensive municipal plan.**

The statutory provision is applicable to any political subdivision having jurisdiction within the City; this includes the City and its departments, boards and agencies; MPHA; Hennepin County; and School Board. It is not applicable to the State of Minnesota or the federal government. The purpose of the review is for the Planning Commission to report to the entity intending to acquire or dispose of a publicly-owned interest in real property or intending to make a capital improvement within Minneapolis on the compliance of the proposal with the City's comprehensive plan. It's effect is to prohibit such acquisition, disposition or capital improvement until the proposing entity either gets the report of the Planning Commission or 45 days have elapsed since the entity referred its proposal to the Planning Commission. A "negative" report from the Planning Commission is advisory only.

Only the City Council, by resolution adopted by two-thirds vote upon a finding that the proposal has no relationship to the comprehensive plan, can "waive" the requirement for submission of the proposal to the Planning Commission.

Annual Review of Capital Budget Improvements – Location and Design Review

It is the City Charter provision (City Charter, Chapter 13, §4) that directly relates to the review of capital budget public improvements. In the past, this review has been conducted after waiting for the projects to go through the CLIC selection and budget approval process, at which time the Planning Commission would review projects for compliance with the comprehensive plan and prior to bond sales. The process has been confusing to many. For example, those departments with CLIC requests that have shown up as approved in the budget, but now at a later date, have to go through *another* review (Location and Design).

Discussions over the past year within CPED-Community Planning have led to the proposal that CLIC projects be reviewed for comprehensive plan compliance when they are submitted for consideration in early spring, and before final decisions are made by CLIC. An earlier review of projects for comprehensive plan compliance would serve three purposes.

1. Having Community Planners review the CLIC proposals at this time of year (April-May) would help to determine which projects may indeed raise questions regarding their location and design and compatibility with approved area plans. This information could be used as the CLIC members are making their decisions as to whether or not a project should receive funding in the coming budget year, be postponed, or not considered.

2. Early review by Planning could lead to City spending that is coordinated through the small area plans that the City has adopted. In many cases, these plans are approved with implementation strategies included, but follow up on the implementation is scattershot or nonexistent. By following the model of "vision – plan – prioritize – implement," not only would small areas realize a more coordinated implementation, the City as a whole could benefit from the results provided through establishing priorities based on citizen input.

3. An overall review of all projects submitted would allow for opportunities for combining projects/sharing costs. For example: one department needs a new maintenance facility, and another needs a new training facility; each department submits a separate CLIC request for land purchase, design and construction. By reviewing all projects in context with one another, it may be determined that these two new facilities could be combined into one, saving costs on land, design, and construction.

With coordinated early planning review of activities identified in capital budget requests, the overall vision of the City can indeed be the guide behind our decision-making for implementation.