

1ST READING:	8/25/95
REFERRED TO (NAME OF) COMMITTEE:	T&PW
PUBLIC HEARING:	9/7 & 9/21/95
2ND READING AND FINAL PASSAGE:	9/29/95

95-Or-132

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AN ORDINANCE of the CITY OF MINNEAPOLIS

Dziedzic and Biernat

presents the following ordinance:

Amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks by adding a new Chapter 446 "Central Avenue Special Service District".

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 446 to read as follows:

CHAPTER 446. CENTRAL AVENUE SPECIAL SERVICE DISTRICT

446.10. Establishment. Pursuant to the authority granted by the legislature in Laws of Minnesota, 1985, Chapter 302 as amended in Laws of Minnesota, 1993, Chapter 375 and in Laws of Minnesota, 1995, Chapter 264, there is hereby established a special service district (otherwise referred to herein as the "district") wherein the city may provide, or contract for public services to be provided, of a kind or to a degree not required or performed elsewhere in the city. Said special service district shall consist of the following area, except that portion consisting of those zoning districts in which business, commercial and industrial uses are not permitted under the Minneapolis Zoning Code:

That part of Minneapolis bounded by the centerline of 26th Avenue Northeast, a line parallel to and twenty-five (25) feet east of the east line of Central Avenue, the centerline of 19th Avenue Northeast and a line parallel to and twenty-five (25) feet west of the west line of Central Avenue.

446.20. Services to be performed. Within the special service district, the city may perform or contract for the performance of any of the following services to the extent that such services are not ordinarily provided throughout the city from ordinary revenues of the city:

- (a) Snow and ice removal and sanding of public areas.
- (b) Cleaning and scrubbing of sidewalks; cleaning of curbs, gutters, alleys, and streets.
- (c) Provision, installation, maintenance, removal, and replacement of banners and other decorative items for promotion of the commercial area of the district.
- (d) Poster and handbill removal.
- (e) Repair and maintenance of sidewalks.
- (f) Installation and maintenance of area-wide security systems.

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(g) Provision and coordination of security personnel to supplement regular city personnel.

(h) Maintenance, repair, and cleaning of commercial area directories, kiosks, benches, bus shelters, newspaper stands, trash receptacles, information booths, bicycle racks and bicycle storage containers, sculptures, murals, and other public area art pieces.

(i) Installation, maintenance, and removal of lighting on commercial area trees.

(j) Cost of electrical service for pedestrian and tree lighting.

(k) Repair of low-level pedestrian lights and poles.

(l) Provision of comprehensive liability insurance for public space improvements.

(m) Trash removal and recycling costs.

(n) Provision, maintenance, and replacement of special signage relating to vehicle and bicycle parking, vehicle and pedestrian movement, and special events.

(o) Watering, fertilizing, maintenance and replacement of trees and bushes on public right-of-way.

446.20 Service charge. The city council hereby finds and determines that the annual costs of providing the services specified in section 446.20 hereof will provide benefits primarily to properties located within the district, rather than to the city as a whole, and that the costs of said services may be recovered by the city by the imposition of service charges to be assessed against properties located within the district pursuant to Laws of Minnesota, 1969, Chapter 499.

446.40. Imposition of service charge; levy. The service charges shall be levied annually prior to November thirtieth, upon properties within the district, in an aggregate sum, which, combined with any property tax levied under section 446.60 hereof, will equal the estimated total costs of the city in providing the services referred to in section 446.20 for the next ensuing calendar year; provided, however, that service charges may be levied in the year 1995 for services rendered or to be rendered during the calendar years 1995 and 1996. Prior to imposing the service charges, a public hearing shall be held with respect thereto at which all interested persons may appear and be heard. Notice of the public hearing shall be given in two (2) separate publications of the city's official newspaper one week apart and the public hearing shall not be held less than three (3) days after the later publication. Not less than ten (10) days prior to the hearing, notice shall be mailed to the owner of each parcel of real estate within the district. For the purpose of giving such mailed notice, owners shall be those shown on the records of the county auditor. For properties which are tax exempt or subject to taxation on a gross earnings basis in lieu of property tax and are not listed on the records of the county auditor, the owners shall be ascertained by any practical means, and mailed notice given them.

The notice of public hearing shall include:

(a) A statement that all interested persons will be given an opportunity to be heard at the hearing regarding the proposed service charge.

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- (b) The proposed rate or amount of the proposed service charge to be imposed in the district during the calendar year and the nature and character of special services to be rendered in the district during the calendar year.
 - (c) A statement that an owner may appeal an assessment of the service charge to district court including the procedure for appeal.

The service charge may be levied at any time not later than six (6) months after the public hearing by a vote of a majority of all of the members of the city council.

446.50. Assessment of service charges. Except as otherwise provided herein, the service charges imposed under sections 446.30 and 446.40 shall be assessed against parcels of real estate within the district in the manner and subject to the procedures provided in Minnesota Statutes, Sections 429.061, 429.071 and 429.081; provided that each assessment shall be payable in a single tax year. Within thirty (30) days after the adoption of the assessment, any person aggrieved may appeal to the district court by serving a notice of appeal upon the mayor or city clerk; provided that no appeal may be taken unless the person appealing shall have filed a signed, written, objection with the city clerk prior to the assessment hearing or shall have presented it to the presiding officer at the hearing, unless a reasonable cause shall exist for such person's failure to do so.

446.60. Ad valorem property tax. The city may, in each calendar year, levy a tax on taxable property in the district based upon the assessed value of the property and such tax shall be assessed and collected in the same manner as other property taxes on property located within the district. The tax shall be levied at a rate that will raise an aggregate sum, which, when combined with any service charges levied in the district, will equal the total costs of the city in providing the services specified in this ordinance for the next ensuing calendar year; provided, however, that taxes may be levied in the year 1995 for services rendered and to be rendered in the calendar years 1995 and 1996. Prior to the levy of such a tax, a public hearing shall be held. The requirements for the public hearing and the notice of public hearing shall be the same as specified in section 446.40 with respect to the levy of special service charges, and the tax may be levied not later than six (6) months after the public hearing by a majority vote of all of the members of the city council.

For purposes of determining the appropriate tax rate, taxable property or value shall be determined without regard to captured or original assessed value under Minnesota Statutes, Section 273.76, or to the distribution or contribution value under Minnesota Statutes, Section 473F.08.

Property exempt from taxation by Minnesota Statutes, Section 272.02, shall be exempt from such tax. Taxes levied under this section shall not be reduced pursuant to Minnesota Statutes, Section 273.13, subdivisions 7, 7d or 14a.

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446.70. Revenue surplus or deficit. In the event that the cost of services rendered in the district in any calendar year exceeds the total taxes and service charges levied and collected with respect to such calendar year, an amount necessary to recoup the excess costs shall be levied as taxes, service charges, or both in the next ensuing year; to the extent that the total taxes and service charges exceed the cost of services, the next ensuing year's levy of taxes and service charges shall be decreased by a corresponding amount.

446.80. Limitation. Taxes and service charges may be levied pursuant to this ordinance to finance special services ordinarily provided by the city only if the services are provided in the district at an increased level and, then, only in an amount sufficient to pay for the increase.

446.90. Advisory board. (a) An advisory board to be known as the Central Avenue Special Service District Advisory Board consisting of nine (9) members, who are residents of the district or owners of property within the district, shall be appointed by the city council for terms of two (2) years beginning on January first of each even numbered year, the first term to commence January 1, 1996. All board members shall be appointed in conformance with the city's open appointments ordinance. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

(b) The advisory board shall advise the city council in connection with the construction, maintenance, and operation of improvements and the furnishing of special services in the district. It shall make recommendations to the city council on requests and complaints of owners, occupants, and users of property within the district and members of the public.

(c) Before the adoption of any proposal by the city council to provide services or impose taxes or service charges within the district, the advisory board of the district must have an opportunity to review and comment upon the proposal.

(d) Upon or after the effective date of this ordinance, the city council may appoint a temporary advisory board consisting of nine (9) members who shall be required to have the qualifications specified in paragraph (a) of this section. Said temporary advisory board shall have all of the powers, duties and responsibilities of, and shall be known as, the Central Avenue Special Service District Advisory Board from its date of appointment through December 31, 1995. In appointing the temporary advisory board members, the city council shall not be bound by the provisions of Minneapolis Code of Ordinances, Section 14.180.

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446.100. Definitions and construction. The terms used herein shall be defined as provided in Laws of Minnesota, 1985, Chapter 302 as amended, and this ordinance shall be construed consistently therewith.

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Dziedzic				X			Thurber	X					
Campbell	X						McDonald	X					
Biernat	X						Mead	X					
Rainville	X						Schulstad	X					
Niland	X						Minn	X					
Scott	X						President Cherryhomes	X					
Herron	X												

PASSED SEP 29 1995 APPROVED NOT APPROVED VETOED SEP 29 1995

DATE DATE

Garhi Cherry PRESIDENT OF COUNCIL *John Taylor Belton* MAYOR

ATTEST *Ann G. Gertman* ASSISTANT CLERK