

**CITY OF MINNEAPOLIS  
CITY COUNCIL**

**Findings to Support Denial of the Written Objections Filed with the City Clerk Regarding  
the Proposed Downtown Business Improvement Special Service District**

1. State law requires the City Council to make a “determination” on written objections to the proposed Downtown Business Improvement Special Service District ordinance (“District ordinance”), Minneapolis Code of Ordinances (MCO) Chapter 465, within 30 days of filing.

Minn. Stat. § 428A.02, subd. 4 states, in part, as follows:

[A]ny affected landowner may file a written objection with the city clerk asserting that the landowner's property should not be included in the district or should not be subjected to a service charge and objecting to:

- (1) the inclusion of the landowner's property in the district, for the reason that the property would not receive services that are not provided throughout the city to the same degree;
- (2) the levy of a service charge on the landowner's property, for the reason that the property is exempted under sections 428A.01 to 428A.10 or the special law under which the district was created; or
- (3) the fact that neither the landowner's property nor its use is benefited by the proposed special service.

The governing body shall make a determination on the objection within 30 days of its filing.

2. There have been three written “objections” filed with the Minneapolis City Clerk’s Office to date:

- A handwritten letter dated November 23, 2008, and filed on November 25, 2008, from representatives of 1225 LaSalle Avenue, #1401 attached as Exhibit A.

- A typed letter dated November 26, 2008, and filed on December 1, 2008, from Mr. Wm. W. Smith at 409 South Ninth Street attached as Exhibit B.
- An email dated and filed December 1, 2008, from Mayer Tapper, on behalf of Drolson Associates, for the property located at 722 Hennepin Avenue attached as Exhibit C.

3. The authors of Exhibit A simply state, “[w]e adamantly vote NO.” This objection does not contain a viable legal ground on which to formally object as noted in Paragraph 1 above. As such, it is denied.

4. The author of Exhibit B asserts that downtown property owners are already “taxed excessively” and that any special assessments will have to be passed onto his customers through rate increases. These generalized concerns do not meet any of the legal grounds for formal objection to the adoption of the proposed District ordinance as stated in Paragraph 1 above. He voices a generalized objection to any further expenses, including special assessments, and does not clearly argue that his particular property and/or use will not receive benefit from the special services that will be provided within the District. On the contrary, state law and the proposed District ordinance requires that the special services furnished within the District be provided at an increased level from those ordinarily provided throughout the City. MCO § 465.20 describes the many special services that may be furnished in the District, including sweeping, litter pick-up, trash removal, graffiti abatement, snow services, security services, event programming, business recruitment and retention programs, physical enhancements, and maintenance of enhanced streetscape components. As a property located within the boundaries of the

District, 409 South Ninth Street will receive the benefit of the new and/or enhanced services furnished within the District as will all other properties within the boundaries of the District. As such, this objection is denied.

5. The author of Exhibit C objects to the proposed District ordinance based on the methodology used to calculate the assessments, a generalized claim of financial hardship, and a statement that it is “not clear what services we would benefit out of.” Concern about the assessment methodology or a generalized claim of financial hardship does not fall within one of the enumerated criteria to object to the adoption of the District ordinance as noted in Paragraph 1 above. The assessment methodology will also be discussed at a required, upcoming public hearing on the imposition of service charges pursuant to Minn. Stat. § 428A.03. With regard to the issue of “benefit,” state law and the proposed District ordinance requires that the special services furnished within the District be provided at an increased level from those ordinarily provided throughout the City. MCO § 465.20 describes the many special services that may be furnished in the District, including sweeping, litter pick-up, trash removal, graffiti abatement, snow services, security services, event programming, business recruitment and retention programs, physical enhancements, and maintenance of enhanced streetscape components. As a property located within the boundaries of the District, 722 Hennepin Avenue will receive the benefit of the new and/or enhanced services furnished within the District as will all other properties within the boundaries of the District. The objection is denied.

6. Based on the filing dates of these written "objections," the state law requirement that the City Council make a determination within 30 days of filing, and because the City Council does not meet again until January 9, 2009, it is imperative that the City Council act this meeting cycle by adopting these Findings of Fact to be made a part of the official record herein.

Dated: December 12, 2008

attest:

City Clerk

Nov 23, 2008

FILED  
MINNEAPOLIS, MINN

08 NOV 25 PM 4:25

Mpls City Clerk's Office  
c/o T<sup>h</sup> P<sup>u</sup> Committee Coordinator  
Room 304  
350 So 5th St  
Mpls MN 55415-1382

CITY CLERK  
DEPARTMENT

Re: Ordinance to establish a  
Downtown Business Improvement  
Special Service District.

To whom it may concern:

We adamantly vote NO

Sincerely

Jean Erlich

Han Min

1225 La Salle # 1401  
Mpls MN 55403

EXHIBIT

tabbles

A

409 So. Ninth St.  
Minneapolis, MN 55404  
612-332-7805

November 26, 2008

Minneapolis City of Lake  
350 South 5<sup>th</sup>. Street  
Room #304  
Minneapolis, MN 55415-1382

Regarding: Proposed Ordinance – Downtown

To Whom It May Concern:

Downtown property owners are already taxed excessively and we should NOT have to finance improvements for the general public to benefit.

Any special assessments would have to be passed on to our customers, through rate increases. The parking industry is already in distress and any further increases would only make matters worse.

Sincerely,



Wm. W. Smith  
Smith Bros. Service Inc.

FILED  
MINNEAPOLIS, MINN  
DEC 01  
08 ~~NOV 26~~ PM 1:50  
CITY CLERK  
DEPARTMENT



