

# **DOWNTOWN MINNEAPOLIS NEIGHBORHOOD ASSOCIATION**

Minutes from the Board Meeting on Monday, June 18, 2018

*Mill City Museum*

704 South 2nd Street, 6th Floor ADM Room

## **I. Call to Order and Introductions**

Chair Joe Tamburino called the Board meeting to order at 5:45 p.m.

Other Board members in attendance were:

Jennifer Bernhardt  
Kevin Frazell  
Stephanie Hill  
Pamela McCrea, Vice Chair  
Tomek Rajtar  
Joey Senkyr  
Carletta Sweet, Secretary  
Dianne Walsh, Treasurer

Staff member Christie Rock Hantge was also present.

Guests in attendance included:

Bill Himmelwright, The Crossings  
Darcy Klund, Minneapolis Police Department 1st Precinct  
Tom Novak, America Trio Lofts  
Paul Ostrow, former Minneapolis City Council member and NE Minneapolis resident  
Billy Peterson, Minneapolis Police Department 1st Precinct  
Laura Ross, Downtown resident  
Amy Sweasy, Metropolitan Lofts  
Shane Zahn, Minneapolis Downtown Improvement District/SafeZone Collaborative

## **II. Consideration of Agenda**

After Tamburino reviewed the agenda,

*Sweet moved and Frazell seconded a motion to approve the Board meeting agenda. Tamburino called for discussion. The motion passed.*

## **III. Consideration of Consent Agenda**

After Treasurer Dianne Walsh advised she reviewed the financial documents and found no issues,

*Sweet moved and McCrea seconded a motion to approve the consent agenda which included the Board meeting minutes dated May 21, 2018; the F2018 Budget vs. Actual for the period ending May 31, 2018; the Neighborhood Coordinator / Finance Coordinator staff report for May 2018 (Invoice #041), all of*

which was made available online for advance review. Tamburino called for discussion. The motion passed.

#### IV. Minneapolis Police Department 1st Precinct Update

Tamburino advised he invited the MPD 1st Precinct leadership to explain their programs and activities, but due to out of state business, Inspector Eddie Frizell was unable to attend.

Lieutenant Billy Peterson then began his presentation by advising they have been trying to address the fallout from the news agencies' version of the low-level narcotics arrests occurring in downtown, and to dispense the correct information to the neighborhood and business organizations and committees; he believes there's been a lot of misinformation going around. Pursuant to Peterson's request, Mayor Jacob Frey attended their daily roll call on Monday of last week to address his officers about this issue. And as a result of all the media coverage, Peterson ran some of the numbers and their Community Response Team (CRT) has done an outstanding job and everyone he's talked to advised there's been a noticeable difference, e.g., violent crime in the 1st Precinct is down 31% and robberies are down 56%. These reductions are virtually unheard of and are incredible.

When Peterson joined the 1st Precinct in August 2017, it was an open air drug market and after they analyzed what was going on decided to double the number of officers in CRT in order to work on the livability crimes. From October 2017 through the end of May 2018, this CRT alone has made approximately 286 felony arrests, 31 gross misdemeanor arrests, and 433 misdemeanor arrests for a host of crimes, mainly livability, such as public urination and open air narcotics sales.

When the story broke about these low-level narcotics arrests, Hennepin County Chief Public Defender Mary Moriarty sued claiming racial profiling (<https://www.officer.com/investigations/drug-alcohol-enforcement/news/21008649/minneapolis-police-halt-lowlevel-marijuana-stings>), but every one of the arrests were audio and video recorded and are available for viewing. Disconcerting, however, is that of the 47 cases brought up, 46 were dismissed.

Although some people believe marijuana should be legalized in Minnesota, Mayor Frey being one of them, Peterson is not interested in engaging in a political debate about it and has told the Mayor the fact is currently marijuana is not legal in Minneapolis or in Minnesota and even if it were legalized, like alcohol or tobacco products, would not negate the fact you can't sell it on the streets. If legalized it would be regulated and there would be appropriate places where it could be used, but you still could not sell it on the streets like they have done in downtown Minneapolis.

Peterson applauded and commended the work Sergeant Darcy Klund and his team has done; it is the reason there was only one robbery in downtown Minneapolis last week and is a direct correlation to the reduction of violent crime in downtown. Peterson then read a quote by Ward 3 Council Member Steve Fletcher in the June 14th *Star Tribune* article, i.e., "diversion programs, confiscating illegal guns and targeting repeat offenders have more impact on crime reduction than small marijuana busts" (<http://www.startribune.com/minneapolis-made-the-right-call-stopping-low-level-pot-stings/485616652/>). Peterson advised approximately 66% of the 46 cases were by *repeat offenders* or those who had previous felony convictions, *not* first time offenders. They are not targeting people

because of the color of their skin, sexual orientation, or anything else other than their behavior. These people are hanging out, day after day, hour after hour, committing narcotic sales along with all sorts of other criminal activities, e.g., robberies on targets of opportunity such as on someone stumbling out of a bar.

Even though the Mayor wants to cease the “detail” operations on small marijuana arrests, Peterson clarified they have never ever done a marijuana-specific detail. When the CRT goes out in an undercover capacity they don’t know what they’ll encounter, they are often unarmed (but other officers keep them under observation and protection), and 70% of the time they were approached to purchase narcotics. The issue for the MPD now is to have the County Attorney’s Office clarify what cases, i.e., how many grams/ounces/pounds of marijuana, they will likely charge.

Responding to Tamburino’s inquiry about how many firearms have been recovered around 5th and 6th Streets on Hennepin and the circumstances around the 70% when officers were being approached, Peterson advised because they switched to a new system there has been a lag in keeping up with the number of guns recovered statistically. What he knows by manually recording the information is they have recovered 48 guns in the 1st Precinct since the beginning of 2018, a 50% increase from 2017, and a third of those are recovered by citizen complaints.

Because they have surveillance assets in the field as well, Klund advised their numbers are close to the 70% of random undercover officers being approached to purchase narcotics, and the 30% who may have had previous information initiate the contact. Then he described the livability issues they generally address and where they occur – specific areas where a large amount of [synthetic marijuana drug] K2 overdoses occur, drinking offenses along Hennepin Avenue, public urination, low-level narcotics, not marijuana stings, crack or drug houses within the precinct and where they keep their stashes – and the different thresholds for marijuana possession and sales (<https://www.keyserdefense.com/guide-minnesotas-marijuana-laws/>). What they encounter on the streets is a shell game where dealers are carrying small amounts, approximately 20 grams, that are packaged individually for sale and several others are watching the stashes with guns on the platforms. As a direct result of the details, 5 guns were recovered in the vicinity of 5th Street and Hennepin Avenue including the LRT platform and bus stops. They may not be getting large amounts of narcotics, but they are getting those who are actively engaged in felony conduct.

Shane Zahn, Director of Safe Initiatives at the Minneapolis Downtown Improvement District, clarified if you’re caught smoking or are in possession of marijuana without the sales, it is less than a petty misdemeanor or the equivalent of running a stop sign and DID decriminalized that. He added, there have been a lot of overdoses downtown, especially with K2 (<http://www.citypages.com/news/synthetic-weed-is-turning-minneapolis-users-into-violent-zombies/480730681>), and it’s difficult to discern the difference between it and normal, low-level marijuana.

Thereafter, Peterson, Klund and Zahn responded to questions from the Board during which they reiterated they continue to reach out and work with the Mayor and City Council on all issues affecting the livability of the community and, based on the statistics, are extremely comfortable with the police work they have provided for downtown Minneapolis.

They also reassured that despite differences of opinions, the Mayor, City Council and MPD all want a

vibrant and safe downtown community for everyone, but drug trafficking is a national topic and collectively we can do better; it's not perfect but we're making progress.

Since this issue was raised because of concerns over racial disparity impacts, Frazell queried whether it's true a disproportionate number of people of color get caught up in the system and, if so, is the MPD looking at different tactics and strategies to keep crime down. Zahn commented this has opened up all their eyes that there is racial disparity in these types of crimes and they've looked at it holistically. What they're doing in the 1st Precinct is unique to any police department, i.e.: every Wednesday they review their own as well as St. Stephen's Street Outreach crime data to give direction to their future actions. Other strategies being employed include Court Watch and Downtown 100 program (<https://www.hennepinattorney.org/prevention/community-partnerships/court-watch>) and, what he'd like to see more participation in, Restorative Justice Community Action (<https://www.rjca-inc.org/>).

Tamburino thanked Peterson, Klund and Zahn for attending the meeting and invited them to come back and provide regular crime and safety updates.

## **V. The Commons User Agreement**

Former Minneapolis City Council Member and Assistant Anoka County Attorney Paul Ostrow (<https://www.facebook.com/paul.ostrow.9>) gave a presentation on the pending lawsuit against the City of Minneapolis regarding its authority to operate The Commons. Ostrow explained he and former City Council candidate John Hayden filed the lawsuit because they believe the City violated its charter in a complicated user agreement that subsidized The Commons and a nearby parking ramp using \$65 million in bonds. Ostrow reminded the Board that the Minneapolis Park and Recreation Board owns the park, but that the City leases and operates it. He then outlined a recent court ruling by Hennepin County District Judge Bruce Peterson that agrees with Ostrow and Hayden's lawsuit that the City of Minneapolis does not have the authority to operate a park; only the MPRB does. Ostrow believes strongly that the elected officials have an obligation to discuss in public what position they are going to take on this issue.

Ostrow concluded his presentation by stating that he is not asking the DMNA to take a position on the lawsuit; he is simply trying to educate the neighborhood residents about the situation, and ask them to stay informed and weigh in on the future of The Commons. He says the park should function like a public not a private park. The people of Minneapolis should strongly advocate for a new user agreement that requires the Minnesota Vikings, or any other private entity, to pay a reasonable rent for use of The Commons. The plaintiffs, the MPRB and the City return to court in late July.

A copy of Ostrow's presentation is available at <https://www.thedmna.org/wp-content/uploads/2018/07/Free-the-Commons.pdf>.

The *Star Tribune* article regarding the lawsuit is available at <http://www.startribune.com/judge-city-of-minneapolis-has-no-authority-to-operate-the-commons-park/483656801/>.

## **VI. Land Use Committee Report**

LUC Chair Kevin Frazell reported on the following projects presented at the June 5th LUC meeting and, stemming therefrom, the recommended letters of support:

**A. Hennepin Avenue Reconstruction Project.** JoNette Kuhnau from Kimley-Horn reviewed the scope of the project, which included the redesign and reconstruction of Hennepin Avenue from Washington Avenue to 12th Street. The project also charts the course for the public realm vision for the entirety of the Hennepin Avenue Corridor from the Sculpture Garden to the Mississippi River. Kuhnau also explained the need for the project, i.e., the street is 30 years old, the infrastructure is worn out, and the street simply does not meet the City's current transportation needs, which encompasses transit, passenger vehicles, biking and pedestrians. Lastly, Kuhnau reviewed the budget for the \$20 million dollar project, the outreach and engagement strategies used to get public input, and the project layout.

The LUC supports the current 2D concept for drive lanes, bike facilities, sidewalk/pedestrian areas, and bus shelter locations as the framework for the project to move forward to its next phase. The LUC expressed concern that the theaters and other businesses remain viable during construction. They urged the City to do everything possible to avoid "scaring away" patrons and customers by driving and parking arrangements that are confusing or ever changing. Specifically, they asked that at least one lane of traffic be kept open on Hennepin at all times.

The LUC recommended providing a letter of support (<https://www.thedmna.org/wp-content/uploads/2018/06/DMNA-Letter-regarding-the-Hennepin-Avenue-Reconstruction-Project-REVISED-1.pdf>).

*Sweet moved and McCrea seconded the motion to approve the letter of support for the Hennepin Avenue Reconstruction project. Tamburino called for discussion. The motion passed.*

**B. Erik the Red Billboards.** Matthew Weiland, VP of Real Estate at Clear Channel Communications [on behalf of Garfield Clark Commercial], gave an overview of their plans to convert the two existing 10.5' x 36' (378 sq. ft.) billboards on the Erik the Red property facing U.S. Bank Stadium to digital signs of the same size, location and height. Since the signage is outside of the Downtown Entertainment Billboard District, in order to convert to digital, they must make a request to the City to expand the district to include the corner of 6th Street and Chicago Avenue. Clear Channel is not seeking to add any new billboards in the expansion area, just to upgrade the existing Erik the Red billboards to digital.

Weiland provided the following reasons to expand the Downtown Entertainment Billboard District to the Erik the Red property:

- It will create a more cohesive billboard appearance around U.S. Bank Stadium and complete the vision for the First Covenant Church redevelopment project;
- This site is a gateway location to U.S. Bank Stadium, and as such should complement the vibrancy and energy across the street;
- Digital billboards can assist with Emergency Management in the Stadium District; and

- Clear Channel would offer the billboards to the City and non-profit organizations in the area for PSA messaging and provided examples.

Frazell disclosed that he is a member of First Covenant Church and sat on the site redevelopment steering committee that was engaged in the property swap with Erick the Red and, thus, is aware of the billboard issue. He didn't recuse himself then nor thinks he should now because he has no financial interest and no longer sits on the FCC committee. Then he characterized the two LUC opposing views that were expressed at the June 5th meeting:

One side, led by Randy Manthey, was strongly opposed because of the position the LUC and Board had taken last year against the expansion of the Downtown Entertainment Billboard District to the Erik the Red site, and the failure by the City to pass a proposed Zoning Code Text Amendment for Off-Premise Signs and Billboards. Expansion would be inconsistent with the pending construction of the East Town Apartments immediately behind the billboards and the City's policy of encouraging removal of off-premise advertising signs and billboards from residential neighborhoods. The current billboard district is working fine and there's no need for a carve-out and it would set a precedent for expansion into other residential areas.

The other side felt since the existing billboards are grandfathered in and aren't going away, it's more a matter of aesthetics and expressed a preference for the less offensive digital billboards. However, they would like to see the City explore other ways to accomplish the conversion of the two billboards to digital besides expansion of the Downtown Entertainment Billboard District.

Frazell then summarized the progressive actions taken after in-depth discussion ensued that ultimately led to the committee's final recommendation, i.e.:

- The motion, moved by Manthey and seconded by Walsh, to not offer a letter of support failed;
- The motion, moved by Walsh but not seconded, to take no position died;
- The motion, moved by McCrea and seconded by Sweet, to recommend providing a letter of support for the conversion of the two billboards on the Erik the Red property to digital without supporting expansion of the Downtown Entertainment Billboard District passed.

Then, while displaying the PowerPoint presentation on billboards he used last year, Tamburino reminded the Board why he is opposed to providing a letter of support. He guided the Board through the historical background on the proposed Zoning Code Text Amendment that would expand the DEBD, the work he, Rock Hantge and other Board members put into stopping the expansion, and explained how the City could see this as an opportunity to slowly expand the district into the areas they were hoping to add last year. If the LUC's letter of support is approved, it will go to the Planning Commission which will wonder why we were opposed to expansion last year; it will appear the DMNA is stepping on its own words. The only way to allow conversion of the billboards to digital is to change the zoning code to expand the district, and expanding the district will stimulate further expansion. The proposed amendment to the zoning code died in January and sending the LUC letter of support will reopen the request for expansion of the district. Discussion ensued, after which

*McCrea moved and Sweet seconded a motion approve the LUC's letter of support as submitted. Tamburino called for discussion. The motion passed five to four.*

*Walsh then moved and Rajtar seconded a motion to amend the LUC's letter of support by including the following sentence as the last paragraph:*

*"The DMNA is opposed to expanding the Downtown Entertainment Billboard District including the land on which the two billboards in question are located."*

*Tamburino called for discussion. The motion to amend the LUC's letter of support passed with Tamburino opposing (<https://www.thedmna.org/wp-content/uploads/2018/06/DMNA-Board-letter-of-support-Clear-Channel-Erik-the-Red-billboards-REVISED.pdf>).*

*Lastly, Frazell moved and Sweet seconded a motion to approve the LUC's letter of support as amended. Tamburino called for discussion. The motion passed with Tamburino and Walsh opposing and Hill abstaining.*

Tamburino then strongly encouraged those in support of the letter to go to the Planning Commission and City Council and explain that they are not in support of expansion of the DEBD.

### **C. Other Projects Presented at June 5th LUC Meeting**

**1. The Commons.** Beth Shogren, Executive Director of Green Minneapolis, met with the committee to share excitement about the growing use of the space. The committee took the opportunity to have a conversation with her about pet relief issues in the park; some observations were the size of the dog park is inadequate for the need and it is in the wrong place. Shogren said she did not see the City being interested in spending money on moving it at this point, and there are other problems with that as well. She said she would discuss it with the City, along with other issues, and follow up with the committee.

This was an informational presentation; therefore the LUC did not take any action on this item.

**2. Draft Minneapolis 2040 Comp Plan Continued Discussion.** Frazell reminded everyone Heather Worthington, the City's Director of Long Range Planning, gave an overview of the plan (<https://minneapolis2040.com/>) at the May 1st LUC meeting, and he had invited everyone to think about comments the DMNA should submit. Since public comments are due by July 22nd, he'll revisit this topic at the next meeting.

## **VII. Chair's Report**

**A. National Night Out.** Tamburino reminded the Board that NNO is coming up on Tuesday, August 7th and asked whether they were aware of any parties planned in either of the downtown neighborhoods. Rock Hantge provided a list of NNO events in the downtown community in 2017 and stated at this point no information is available for the 2018 events. In years past, there have been events near the Federal Reserve building, as well as at People

Serving People. Individual HOA's have also hosted events. Discussion ensued about whether the DMNA should host an event this year, but agreed it was a big endeavor to plan in a few short months. They will take up the idea again next year, possibly coordinating something with Green Minneapolis at The Commons.

**B. Washington Avenue Cleanup.** Tamburino invited the Board to participate in the next Washington Avenue Cleanup on Saturday, June 30th at 10:00 a.m. This will be another joint event with the North Loop Neighborhood Association and everyone should meet at Whole Foods to pick up gloves and garbage bags.

### **VIII. DMNA Outreach and Collaboration**

The first Community Engagement meeting took place on June 12th at Rajtar's residence at the Atrium Apartments, 314 Hennepin Avenue. Frazell facilitated the conversation to receive feedback and input from the residents about the work of the DMNA. Hard copies of the 2018 Engagement Survey were distributed for those unable to access the internet, and 15 completed surveys were collected from Atrium residents at the meeting. Other Board members in attendance were Rajtar, Tamburino and Walsh.

The 2018 DMNA Engagement Survey launched on June 1st. To date, 98 surveys have been submitted online. Rock Hantge plans to send a special email to residential building owners and managers this coming week. Frazell advised Sweet is working on setting up a meeting at RiverWest and Senkyr is working on setting up a meeting at The Towers. McCrea cautioned FirstService might start blocking us out because of too many buildings coming together and having conversations.

For a complete listing of the organizations and committees in which the DMNA is engaged, please reference the Outreach and Collaboration Chart prepared by Sweet included in the June 2018 Board materials on the DMNA's website.

### **IX. Adjournment**

There being no further business,

*Frazell moved and McCrea seconded a motion to adjourn the meeting. Tamburino called for discussion. The meeting adjourned at 8:00 p.m.*

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary