

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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JAMES MCGUIRE and  
ROBERT KOLSTAD,

Plaintiffs,

Case No.: \_\_\_\_\_

vs.

**COMPLAINT**

The CITY OF MINNEAPOLIS;  
BETSY HODGES, MAYOR, in her  
official capacity; JANEÉ HARTEAU,  
CHIEF OF MINNEAPOLIS POLICE,  
in her official capacity,

Defendants.

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**INTRODUCTION**

1. This is an action under 42 U.S.C. §§ 1983 and 1988. Plaintiffs James McGuire and Robert Kolstad are members of the One Day in July Street Festival Committee, which is planning a Street Festival in Minneapolis on July 19, 2014 to honor the 80th Anniversary of the 1934 Minneapolis Teamsters Strikes, during which Minneapolis police officers shot 67 striking truckers, killing two, on July 20, 1934. Plaintiffs seek a temporary restraining order, a preliminary injunction and, eventually, a permanent injunction barring the City of Minneapolis and other named Defendants from enforcing Resolution 2014R-046, the 2014 All Star Game Clean Zone Resolution. The Resolution states that absent Major League Baseball's consent, the City will not approve or issue any permit or license for a

variety of expressive activities between July 5 and July 20, 2014 in a geographic area that includes the entirety of downtown Minneapolis. The Minneapolis City Council adopted the Resolution on February 21, 2014 in violation of Plaintiffs' First and Fourteenth Amendment rights. Plaintiffs thus seek injunctive relief, a declaratory judgment, nominal damages, and attorney's fees.

### **JURISDICTION AND VENUE**

2. The Court has original jurisdiction in this matter under 28 U.S.C. §§ 1331 and 1343.

3. Venue is proper under 28 U.S.C. § 1391(b)(1) because the City of Minneapolis is located within this District and all the individual Defendants reside in this District.

4. Declaratory relief is authorized by 28 U.S.C. §§ 2201 and 2202. A declaration of law is necessary to determine the respective rights and duties of the parties.

### **THE PARTIES**

5. Plaintiff James McGuire is an adult resident of Minneapolis, Minnesota and is a member of the One Day in July Street Festival Committee, which is now a part of the larger Remember 1934 Committee ("Remember 1934") – a non-profit grassroots civic group dedicated to commemorating the 1934 Minneapolis Teamsters Strikes. The One Day in July Street Festival

Committee has previously organized Street Festivals in Minneapolis in 2004 and 2009 to honor the 70th and 75th anniversaries of the Strikes. Mr. McGuire is helping to plan and intends to participate in the next commemorative Street Festival, which is set for July 19, 2014, or the 80th anniversary of the Strikes. This Street Festival is intended to take place between 6th and 8th Avenue North on North 3rd Street, which encompasses the historic location of the Strikes. This Street Festival is also intended to feature signs, brochures, banners, literature, street merchandise (e.g., t-shirts with Remember 1934 language), temporary food and beverage service (non-alcoholic), parades, speeches, and entertainment, including live music.

6. Plaintiff Robert Kolstad is an adult resident of Minneapolis, Minnesota, and a member of the One Day in July Street Festival Committee. Mr. Kolstad is also helping to plan and intends to participate in the July 2014 Street Festival to honor the 80th anniversary of the 1934 Minneapolis Teamsters Strikes.

7. Defendant City of Minneapolis is a municipality of the State of Minnesota. At all relevant times, the City employed the individual defendants named below. The City is directly responsible for acts complained of herein resulting from the policies and practices of its police department and other employees, and because the City enacted the Clean Zone Resolution.

8. Defendant Betsy Hodges is the Mayor and a resident of Minneapolis. Mayor Hodges is responsible for supervising the Minneapolis Police Department, and for the final execution and enforcement of the City's resolutions and ordinances. Mayor Hodges is a final policymaker on all issues related to the Clean Zone Resolution, and she is sued in her official capacity.

9. Defendant Janeé Harteau is the Chief of the Minneapolis Police Department and a resident of Minneapolis. Chief Harteau enforces Minnesota's criminal laws and the City's resolutions and ordinances. Chief Harteau is a final policymaker on all issues related to the Clean Zone Resolution challenged here, and she is sued in her official capacity.

### **FACTUAL ALLEGATIONS**

10. On February 21, 2014, the Minneapolis City Council unanimously adopted Resolution 2014R-046, which "[e]stablish[es] a clean zone around Target Field during the 2014 Major League Baseball All Star Game where temporary sales, vending, entertainment, signs and related special event permits will not be approved or issued by the City of Minneapolis without the additional approval of Major League Baseball." A copy of this Resolution (hereinafter, "Clean Zone Resolution") is attached as Exhibit A.

11. The restrictions imposed by the Clean Zone Resolution begin on July 5, 2014 and last through July 20, 2014. (Ex. A. at 87.) The All Star Game is set for

July 15, 2014. (*Id.*) The Clean Zone Resolution is thus effective 10 days before and 5 days after the All Star Game. (*Id.*) Events related to the All Star Game are also set to take place on or around July 15, 2014. (*Id.*)

12. The geographic regions governed by the Clean Zone Resolution are extensive and can be made even larger by a “licensing official” under the terms of the Resolution:

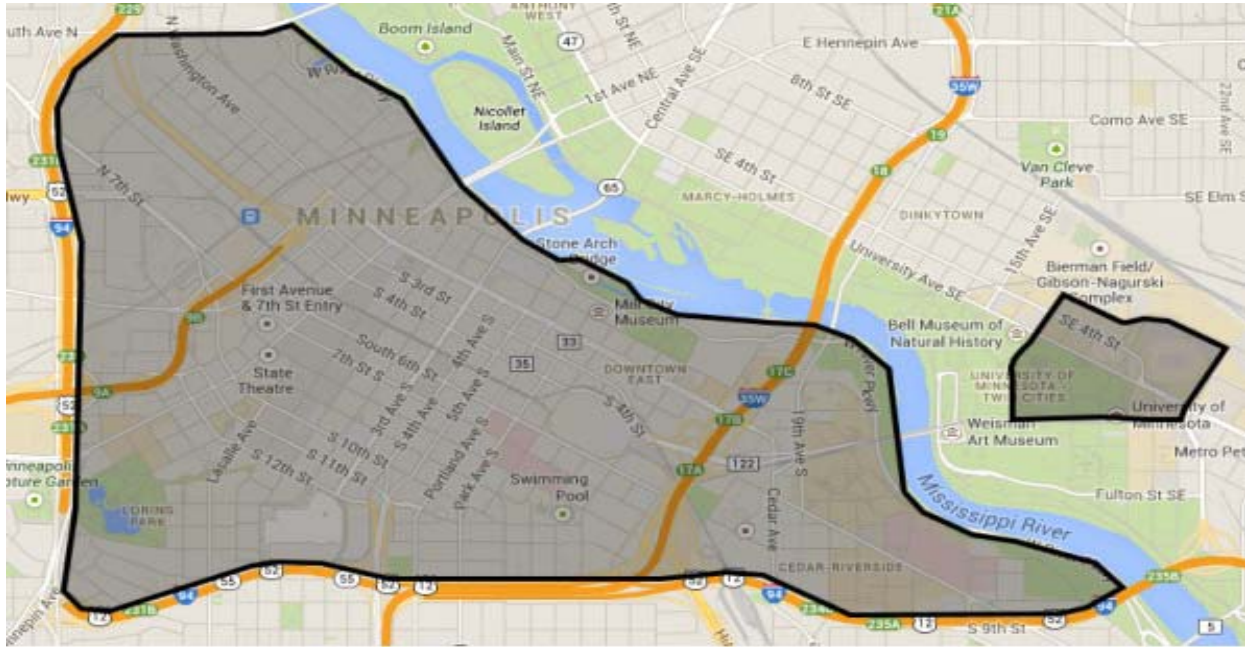
“All that part of the City of Minneapolis lying between the Mississippi River where it intersects with Interstate Highway 94, westerly along Interstate Highway 94 to Plymouth Avenue North, and easterly to the Mississippi River south to the point at Interstate 94.

“All that part of the City of Minneapolis lying between the Mississippi River where it intersects with 37th Avenue Northeast, easterly along 37th Avenue Northeast to University Avenue Northeast, and southerly along University Avenue Northeast to 27th Avenue Northeast, and westerly to the Mississippi River north to the point at 37th Avenue Northeast.

“All that part of the City of Minneapolis lying between the Washington Avenue Southeast, where it intersects with 23rd Avenue Southeast, northerly to 6th Street Southeast, and westerly along 6th Street Southeast to 17th Avenue Southeast, southerly along 17th Avenue Southeast and along Church Street Southeast to the point at Washington Avenue Southeast.

**“Be it Further Resolved that the licensing official may designate additional restricted geographical areas surrounding officially recognized, but as yet undetermined, 2014 All Star Game events and shall provide written notification of those additional restricted areas to the City Council.”**

(Ex. A at 88 (emphasis added).) Attached as Exhibit B (at 5-7) are the maps of the above regions provided by the City. Attached as Exhibit C (at 2) and excerpted below is a Google Map of these regions:



13. Within the above-described geographic regions and effective times, the Clean Zone Resolution imposes the following prohibitions:

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

**“That no temporary permit or license shall be approved or granted by the City Council** which would permit the sale or free distribution of merchandise, peddling, transient merchant activities, product sampling, temporary food or beverage services, temporary beverage alcohol premise expansions, block events, parades, races, or permit the use of temporary structures, tents, signs, banners, mobile billboard vehicles, broadcast vehicles, amplified sound permits, temporary light displays, inflatable displays, or permit temporary entertainment venues to be operated **during**

**the time period of July 5, 2014 through July 20, 2014 on public or private property** within the following geographical areas surrounding Target Field or other event venues **without additional approval of Major League Baseball . . . .”**

(Ex. A at 87-88 (emphasis added).)

14. The Clean Zone Resolution thus prohibits signs, banners, parades, block events, and a variety of other expressive activities throughout downtown Minneapolis between July 5, 2014 and July 20, 2014 unless City and Major League Baseball approve. The Resolution further states that the purpose of this prohibition is “to ensure that the focus of the entire event [i.e., the All Star Game] remains on fans, athletes, coaches, and the game of baseball” and “to prevent ambush marketing activity and other activities with the potential to detract from the event.” (Ex. A at 87.)

15. Plaintiffs McGuire and Kolstad – together with other members of the One Day in July Street Festival Committee – are helping to plan and intend to participate in a number of expressive activities on July 19, 2014 between 6th and 8th Avenue North on North 3rd Street in Minneapolis for which City permits or licenses are or may be required.

16. Plaintiffs seek to honor the 1934 Minneapolis Teamster Strikes, particularly the events of July 20, 1934, or “Bloody Friday,” when Minneapolis police officers shot 67 striking truckers, killing two, at 6th Avenue North and

North 3rd Street in Minneapolis. Plaintiffs also seek to honor the American Labor Movement and the right of labor unions to organize in pursuit of better wages and a better quality of life for its members and their families.

17. Thus, together with the One Day in July Street Festival Committee, Plaintiffs are planning an eight hour, free-to-the-public Street Festival for July 19, 2014 between 6th and 8th Avenue North on North 3rd Street in Minneapolis that celebrates the 80th anniversary of the 1934 Minneapolis Teamster Strikes as well as the history of organized labor in Minnesota. Having held such Street Festivals in July 2004 and July 2009, Plaintiffs intend to feature the following expressive activities at the 2014 Street Festival consistent with these past events:

- (a) Signs, posters, and banners reading “One Day In July – A Street Festival For The Working Class” and displaying related imagery;
- (b) Speeches from labor activists and the surviving descendants of the original truckers who participated in the 1934 Teamsters Strikes;
- (c) Live, on-stage music and songs celebrating organized labor;
- (d) Literature tables set up by labor groups and other pro-labor causes;
- (e) Temporary food/beverage service from street trucks or local vendors;
- (f) Sale of street merchandise for fundraising purposes (e.g., t-shirts emblazoned with Remember 1934 commemorative language); and
- (g) Free program books containing ads from Street Festival sponsors.



18. To hold the 2014 Street Festival, Plaintiffs and the other members of the One Day in July Street Festival Committee anticipate that they will need to obtain at least three permits from the City: (1) a block event permit, (2) amplified sound permit, and (3) a short term food permit. Plaintiffs may also need other permits or licenses to be approved or issued by the City, depending on how their plans for the 2014 Street Festival develop.

19. The location and date chosen by Plaintiffs and the One Day in July Street Festival Committee for their intended Street Festival falls within both the geographical and temporal scope of the Clean Zone Resolution.

20. None of the expressive activities that Plaintiffs or the One Day in July Street Festival have planned for their Street Festival contain any Major League Baseball branding.

21. Neither Plaintiffs, the One Day in July Street Festival Committee, nor Remember 1934 are official sponsors of Major League Baseball.

22. Plaintiffs, the One Day in July Street Festival Committee, and Remember 1934 have not applied for permits for their Street Festival because of the prior restraint on speech and expressive activity that the Clean Zone Resolution imposes. Plaintiffs do not wish to subject their speech and expressive activities to Major League Baseball's review and approval.

23. Accordingly, absent the necessary City permits and fearing arrest, fines, and incarceration, Plaintiffs and other members of the One Day in July Street Festival Committee are considering the cancellation of their planned July 19, 2014 Street Festival.

24. The City of Minneapolis has previously issued permits for Street Festivals organized by the One Day in July Street Festival Committee in July 2004 and July 2009 without objection. Moreover, on July 17, 2009, the Minneapolis City Council adopted a resolution honoring the Minneapolis 1934 Teamsters Strikes and commemorative events sponsored by the One Day in July Street Festival Committee. That resolution, attached as Exhibit D (at 671-72), states in relevant part:

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.

25. The City has also independently commemorated the events of the 1934 Minneapolis Teamsters Strikes in a number of ways, including the placement of art and photographs depicting the Strikes at the light rail station in the Warehouse District of Minneapolis.

## **CAUSES OF ACTION**

### **FIRST CLAIM**

#### **Violation of the First Amendment Under 42 U.S.C. § 1983 (The Clean Zone Resolution Grants Unbridled Licensing Discretion and Imposes a Content-Based Prior Restraint on Free Speech in a Traditional Public Forum.)**

26. Plaintiffs re-allege and reincorporate the above allegations.
27. The Clean Zone Resolution gives the City of Minneapolis and Major League Baseball – a private commercial business – unbridled discretion over speech-related permits.
28. The Clean Zone Resolution imposes a content-based, viewpoint-discriminatory prior restraint on a wide variety of speech and expressive activities in a traditional public forum, including (but not limited to) signs, banners, block events, parades, and amplified sound.
29. Accordingly, the Clean Zone Resolution is facially unconstitutional or subject to strict scrutiny under the First Amendment.

30. No compelling governmental interest supports the Clean Zone Resolution, and the Resolution is not narrowly tailored to meet the municipal interests stated in the Resolution.

31. As a direct result of the prior restraints imposed by the Clean Zone Resolution, Plaintiffs' planned speech and expressive activities have been chilled and Plaintiffs further fear arrest and prosecution if they follow through with their planned activities.

32. The Clean Zone Resolution thus violates the First Amendment.

#### **SECOND CLAIM**

**Violation of the First Amendment Under 42 U.S.C. § 1983**  
**(Alternatively, the Clean Zone Resolution Is an Improper Restriction on the Time, Place or Manner of Free Speech.)**

33. Plaintiffs re-allege and reincorporate the above allegations.

34. Because the Clean Zone Resolution delegates unbridled licensing discretion to the City and Major League Baseball – a private commercial business – and restricts expressive activity based on its content, the Resolution is not a mere time, place, or manner restriction.

35. However, even if the Clean Zone Resolution is deemed to operate in a delimited, content-neutral manner, the Resolution is still unconstitutional as a putative time-place-manner restriction, for the Resolution does not serve any substantial government interest, it is not narrowly tailored, and it does not leave open ample alternative fora for speech.

**THIRD CLAIM**

**Violation of the First Amendment Under 42 U.S.C. § 1983**

**(The Clean Zone Resolution Imposes Overbroad Restrictions on Free Speech.)**

36. Plaintiffs re-allege and reincorporate the above allegations.

37. The restrictions on free speech and expressive activity imposed by the Clean Zone Resolution are substantially overbroad because these restrictions are well out of proportion with the Resolution's stated interests.

38. The Clean Zone Resolution subjects a substantial amount of protected speech to a content-based prior restraint that is unrelated to the Resolution's stated interests.

39. The Clean Zone Resolution governs all property in a large geographic area – including all of downtown Minneapolis – that is unrelated to the Resolution's stated interests.

40. The Clean Zone Resolution operates for a time period – nearly two weeks – that is well in excess of the limited number of days during which the All Star Game and related events are scheduled to take place.

41. The Clean Zone Resolution is therefore unconstitutionally overbroad under the First Amendment.

**FOURTH CLAIM**

**Violation of the First and Fourteenth Amendments Under 42 U.S.C. § 1983**

**(The Clean Zone Resolution Imposes Unconstitutionally Vague  
Restrictions on Free Speech.)**

42. Plaintiffs re-allege and reincorporate the above allegations.

43. The Clean Zone Resolution leaves critical terms undefined, thereby failing to give notice to speakers of what First Amendment activities are prohibited.

44. The Clean Zone Resolution also gives little or no clear guidance to law enforcement, thereby encouraging arbitrary or selective enforcement.

45. Plaintiffs' proposed speech activities have been chilled by their fear of arrest and prosecution under the Clean Zone Resolution.

46. The Clean Zone Resolution is therefore unconstitutionally vague under the First Amendment and the Due Process Clause of the Fourteenth Amendment.

#### **FIFTH CLAIM**

#### **Violation of the Fourteenth Amendment Under 42 U.S.C. § 1983 (Fourteenth Amendment: The Clean Zone Resolution Violates the Due Process Clause by Delegating Unbridled Discretion to the City and Major League Baseball.)**

47. Plaintiffs re-allege and reincorporate the above allegations.

48. The Clean Zone Resolution violates the Due Process Clause by vesting unbridled discretion in the City and Major League Baseball – a private commercial business – to approve or deny a vast array constitutionally protected speech and expressive conduct.

49. The Clean Zone Resolution further violates the Due Process Clause by failing to give permit applicants and other speakers: (1) notice of the circumstances under which a permit will be approved or granted; (2) a

meaningful opportunity to be heard; and (3) a process to appeal an adverse decision or to obtain expedient judicial review of such a decision.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs James McGuire and Robert Kolstad, having no adequate remedy at law, request the following:

- a. A temporary restraining order, preliminary injunction, and eventual permanent injunction barring Defendants and their agents from enforcing the Clean Zone Resolution;
- b. A declaratory judgment that the Clean Zone Resolution is unconstitutional, as permitted under 28 U.S.C. §§ 2201 and 2202;
- c. Nominal damages;
- d. Reasonable attorney's fees, expenses and costs under 42 U.S.C. § 1988 and any other applicable law; and
- e. Any equitable and additional relief which the Court deems proper.

DATED: May 8, 2014

By: \_\_\_\_\_s/Thomas L. Hamlin  
Thomas L. Hamlin (MN No. 40216)  
Mahesha P. Subbaraman (MN No. 392486)  
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tnelson@aclu-mn.org

*Counsel for Plaintiffs  
James McGuire and Robert Kolstad*



# **Exhibit A**

## OFFICIAL PROCEEDINGS MINNEAPOLIS CITY COUNCIL

### REGULAR MEETING OF FEBRUARY 21, 2014

(Published March 1, 2014, in *Finance and Commerce*)

Council President Johnson called the meeting to order at 9:30 a.m. in the Council Chamber, a quorum being present.

Present - Council Members Kevin Reich, Jacob Frey, Blong Yang, Abdi Warsame, Lisa Goodman, Elizabeth Glidden, Alondra Cano, Lisa Bender, John Quincy, Andrew Johnson, Linea Palmisano, President Barbara Johnson.

Absent – Council Member Cam Gordon.

On motion by B. Johnson, seconded, the agenda was amended to include a resolution declaring March 13, 2014, “World Kidney Day” in the City of Minneapolis

On motion by Glidden, seconded, the agenda, as amended, was adopted.

On motion by Glidden, seconded, the minutes of the regular meeting of February 7, 2014, were adopted.

On motion by Glidden, seconded, the petitions, communications, and reports of the City officers were referred to the proper Council committees and departments.

The following reports were signed by Mayor Betsy Hodges on February 21, 2014. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city. A complete copy of each summarized ordinance and resolution is available for public inspection in the office of the City Clerk.

### REPORTS OF STANDING COMMITTEES

**The COMMITTEE OF THE WHOLE submitted the following report:**

**COW** – Your Committee recommends approval of the early March 2014 issuance of a Request for Proposal for outsourced Information Technology (IT) Services.

On roll call, the result was:

Ayes: Reich, Frey, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Gordon (1)

The report was adopted.

FEBRUARY 21, 2014

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g) Hi-Lake employees will walk outside twice an hour patrolling both the sidewalks that are adjacent to the parking lot directly outside of their business.

On roll call, the result was:

Ayes: Reich, Frey, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Gordon (1)

Approved by Mayor Betsy Hodges 2/21/2014.

The resolutions were adopted.

(Published 2/25/2014)

**CD&RS** – Your Committee recommends passage of Resolution 2014R-046 establishing a clean zone around Target Field during the 2014 Major League Baseball All Star Game and related events, where temporary sales, vending, entertainment, signs and related special event permits will not be approved or issued by the City of Minneapolis without the additional approval of Major League Baseball.

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

**RESOLUTION 2014R-046**

**By Goodman**

**Establishing a clean zone around Target Field during the 2014 Major League Baseball All Star Game and related events, where temporary sales, vending, entertainment, signs and related special event permits will not be approved or issued by the City of Minneapolis without the additional approval of Major League Baseball.**

Whereas, the Minnesota Twins, Major League Baseball and the City of Minneapolis will host the 2014 Major League Baseball All Star game and related events during the month of July 2014, with events taking place on multiple days and the All-Star Game being played at Target Field on July 15, 2014; and

Whereas, the Minnesota Twins and Major League Baseball have requested that certain temporary commercial activities near Target Field, located at 1 Twins Way, and other designated sites hosting official All-Star Game activities be restricted to ensure that the focus of the entire event remains on the fans, athletes, coaches, and the game of baseball and to prevent ambush marketing activity and other activities with the potential to detract from the event and damage the legitimate interests of the community and of Major League Baseball and the entities that assist in presenting the All-Star activities;

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

That no temporary permit or license shall be approved or granted by the City Council which would permit the sale or free distribution of merchandise, peddling, transient merchant activities, product sampling, temporary food or beverage services, temporary beverage alcohol premise expansions, block events, parades, races, or permit the use of temporary structures, tents, signs, banners, mobile billboard vehicles, broadcast vehicles, amplified sound permits, temporary light displays, inflatable displays, or permit temporary entertainment venues to be operated during the time period of July 5, 2014 through July 20, 2014 on public or

FEBRUARY 21, 2014

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private property within the following geographical areas surrounding Target Field or other event venues without additional approval of Major League Baseball:

“All that part of the City of Minneapolis lying between the Mississippi River where it intersects with Interstate Highway 94, westerly along Interstate Highway 94 to Plymouth Avenue North, and easterly to the Mississippi River south to the point at Interstate Highway 94.”

“All that part of the City of Minneapolis lying between the Mississippi River where it intersects with 37th Avenue Northeast, easterly along 37th Avenue NE to University Avenue Northeast, and Southerly along University Avenue Northeast to 27th Avenue Northeast, and westerly to the Mississippi River north to the point at 37th Avenue Northeast”.

“All that part of the City of Minneapolis lying between Washington Avenue Southeast where it intersects with 23rd Avenue Southeast, northerly to 6th Street Southeast, and westerly along 6th Street southeast to 17th Avenue Southeast, and southerly along 17th Avenue Southeast and along Church Street Southeast to the point at Washington Avenue Southeast.”

Be It Further Resolved that the licensing official may designate additional restricted geographical areas surrounding officially recognized, but as yet undetermined, 2014 All Star-Game events and shall provide written notification of those additional restricted areas to the City Council.

On roll call, the result was:

Ayes: Reich, Frey, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Gordon (1)

The resolution was adopted.

**CD&RS** – Your Committee recommends that the proper City officers be authorized to execute \$330,000 in contracts for Great Streets Façade Improvement Matching Grant Program Administration, consistent with the recommendations contained in the Department of Community Planning & Economic Development staff report, for the Bancroft Neighborhood Association (\$50,000), Field Regina Northrop Neighborhood Group (\$30,000), Lake Street Council (\$50,000), Nicollet-East Harriet Business Association (\$50,000), Northeast Minneapolis Chamber of Commerce (\$50,000), Seward Redesign, (\$50,000), and West Broadway Business and Area Coalition (\$50,000).

On roll call, the result was:

Ayes: Reich, Frey, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Gordon (1)

The report was adopted.

**The COMMUNITY DEVELOPMENT & REGULATORY SERVICES AND WAYS & MEANS COMMITTEES submitted the following reports:**

**CD&RS & W&M** – Your Committee, having under consideration additional tax increment revenue funds for the tornado recovery area, now recommends passage of the accompanying resolutions:

# **Exhibit B**



## Request for City Council Committee Action from Licenses and Consumer Services

**Date:** February 11, 2014

**To:** Council Member Lisa Goodman, Chair  
Community Development and Regulatory Services Committee

**Subject:** Clean Zone for Major League Baseball All Star Game

**Recommendation:** That the Community Development and Regulatory Services Committee approve designating a Clean Zone around Target Field and other event areas during the 2014 Major League Baseball All Star Game.

**Previous Directives:** None

### Department Information

Prepared by: Grant Wilson, Manager of Business Licenses, 612-673-3902

Approved by:

\_\_\_\_\_  
Cathy Polasky, Director of Economic Policy and Development

\_\_\_\_\_  
Grant Wilson, Manager of Business Licenses

Presenters in Committee: Grant Wilson

### Financial Impact

- No financial impact

### Supporting Information

In July 2014, the City of Minneapolis, in collaboration with the Minnesota Twins and Major League Baseball, will host the 2014 Major League Baseball All Star Game at Target Field. Multiple city departments are making arrangements to ensure the events are safe and run efficiently.

Major League Baseball requires an area around the stadium and hotels to be designated as a "Clean Zone" by the City. Specifically, in the Clean Zone, whether on public or private property, the following activities must be prohibited unless approved by Major League Baseball:

- (i) transient vending or other sales by any individual or entity;

- (ii) sampling of consumable items;
- (iii) any temporary signage viewable from public property, including mobile signage;
- (iv) the construction of any temporary structure or inflatable device;
- (v) the hosting of any temporary public hospitality events;
- (vi) the sale of counterfeit or infringing merchandise and counterfeit tickets;

In partnership with Law Enforcement Officers, License Inspectors will be assigned to work in the Clean Zone to enforce all of the requested Clean Zone restrictions, as well as support anti-counterfeiting efforts. Enforcement of the Clean Zone will include criminal and/or civil citations, confiscation of illegal items, and all other legal avenues to ensure compliance.

Attached is a Clean Zone Resolution and maps of the proposed areas.

**RESOLUTION 2014R-\_\_\_\_**  
**By Goodman**

**Establishing a clean zone around Target Field during the 2014 Major League Baseball All Star Game and related events, where temporary sales, vending, entertainment, signs and related special event permits will not be approved or issued by the City of Minneapolis without the additional approval of Major League Baseball.**

Whereas, the Minnesota Twins, Major League Baseball and the City of Minneapolis will host the 2014 Major League Baseball All Star game and related events during the month of July 2014, with events taking place on multiple days and the All-Star Game being played at Target Field on July 15, 2014; and

Whereas, the Minnesota Twins and Major League Baseball have requested that certain temporary commercial activities near Target Field, located at 1 Twins Way, and other designated sites hosting official All-Star Game activities be restricted to ensure that the focus of the entire event remains on the fans, athletes, coaches, and the game of baseball and to prevent ambush marketing activity and other activities with the potential to detract from the event and damage the legitimate interests of the community and of Major League Baseball and the entities that assist in presenting the All-Star activities;

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

That no temporary permit or license shall be approved or granted by the City Council which would permit the sale or free distribution of merchandise, peddling, transient merchant activities, product sampling, temporary food or beverage services, temporary beverage alcohol premise expansions, block events, parades, races, or permit the use of temporary structures, tents, signs, banners, mobile billboard vehicles, broadcast vehicles, amplified sound permits, temporary light displays, inflatable displays, or permit temporary entertainment venues to be operated during the time period of July 5, 2014 through July 20, 2014 on public or private property within the following geographical areas surrounding Target Field or other event venues without additional approval of Major League Baseball:

“All that part of the City of Minneapolis lying between the Mississippi River where it intersects with Interstate Highway 94, westerly along Interstate Highway 94 to Plymouth Avenue North, and easterly to the Mississippi River south to the point at Interstate Highway 94.”

“All that part of the City of Minneapolis lying between the Mississippi River where it intersects with 37<sup>th</sup> Avenue Northeast, easterly along 37<sup>th</sup> Avenue NE to University Avenue Northeast, and Southerly along University Avenue Northeast to 27<sup>th</sup> Avenue Northeast, and westerly to the Mississippi River north to the point at 37<sup>th</sup> Avenue

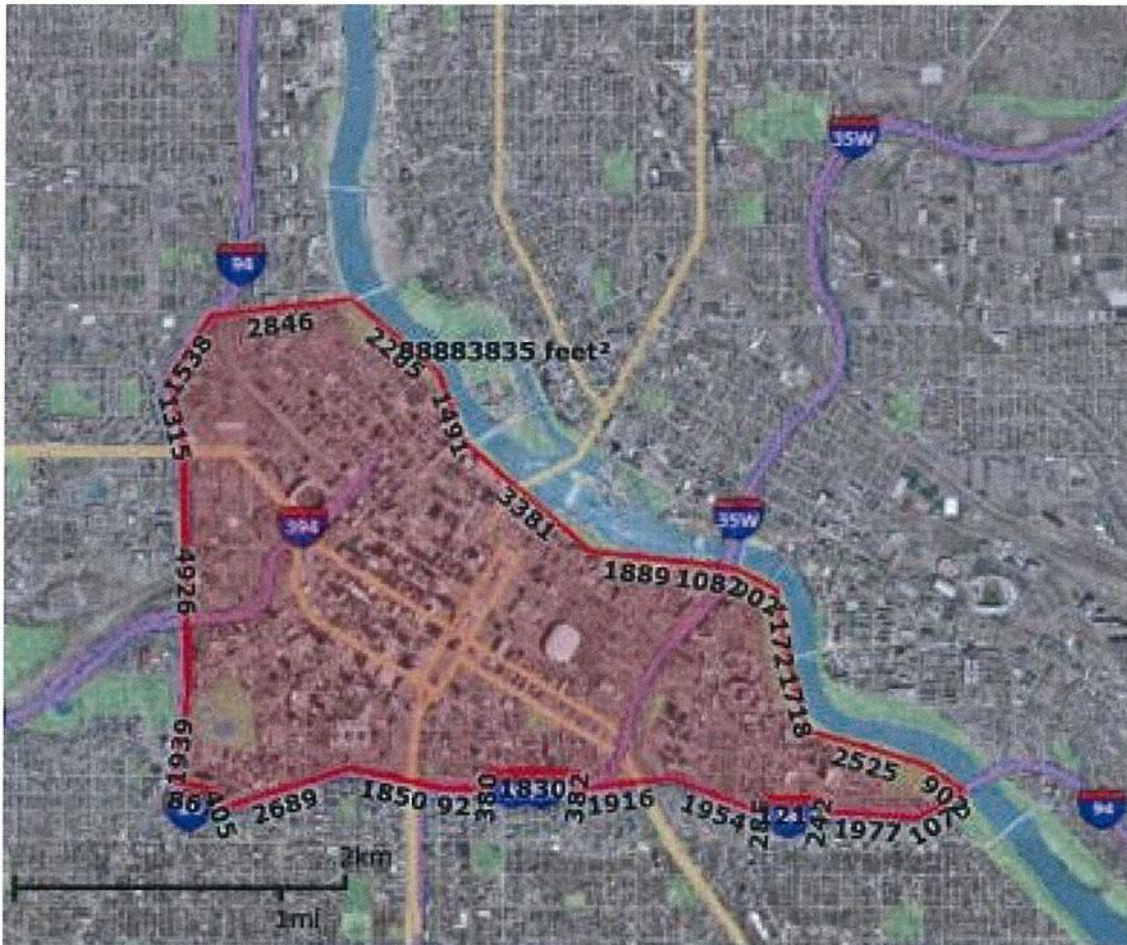


Northeast”.

“All that part of the City of Minneapolis lying between Washington Avenue Southeast where it intersects with 23<sup>rd</sup> Avenue Southeast, northerly to 6<sup>th</sup> Street Southeast, and westerly along 6<sup>th</sup> Street southeast to 17<sup>th</sup> Avenue Southeast, and southerly along 17<sup>th</sup> Avenue Southeast and along Church Street Southeast to the point at Washington Avenue Southeast.”

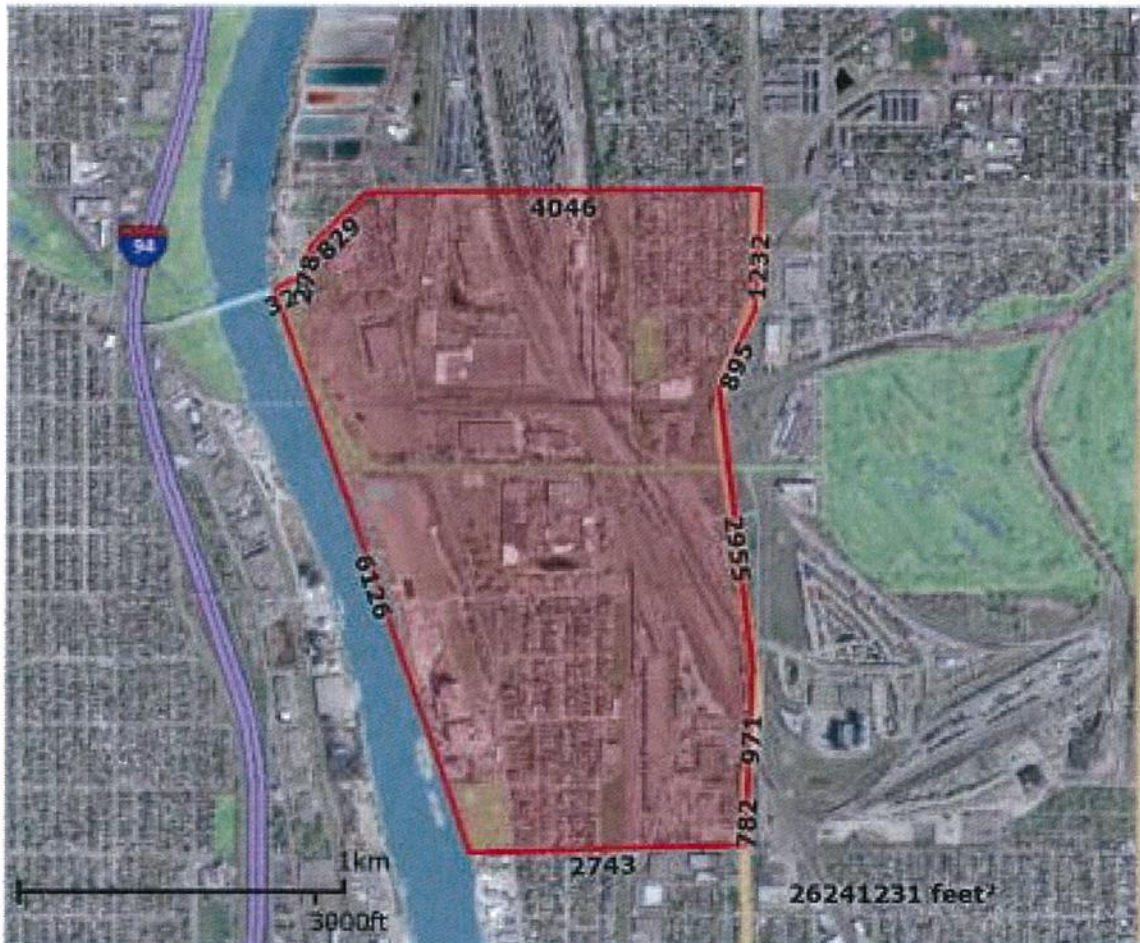
Be it Further Resolved that the licensing official may designate additional restricted geographical areas surrounding officially recognized, but as yet undetermined, 2014 All Star-Game events and shall provide written notification of those additional restricted areas to the City Council.

## City of Minneapolis Clean Zone Downtown



All that part of the City of Minneapolis lying between the Mississippi River where it intersects with Interstate Highway 94, westerly along Interstate Highway 94 to Plymouth Avenue North, and easterly to the Mississippi River south to the point at Interstate Highway 94.

## City of Minneapolis Clean Zone Northeast



All that part of the City of Minneapolis lying between the Mississippi River where it intersects with 37<sup>th</sup> Avenue Northeast, easterly along 37<sup>th</sup> Avenue NE to University Avenue Northeast, and Southerly along University Avenue Northeast to 27<sup>th</sup> Avenue Northeast, and westerly to the Mississippi River north to the point at 37<sup>th</sup> Avenue Northeast.

## City of Minneapolis Clean Zone University Area



All that part of the City of Minneapolis lying between Washington Avenue Southeast where it intersects with 23<sup>rd</sup> Avenue Southeast, northerly to 6<sup>th</sup> Street Southeast, and westerly along 6<sup>th</sup> Street southeast to 17<sup>th</sup> Avenue Southeast, and southerly along 17<sup>th</sup> Avenue Southeast and along Church Street Southeast to the point at Washington Avenue Southeast.

# **Exhibit C**



# Stadium Watch

**MPR News** Tracking the buildings  
and the money

Twins

## Want to make a buck off the All-Star Game? Better ask MLB

 **Curtis Gilbert** February 12, 2014, 1:49 PM

Entrepreneurs who want to take advantage of the throngs of fans who'll descend on Minneapolis for the 2014 All-Star Game will need permission from Major League Baseball.

A resolution making its way through the Minneapolis City Council would give the league veto power over any temporary businesses licenses in three designated "clean zones" from July 5-20. The All-Star Game is July 15.

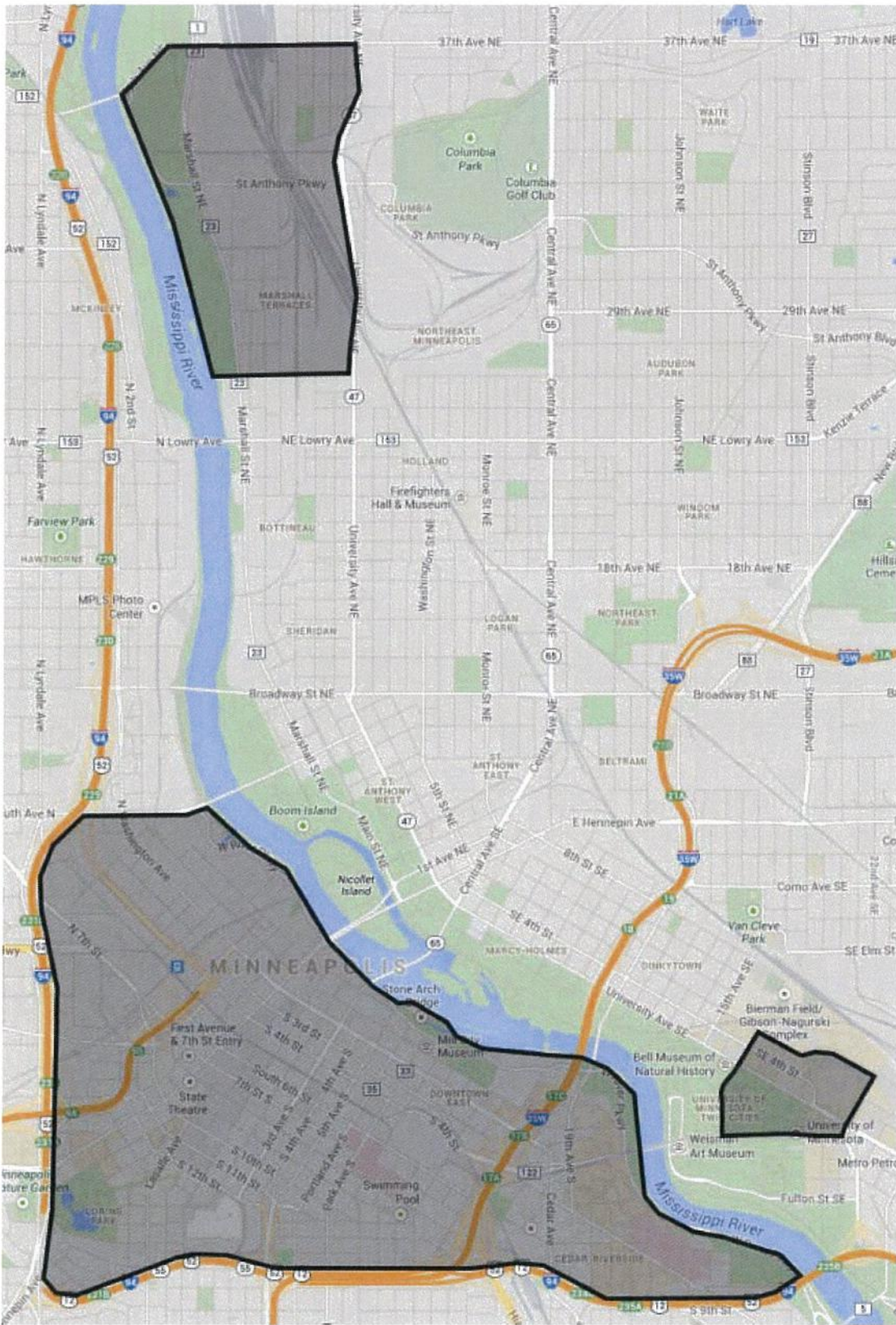
The city has also agreed to assign police and licensing inspectors to ensure that the clean zones are free from any unauthorized commercial activity, including:

- (i) transient vending or other sales by any individual or entity;
- (ii) sampling of consumable items;
- (iii) any temporary signage viewable from public property, including mobile signage;
- (iv) the construction of any temporary structure or inflatable device;
- (v) the hosting of any temporary public hospitality events;
- (vi) the sale of counterfeit or infringing merchandise and counterfeit tickets;

The resolution states the restrictions will "ensure that the focus of the entire event remains on the fans, athletes, coaches, and the game of baseball."

The zones include all of downtown, plus parts of the University of Minnesota and

northeast Minneapolis.



Google Map by Curtis Gilbert / MPR News

The northeast clean zone includes two athletic fields where the Twins will host youth baseball games during the week of the All-Star Game, business licensing manager Grant Wilson said.

In 2011, then-City Manager Steven Bosacker agreed to create the zones as part of the city's bid to land the event. The council's resolution would make it official.

#### About the blogger



**Curtis Gilbert**

[cgilbert@mpr.org](mailto:cgilbert@mpr.org)

Curtis Gilbert covers the Twin Cities as a member of the MPR News metro reporting unit. He has worked for MPR since 2004 in a variety of reporting and producing roles.



# **Exhibit D**

# 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.

**JULY 17, 2009**

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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.

**JULY 17, 2009**

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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 23<sup>rd</sup> 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.

JS 44 (Rev 09/10)

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**CIVIL COVER SHEET**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law.

**Plaintiff(s):**

**First Listed Plaintiff:**

James McGuire ;

**County of Residence:** Hennepin County

**Additional Plaintiff(s):**

Robert Kolstad ;

**Defendant(s):**

**First Listed Defendant:**

City of Minneapolis ;

**County of Residence:** Hennepin County

**Additional Defendants(s):**

Mayor Betsy Hodges ;

Chief of Minneapolis Police Janee Harteau ;

**County Where Claim For Relief Arose:** Hennepin County

**Plaintiff's Attorney(s):**

Thomas L. Hamlin (James McGuire)  
Robins, Kaplan, Miller & Ciresi L.L.P.  
2800 LaSalle Plaza / 800 LaSalle Avenue  
Minneapolis, Minnesota 55402  
**Phone:** (612) 349-8500  
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Mahesha P. Subbaraman  
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Teresa J. Nelson  
American Civil Liberties Union of Minnesota  
2300 Myrtle Avenue, Suite 180  
St. Paul, Minnesota 55114  
**Phone:** (651) 645-4097 ext. 122  
**Fax:** (651) 647-5948  
**Email:** tnelson@aclu-mn.org

**Defendant's Attorney(s):**

Minneapolis City Attorney's Office ( City of Minneapolis)  
  
City Hall - Room 210, 350 South 5th Street  
Minneapolis, Minnesota 55415  
**Phone:** (612) 673-2010  
**Fax:**  
**Email:**

**Basis of Jurisdiction:** 3. Federal Question (U.S. not a party)

**Citizenship of Principal Parties (Diversity Cases Only)**

**Plaintiff:** N/A

**Defendant:** N/A

**Origin:** 1. Original Proceeding

**Nature of Suit:** 440 All Other Civil Rights

**Cause of Action:** Action under 42 U.S.C. 1983 & 1988 challenging municipal resolution as unconstitutional under the First and Fourteenth Amendments.

**Requested in Complaint**

**Class Action:** Not filed as a Class Action

**Monetary Demand (in Thousands):**

**Jury Demand:** No

**Related Cases:** Is NOT a refiling of a previously dismissed action

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**Signature:** Mahesha P. Subbaraman

**Date:** 5-8-2014

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.

**Subbaraman, Mahesha P.**

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**From:** ecf-notice@mnd.uscourts.gov  
**Sent:** Thursday, May 08, 2014 9:26 AM  
**To:** mndecfnotifications@mnd.uscourts.gov  
**Subject:** Activity in Case 0:14-cv-01439 McGuire et al v. City of Minneapolis, The et al Complaint

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**U.S. District Court**

**U.S. District of Minnesota**

**Notice of Electronic Filing**

The following transaction was entered by Subbaraman, Mahesha on 5/8/2014 at 9:26 AM CDT and filed on 5/8/2014

**Case Name:** McGuire et al v. City of Minneapolis, The et al  
**Case Number:** [0:14-cv-01439](#)  
**Filer:** James McGuire  
Robert Kolstad

**Document Number:** [1](#)

**Docket Text:**

**COMPLAINT against City of Minneapolis, The, Janee Harteau, Betsy Hodges. ( Filing fee \$ 400 receipt number 0864-3970765.) Filed by James McGuire, Robert Kolstad. Filer requests summons issued. (Attachments: # (1) Exhibit(s) Exhibits A-D to Complaint, # (2) Civil Cover Sheet Civil Cover Sheet) (Subbaraman, Mahesha)**

**0:14-cv-01439 Notice has been electronically mailed to:**

Mahesha Padmanabhan Subbaraman [mpsubbaraman@rkmc.com](mailto:mpsubbaraman@rkmc.com), [mrschroeder@rkmc.com](mailto:mrschroeder@rkmc.com)

**0:14-cv-01439 Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1051215216 [Date=5/8/2014] [FileNumber=4561529-0]  
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496f01d3abb935737989447b42d644a43543cb3672e36e7de1711b5f16bd]]

**Document description:**Exhibit(s) Exhibits A-D to Complaint

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1051215216 [Date=5/8/2014] [FileNumber=4561529-1]  
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**Document description:**Civil Cover Sheet Civil Cover Sheet

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1051215216 [Date=5/8/2014] [FileNumber=4561529-2]  
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