

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

JULY 11, 1997

(Published July 19, 1997,
in Finance and Commerce)

Council Chamber
Minneapolis, Minnesota
July 11, 1997 – 9:30 a.m.

President Cherryhomes in the Chair.

Present – Council Members McDonald, Minn,
Mead, Scott, Schulstad, Herron, Rainville,
Dziedzic, Thurber, Campbell, Biernat, Niland,
President Cherryhomes.

Campbell moved approval of the minutes of the
regular meeting of June 27, 1997. Seconded.

Adopted upon a voice vote.

Campbell moved referral of petitions and
communications and reports of the City officers to
proper Council committees and departments.
Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

CLAIMS:

CITY CLERK (262879)

Boyd, David; Bunker, Brad; Callahan,
Victor; Commo, Scott; DeJong, Susan; Dodge,
Julie; Dreis, David J; Elhard, Lara; Friede,
Jennifer Ann & Atty James S Ballentine; Husney,
Edward/Methodist Hospital; Ibrahim, Abdikadir &
Atty Dean M Salita; Kampff, Audree J/Suburban
Radiologic Consultant; Keeney, Darcy Michelle;
Kelley, Ryan; Koelsch, Milton W; Little, William;
McCarrell, Tracy Lynn; Morgado-Linares, Tomas;
Murray, Justin; Redding, Steve; Reichel, Stephen;
Roberts, Chadwick; Rubens, Deborah; Sailor, Eric
Lee; St Paul Insurance Co; Thompson, Marilyn J;
Tuohy, Elizabeth J; Turenne, Thomas; Wong,
David A; Yamnik, Kira; Zahn, Jennifer Jo

COMMUNITY DEVELOPMENT:

PLANNING COMMISSION/
DEPARTMENT (262880)

City-County Homelessness Plan: Rep on
accomplishments of 1991-95, “Promises Kept.”

COMMUNITY DEVELOPMENT (See Rep):

MAYOR (262881)

Public Housing Authority: Appt Cornell
Moore; Open appts appl, w/attach.

INTERGOVERNMENTAL RELATIONS and TRANSPORTATION & PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING
(262882)

Intermodal Surface Transportation Efficiency
Act (ISTEA): Info.

PUBLIC SAFETY AND REGULATORY SERVICES:

EMERGENCY COMMUNICATIONS
CENTER (ECC) (262883)

911 Update: Info re proposed changes &
growth.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

CITY CLERK/SPECIAL PERMITS
(262884)

Excelsior Blvd, 3205 (Americana Fireworks
Display Co & Minikahda Club) fireworks.

HEALTH AND FAMILY SUPPORT
SERVICES (262885)

1998-99 Maternal & Child Health Special Proj
Competitive Grants: Issue RFP.

INSPECTIONS DEPARTMENT (262886)

Cement Finishers Examining Bd: Reappts.

INSPECTIONS DEPARTMENT (262887)

Raze Bldgs: Apprv demo of 329 31st Av N &
416 22nd Av N.

LICENSES AND CONSUMER SERVICES
(262888)

Hayden Billiards: Re Revocation of Pool Hall
Lic, 251 3rd Av S.

LICENSES AND CONSUMER SERVICES
(262889)

Lics: Appls.

LICENSES AND CONSUMER SERVICES
(262890)

RCI Entertainment MN, Inc, dba Rick's
Cabaret: Grant Lics w/conds.

MAYOR (262891)

Civilian Police Review Authority: Reappt of
Lucille Anderson.

POLICE DEPARTMENT (262892)

1997 Aquatennial Blk Party: Staffing plan.

POLICE DEPARTMENT (262893)

FBI Fugitive Task Force: Contr w/FBI.

FBI Safe Streets Task Force (Violent Crime
Strike Force): Contr w/FBI.

REGULATORY SERVICES (262894)

Citizens Environmental Advisory Committee
(CEAC): Reappts.

**PUBLIC SAFETY AND REGULATORY
SERVICES and WAYS & MEANS/
BUDGET (See Rep):**

ATTORNEY (262895)

Executive Director Position of Civilian Police
Review Authority: Extend contr
w/Patricia Hughes.

HEALTH AND FAMILY SUPPORT
SERVICES (262896)

Comm Health Assmt Survey: Contract
w/U of M.

POLICE DEPARTMENT (262897)

Auto Theft Prevention Prog: Accept Grant
Awards.

COPS More Grant: Contr w/US Dept of
Justice.

MN Dept of Children, Families & Learning,
Office of Drug Policy & Violence Prevention
Grant: Agrmt w/State.

1997 Local Law Enforcement Block Grant:
Submit appl.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING
(262898)

State of the Public Infrastructure: Report.

DOME SOUVENIRS PLUS (262899)

1997 Sprint PCS Grand Prix Auto Race:
Request to sell concessions for race event.

TRANSPORTATION AND PUBLIC WORKS

(See Rep):

PUBLIC WORKS AND ENGINEERING
(262900)

Fleet Utilization Study: Incr consulting contr
w/David M Griffith & Assoc & extend contr date to
assist in completion of study recmds - develop
options to out-source parts procurement &
distribution; and analysis & clarification of shop
staffing issues.

Landscaping along I-94 betw Nicollet & 1st
Avs S: Execute agrmt w/MnDOT to allow plantings
by neighborhood volunteers.

Boulevard Paving (122 W Franklin): Apprv
appl of Cynthia J Ottinger to pave w/concrete
the blvd area.

Boulevard Landscaping (700 blk of Quincy St
NE & 800 blk of Summer St NE): Apprv appl of
Asmaa Elsawaf to landscape blvd areas as part of
block beautification proj.

Seventeenth Street Overlook, Phase 2 Proj:
Apprv plans & specs; Auth advertise for bids for
construction in fall 1997.

PUBLIC WORKS AND ENGINEERING
(262901)

Transportation Chapter Advisory Committee:
Rescind Resl 95R-021 that established Committee
to assist in revision of Transportation Chapter of
City's Comprehensive Plan.

Fulton & Lynnhurst Neighborhood Traffic
Issues: Issue RFP for engineering services.

No Parking Zone (E 26th St betw Hiawatha &
Minnehaha Avs): Estab no parking as design
requirement by MnDOT.

Five-Year Bicycle Plan: Apprv amended plan.

Aquatennial: Apprv naming area along
W River Rd Nly of W Broadway as "Aqua
Landings".

4th Av S & Lake St E Sidewalk & Street
Lighting Proj: Designate Street Lighting Project
Area as Street Lighting District No 1232; and set
public hearing.

Greyhound/Jefferson Lines Relocation:
Eliminate Leamington Transit Hub as either
permanent or temporary site; Direct staff to review
possibility of having modern terminal at current
site; and Report back on Aug 14, 1997; w/
comments.

SENIOR OMBUDSMAN (262902)

Deferment of Special Assessment: Apprv appl
of Edith Fleisher, 3702 W 40th St, for deferment
of sidewalk assessment.

**TRANSPORTATION AND PUBLIC WORKS
and WAYS & MEANS/BUDGET:
PUBLIC WORKS AND ENGINEERING
(262903)**

LED Signals: Request to commit recurring capital costs (8 to 10 yr cycle) for red traffic signal indications.

**TRANSPORTATION AND PUBLIC WORKS
and WAYS & MEANS/BUDGET (See
Rep):
PUBLIC WORKS AND ENGINEERING
(262904)**

City Paid Parking: Apprv parking in Haaf Ramp for Rhonda Rae, effective 6/1/97; and Gary Criter, effective 5/1/97.

Share the Road Bike Facility (W 15th St from Lyndale Av S to I-35W): Install experimental bike facility; and Apprv capital approp.

Pedestrian Safety Enhancements (W 44th St & Drew Av S): Install pedestrian crossing signs, flashers, handicap ramps & pavement striping; and Apprv capital approp.

Pedestrian Safety Enhancements (W 45th St & Upton Av S): Install pedestrian crossing signs, handicap ramps & pavement striping; and Apprv capital approp.

Municipal Parking Facilities: Execute contr w/ Walker Parking Consultants to provide City certification inspections, structural condition appraisals & other on call structural engineering consulting services.

Temporary Traffic Circles in St Anthony West Neighborhood: Request to install traffic circles to calm traffic at four intersections - 8th Av NE & 4th St NE; 8th Av NE & 5th St NE; 7th Av NE & Washington/Summer Sts NE; and 3rd Av NE & 5th St NE; and Apprv capital approp, w/objection requesting four-way stop at 3rd Av NE & 5th St NE.

Shortblock Midblock Lighting Prog: Auth continue prog to complete installations in 1997.

Lowry Hill Traffic Management: Expand traffic calming test; and Apprv capital approp.

PURCHASING (262905)

Bids: Accept OP #4659, low bid of Total Construction & Equipment for energy retrofit for Water Dept; OP #4655, low bid mtg specs of Sutphen Corp for fire truck w/telescopic ladder.

WATER DEPARTMENT (262906)

Pump Station No 9: Issue RFP for engineering & architectural services for design & construction management.

**WAYS AND MEANS BUDGET:
NEIGHBORHOOD SERVICES
DEPARTMENT (262907)
Domestic Abuse Advocacy Servs: Status rep.**

**WAYS AND MEANS BUDGET (See Rep):
ATTORNEY (262908)
Settlements: Claims of Glenda Sales, Linda Riemenschneider, & Carl Edwarson.
Prosecution Assistance: Extend contr w/MN Citizens Council on Crime & Justice.
GRANTS AND SPECIAL PROJECTS
(262909)**

Central Neighborhood Weed & Seed Prog: Amend grant agrmt w/MN Dept of Pub Safety to extend grant period.

**INFORMATION & TECHNOLOGY
SERVICES (262910)**

Sale of Conduit on Stone Arch Bridge: Auth Mpls Telecommunications Network (MTN) to sell conduit to Sterling Technology Systems with conditions.

**NEIGHBORHOOD SERVICES
DEPARTMENT (262911)**

Phillips Neighborhood Employment Servs: Contr w/Mpsl American Indian Ctr providing NRP funds.

Job Training Partnership Act (JTPA): Master Agrmt w/MN Dept of Economic Sec to recv future funding.

MN City Grants Prog: Submit plan and recv State funds for curfew/truancy operations.

Adult Employment & Training Servs: Issue fund avail notices to orgs to provide servs to low-income adults.

Grief & Trauma Counseling Prog: Contr w/Operation Resurrection to recv Family Funds to counsel victims of violence crimes

**PLANNING COMMISSION/DEPARTMENT
(262912)**

Mississippi River Corridor Critical Area Plan: Accept Met Council grant to consider amendments to plan; Execute grant agrmt.

Certified Local Government Grant: Accept & execute grant agrmt w/MN Historical Society to be used for local historic context studies.

**WAYS AND MEANS BUDGET and ZONING
AND PLANNING (See Rep):
COUNCIL MEMBER MINN &
MCDONALD (262913)**

Capital Long-Range Improvements Committee (CLIC): Comment re proposed ordn setting forth capital planning process.

ZONING AND PLANNING (See Rep):

CITY CLERK/SPECIAL PERMITS
(262914)

17th St N, 88 (Basilica of St Mary) inflatables; Laurel Av, 1400 (Great Lakes Mgmt for Laurel Village Tower "C" Ltd Partnership) signs/banners; Washington & Park Avs (Grand Prix of MN) inflatable.

HERITAGE PRESERVATION COMMISSION (262915)

Historic Designation: Recmd for local historic designation of interior of Pantages (Mann) Theater, 708 Hennepin Av, w/Attachment.

PLANNING COMMISSION/ DEPARTMENT (262916)

Interim Ordns: Ordn amend Title 21, adding a new Chap 582 re Moratorium on establishment or expansion of surface prkg lots in Elliot Park neighborhood; Ordn amend Title 21, Chap 593 re Moratorium on provision of off-site commercial prkg spaces, not owned by the affected business, to satisfy prkg requirements in Linden Hills Commercial Dist, extending moratorium.

Vacation: St Croix Partners LLC: Appl to vacate 4th St SE betw Bedford St & Mpls/St Paul boundary for Hubbard Communications Ctr, w/Attachments.

Appeal: Betsy Mitchell: Appeal filed from decn of Planning Comsn re revision in site plan for Quarry Project at 18th Av NE & New Brighton Blvd, w/Attachments.

PLANNING COMMISSION:

WUOLLET PROPERTIES & HWC HOLDING CO (262917)

Permsn to vacate alley in blk betw 49th & 50th Sts W, Drew & Chowen Avs S.

PLANNING COMMISSION (See Rep):

EDEL, STEVE (262918)

Permsn to vacate alley in blk betw 48th & 49th Sts W, Grand & Harriet Avs S.

MOTIONS (See Rep):

ATTORNEY (262919)

Workers' Comp: Pmts to City employees injured on the job.

RESOLUTIONS (See Rep):

SMITH PARKER (262920)

SW Lake Calhoun Subwatershed Improvement Proj: Draft resl w/comments re "Minneapolis Chain of Lakes Project".

UNFINISHED BUSINESS (See Rep):

MAYOR (262921)

Veto action: Stating reasons for the veto action re position of Director of Civilian Police Review Authority & placing CPRA under the auspices of the City Coordinator.

FILED:

CHARTER COMMISSION (262922)

Proposed amendment to Chap 19, Sec 4 of Charter relating to Civil Service, amending the unclassified service list, proposed by Library Bd, w/attached letters 1) from Charter to IGR Comm to consider appropriateness, 2) from IGR Comm expressing concerns re changing unclassified service and likelihood of unanimous passage by Council, & 3) from Library Bd withdrawing proposal from consideration. Proposed amendment to Chap 11 of Charter relating to Miscellaneous Provisions, adding a new Section 19 relating to Civil Rights. Proposed amendment to Chap 15 of Charter relating to Bd of Estimate & Taxation, adding a new Section 13 relating to funding for professional sports facilities.

CITY CLERK/SPECIAL PERMITS
(262923)

2nd Av SE, 709 (Mohsen Dessouki) waive full basement requirement; 3rd Av S, 3349 (Southside Neighborhood Housing) move a house; 17th St N, 88 (Thomas J Green) temp signs; 43rd & Upton Avs S area (Linden Hills Business Assn) close streets; Broadway W, Dupont, Bryant Av N area (Stanford Robinson) tent; Garfield Av S, 3105 (Lyndale Neighborhood Dev Corp) move a house; Washington Av S prkg lots (MN Vikings) tailgating.

FINANCE DEPARTMENT (262924)

Comprehensive annual financial report, 1996.

FINANCE DEPARTMENT (262925)

Investment Management System and Reconciliation report through May 31, 1997.

FINANCE DEPARTMENT (262926)

Schedule of Self-Supporting Revenue Bonds & Schedule of General Obligation Bonded Debt for 6/30/97.

LIBRARY, MINNEAPOLIS PUBLIC
(262927)

Library Board's Comprehensive Annual Financial Report for the year ended December 31, 1996.

NORTHERN STATES POWER (NSP)
(262928)

Utilities: Auth place poles at various locations.

**REPORTS OF
STANDING COMMITTEES**

The **CLAIMS** Committee submitted the following report:

CLAIMS – Your Committee recommends that the following claims filed against the City by the following individuals be settled as follows:

FUND/ORG

690-150 Francis Melchow, authorize an additional \$8,000 (up to a new claim total of \$20,000), for medical expenses only; Sarah Hendry, \$2,828.71 and car rental expenses; Richard Marshall, \$3,921.08; Premier Preferred, \$3,644.05.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **COMMUNITY DEVELOPMENT** Committee submitted the following report:

Comm Dev – Your Committee recommends confirmation of the Mayor’s appointment of Cornell Moore, 2727 Dean Parkway, Ward 7, to the Public Housing Authority Board of Directors to fill the unexpired term of Alfred Babington Johnson. The term will expire December 31, 1997. (Petr No 262881)

Adopted. Yeas, 13; Nays, none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

IGR – Your Committee recommends passage of the accompanying Resolution affirming employees’ rights to form or join a union.

RESOLUTION 97R-183
By Rainville, Dziedzic,
Campbell, Cherryhomes,
Thurber, Schulstad, Niland,
Biernat, Scott, Herron,
McDonald and Mead

Affirming employees’ rights to form or join a union.

Whereas, federal law protects employees’ rights to form or join a union; and

Whereas, many employers interfere with employees’ efforts to exercise their right to unionize by threatening to close their facilities, to fire union activists, to otherwise retaliate against them, or in some cases, by carrying out these threats; and

Whereas, many employers engage in vigorous campaigns against their employees’ efforts to unionize when the decision is properly one for the workers to make themselves; and

Whereas, as a result of employers’ intrusion into their employees’ decision, employees are often deprived of an opportunity to choose a union free from intimidation or coercion; and

Whereas, employers often stall or delay the proceedings before the National Labor Relations Board (NLRB) which are intended to allow employees an expeditious means of selecting a union to represent them; and

Whereas, unions provide employees with a voice on the job, encourage job innovation, and productivity growth; and

Whereas, unionized employees generally earn more than their non-union counterparts and contribute to the economic vitality of our communities; and

Whereas, unions have contributed to the growth of democracy, the well-being of America’s working families, and our communities generally;

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

That the City Council supports the efforts of working people in the community who seek to unionize and better their conditions of employment.

Be It Further Resolved that the City Council calls on all employers within the community to provide employees the opportunity to choose whether to unionize or not, in an atmosphere that is free from intimidation or coercion.

Be It Further Resolved that to that end, the City Council calls on all employers to remain neutral as their employees’ decision is made and to clearly communicate to employees that the employer is neutral on their choice and will deal fairly with any union they may select.

Be It Further Resolved that the City Council calls on all employers to abide by their employees’ decision to be represented by a union by engaging in card-check elections and thereby avoiding the delays and legal maneuverings that accompany NLRB election processes.

Adopted. Yeas, 12; Nays none.
Declining to Vote – Minn.
Passed July 11, 1997. J. Cherryhomes,
President of Council.
Approved July 17, 1997. S. Sayles Belton,
Mayor.
Attest: S. Ristuben, Asst City Clerk.

IGR & T&PW – Your Committee recommends passage of a Resolution supporting reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, as follows:

- a) Resolution passed by the IGR Committee.
 - b) Resolution passed by the T&PW Committee.
- Rainville moved to amend the report to approve the recommendation of the Intergovernmental Relations Committee and to delete the recommendation of the Transportation & Public Works Committee. Seconded.
Adopted by unanimous consent.
The report, as amended, was adopted.

RESOLUTION 97R-184
By McDonald, Rainville,
Dziedzic, Campbell,
Cherryhomes, Thurber,
Minn, Biernat, Schulstad,
Niland, Mead,
Scott and Herron

Supporting reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA).

Whereas, the Intermodal Surface Transportation Efficiency Act (ISTEA), as enacted in 1991, embodied principles of the greatest potential benefit to fully developed portions of urban areas by emphasizing preservation before new construction and metropolitan-based planning for transportation; and

Whereas, ISTEA has served Minneapolis well by providing funding for transit improvements, pedestrian facilities, bicycle trails and lanes, projects and programs that improve air quality and reduce congestion, and projects for rehabilitation of transportation-related historic structures; and

Whereas, transit riders and bicyclists are among the most underserved groups of transportation users in Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:
That it supports reauthorization of ISTEA without major policy changes.

Be It Further Resolved that it supports continued retention of federal set-asides at higher than current funding levels for Enhancements, Congestion Mitigation and Air Quality (CMAQ), Bridge and Safety funds and requests the Minnesota Department of Transportation (MnDOT) to support this position.

Be It Further Resolved that it urges MnDOT to withdraw support for STEP-21 and to also seek to secure equitable transit funding in addition to equitable highway funding for Minnesota and the metropolitan area, as part of ISTEA reauthorization.

Be It Further Resolved that it urges Minnesota Congressmen and Senators, and Governor Carlson, to support reauthorizing ISTEA, consistent with the goals listed below:

- 1) no wholesale revision of ISTEA;
- 2) continued federal set-asides for CMAQ and Enhancements programs within ISTEA;
- 3) make maintenance and preservation of existing infrastructure the highest priority;
- 4) more state flexibility in use of funds; and
- 5) increased level of funding for non-single occupant vehicle modes of transportation and transit.

Adopted. Yeas, 13; Nays none.
Passed July 11, 1997. J. Cherryhomes,
President of Council.
Approved July 17, 1997. S. Sayles Belton,
Mayor.
Attest: S. Ristuben, Asst City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS – Your Committee recommends granting the following applications for liquor, wine and beer licenses:

Off-Sale Liquor, to expire July 1, 1998

Falyce A Sentyrz, dba Sentyrz Liquors & Supermarket, 1612 NE 2nd St, 1st floor;

Michalaur, LLC, dba Hum's Liquor Store, 2126 Lyndale Av S;

Kick's Liquor Store, Inc, dba Broadway Liquor Outlet, 2201 W Broadway;

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 1998

I & E, Inc, dba Bunker's, 761 Washington Av N, 1st floor;

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 1998

Third St North, Inc, 106 N 3rd St, new business;

Sirian Enterprises, dba Lees Liquor Bar, 101 Glenwood Av;

On-Sale Liquor Class C-1, with Sunday Sales, to expire July 1, 1998

Westbank Productions Company, LLC, dba 400 Bar, 400 Cedar Av, temporary expansion of premises, Cedarfest, 8/17/97, 9AM-10PM;

Minneapolis Cafe, LLC, dba Minneapolis Cafe, 1110 Hennepin Av, new business;

Westbank Productions Company, LLC, dba 400 Bar, 400 Cedar Av;

Little Wagon Company, Inc, dba Little Wagon, 418 S 4th St;

On-Sale Liquor Class C-2, with Sunday Sales, to expire July 1, 1998

Hubert's, Inc, dba Hubert's Bar & Grill, 601 Chicago Av;

On-Sale Liquor Class D with Sunday Sales, to expire July 1, 1998

Convertible Tommys' Ltd, dba Convertible Tommys' Cafe, 1032 3rd Av NE, temporary expansion of premises & temporary outdoor entertainment, 6/28/97, 1PM-10PM;

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 1998

M A Corporation, dba Sully's Pub & Hamburger Joint, 2519 Central Av NE, change in ownership from Innsbruck Inn, Inc;

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 1997

Kour, Inc, dba Jacob's 101 Bar & Cafe, 101 NE Broadway St, temporary expansion of premises, 6/27-6/28/97, 5-10PM;

Mill Inn, Inc, dba Mill Inn, 515 Washington Av S, temporary expansion of premises, 7/4-7/6/97, 10AM-1AM;

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 1998

Buca (DT Minneapolis), Inc, dba Buca di Beppo, 11 S 12th St;

Kour, Inc, dba Jacob's 101 Restaurant, 101 Broadway St;

Bill Bass, Inc, dba Runyon's, 107 Washington Av N;

200 Club Inc, dba 200 Club, 200 W Broadway; Campus Club of the U of M, Inc, dba Campus Club, 300 Washington Av SE;

Woman's Club of Minneapolis, dba Woman's Club of Minneapolis, 410 Oak Grove St;

Cuzzy's, Inc, dba Cuzzy's Grill & Bar, 507 Washington Av N;

510 Groveland Associates, MN Cooperative, dba 510 Restaurant, 510 Groveland Av;

Blondie's on the Avenue, Inc, dba Blondie's, 629 Cedar Av;

Parker Investments, Inc, dba Northeast Yacht Club, 801 Marshall St;

Temporary On-Sale Liquor, to expire March 31, 1998

Basilica of St. Mary, dba Basilica Block Party, 88 N 17th St, Licensed Facilitator: Atrium Catering International, 7/11-7/12/97, 5-10:30PM;

On-Sale Wine Class E with Strong Beer, to expire April 1, 1998

D & D of Minnesota, Inc, dba Famous Dave's BBQ Shack, 4264 Upton Av S, new business;

Off-Sale Beer, to expire April 1, 1998

Monite, Inc, dba Old Colony, 1624 Washington Av N, new proprietor;

Temporary On-Sale Beer

Minneapolis Downtown Council, dba Ribfest, 81 S 9th St, 7/27/97, 11AM-8PM, Ritz Block, 4th St & Nicollet Mall; and

St. Maron Catholic Church, 219 6th Av NE, 8/17/97, 11AM-7PM.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS – Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of July 11, 1997, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 262889):

Building Contractor Class A; Building Contractor Class B; Cement Finisher; Contractor/ Masonry Class A; Contractor/ Masonry Class B; Dancing School; Dry-Wall Contractor; Special Late Night Entertainment; Fire Extinguisher Class A; Sidewalk Flower Cart Vendor; All Night Special Food; Caterers; Food Distributor; Grocery; Food Cart, Indoor; Food Manufacturer; Mobile Food Vendor; Restaurant Drive-In; Restaurant; Short-Term Food Permit; Seasonal Short-Term Food Establishment; Sidewalk Cafe Permit; Gasoline Filling Station; Musical Juke Box; Lodging House; Motor Vehicle Dealer – Motorcycles; Motor Vehicle Dealer – New & Used; Motor Vehicle Dealer – Used Only; Motor Vehicle Dealer – Additional Lots; Motor Vehicle Wholesaler; Commercial Parking Lot Class A; Peddler – Foot; Pet Shop; Plasterer; Second-Hand Goods Dealer – Exhibition; Solicitor

- Individual; Taxicab Limited; Taxicab Vehicle; Tobacco Dealers; Tradesman-Combination; Tree Servicing; & Wrecker of Buildings Class A.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS – Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Exempt

Jewish Family & Children’s Service, 1500 S Highway 100, Golden Valley, raffle, at Minneapolis Convention Center, 12/6/97;

Wilderness Inquiry, 1313 SE 5th St, raffle at University Technical Center, 1313 SE 5th St, 11/15/97; and

Neighborhood Involvement Program, Inc, 2431 Hennepin Av, raffle at Regal Minneapolis Hotel, 1313 Nicollet Mall, 7/31/97.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS – Your Committee, having under consideration the application of RCI Entertainment (MN), Inc, dba Rick’s Cabaret, 300 S 3rd St (new business), for an On-Sale Liquor Class A with Sunday Sales License to expire January 1, 1998, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances, as more fully set forth in Petn No 262890 on file in the Office of the City Clerk and made a part of this report by reference, and further subject to the following conditions requiring said licensee to provide the following:

1) executed, pertinent closing documents to Licenses and Consumer Services in the form, as submitted, within 3 days of closing.

2) full documentation of funding source, as proposed by the applicant, and full documentation of actual cost of the project.

3) a signed agreement relating to adult entertainment activities.

Biernat moved to amend the report to add the following condition:

“4) that dancers must be employees, not independent contractors.” Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 9; Nays, 3 as follows:

Yeas – McDonald, Mead, Scott, Herron, Rainville, Dziedzic, Thurber, Campbell, Cherryhomes.

Nays – Minn, Biernat, Niland.

Declining to Vote – Schulstad.

Passed July 11, 1997.

NOT APPROVED BY THE MAYOR.

Attest: S. Ristuben, Asst City Clerk.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss.
CITY OF MINNEAPOLIS)

I, STEVEN J. RISTUBEN, Assistant City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that a report of the Public Safety & Regulatory Services Committee relating to the application of RCI Entertainment (MN), Inc, dba Rick’s Cabaret for an On-Sale Liquor Class A with Sunday Sales License, as acted upon by the City Council of Minneapolis, Minnesota, and designated as “Not Approved by the Mayor”, for her approval and signature as such Mayor; that Mayor Sayles Belton did not thereafter, within five days, Sundays excepted, approve or sign such action within the time specified.

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the City Charter, said action has become and is valid, and I hereby certify that it has the same force and effect as if approved by said Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 18th day of July, 1997.

STEVEN J. RISTUBEN,
Assistant City Clerk.

PS&RS – Your Committee, having under consideration a Request for Proposals (RFP) for the State-funded 1998-1999 Maternal and Child Health (MCH) Special Project competitive grants, and having verified the Permanent Review Committee has reviewed the RFP for conformance with City policies, now recommends approval to issue an RFP to government or 501(C)3 non-profit agencies to provide community health services, in the amount of \$680,000, to be administered

through and payable from Federal Grants Fund – Health Department Agency – Contracts Management (030-440-4413).

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 11, 1997. J. Cherryhomes, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published July 15, 1997)

PS&RS – Your Committee recommends that the proper City officers be authorized to execute Amendment #3 to Contract #3834 with the Federal Bureau of Investigation (FBI) for the City to assign 1 police officer to the Fugitive Task Force, for investigation and prosecution of persons involved in federal crimes, for the period from October 1, 1997 through September 30, 1998, with overtime to be reimbursed by the FBI, at a monthly allocation rate not to exceed \$726.81.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS – Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Contract #3786 with the Federal Bureau of Investigation (FBI) to assign 1 police officer to the Safe Streets Task Force (Violent Crime Strike Force), for the period from October 1, 1997 through September 30, 1998, with overtime to be reimbursed by the FBI at a monthly allocation rate not to exceed \$726.81.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS – Your Committee recommends approval to hold a fireworks display at the Minikahda Club, 3205 Excelsior Blvd, on July 4, 1997 from 10-10:20PM.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS – Your Committee recommends concurrence with the recommendation of the

Mayor to reappoint Lucille Anderson, 1414 Laurel Av, Ward 5, to serve on the Civilian Police Review Authority (CPRA) for a 4-year term to expire June 30, 2001.

Biernat moved that the report be postponed.

Seconded.

Adopted upon a voice vote.

PS&RS – Your Committee recommends concurrence with the recommendation of the City Council to reappoint the following persons to serve on the Citizens Environmental Advisory Committee (CEAC) for 2-year terms expiring December 31, 1998:

a) David Byfield, 1715 Knox Av S, Ward 7, Demonstrated Technical Environmental Expertise (PEER Environmental);

b) Walker Smith, 3625 22nd Av S, Ward 9, Demonstrated Technical Environmental Expertise (Minnesota Pollution Control Agency); and

c) Thomas A. Dicks, 2789 Xerxes Av S, Ward 7, Industry Representative Having Environmental Impact (Small Business Administration).

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS – Your Committee recommends concurrence with the recommendation of the City Council to reappoint the following persons to the Cement Finishers Examining Board for 3-year terms to expire November 30, 1999:

a) Robert Malark, 306 4th St NE, Ward 3, Journeyman Cement Finisher;

b) Larry Vee, 501 Westby Dr NE, Spring Lake Park, Business Representative for Cement Finishers Local 633, 312 Central Av SE, Ward 5;

c) Donald H. Olson, 2183 Holly Av N, Oakdale, Structural Engineer; and

d) Donald Neeck, 8321 Knollwood Drive, Moundsview, Master Cement Finisher Contractor.

Your Committee further recommends that the residency requirement be waived, pursuant to Chapter 14, Section 14.180(m)(3) of the Minneapolis Code of Ordinances which allows a waiver for persons providing a unique and special benefit to the City.

Your Committee further recommends reappointment of Paul Langlais, Building Inspector, as the Inspections Division designee to said Board.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas – McDonald, Mead, Scott, Schulstad, Herron, Rainville, Dzedzic, Thurber, Campbell, Biernat, Niland, Cherryhomes.

Nays – Minn.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS – Your Committee, having under consideration security staffing for the 1997 Aquatennial Block Party, now recommends approval of the proposed staffing plan that would reduce the commitment of on-duty police officers to 111.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS – Your Committee, having under consideration the following properties creating nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having determined that rehab of said properties is not feasible, and having received Findings of Fact, Conclusions and Recommendations arising from a Public Safety & Regulatory Services Committee hearing thereon, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference, now recommends that the proper City officers be authorized to raze the following properties:

- a) 329 31st Av N – W 40' of Lots 13 & 14, Block 11, Morrison's Addition; and
- b) 416 22nd Av N, Lot 13 & E 20' of Lot 14, Block 2, Nickels and Smith's Addition.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS – Your Committee, having conducted an Evidentiary Hearing on June 20, 1997 to consider evidence relating to the Pool Hall License held by Hayden Billiards, 251 Third Av S, and having received Findings of Fact, Conclusions and

Recommendations arising from said Evidentiary Hearing held thereon, now recommends adoption of the Hearing Panel recommendation to revoke said Pool Hall License, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS – Your Committee recommends granting the following application for a gambling license, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling – Lawful Class B

Gay & Lesbian Community Action Council, 310 E 38th St, #204, site: Gay 90's Bar, 408 Hennepin Av.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 11, 1997. J. Cherryhomes, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published July 15, 1997)

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget – Your Committee, having under consideration two grant awards relating to the Minnesota Auto Theft Prevention Program, now recommends acceptance of said grants, to increase auto theft crime prevention and investigation efforts, in the amount of \$72,800 for Precinct #4 and \$49,903 for Community Crime Prevention/Safety for Everyone (CCP/SAFE), with no local match required for either grant.

Your Committee further recommends passage of the accompanying Resolutions:

a) increasing the Police Department appropriation and revenue estimate by \$72,800; and

b) increasing the Police Department appropriation and revenue estimate by \$49,903.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-185
By Biernat and Campbell

Amending The 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (060-400-E003) by \$72,800 and increasing the Police Department Agency revenue estimate in the Grants – Other Fund (060-400-E003-Source 3215) by \$72,800.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997. J. Cherryhomes, President of Council.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-186
By Biernat and Campbell

Amending The 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (060-400-P402) by \$49,403 and increasing the Police Department Agency revenue estimate in the Grants – Other Fund (060-400-P402-Source 3215) by \$49,403.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997. J. Cherryhomes, President of Council.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a grant agreement with the United States Department of Justice to provide COPS More grant funds for acquisition of new computer technology to support basic in-squad street patrol functions by computer instead of radio, in the amount of \$501,804, with a local match of \$167,281, payable from the Special

Revenue Fund – Police Department Agency – Seizures (210-400-C400).

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation and revenue estimate for the Police Department Agency by \$501,804.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-187
By Biernat and Campbell

Amending The 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Federal Grants Fund (030-400-B001) by \$501,804 and increasing the Police Department Agency revenue estimate in the Federal Grants Fund (030-400-B001-Source 3210) by \$501,804.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997. J. Cherryhomes, President of Council.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a grant agreement with the Minnesota Department of Children, Families and Learning, Office of Drug Policy and Violence Prevention, to provide funds for youth-focused crime prevention through after-school and summer athletic activities for persons from 7-18 years of age, for the period from January 1, 1997 through December 31, 1997, in the amount of \$75,000 (with the Police Athletic League to receive \$30,000 and the Youth Coordinating Board and the Minneapolis Public Schools to receive \$45,000). Your Committee further recommends that the proper City officers be authorized to execute a sub-grant agreement with the Youth Coordinating Board, in the amount of \$45,000.

Your Committee further recommends passage of the accompanying Resolution increasing the

Police Department Agency in the Federal Grants Fund by \$75,000.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

**RESOLUTION 97R-188
By Biernat and Campbell**

Amending The 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

a) increasing the appropriation for the Police Department Agency in the Federal Grants Fund (030-400-A007) by \$30,000 and increasing the Police Department Agency revenue estimate in the Federal Grants Fund (030-400-A007-Source 3210) by \$30,000; and

b) increasing the appropriation for the Police Department Agency in the Federal Grants Fund (030-400-B101) by \$45,000 and increasing the Police Department Agency revenue estimate in the Federal Grants Fund (030-400-B101-Source 3210) by \$45,000.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997. J. Cherryhomes, President of Council.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS & W&M/Budget – Your Committee recommends approval to submit a grant application to the United States Department of Justice, Bureau of Justice Assistance, for the 1997 Local Law Enforcement Block Grant to expand community-oriented policing programs and initiatives and to enhance operational capabilities of the Police Department, in the amount of \$1,667,604, with a required local match of \$185,289 (which will be payable from Seizure funds and/or Community Development Block Grant funds).

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 11, 1997. J. Cherryhomes, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published July 15, 1997)

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with the University of Minnesota to conduct a Community Health Assessment Survey, an initiative to evaluate and improve the health of area residents, for the period from June 1, 1997 through March 31, 1998, in the amount of \$285,000, payable from the Health Department Agency – Assessment Policy & Assurance, with \$135,000 to be payable from the General Fund (010-440-4412) and \$150,000 to be funded by Hennepin County and payable from the Grants – Other Fund (060-440-4412).

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Patricia Hughes, Executive Director of the Civilian Police Review Authority (CPRA), extending the current contract through December 31, 1997 to provide adequate time for CPRA redesign recommendations and budget considerations to be completed.

Biernat moved to amend the report to delete the language, “extending the current contract.”

Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 11; Nays, none.

Declining to Vote – Schulstad, Minn.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW – Your Committee, having considered the special assessment deferment application (Senior Citizen) submitted by Edith Fleisher to defer a sidewalk special assessment (Levy 01052, Project 9501) in the principal amount of \$352.21 for payable 1997 and subsequent years on the property at 3702 40th St W, PID 08-028-24-22-0053, now recommends that the application be approved as provided for in Minnesota Statutes,

Sections 435.193 to 435.195 and Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 11, 1997. J. Cherryhomes, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk
(Published July 15, 1997)

T&PW – Your Committee recommends passage of the accompanying Resolution rescinding Resolution 95R-021 entitled “establishing a Transportation Chapter Advisory Committee to assist in the completion of a Revision to the Transportation Chapter of the City’s official Comprehensive Plan”, passed January 27, 1995.

Mead moved that the report be referred back to the Transportation & Public Works Committee. Seconded.

Adopted upon a voice vote.

T&PW – Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals to solicit traffic engineering services related to traffic issues on West 50th Street between Lyndale and France Avs in regard to traffic calming, parking and pedestrians in the Fulton and Lynnhurst Neighborhoods, in conjunction with its approved Neighborhood Revitalization Program (NRP) First Step Plans.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee, having under consideration construction plans for E 26th St betw Hiawatha and Minnehaha Avs S, now recommends passage of the accompanying Ordinance establishing a No Parking Zone, in accordance with the design criteria as required by the Minnesota Department of Transportation.

ORDINANCE 97-Or-060

By Dziedzic

1st & 2nd Readings: 7/11/97

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.

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

Section 1. That Section 478.590 of the above-entitled ordinance be amended by adding thereto the following No Parking Zone:

No. 6624 – Both sides of E 26th St betw Hiawatha Av S and Minnehaha Av S (No Parking Anytime).

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997. J.Cherryhomes, President of Council.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee, having under consideration the design and construction of bicycle paths, lanes and greenways in the City of Minneapolis, now recommends approval of the amended Five-Year Bicycle Plan, as shown on the maps set forth in Petn No 262901 on file in the Office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee, having under consideration a request from the Minneapolis Aquatennial Association to name an area located along W River Rd northerly of W Broadway as Aqua Park, which is green space managed by the Department of Public Works, now recommends that the site be named Aqua Landings, subject to the following conditions:

a. the Aquatennial Association shall provide assistance in the cleanup of the area by coordinating volunteers to clean up on a monthly basis;

b. the area will remain under the jurisdiction of the Department of Public Works; and

c. by issuance of the name Aqua Landings, the Aquatennial Association is given no rights or privileges other than the naming reference.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee reports that, in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the establishment of

street lighting districts (said Chapter 431 defining such street lighting district as an area wherein lighting in excess of minimum street lighting is provided and further providing that the City's costs over and above said minimum lighting shall be paid by the benefited property owners), the City Engineer has presented to your Committee the details required by said Chapter 431 in connection with proposed Street Lighting District No 1232 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated generally as 4th Av S from Lake to 31st Sts E and Lake St E from 2nd to Portland Avs S (4th Av S and Lake St E Sidewalk and Street Lighting Project).

A summary of the facts relative to this assessment is as follows:

Number of assessable parcels in said district – 41; Total assessable frontage in feet – 3,540.8; Annual cost per foot (Lake St E) – \$1.79; Annual cost per foot (4th Av S) – \$0.49.

Your Committee recommends that if there should be an increase in the cost of street lighting in the future, that the increased cost be reflected in the assessment.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation & Public Works Committee on July 31, 1997, in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances, to consider the establishment of said proposed Street Lighting District No 1232.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee, having considered the Fleet Utilization Study recommendations during calendar year 1996, now recommends that the proper City Officers be authorized to increase the consultant contract with David M Griffith and Associates, in the amount of \$55,000 for a total amount not to exceed \$303,000, payable from PW – Equipment (610-675-6752); and extend the contract date to April 1, 1998, to assist the Public Works Department in completion of the following recommendations:

a. development of options to out-source the parts procurement and distribution in the Equipment Services Stockroom; and

b. analysis and clarification of shop staffing issues, including the number of shop employees after the fleet is updated and facilities completed.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee, having under consideration the Loring Park Landscaping Project which provides for landscaping along the north side of I-94 between Nicollet Av and 1st Av S in the Loring Park Neighborhood, now recommends that the proper City Officers be authorized to execute a Landscape Partnership Permit and Agreement with the Minnesota Department of Transportation (MnDOT) setting forth the responsibilities for said landscaping, to include the following:

a. the Department of Public Works shall purchase planting materials, estimated at \$7,000, from budgeted funds, which will be reimbursed by MnDOT;

b. the planting materials will be planted by neighborhood volunteers under the supervision of MnDOT;

c. plantings will be maintained by the City;

d. MnDOT shall retain its right to use the property for highway and transportation purposes. The City shall assume all liability for and hold harmless and indemnify the State of Minnesota, its Department of Transportation, its Commissioner of Transportation, and its employees from liabilities and claims of damage because of bodily injury, death, property damage, sickness, disease, or loss and expense arising from the City and volunteer operations on lands over which this permit and agreement is granted.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee recommends granting the application of Cynthia Ottinger for a Special Boulevard Permit to pave with concrete the boulevard between the sidewalk and street at 122 W Franklin.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee recommends granting the application of Asmaa Elsawaf, 748 Quincy St NE, for a Special Boulevard Permit to landscape the boulevard areas along the 700 block of Quincy St NE and the 800 block of Summer St NE as part of a block beautification project.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee, having under consideration the Seventeenth Street Overlook, Phase 2 Project in the Stevens Square – Loring Heights Neighborhood, which includes a pedestrian sidewalk and plaza along the south side of I-94 betw LaSalle Av and 3rd Av S, now recommends approval of plans and specifications for the project, and authorizes the proper City Officers to advertise for bids to commence construction in the fall of 1997.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee, having under consideration issues and concerns which have arisen in connection with the proposal to relocate the Greyhound/Jefferson Bus Terminal to the Leamington Municipal Transit Hub site, now recommends the following:

a. that staff be directed to eliminate the Leamington site from any further consideration for said use, either on a permanent or temporary basis;

b. that staff be directed to further explore the possibilities for a modern terminal at the existing Greyhound/Jefferson depot site at Hawthorne, 1st Av N and 9th St N; and

c. that staff be directed to report back to Committee on August 14, 1997 with either a proposal, update and/or any additional options for consideration by the City Council.

Campbell moved to divide the report so as to consider separately that portion relating to item “a”. Seconded.

Adopted by unanimous consent.

Campbell moved adoption of the balance of the report. Seconded.

Adopted. Yeas, 12; Nays none.

Absent – Niland.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee, having under consideration issues and concerns which have arisen in connection with the proposal to relocate the Greyhound/Jefferson Bus Terminal to the Leamington Municipal Transit Hub site, now recommends the following:

a. that staff be directed to eliminate the Leamington site from any further consideration for said use, either on a permanent or temporary basis.

Adopted. Yeas, 9; Nays, 4 as follows:

Yeas – McDonald, Minn, Scott, Schulstad, Rainville, Dziedzic, Thurber, Biernat, Cherryhomes.

Nays – Mead, Herron, Campbell, Niland.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget – Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No 262905):

a) OP #4659, low bid submitted by Total Construction & Equipment, Inc., in the amount of \$1,767,000, for furnishing and delivering all equipment, materials, labor, supervision, construction tools, construction services and incidentals necessary for the installation of pumps and motors for the Public Works Water Department as follows:

Pump Station No 4: Install Pump Nos 51 and 52;

Pump Station No 5: Install Pump Nos 19, 20, 21, 48, 49 and 50;

Pump Station No 6: Relocate Pump Nos 38 and 39.

b) OP #4655, low bid meeting specifications submitted by Sutphen Corporation, in the amount of \$463,462, for furnishing and delivering a telescopic ladder fire apparatus and chassis to the Public Works Equipment Services Division.

Your Committee further recommends that the proper City Officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget – Your Committee, having received a request for City paid parking in the Haaf Memorial Parking Ramp for two Public Works Transportation Division employees, now recommends that Rhonda Rae be authorized to receive paid parking, effective June 1, 1997; and that Gary Criter be authorized to continue receiving paid parking, effective May 1, 1997.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to install an experimental “Share the Road” Bicycle facility, with appropriate signage, on W 15th St betw Lyndale Av S and the I-35W extension into downtown, in conjunction with the Loring Park Neighborhood and 3-M Corporation. Your Committee further recommends passage of the accompanying Resolution appropriating \$23,050 to the PW – Transportation – Capital Agency to provide funds for the installation of said bike facility, to be reimbursed from Loring Park Neighborhood Revitalization Program (NRP) funds.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

**RESOLUTION 97R-189
By Dziedzic and Campbell**

**Amending The 1997 Capital Improvement
Appropriation Resolution.**

Resolved by The City Council of The City of
Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW – Transportation – Capital Agency in the Permanent Improvement Projects Fund (410-943-9440) by \$23,050 and

increasing the revenue source (410-943-9440 – Source 3845) by \$23,050.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997. J.Cherryhomes,
President of Council.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to install pedestrian crossing signs, flashers, handicap ramps and pavement striping at the intersection of W 44th St and Drew Av S in the Linden Hills Neighborhood.

Your Committee further recommends passage of the accompanying Resolution appropriating \$4,550 to the PW – Transportation – Capital Agency to provide funds for said pedestrian enhancements, to be reimbursed from Linden Hills Neighborhood Revitalization Program (NRP) funds.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

**RESOLUTION 97R-190
By Dziedzic and Campbell**

**Amending The 1997 Capital Improvement
Appropriation Resolution.**

Resolved by The City Council of The City of
Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW – Transportation – Capital Agency in the Permanent Improvement Projects Fund (410-943-9440) by \$4,550 and increasing the revenue source (410-943-9440 – Source 3845) by \$4,550.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997. J.Cherryhomes,
President of Council.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to install pedestrian crossing signs, handicap ramps and pavement striping at the

intersection of W 45th St and Upton Av S in the Linden Hills Neighborhood.

Your Committee further recommends passage of the accompanying Resolution appropriating \$980 to the PW – Transportation – Capital Agency to provide funds for said pedestrian enhancements, to be reimbursed from Linden Hills Neighborhood Revitalization Program (NRP) funds.

Minn moved that the report be referred back to the Transportation & Public Works and Ways & Means/Budget Committee. Seconded.

Adopted upon a voice vote.

T&PW & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to execute a contract with Walker Parking Consultants to provide City certification inspections, structural condition appraisals and other on call structural engineering consulting services at the Municipal Parking Facilities. The contract term shall be for a total of five years and the total expenditures will not exceed \$40,000 per year for these services, payable from PW – Transportation (750-685-6892).

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals for engineering and architectural services for the design and construction management of Pump Station No 9, to be located at One – 37th Av NE, as set forth in Petn No 262906 on file in the Office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration a request to install temporary traffic circles to calm traffic at four intersections in the St. Anthony West Neighborhood, pending receipt of traffic calming test petitions, now recommends that the proper City Officers be authorized to install temporary traffic circles until May 1998 at the intersections of 8th Av NE and 4th St NE; 8th Av SE & 5th St

NE; and 7th Av NE and Washington/Summer Sts NE.

Your Committee forwards without recommendation the installation of a four way stop sign at the intersection of 3rd Av NE and 5th St NE.

Your Committee further recommends passage of the accompanying Resolution appropriating \$6,000 to the PW – Transportation – Capital Agency to provide funds for said traffic installations, to be reimbursed from St. Anthony West Neighborhood Revitalization Program (NRP) funds.

Dziedzic moved to amend the report by deleting the language “forwards without recommendation” in the second paragraph and inserting in lieu thereof “recommends approval of”. Seconded.

Campbell moved a substitute motion to divide the report so as to consider separately that portion relating to the four way stop sign at 3rd Av NE & 5th St NE. Seconded.

Adopted by unanimous consent.

Campbell moved that the separated portion of the report be referred back to the Transportation & Public Works Committee. Seconded.

Adopted upon a voice vote.

Campbell moved adoption of the balance of the report. Seconded.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

**RESOLUTION 97R-191
By Dziedzic and Campbell**

**Amending The 1997 Capital Improvement
Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW – Transportation – Capital Agency in the Permanent Improvement Projects Fund (410-943-9440) by \$6,000 and increasing the revenue source (410-943-9440 – Source 3845) by \$6,000.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed July 11, 1997. J. Cherryhomes,
President of Council.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget – Your Committee, having received an update report on the Shortblock Midblock Lighting Program, with 1200 lighting units having been installed during 1997, now recommends that the proper City Officers be authorized to continue implementation of the Program and install approximately 1800 additional units to complete the system during calendar year 1997.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration the testing of traffic calming devices in the Lowry Hill Neighborhood, now recommends that the proper City Officers be authorized to change some of the in place elements along Douglas and Logan Avs, and expand the test to install speed tables along with a raised crosswalk, as well as removing a number of traffic circles along Douglas Av.

Your Committee further recommends passage of the accompanying Resolution appropriating \$14,000 to the PW – Transportation – Capital Agency to provide funds for said traffic management tests, to be reimbursed from Lowry Hill Neighborhood Revitalization Program (NRP) funds.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-192
By Dziedzic and Campbell

Amending The 1997 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW – Transportation –

Capital Agency in the Permanent Improvement Projects Fund (410-943-9440) by \$14,000 and increasing the revenue source (410-943-9440 – Source 3845) by \$14,000.

Adopted. Yeas, 13; Nays none.

Passed July 11, 1997. J. Cherryhomes,
President of Council.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget – Your Committee recommends that the proper City officers be authorized to accept and enter into a funding agreement for a National Park Service grant in the amount of \$22,500 from the Metropolitan Council. Said grant funds shall be used to consider amendments to the *Minneapolis Mississippi River Corridor Critical Area Plan*.

Your Committee further recommends passage of the accompanying resolution increasing the Planning Department appropriation by \$22,500 recognizing the receipt of said grant.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-193
By Campbell

Amending The 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Planning Department Agency in the Grants – Federal Fund (030-380-3820) by \$22,500.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997. J. Cherryhomes,
President of Council.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee recommends that the Minneapolis Telecommunications Network

(MTN) be authorized to negotiate and execute sale of the MTN conduit on the Stone Arch Bridge to Sterling Technology Systems, pending receipt and approval of the following documents called for by the City Attorney:

- a) Title opinion showing that MTN has clear title to the conduit;
- b) Consent from Paragon Cable to the sale, or an opinion from MTN as to whether or not the proposed sale violates any agreements that MTN has with Paragon;
- c) A letter from Sterling Technology Systems and MTN stating that they will hold harmless, indemnify, and defend the City in the event of any lawsuit or cause of action arising as the result of the City's approval of the sale.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget – Your Committee recommends that the lawsuits filed against the City by the following individuals be settled as follows:

690-150 Linda Riemenschneider and Martin Montilino, her attorney, \$5,000; Carl Edwardson and Wilbur W. Fluegel, his attorney, \$16,000; and Glenda Sales and Paige J. Donnelly, her attorney, \$46,500.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to extend the City's existing contract with the Minnesota Citizens Council on Crime and Justice (Citizens Council) for a ten-month period, through February 28, 1998, continuing the Citizens Council's services to the City of gathering information from crime victims to be used for prosecution purposes. Contract terms and costs shall remain the same, at a monthly rate of \$15,334, payable from the City Attorney's Office budget.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Grant Contract #1000-56 with the Minnesota Department of Public Safety, extending the grant period to September 30, 1997 in order to allow the Central Neighborhood to complete planned Weed & Seed Program activities.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997.

Approved July 11, 1997. J. Cherryhomes, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published July 15, 1997)

W&M/Budget – Your Committee recommends that the proper City officers be authorized to enter into a contract with the Minneapolis American Indian Center for their receipt of Phillips Neighborhood Revitalization Program (NRP) funds in the amount of \$7,725 to be used to provide support services to Phillips residents who need help in seeking or retaining employment. The period of the contract shall be May 1, 1997 through December 31, 1998, payable from Neighborhood Services (060-860-8600).

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to enter into a Master Agreement with the Minnesota Department of Economic Security to provide the mechanism for the City's receipt of funds under the Job Training Partnership Act (JTPA). Said master contract shall remain in place for the period of July 1, 1997 through March 31, 2000, during which time funds will be transmitted through the fund availability notice process.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to submit a Minnesota City Grants Plan to the State seeking grant funds to support operation of the City’s Curfew/Truancy Center, conduct an evaluation and fund follow-up support to youth served by the center.

Your Committee further recommends that the proper City officers be authorized to enter into a contract with the State to receive Minnesota City Grants Program funds in the amount of \$175,000.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to issue Fund Availability Notices (FAN) to the following organizations that will provide employment and training services to low-income adults whose children are participating in City employment programs:

Funds	Agency	Master		Amount	FAN#
		Contr #	Period		
060-860-8600	Anishinabe Council of Job Developers	10010	8/1/96 – 12/31/97	\$2,000	PR-1
060-860-8600	Mpls Urban League	10001	8/1/96 – 12/31/97	\$2,000	PR-1
060-860-8600	Pillsbury Neigh Servs	10007	8/1/96 – 12/31/97	\$2,000	PR-1
060-860-8600	HIRED	10009	8/1/96 – 12/31/97	\$2,000	PR-1

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to enter into a contract with Operation Resurrection, Inc. to provide \$10,000 from the Minneapolis Family Fund (060-860-8605), to be used to support Operation Resurrection’s grief and trauma counseling program for victims of violence and families of homicide victims.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget – Your Committee, having under consideration the award of a Certified Local Government (CLG) Grant to the City from the Minnesota Historical Society to be used to complete three to four local historic context studies, now recommends that the proper City officers be authorized to:

- a) Accept the CLG grant in the amount of \$21,200, with the understanding that \$9,000 is federal funding and \$12,200 is the City match (to be a combination of in-kind services and funds);
- b) Execute a grant agreement with the Minnesota Historical Society for the receipt of said funds; and
- c) Include the cash match funding of \$5,000 in the Planning Department’s proposed budget for 1998.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **WAYS & MEANS/BUDGET** and **ZONING & PLANNING** Committees submitted the following report:

W&M/Budget & Z&P – Your Committee, to whom was referred an ordinance amending Title 2 of the Minneapolis Code of Ordinances by adding a new Chapter 35 relating to the Long-Range Capital Improvement Program process, now recommends:

W&M/Budget – that said ordinance be forwarded without recommendation;

Z&P – that said ordinance be given its second reading for amendment and passage.

Campbell moved that the report be referred back to the Zoning and Planning Committee. Seconded.

Adopted upon a voice vote.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P – Your Committee, having under consideration the appeal filed by Betsy Mitchell from the decision of the Planning Commission approving a revision to the site plan submitted by Ryan Construction Company of Minnesota, for the Quarry Project (approved 11/8/96), to include an Arby's fast-food restaurant in the community-level retail shopping center proposed for the area bounded by Johnson St NE, 18th Av NE, Stinson Blvd, New Brighton Blvd and I-35W, now recommends that said appeal be granted.

Adopted. Yeas, 12; Nays none.

Absent – Schulstad.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P – Your Committee, having under consideration certain structures/buildings for heritage preservation (local designation), pursuant to Title 2, Chapter 34 of the Minneapolis Code of Ordinances relating to Administration: Heritage Preservation Commission, and having held a public hearing thereon, now recommends passage of the accompanying resolution designating the interior of the Pantages (Mann) Theater, 708 Hennepin Av, for heritage preservation.

RESOLUTION 97R-194
By Scott

Designating the interior of the Pantages (Mann) Theater, 708 Hennepin Av, for heritage preservation.

Whereas, the Minneapolis Heritage Preservation Commission had recommended to the City Council that the interior of the Pantages (Mann) Theater, 708 Hennepin Av, be designated for heritage preservation; and

Whereas, prior to such recommendation and in compliance with Section 34.40 of the Minneapolis Code of Ordinances, the Heritage Preservation Commission did refer the subject matter to the City Planning Commission for review and recommendation, such recommendation being made June 25, 1997, approving the designation; and

Whereas, the Zoning and Planning Committee of the City Council held a public hearing on July 1, 1997, with such due and proper notice as required by Section 34.50 of the Minneapolis Code of Ordinances;

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

That the interior of the Pantages (Mann) Theater, 708 Hennepin Av, is designated for heritage preservation and that the proper City Officers and the Heritage Preservation Commission are directed to comply with the provisions of Section 34.60 through 34.90 of the Minneapolis Code of Ordinances.

Adopted. Yeas, 12; Nays none.

Absent – Schulstad.

Passed July 11, 1997. J. Cherryhomes, President of Council.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P – Your Committee, to whom was referred an ordinance amending Title 21 of the Minneapolis Code of Ordinances, adding a new Chapter 582 relating to **Interim Ordinances: Moratorium on the establishment or expansion of surface parking lots in the Elliot Park neighborhood**, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

ORDINANCE 97-Or-061

By Scott

Intro & 1st Reading: 6/6/97

Ref to: Z&P

2nd Reading: 7/11/97

Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 582

relating to Interim Ordinances: Providing for a moratorium on the establishment or expansion of surface parking lots in Elliot Park.

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 582 to read as follows:

Chapter 582. Providing for a moratorium on the establishment or expansion of surface parking lots in Elliot Park.

582.10. Authority. Pursuant to Minnesota Statutes Section 462.355, Subd. 4, the city is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the city while the city or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the city has enacted Chapter 529 of the zoning code which governs the establishment of interim ordinances. The city declares that this interim ordinance is established pursuant to the aforementioned statute and city ordinance.

582.20. Findings and purpose. The City of Minneapolis is conducting a major revision of its comprehensive plan, zoning code and commercial zoning district regulations. One of the goals of the revision is to minimize land use conflicts. Another goal is to preserve and promote the reuse of existing significant and useful buildings.

The city council is concerned about the effects of the destruction of existing, useful buildings in order to create more surface parking lots in the Elliot Park area.

The city council is concerned that existing buildings which provide important contributions to the aesthetic and economic vitality of the Elliot Park area may be destroyed to add more surface parking lots which do not contribute to the welfare of the Elliot Park area in the same important ways as the existing buildings.

The city council is concerned that the current regulations governing the design and landscaping of surface parking lots are inadequate to protect the aesthetic quality of the Elliot Park area.

As a result of the important land use and zoning issues cited above, the city, through its planning department, will conduct studies for the

purpose of consideration of possible amendments to the comprehensive plan or official zoning controls to address the issues concerning the establishment or expansion of surface parking lots in the Elliot Park area. The city finds that this interim ordinance should be adopted to protect the planning process and the health, safety and welfare of the citizens.

582.30. Zoning study. The Elliot Park Surface Parking Study Area of the city, defined as the area bounded by 5th Street south from Chicago Avenue to Interstate 35W and south and west along Interstate 35W to Interstate 94 and Interstate 94 north to 12th Street and 12th Street east to Chicago Avenue and Chicago Avenue north to 5th Street, and as shown on the map contained in Petition Number 262916 on file in the office of the city clerk, is hereby declared to be an interim zoning study area with respect to the establishment or expansion of surface parking lots. The planning department is directed to commence a study of the effects of the establishment or expansion of surface parking lots within the study area and to propose such amendments to the comprehensive plan or official zoning controls that the planning department deems necessary.

582.40. Restrictions. For a period of one year from the date of final approval of this chapter, no building, construction, or demolition permit for a license for the establishment or expansion of any surface parking lot within the study area shall be allowed or granted by any city department. The city specifically reserves the right to extend this chapter for such additional periods as are necessary to complete the study, not exceeding a total additional period of eighteen (18) months.

582.50. Hardship. In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this interim ordinance may apply to the city council for a waiver of all or a portion of the applicable restrictions as provided for in Chapter 529 of the zoning code. A waiver may be granted where the city council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the planning process or the purposes for which the interim ordinance is enacted.

Adopted. Yeas, 12; Nays none.

Absent – Schulstad.

Passed July 11, 1997. J. Cherryhomes,
President of Council.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P – Your Committee, to whom was referred an ordinance amending Title 21, Chapter 593 of the Minneapolis Code of Ordinances relating to Interim Ordinances: Moratorium on the provision of off-site commercial parking spaces, not owned by the affected business, to satisfy parking requirements for new or changed uses in the B2S zoning district in Linden Hills Commercial District, extending the moratorium to November 26, 1997, and having held a public hearing thereon, now recommends that said ordinance be forwarded without recommendation.

Minn moved that the report be deleted.
Adopted upon a voice vote.

Z&P – Your Committee, having under consideration the petition of St. Croix Partners, LLC (#1197) to vacate 4th St SE between Bedford St and the Minneapolis/St. Paul boundary to allow site assembly for the future construction of the Hubbard Communications Center, now finds that said street is no longer needed for public travel and recommends concurrence in the recommendation of the Planning Commission that said petition be granted, subject to retention of easement rights by the City of Minneapolis, by passage of the accompanying resolution.

Adopted. Yeas, 12; Nays none.
Absent – Schulstad.
Passed July 11, 1997.
Approved July 17, 1997. S. Sayles Belton,
Mayor.
Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-195
By Scott

Vacating of 4th Street Southeast between Bedford Street and the Minneapolis/St. Paul boundary.

Resolved by The City Council of The City of Minneapolis:

That all that part of 4th Street Southeast, according to the plat of Prospect Park Third Division, Hennepin County, Minnesota, which lies East of the northerly extension of the westerly line of J. George Smith's Twin City Addition, said westerly line intersecting the most northerly corner of said Addition, and which lies West of the northerly extension of the east line of said J. George Smith's Twin City Addition, said east line also being the East line of Section 30, Township 29, Range 23, Hennepin County, is hereby vacated

except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to the City of Minneapolis: The southerly 30 feet and the westerly 50 feet of to be vacated 4th Street Southeast;

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations having utility facilities located within the area involved authorizing them to do so.

Adopted. Yeas, 12; Nays none.

Absent – Schulstad.

Passed July 11, 1997. J. Cherryhomes,
President of Council.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P – Your Committee recommends granting the following applications for special permits, notwithstanding the Zoning Code –

a) Basilica of St. Mary: Appl to display two beverage inflatables on the Basilica Block Party grounds on 7/11 and 7/12, 88 N 17th St (#1997-109);

b) Grand Prix of Minnesota: Appl to display one "Rainbow Foods" inflatable shopping cart on Grand Prix event grounds from 7/3 to 7/6, vicinity of Washington and Park Avs (#1997-113).

Adopted. Yeas, 12; Nays none.

Absent – Schulstad.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton,
Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P – Your Committee forwards without recommendation the application of Great Lakes Management Company, for Laurel Village Tower "C" Limited Partnership, for a special permit, notwithstanding the Zoning Code, to retain two fabric signs/banners on the west side of the Wilson Park Tower in their current location at 1400 Laurel

Av, and to maintain these signs/banners and replace them with similar signs/banners as necessary (#1997-101).

Niland moved to amend the report by deleting the language "forwards without recommendation" and inserting in lieu thereof the language "recommends granting." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 6; Nays, 5 as follows:

Yeas – McDonald, Herron, Dziedzic, Campbell, Niland, Cherryhomes.

Nays – Minn, Mead, Scott, Rainville, Biernat.

Absent – Schulstad, Thurber.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

MOTIONS

Herron, Chair of the Claims Committee, moved concurrence in the reports received from the City Attorney (Petn No 262919) recommending payment of workers' compensation to various employees and to the State Fund, and for payment of bills and professional services rendered claimants or employees injured on the job. Seconded.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Thurber.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Dziedzic moved to waive the \$15 filing fee as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Patricia Howell for a residential block event to be held August 5, 1997, between the hours of 5 p.m. and 9 p.m. on McKinley Street NE between 30th and 31st Streets NE. Seconded.

Lost upon a voice vote.

Lost. July 11, 1997.

NOT APPROVED BY THE MAYOR.

Attest: S. Ristuben, Asst City Clerk.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss.
CITY OF MINNEAPOLIS)

I, STEVEN J. RISTUBEN, Assistant City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that a motion relating to applicant Patricia Howell

for a residential block event, as acted upon by the City Council of Minneapolis, Minnesota, and designated as "Not Approved by the Mayor", for her approval and signature as such Mayor; that Mayor Sayles Belton did not thereafter, within five days, Sundays excepted, approve or sign such action within the time specified.

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the City Charter, said action has become and is valid, and I hereby certify that it has the same force and effect as if approved by said Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 18th day of July, 1997.

STEVEN J. RISTUBEN,
Assistant City Clerk.

RESOLUTIONS

RESOLUTION 97R-196

By Scott

Supporting the Minnehaha Creek Watershed District's determination that a wetland does not exist at the site of the proposed Southwest Lake Calhoun Subwatershed Improvement Project and agreeing that review of the U.S. Army Corps of Engineers opinion to the contrary should be sought.

Whereas, the City of Minneapolis is a member of the Chain of Lakes Clean Water Partnership (CWP) along with the Minneapolis Park and Recreation Board, the Minnehaha Creek Watershed District, the City of St. Louis Park, and Hennepin County; and

Whereas, the goal of the Clean Water Partnership is to improve the water quality in the Minneapolis Chain of Lakes by improving the stormwater runoff being discharged into these lakes; and

Whereas, the partnership has identified a location for the construction of a series of wetland ponds referred to as the Southwest Lake Calhoun Subwatershed Improvement Project to naturally treat stormwater entering Lake Calhoun from the Southwest Lake Calhoun Subwatershed, one of the major contributors of pollutants to Lake Calhoun; and

Whereas, the site identified for construction of the Southwest Lake Calhoun Subwatershed Improvement Project is currently open parkland maintained as a lawn since the early 1900s; and

Whereas, the Minnehaha Creek Watershed District investigated the site for the existence of a wetland and determined that a wetland did not exist at the site; and

Whereas, the staff at the St. Paul District of the U.S. Army Corps of Engineers has indicated that the site is a wetland because, if left unmaintained, the area would become a wetland; and

Whereas, applying for a permit from the U.S. Army Corps of Engineers would result in unnecessary expense and delay in improving the water quality of Lake Calhoun;

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

That the City Council supports the determination by the Minnehaha Creek Watershed District that a wetland does not exist at the site for the proposed Southwest Lake Calhoun Subwatershed Improvement Project and agrees that measures should be undertaken to seek review of the U.S. Army Corps of Engineers St. Paul District's preliminary determination that a wetland exists at the site.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Thurber.

Passed July 11, 1997. J. Cherryhomes, President of Council.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-197

By Scott

Amending Resolution No. 97R-160 entitled “Vacating Mississippi Drive between Webber Parkway and Lyndale Avenue North and all of the alley in the block bounded by Webber Parkway, Lyndale Avenue North, 42nd Avenue North, and Aldrich Avenue North,” passed June 6, 1997.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to further provide for conveyance of the City's fee interest in the following described vacated street and vacated alley to the Minneapolis Community Development Agency:

Parcel 1 – Vacated Street – That part of Lot 98, Auditor's Subdivision No. 198; that part of vacated Crystal Lake Avenue, as dedicated in “William Campbell's Addition to Camden Place”; that part of vacated Mississippi Drive, formerly

part of N. Washington Avenue and Webber Parkway, as shown on said Auditor's Subdivision; all described as beginning at the most Easterly corner of Lot 10, in said “William Campbell's Addition to Camden Place”; thence Northerly in a straight line to the intersection of the Southwesterly line of said Lot 98 with the West line of the East 40 feet of Section 4, Township 29, Range 24; thence Northerly along said West line 102.04 feet; thence Westerly, deflecting to the left 90 degrees 04 minutes 32 seconds to the Northeasterly line of Lot 45, in said Auditor's Subdivision; thence Southeasterly along said Northeasterly line of Lot 45 and along the Easterly line of Lots 1 through 10 inclusive, “William Campbell's Addition to Camden Place” to the point of beginning.

Parcel 2 – Vacated Alley – The South 15 feet of Lot 14, “William Campbell's Addition to Camden Place”; together with that part of the vacated Alley, as dedicated in said plat, adjoining Lots 1 through 15 inclusive and described as beginning at the intersection of the centerline of said vacated Alley with the Westerly extension of a line, hereinafter referred to as Line “A”, drawn from a point on the Easterly line of said Lot 3 distant 22 feet Southeasterly from the Northeasterly corner of said Lot 3 to a point on the Westerly line of said Lot 3 distant 22 feet Southeasterly from the Northwesterly corner of said Lot 3; thence Southeasterly along said centerline 3.58 feet; thence Easterly in a straight line to the Easterly right-of-way line of said vacated Alley, along a line which if extended would intersect said Easterly line of Lot 3 distant 22 feet Southeasterly from the Northeasterly corner of said Lot 3; thence Southeasterly along said Easterly right-of-way line to the Southwest corner of said Lot 10; thence Westerly in a straight line to the Southeast corner of said Lot 11; thence Northwesterly along the Westerly line of said vacated Alley to its intersection with the Westerly extension of said Line “A”; thence Easterly along the last-described line to the point of beginning.

Be It Further Resolved that the proper City officers be authorized to execute the appropriate documents to effect such conveyance.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Thurber.

Passed July 11, 1997. J. Cherryhomes, President of Council.

Approved July 11, 1997. J. Cherryhomes, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published July 15, 1997)

UNFINISHED BUSINESS

Raze Building: Auth at 3430 1st Av S.
(Postponed 1/24/97, PS&RS)

Herron moved to continue postponement.
Seconded.

Adopted upon a voice vote.

PS&RS – Your Committee, having under consideration the application of La Tortilla Ria Corporation, dba Tortilla Ria, 800 Washington Av SE, new business, for an On-Sale Wine Class E with Strong Beer License, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Absent – Schulstad.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Noise Ordinances: Passage of Ordinances amending Title 15 of the Minneapolis Code of Ordinances relating to **Offenses-Miscellaneous**, repealing and amending sections relating to noise control; Auth summary publication.

PS&RS – Your Committee, to whom was referred Ordinances amending Title 15, Chapters 385 and 389, now recommends that the following Ordinances be given their second reading for amendment and passage:

a) Chapter 385 relating to **Offenses - Miscellaneous: In General**, repealing Sections 385.95, 385.100, 385.110 and 385.115; and

b) Chapter 389 relating to **Offenses – Miscellaneous: Noise**, amending various sections relating to noise control.

Your Committee further recommends summary publication of the above-described Ordinances.

McDonald moved to amend the Ordinance amending Chapter 389 as follows:

Amend Section 389(e) by adding the following subdivisions:

“(6) Rail traffic;

(7) Repairs and maintenance of utility structures when the utility structures pose a clear and immediate danger to life or health or significant loss of property, and the repairs and maintenance are necessary for the safety and commercial vitality of the city.”

Amend Section 389.100(a)(1)b. to read:

“b. Testing the device, not to exceed four (4)

minutes in an hourly period, unless approved by the director when there is no reasonable alternative to exceeding four (4) minutes of testing and the testing is required by state or federal laws, rules or regulations.”

Seconded.

Adopted upon a voice vote.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Dziedzic.

Passed July 11, 1997.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Ordinance 97-Or-062 amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to **Offenses – Miscellaneous: In General**, repealing following Sections: Section 385.95 relating to noise from radios, tape & disc players, etc; Section 385.100 relating to unnecessary noise or odors generally; Section 385.110 relating to noisy assembly; and Section 385.115, relating to unnecessary noise or odors to be public nuisances, was passed July 11, 1997 by the City Council and approved July 17, 1997, by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 97-Or-062
By Biernat, McDonald and Minn
Intro & 1st Reading 5/9/97
Ref to: PS&RS
2nd Reading 7/11/97

Amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: In General.

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

Section 1. That Section 385.95 of the above-entitled ordinance be and is hereby repealed.

385.95. Radios, tape and disc players, etc.

~~(a) No person shall play, use, or operate any radio, tape or disc player, musical instrument, phonograph, or other machine or device for the production of sound in such a manner, considering the time and place and the purpose for which the~~

sound is produced, as to unreasonably disturb the peace, quiet, or repose of a person or persons of ordinary sensibility:

(b) The play, use, or operation of any radio, tape or disc player, musical instrument, phonograph, or other machine or device for the production of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from said machine or device shall be prima facie evidence of a violation of this section:

(c) When sound violating this section is produced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation; provided, however, that if the vehicle's owner is not present, the person in charge of the vehicle at the time is guilty of the violation.

(d) The noise level limitations prescribed in section 389.60 shall not be applicable to sounds emanating from the sources set forth in this section.

(e) This section shall not apply to sound produced by the following:

(1) Amplifying equipment used in connection with activities for which permits have been granted pursuant to section 389.105;

(2) Antitheft devices; and

(3) Machines or devices for the production of sound on or in authorized emergency vehicles:

(f) With the exception of the machines and devices listed in subsection (e), this section shall apply to all radios, tape and disc players, musical instruments, phonographs, and machines and devices for the production of sound, whether on public or private property:

Section 2. That Section 385.100 of the above-entitled ordinance be and is hereby repealed.

385.100. Unnecessary noise or odors generally. No person, in any public or private place, shall make, or assist in making, by any manner or means, any loud, unpleasant or raucous noise or odor that unreasonably disturbs the peace, quiet or repose of a person or persons of ordinary sensibility, unless the same be reasonably necessary to the preservation of life, health, safety or property:

Section 3. That Section 385.110 of the above-entitled ordinance be and is hereby repealed.

385.110. Noisy assembly. (1) Definition: Whenever used in this section, the term "noisy assembly" shall mean a gathering of more than one person in a residential area or building between the hours of 10:00 p.m. and 7:00 a.m. that produces noise that unreasonably disturbs the

peace, quiet, or repose of a person or persons of ordinary sensibility:

(2) Prohibition:

(a) No person shall participate in, visit, or remain at a gathering knowing or having reason to know that the gathering is a noisy assembly, except persons who have come to the gathering for the sole purpose of abating the disturbance:

(b) No person shall knowingly permit real estate under such person's care or control to be used for a noisy assembly:

Section 4. That Section 385.115 of the above-entitled ordinance be and is hereby repealed.

385.115. Unnecessary noise or odors to be public nuisances. The city council of the City of Minneapolis hereby declares that any loud, unpleasant or raucous noise, or odor that unreasonably disturbs the peace, quiet or repose of a person or persons of ordinary sensibility, is a public nuisance, unless the same be reasonably necessary to the preservation of life, health, safety or property:

Whoever permits real property under his/her ownership or control to be used to maintain a public nuisance, or lets the same knowing it will be so used, is guilty of a misdemeanor:

Due to the nature of this public nuisance, notice and compliance time periods for abatement of offensive conditions as set forth in section 227.100 of this Code shall not apply:

Adopted. Yeas, 11; Nays none.

Absent - Schulstad, Dziedzic.

Passed July 11, 1997. J. Cherryhomes, President of Council.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Ordinance 97-Or-063 amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to **Offenses — Miscellaneous: Noise**, amending Sections 389.10, adding findings; Section 389.30, defining terms; Section 389.60 (a) changing allowed frequency levels from 10 to 6 decibels for hours 6AM-10PM, and clarifying that noise measurements within a dwelling unit will be made indoors with doors closed; (b) strengthening allowed frequency above ambient noise levels to 5 decibels, 10PM-6AM; and replacing decibel chart by MN Chapter 7030 Rules (1995); (d), clarifying that receiving noise areas rather than generating noise areas will determine appropriate noise area classification; (e) Supervised, permitted, organized athletic activities on school grounds, designated

playgrounds, parks and places of athletic contests are exempted from section provisions from 8AM-9PM; (f) Complying, permitted, amplifying equipment is exempted from section provisions; (i) Clarifying that no noise shall be prohibited or restricted which substantially limits speech unless it promotes/serves significant government interests or has other effective alternatives; 389.65 (a) prohibiting loud, disturbing, excessive noise which causes significant discomfort or annoyance to persons of normal sensitivities; (b) identifying noise characteristics and conditions; (c) identifying activities which constitute a public nuisance; 389.70 (a) clarifying construction and demolition equipment regulations; (e) setting permit fees for extended hours of operation at \$50/day and \$25/day for public works projects; (f) allowing highway, road, bridge or public infrastructure work by Public Works Department, 6PM-7AM, if necessary; 389.80, clarifying regulations for outdoor implements; 389.95 repealing language relating to radios, tape & disc players; 389.100, prohibiting sounding fire, burglar or civil defense alarms, sirens, whistles, or similar devices except in case of emergency, for testing purposes or when a properly maintained car alarm sounds a signal (subject to 389.100 (a) (6)); (a) (2) Prohibiting material handling in residential areas, 10PM-6AM, except reasonable handling of solid waste or recycling materials; (a) (3) Prohibiting operation of solid waste compacting vehicles, processing vehicles and recycling collection vehicles in residential areas, 10PM-6AM; (a) (4) Prohibiting operation of parking lot sweeper or commercial snow plowing equipment in residential areas, 10PM-6AM; (a) (5) Prohibiting removal or rendering inoperative any noise control device; (a) (6) Prohibiting operation of electronic theft or burglar alarm without automatic device to turn off within 5 minutes; 389.105, setting permit fees for sound amplifying equipment at \$35/day, with additional conditions for Saturday, Sunday & legal holidays; 389.115, providing for validity of Chapter 389 if declared invalid or unconstitutional; 389.120, clarifying penalties; 389.125, relating to enforcement issues; and 389.130, relating to issues of equal protection, freedoms of religion, assembly & speech and requiring prompt application to the Director of Inspections for a waiver, was passed July 11, 1997, by the City Council and approved July 17, 1997, by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

Republished August 2, 1997).

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

ORDINANCE 97-Or-063
Intro & 1st Reading 5/9/97
Ref to: PS&RS
2nd Reading 7/11/97

By Biernat, McDonald and Minn

Amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: Noise.

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

Section 1. That Section 389.10 of the above-entitled ordinance be amended to read as follows:

389.10 389.05. Declaration. There have come into being within the city certain loud, avoidable, unnatural and unnecessary noises, which under certain circumstances and conditions, constitute a serious threat to the health, the welfare, the contentment and the feeling of well being of our people. Therefore, the city council does declare that the doing of such things in a manner prohibited by, or not in conformity with, the terms of this article constitutes an undesirable noise and shall be punished as hereinafter provided.

Section 2. That Chapter 389 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 389.10 to read as follows:

389.10. Findings. (a) Excessive noise degrades the environment of the city and the city has a substantial and, in some cases, compelling interest in controlling such noise.

(b) Excessive noise degrades the environment to a degree that:

- (1) is harmful to the health, welfare and safety of its inhabitants.
- (2) interferes with the comfortable enjoyment of life and property.
- (3) interferes with the well being, tranquility, and privacy of the home.
- (4) causes and/or aggravates health problems.

(c) Individuals are not required to welcome unwanted noise into their own homes and there simply is no right to force unwanted noise into the home of an unwilling listener and there is a

compelling interest in prohibiting such noise on a content neutral basis.

(d) Effective control and elimination of excessive noise is essential to the health and welfare of the city's inhabitants and to the conduct of the normal pursuits of life, including recreation and communication.

(e) It is the intent of the city council to prevent excessive noise without unreasonably infringing upon the rights of the city's inhabitants and visitors.

(f) It is the intent of the city council to prevent excessive noise, whenever possible, without substantially burdening the free exercise of religion and in every case within the constraints set by the Minnesota and U.S. Constitutions and applicable statutes and this ordinance is intended to be interpreted as consistent with all such constraints.

(g) The city's interest in regulating noise should and does take into account the time, place, and manner of such noise.

(h) Certain short term easing of noise restrictions is essential to allow the construction, maintenance and continuation of structures, infrastructure, and other elements necessary for the physical and commercial vitality of the city.

(i) A substantial body of science and technology exists by which excessive sound may be substantially abated.

(j) Uses of sound amplifying equipment in certain ways and at certain times and places unreasonably invades the personal privacy, peace, and personal freedom of citizens and visitors of the city.

(k) The city council feels obligated to reasonably regulate on a content neutral basis the time, place, and manner of using sound amplifying equipment in order to protect the correlative constitutional rights of the citizens and visitors of this community to personal privacy, peace, and personal freedom from diminishment by invasive and unwanted noise which is unnecessary or for which there are ample alternative channels.

Section 3. That Chapter 389 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 389.15 to read as follows:

389.15. Incorporation by reference. Minnesota Rules, Chapter 7030, is hereby incorporated by reference, except to the extent specifically inconsistent with this chapter, and made a part hereof as if fully set forth herein. The provisions thereof shall be supplemental to

provisions of the Minneapolis Code of Ordinances and shall not preempt such provisions unless such preemption is required by law.

Section 4. That Section 389.30 of the above-entitled ordinance be amended by amending and/or adding the following definitions to read as follows:

389.30. Definitions. The following terms whenever used in this article shall have the following respective meanings:

Ambient noise level: The sound level which exists at a point of measurement in the absence of the sound the noise emission of which is measured, being the total effect of all other sounds coming from near and far. The total of all noise in the environment, other than the noise from the source of interest. This term is used interchangeably with background noise.

ANSI: The American National Standards Institute.

Attenuation: The reduction of sound intensity by various means (e.g., air, humidity porous materials).

A-weighted sound level: A measure of sound pressure level designed to reflect the acuity of the human ear, which does not respond equally to all frequencies. The ear is less efficient at low and high frequencies than at medium or speech-range frequencies. To describe a sound containing a wide range of frequencies in a manner representative of the ear's response, it is necessary to reduce the effects of the low and high frequencies with respect to the medium frequencies. The resultant sound level is said to be A-weighted, and the units are dB(A). The A-weighted sound level is also called the noise level. Sound level meters have an A-weighting network for measuring A-weighted sound level.

Audible: Heard or perceived by the human ear.

Background noise: The total of all noise in a system or situation, independent of the presence of the desired signal. In acoustical measurements, strictly speaking, the term "background noise" means electrical noise in the measurement system. The term background noise is often used to mean the noise in the environment, other than the noise from the source of interest.

Band: Any segment of the frequency spectrum.

Calibrator (Acoustical): A device which produces a known sound pressure on the microphone of a sound level measurement system, and is used to adjust the system to standard specifications.

Continuous: Continuing without intermission and seemingly without end.

Construction equipment: Any vehicle or device such as a jackhammer, hammerdrill, bulldozer,

dump truck, front end loader, bobcat, crane or backhoe used in a construction project which has a defined beginning and end.

Cycles per second: A measure of frequency numerically equivalent to hertz.

Daytime: 6:00 a.m. to 6:00 p.m. of the same day.

dB(A): Composite abbreviation for decibel and A-weighted sound level. The weighted sound pressure level by the use of the A metering characteristic and weighting specified in ANSI Specification of Sound Level Meters, S1.4-1983. dB(A) is used as a measure of human response to sound.

Disturbing, excessive or offensive noise: Any sound or noise conflicting with the criteria or levels set forth in this article.

Equivalent A-Weighted Sound Level (Leq): The constant sound level that, in a given time period, would convey the same sound energy as the actual time-varying A-weighted sound level.

Hearing: The subjective human response to sound.

Hearing level: A measured threshold of hearing at a specified frequency, expressed in decibels relative to a specified standard of normal hearing. The deviation in decibels of an individual's threshold from the zero reference of the audiometer.

Hertz (Hz): Unit of measurement of frequency, numerically equal to cycles per second.

Impact sound: The sound produced by the collision of two (2) solid objects. Typical sources are footsteps, dropped objects, etc., on an interior surface (wall, floor, or ceiling) of a building.

Impulsive noise: Impulsive noise means a sound of short duration, usually one second or less with abrupt onset and rapid decay. Impulsive noises include but are not limited to metal impacts, hammers, gunshots, explosions, and drop forge impacts.

Intensity: The sound energy flow through a unit area in a unit time.

L10: The sound level, expressed in dB(A), which is exceeded ten (10) percent of the time for a one hour survey, as measured by test procedures approved by the commissioner of the Minnesota Pollution Control Agency.

L50: The sound level, expressed in dB(A), which is exceeded fifty (50) percent of the time for a one hour survey, as measured by test procedures approved by the commissioner of the Minnesota Pollution Control Agency.

Level: The logarithm of the ratio of a quantity to

a reference quantity of the same kind. The base of the logarithm, the reference quantity, and the kind of level must be specified.

Logarithm: The exponent that indicates the power to which a number must be raised to produce a given number. For example, for the base ten (10) logarithm, used in acoustics, two (2) is the logarithm of one hundred (100).

Loudness: The subjective judgment of intensity of a sound by humans. Loudness depends upon the sound pressure and frequency of the stimulus. Over much of the frequency range it takes about a threefold increase in sound pressure, a tenfold increase in acoustical energy, or, ten (10) dB(A) to produce a doubling of loudness.

Loudness level: Measured in phones it is numerically equal to the median sound pressure level (dB) of a free progressive one thousand (1000) Hz wave presented to listeners facing the source, which in a number of trials is judged by the listeners to be equally loud.

Masking: 1. The process by which the threshold of audibility for a sound is raised by the presence of another (masking) sound.

2. The amount by which the threshold of audibility of a sound is raised by the presence of another (masking) sound.

Masking noise: A noise that is intense enough to render inaudible or unintelligible another sound that is also present.

Medium: A substance carrying a sound wave.

Noise: ~~Sound of any sort and its environmental interaction.~~ Any sound which is unwanted, or does not occur in the natural environment (e.g., aircraft, highways, industrial, commercial, residential), or has an erratic, intermittent, or statistically random oscillation.

Noise area classification or noise classification area: The noise area classifications and activities included in Minnesota Rules, Chapter 7030, administered by the Minnesota Pollution Control Agency, except where specifically altered herein.

Noise Level: The sound level. For airborne sound, unless specified to the contrary, it is the A-weighted sound level.

Noisy assembly: For the purposes of section 389.65 (c) (1), the term "noisy assembly" shall mean a gathering of more than one person in a residentially zoned or used area or building between the hours of 10:00 p.m. and 6:00 a.m. that would be likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area considering the time of day and the residential character of the area.

Non-impulsive noise: All noise not included in the definition of impulsive noise.

Octave: The interval between two sounds having a frequency ratio of two (2). There are eight (8) octaves on the keyboard of a standard piano.

Peak sound pressure: The maximum absolute value of the instantaneous sound pressure in a specific time interval. Note: In the case of a periodic wave, if the time interval considered is a complete period, the peak sound pressure becomes identical with the maximum sound pressure.

Points of habitation: Any point inside a dwelling and any deck, patio, or other outdoor area that contains seating or cooking areas designed for the use of the occupants and within thirty (30) feet of the adjoining dwelling. Outdoor areas are a point of habitation only during the period between April 15 and November 15.

Property line: The real or imaginary line and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from the public premise.

Premise: Any building, structure, land, utility or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without buildings or improvements, owned or controlled by a person.

Pure tone: A sound for which the sound pressure is a simple sinusoidal function of the time, and characterized by its singleness of pitch.

Reverberation: The persistence of sound in an enclosed space, as a result of multiple reflections, after the sound source has stopped.

Shielding: The attenuation of a sound, achieved by placing barriers between a sound source and the receiver.

Sound: 1. An oscillation in pressure, stress, particle displacement, particle velocity, etc., in an elastic or partially elastic medium, or the superposition of such propagated alterations.

2. An auditory sensation evoked by the oscillation described above. Not all sound waves can evoke an auditory sensation (e.g., ultrasound).

Sound level: A quantity measured with a sound level meter and expressed in decibels. The weighted sound level meter and frequency weighting network, such as A, B, C as specified in ANSI specifications for sound level meters (ANSI S1.4-1983, or the latest approved revision). If the frequency weighting employed is not indicated, the A-weighting is implied.

Sound level meter: An instrument or combination

of instruments, which meets or exceeds the requirements for a type S1A of S2A sound level meter as specified in American National Standards Institute specification for sound level meters S1.4-1983, or its latest revision. It is comprised of a microphone, amplified, output meter, and frequency-weighting networks which is used for the measurement of noise and sound levels.

Spectrum: The description of a sound wave's resolution into its components of frequency and amplitude.

Steady-state sound: Sounds whose average characteristics remain relatively constant in time. A practical example of a steady-state sound source is an air conditioning unit.

Threshold of audibility: The minimum sound pressure level at which a person can hear or detect a specified frequency of sound over a specified number of trials.

Threshold of pain: The minimum sound pressure level of a sound outside the ear that will produce a transition from discomfort to definite pain.

Tone: A sound of definite pitch. A pure tone has a sinusoidal wave form which changes from discomfort to pain.

Vibration: An oscillatory motion of solid bodies described by displacement, velocity, of acceleration with respect to a given reference point.

Wave: A disturbance that travels through a medium by virtue of the elastic properties of that medium.

Wavelength: For a periodic wave (such as sound in air), the distance between analogous points on any two (2) successive waves. The wavelength of sound in air or in water is inversely proportional to the frequency of the sound.

Weighting: Prescribed frequency filtering provided in a sound level meter.

Windscreen: A porous device used to cover the microphone of a sound level measurement system which is designed to minimize the effects of winds and wind gusts on the sound levels being measured. Typically made of open cell polyurethane foam and spherically shaped.

Section 5. That Section 389.40 of the above-entitled ordinance be amended to read as follows:

389.40. Enforcement. The director of inspections and the chief of police is authorized and directed to administer and enforce the provisions of this article.

Section 6. That Section 389.60 of the above-entitled ordinance be amended to read as follows:

389.60. What constitutes violation. (a) Any activity, not expressly exempted by this section 389.50 or this section which generates sound regardless of frequency by that is more than six (6) ten (10) decibels (A scale) above the ambient noise level when measured within any adjoining dwelling unit (other than the one of sound source) in a condominium, townhouse, apartment house, multi-unit dwelling, single family dwelling, or similar dwelling shall be deemed a violation of this article between the hours of 6:00 a.m. and 10:00 p.m. Further, noise generated by any activity not expressly exempted by this section, regardless of frequency, measured at the nearest property line of any property that exceeds the noise levels as designated in the following table at the time and place and for the duration mentioned shall be deemed to be a violation of the article, but any enumeration herein shall not be deemed to be exclusive. All measurements applying to the above shall be made indoors with the doors closed, and within the dwelling.

	I	II	III
		6:00 p.m.—10:00 p.m. (residential districts)	
		and	
		6:00 p.m.—7:00 a.m.	10:00 p.m.—7:00 a.m.
Duration of Sound	7:00 a.m.—6:00 p.m. (all districts)	(all other districts)	(residential districts)
Less than 10 minutes	75 dB	70 dB	60 dB
Between 10 minutes and 2 hours	70 dB	60 dB	50 dB
In excess of 2 hours	60 dB	50 dB	50 dB

(b) In determining whether a particular sound exceeds the maximum permissible sound level in the above table: Any activity not expressly exempted by section 389.50 or this section which generates sound regardless of frequency that is more than five (5) decibels (A) scale above the ambient noise level when measured within any dwelling unit (other than the one of sound source) in a condominium, townhouse, apartment house, multi-unit dwelling, single family dwelling or similar dwelling between the hours of 10:00 p.m. and 6:00 a.m. All measurements applying to the above shall be made indoors with the doors closed, and within the dwelling.

(c) Any sound in excess of the limits as set forth in Minnesota Rules, Chapter 7030 (1995) provided that such sound is five (5) decibels or more above ambient noise levels for sounds measured between 10:00 p.m. and 6:00 a.m. or ten (10) decibels or more above ambient noise levels for sounds measured between 6:00 a.m. and 10:00 p.m.

(1) (d) Sound in excess of the residential district limitations for any noise classification area as measured in a residential district that noise classification area are violative of this section, whether the sound originates in a residential district that noise classification area or any other district; noise classification area. The noise area classification of the receiving noise classification area rather than that of the generating noise classification area determines the appropriate noise area classification for the purposes of this section.

(2) During all hours of Sundays and state and federal holidays, the maximum allowable decibel levels for residential districts are as set forth in Column III of the table.

(e) (e) Sounds emanating from the operation of the following are exempt from the provisions of this section and section 389.65(a):

- (1) Motor vehicles on traffic ways of the city; _
- (2) Aircraft in flight; _
- (3) Outdoor implements, such as power lawn mowers, leaf blowers, snowblowers, power hedge clippers and power saws; _
- (4) Pile drivers, jackhammers, cranes, scrapers, dump trucks, backhoes, bulldozers and other construction equipment; and.

- (5) Lawful and properly permitted organized athletic activities on school grounds, and officially designated playgrounds used for recreation by children under supervision, and parks or places wherein athletic contests take place between the hours of 8:00 a.m. and 9:00 p.m.
- (6) Rail traffic.
- (7) Repairs and maintenance of utility structures when the utility structures pose a clear and immediate danger to life or health or significant loss of property, and the repairs and maintenance are necessary for the safety and commercial vitality of the city.

Are exempt from the provisions of this section:

(f) Sounds emanating from amplifying equipment that is in full compliance with a permit issued pursuant to section 389.105 are exempt from the provisions of this section.

(d) (g) In the M1, M2, M3 districts aAt no point on the boundary of a residence or business district shall the sound pressure level of any operation or plant within the M1, M2, M3 districts, or any use regardless of present zoning which is first a permitted use in the M1, M2, M3 districts, exceed the decibel limits in the octave bands designated below:

Maximum Permitted Sound Level (~~decibels~~) Measured in Decibels dB(A)

Octave Band Frequency (cycles)per second)	Along Residence District Boundaries	Along Business District Boundaries
0-75	72	79
75-150	67	64
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

(h) No noise shall be prohibited or restricted under the authority of this section which substantially burdens a person's exercise of religion unless it is demonstrated that application of the burden to the person is:

- (1) in furtherance of a compelling governmental interest.
- (2) the least restrictive means of furthering that compelling governmental interest.
- (3) consistent with 42 United States Code, Section 2000 bb.
- (4) consistent with Article I, Section 16 of the Minnesota Constitution.

(i) No noise shall be prohibited or restricted under the authority of this section which substantially limits speech unless such a prohibition or restriction:

- (1) serves a significant governmental interest as applied in a particular case.
- (2) as applied in the particular case there are other ample alternative channels for communication of the information.
- (3) application of the regulation in the particular case promotes a substantial government interest that would be achieved less effectively absent application of the regulation.

Section 7. That Chapter 389 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 389.65 to read as follows:

389.65. Public nuisance noise. (a) It shall be unlawful for any person to make, continue, permit, or cause to be made or continued within the city, any loud, disturbing or excessive noise which would be likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area.

(b) The characteristics and conditions which shall be considered in determining whether a noise is loud, disturbing, or excessive for the purposes of paragraph (a) of this section, shall include, but not be limited to the following:

- (1) Whether the nature of the noise is usual or unusual.
- (2) Whether the origin of the noise is natural or unnatural.
- (3) The proximity of the noise to sleeping facilities.
- (4) The land use, nature, and zoning of the area from which the noise emanates and the area where it is received.
- (5) The time of day or night when the noise occurs.
- (6) The duration of the noise.
- (7) Whether the noise is recurrent, intermittent, or constant.
- (8) Whether the noise is produced by a commercial or noncommercial activity.
- (9) Whether or not noise abatement measures are possible and whether or not they are used to reduce the sound level.
- (10) The number of people and their activities that are affected by the noise.
- (11) The sound peak pressure level of the noise on the A scale, if known.
- (12) The A scale level of ambient noise, if known.
- (13) The nature of any communicative content of the noise shall not be considered, for the purpose of this section, except:
 - a. No noise shall be prohibited or restricted by this section which substantially burdens a person's exercise of religion unless it is demonstrated that application of the burden to the person is:
 1. in furtherance of a compelling governmental interest.
 2. the least restrictive means of furthering that compelling governmental interest.
 3. consistent with 42 United States Code, Section 2000 bb.
 4. consistent with Article I, Section 16 of the Minnesota Constitution.
 - b. No noise shall be prohibited or restricted by this section which substantially limits speech unless such a prohibition or restriction:
 1. serves a significant governmental interest as applied in a particular case.
 2. as applied in the particular case there are other ample alternative channels for communication of the information.
 3. application of the regulation in the particular case promotes a substantial government interest that would be achieved less effectively absent application of the regulation.
 - (c) Activities which constitute a public nuisance. The following acts are violations of this section without reference to the standards of paragraphs (a) and (b) of this section, with the exception of section 389.65 (b) (13), namely:
 - (1) Noisy assembly. Participating in, visiting, or remaining at a gathering knowing or having reason to know that the gathering is a noisy assembly, as defined in section 389.30, except person(s) who have come to the gathering for the sole purpose of abating the disturbance.
 - (2) Permitting noisy assembly. Knowingly permitting real estate under one's care or control to be used for a noisy assembly, as defined in section 389.30.

- (3) Horns and other signal devices. The sounding of any horn or signal device on an automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal or traffic warning.
- (4) Keeping animals or birds. The keeping of any animal or bird which causes long, frequent, and/or continuous noise which would be likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area.
- (5) Operation of vehicles. The use of any automobile, pickup truck, motorcycle, or other vehicle which is not reasonably maintained and which causes noise which would be likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area.
- (6) Amplified sound from vehicles. Except as provided in section 389.105, the playing or operation, or permitting the playing, use or operation, of any radio, tape player, disc player, loud speaker, or other electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle being operated on a public street or alley, or in commercial or residential parking facilities, which is audible by any person from a distance of fifty (50) feet or more from the vehicle. When sound violating this section is produced or reproduced by any such device that is located in a motor vehicle, the motor vehicle's owner, if present when the violation occurs, is in violation of this section. If the motor vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is in violation of this section. In addition to an owner or a driver, any person who controls or assists with the production of sound violating this section is in violation of this section. Violation of this subsection is a misdemeanor. A first violation of this subsection is punishable by a fine not to exceed two hundred dollars (\$200.00), a second violation is punishable by a fine not to exceed five hundred dollars (\$500.00), and a third violation is punishable by a fine to the maximum amount.
- (7) Amplified sound. The playing or operation, or permitting the playing, use or operation, of any radio tape player, loud speaker or other electronic device used for the amplification of sound (except as specifically permitted under section 389.105) located inside or outside, the sound of which carries to points of habitation on adjacent properties, and is audible above the level of conversational speech at a distance of fifty (50) feet or more from the point of origin of the amplified sound.

Section 8. That Section 389.70 of the above-entitled ordinance be amended to read as follows

389.70. Construction and demolition equipment. (a) Except as hereinafter provided, no ~~the~~ driver, jackhammer or other construction or demolition equipment shall be operated within the city between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or during any hours on Saturdays, Sundays and state and federal holidays, except under specific permit from the director of inspections or the city council, for the purpose of a specified construction project only, as provided below and no such equipment shall be operated at any time if the sound level from such operation exceeds ninety (90) decibels measured at fifty (50) feet or more away from the source; provided further, however, that such equipment, the operation of which conforms to the maximum allowable sound levels as prescribed in section 389.60 as set forth in Minnesota Rules chapter 7030 may be operated during the above-prohibited hours and days. ~~When any of the above-named equipment is used for any purpose other than construction, the ambient noise levels of section 389.60 shall apply.~~

(b) No internal-combustion engine or any other power unit when operated in connection with construction or demolition equipment shall be operated at any time other than at the times as above set forth in this section and any sound emitted from any such engine or power unit shall not exceed ~~eighty-six~~ (86) ninety (90) decibels measured ~~along any property line~~ at fifty (50) feet or more away from the source.

(c) No exhaust system of such an internal-combustion engine shall be altered, modified or repaired in such a way that the noise emitted by the engine is increased above that emitted by said engine as originally equipped from the manufacturer.

(d) If an emergency situation exists or if the director of inspections determines that substantial loss or inconvenience would result to any party in interest unless allowed additional hours of equipment operation, the director may grant permission for extended hours of operation of such construction or demolition equipment and internal-combustion engine or power units subject to such conditions or restrictions as the director determines to be necessary or and appropriate and in the public interest.

(e) The fees for an extended hours-of-operation permit issued pursuant to paragraph (d) hereof, shall be ~~thirty-five dollars (\$35.00)~~ fifty dollars (\$50.00) per day, with a minimum charge of ~~fifty dollars (\$50.00)~~; provided, however, that the fees shall be ~~fifty dollars (\$50.00)~~ per day for each Saturday, Sunday, and legal holiday on which work is performed and each calendar day on which work is performed after ~~10:00~~ 6:00 p.m. or before 7:00 a.m. of the following day. The fee for an extended hours-of-operation permit for a public works project, issued pursuant to paragraph (f) hereof, shall be ~~determined by the director of inspections as a lump sum fee based upon the estimated duration of the project~~ twenty-five dollars (\$25.00) per day. Permits ~~should~~ shall be obtained in advance of the proposed extended hours of operation. If the permit has not been applied for in advance, the fee will be doubled for the days of operation prior to the date of application if the permit is issued.

(f) ~~Upon its determination that the expeditious construction, repair or rehabilitation of any highway, road or bridge or other public infrastructure necessitates the operation of pile drivers, jackhammers, engines, power units or any other construction equipment after 6:00 p.m. or before 7:00 a.m. on weekdays, or on Saturdays, Sundays or state or federal holidays, the city council may direct the director of inspections to issue to the applicable public authority and its contractors an extended hours of operation permit, and the council shall specify the days and hours that such operations are to be permitted, the type of equipment that may be operated and the location of the permitted operations. The permit shall require the parties to whom the permit is issued to notify the city council member of any affected ward as to when such operations are to be carried out in that ward. When issued, such permit shall be deemed to be only a variance of the restricted hours of operation specified in paragraph (a) of section 389.70 and shall not be deemed to vary any~~

~~of the other requirements and restrictions of this section, nor to impose additional restrictions on equipment operations which are otherwise in conformance with this section and section 389.60 of this Code. The department of public works may construct, repair or rehabilitate any highway, road or bridge or other public infrastructure after 6:00 p.m. or before 7:00 a.m. on weekdays, or on Saturdays, Sundays or state or federal holidays when, in the judgment of the city engineer it is determined that the expeditious construction, repair or rehabilitation of any highway, road or bridge or other public infrastructure necessitates the operation of pile drivers, jackhammers, engines, power units or any other construction equipment.~~

Section 9. That Section 389.80 of the above-entitled ordinance be amended to read as follows:

389.80. Outdoor implements. Except as hereinafter provided, any power lawn mower, snow blower, power hedge clipper, power saw, leaf blower, trimmer, or such other implement, designed primarily for outdoor use, shall be operated within the city only between the hours of 7:30 a.m. and 9:00 p.m. on weekdays or between the hours of 9:00 a.m. and 9:30 p.m. on Saturdays, Sundays and state and federal holidays; provided, however, that such equipment, the operation of which conforms to the maximum allowable sound levels as prescribed in section 389.60 ~~may be operated during the above-prohibited hours~~ 9:00 a.m. and 9:00 p.m. on any day. No leaf blowers shall be operated by any person in the city without a muffler nor shall a leaf blower be operated in the city that causes sound in excess of seventy (70) dB(A) measured at fifty (50) feet away. A snow blower may be operated between the hours of 6:00 a.m. and 9:00 a.m. or between the hours of 9:00 p.m. and 10:00 p.m. if operation during such hours is reasonably necessary for an owner, occupant or other person having responsibility under section 445.20 and/or section 225.680(c) to meet their responsibilities for snow removal under those sections without undue hardship.

Section 10. That Section 389.95 of the above-entitled ordinance be and is hereby repealed.

389.95. Radios, tape and disc players, etc.
 (a) No person shall play, use, or operate any radio, tape or disc player, musical instrument, phonograph, or other machine or device for the production of sound in such a manner, considering the time and place and the purpose for which the

sound is produced, as to unreasonably disturb the peace, quiet, or repose of a person or persons of ordinary sensibility:

(b) The play, use, or operation of any radio, tape or disc player, musical instrument, phonograph, or other machine or device for the production of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from said machine or device shall be prima facie evidence of a violation of this section.

(c) When sound violating this section is produced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation; provided, however, that if the vehicle's owner is not present, the person in charge of the vehicle at the time is guilty of the violation.

(d) The noise level limitations prescribed in section 389.60 shall not be applicable to sounds emanating from the sources set forth in this section:

(e) This section shall not apply to sound produced by the following:

- (1) Amplifying equipment used in connection with activities for which permits have been granted pursuant to Section 389.105;
- (2) Antitheft devices; and
- (3) Machines or devices for the production of sound on or in authorized emergency vehicles.

(f) With the exception of the machines and devices listed in subsection (e), this section shall apply to all radios, tape and disc players, musical instruments, phonographs, and machines and devices for the production of sound, whether on public or private property.

Section 11. That Chapter 389 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 389.100 to read as follows:

389.100. Prohibited acts. (a) The following acts are not allowed in the city and the causing thereof are prohibited:

- (1) Intentionally sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device except in the following circumstances:
 - a. Existence of an emergency.
 - b. Testing the device, not to exceed four (4) minutes in an hourly period, unless approved by the director when there is no reasonable alternative to exceeding four (4) minutes of testing and the testing is required by state or federal laws, rules or regulations.
 - c. The sounding of a properly maintained car alarm subject to paragraph 6 of this section.
- (2) Loading, unloading, opening, closing or other handling of boxes, crates, bottles, containers, building materials, garbage cans or similar objects outside of an insulated building in a residentially zoned and used area between the hours of 10:00 p.m. and 6:00 a.m. This shall not prohibit the reasonable and careful handling of such materials during such hours by residents setting them out for solid waste or recycling collection if the immediately following day is a collection day.
- (3) No person shall operate a solid waste compacting vehicle, solid waste processing vehicle, solid waste collection vehicle, or recycling collection vehicle in any residentially zoned and used area between the hours of 10:00 p.m. and 6:00 a.m.
- (4) No person shall operate a parking lot sweeper or commercial snow plowing equipment in any residentially zoned and used area between the hours of 10:00 p.m. and 6:00 a.m. Snow plowing of off-street parking areas and adjoining walkways with reasonably maintained and proficiently operated equipment in residentially zoned and used areas is allowed between 10:00 p.m. and 6:00 a.m. during an official snow emergency which has been declared by the proper city officials. The Minneapolis Department of Public Works may plow and otherwise remove snow from public streets and other public areas between the hours of 10:00 p.m. and 6:00 a.m. whenever, in the judgment of the City Engineer, such plowing or otherwise removing snow is in the public interest.

- (5) Removing or rendering inoperative any noise control device or the design of a product having those devices, by any person other than for purposes of maintenance, repair or replacement.
- (6) It shall be unlawful for any person to be in control of and allow operation of an electronic theft or burglar alarm which sounds an audible signal without an automatic shutoff device to prohibit the audible signal from sounding continually for more than five minutes.

Section 12. That Section 389.105 of the above-entitled ordinance be amended to read as follows:

389.105. Permits for sound amplifying equipment. Except as provided in section 389.60 ~~(b)~~ (e) (5), no person shall use or maintain any outside sound amplifying equipment without first having obtained a permit from the Pollution Control Section of the Inspections Division, Department of Regulatory Services. The fees for this permit shall be thirty-five dollars (\$35.00) ~~per day~~ for each calendar day, Saturday, Sunday or legal holiday for which amplified sound is played or operated subject to the following conditions:

- (1) Outside sound amplifying equipment shall be used only between the hours of 9:00 a.m. and 9:00 p.m. This may be expanded to include hours between 7:00 a.m. and 10:00 p.m. upon a showing that the event can not reasonably take place without such expansion of hours.
- (2) Amplification that does not meet the limits of section 389.60 shall be limited to eight (8) hours in any one (1) day, sixteen (16) hours in any seven (7) day period and thirty-two (32) hours in any twenty-eight (28) day period for the same property.
- (3) Sound measured at fifty (50) feet from the source shall not exceed ninety (90) dB(A).
- (4) Sound measured off the property where the equipment is allowed under the permit shall never be more than fifteen (15) dB(A) above the ambient noise level.
- (5) Compliance with section 389.65 (a) and (b).

A permit shall be issued only after the applicant gives a written promise to comply with these conditions and reasonably demonstrates that the activity will comply with these conditions. The terms of the permit, may be expanded, or the fee waived or reduced, when it is deemed necessary, upon a proper showing, for the purpose of complying with section 389.65 (b) (13), which is incorporated herein. Permits shall be obtained in advance of the proposed extended hours of operation. If the permit has not been applied for in advance, the fee will be doubled for the days of operation prior to the date of application if the permit is issued.

Section 13. That Chapter 389 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 389.115 to read as follows:

389.115. Severability. Should any of the sections, paragraphs, sentences, clauses or phrases of this chapter, title or Code of Ordinances be declared unconstitutional or invalid, at the valid judgment or decision of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of this chapter in its entirety or any of the remaining sections, paragraphs, sentences, clauses and phrases.

Section 14. That Chapter 389 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 389.120 to read as follows:

389.120. Penalties. (a) Any person who violates any portion of this chapter shall receive a verbal order to cease or abate the noise immediately or within a reasonable time period, except that after 10:00 p.m. and until 6:00 a.m. any person designated to enforce this chapter need not issue a verbal order to cease or abate the noise before charging any person with a violation of this ordinance, provided further that this sub-paragraph shall not apply to 389.65(c)(6).

(b) If the order to cease or abate the noise is not complied with, or is complied with and then violated again within sixty (60) days, or if the violation charged is a violation of 389.65(c)(6), the person or persons responsible for the subject noise may be charged with violation of an appropriate section of this chapter with penalties as provided by section 1.30(a) of this code. Each day such violation is committed or permitted to continue shall constitute a separate offense and may be punished separately.

Section 15. That Chapter 389 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 389.125 to read as follows:

389.125. Violations deemed nuisances. Violations of this chapter are deemed a public nuisance. As an additional remedy, the City Attorney may, in a court of competent jurisdiction, seek appropriate

equitable relief in enforcing this chapter including, but not limited to:

(1) Declaratory relief pursuant to Minnesota Statutes Chapter 555 or other law; and/or

(2) Injunctive relief on either an interim or permanent basis.

Section 16. That Chapter 389 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 389.130 to read as follows:

389.130. Waiver of ordinance as applied.

Any person who claims that the application or threatened application of this chapter or any section of this code regulating the generation of noise to such person violates their right to freedom of speech, freedom of assembly, equal protection, or to the free exercise of their religion as secured by the Minnesota Constitution, United States Constitution, or United States Code, should promptly apply to the Director of Inspections for a waiver. Application shall be made to the Director on a form provided by the Director. The matter shall then be heard by the Director of Inspections or the Director's designee or referred to a hearing officer(s) as the Director may determine. After hearing the matter or receiving the report of the hearing officer(s), the Director or the Director's designee shall grant such waiver to the extent necessary to eliminate the violation if the Director or director's designee determines based on the reliable evidence submitted or on the report of the reliable evidence presented that application of the ordinance in such case would violate the applicant's right to freedom of speech, freedom of assembly, equal protection, or to the free exercise of the applicant's religion as secured by the Minnesota Constitution, United States Constitution, United States Code, section 389.60 (g) or (h) of this chapter, or section 389.65 (b) (13) of this chapter.

Adopted. Yeas, 11; Nays none.

Absemt - Schulstad, Dziedzic.

Passed July 11, 1997. J. Cherryhomes, President of Council.

Approved July 17, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Biernat moved to delete the notice of intent to discharge the Public Safety & Regulatory Services Committee from further consideration of an interim ordinance establishing a moratorium on the establishment of facilities with Class A liquor

licenses having adult entertainment on the premises. Seconded.

Adopted upon a voice vote.

Minn renewed notice of intent to discharge the Ways & Means/Budget Committee from further consideration of passage of an Ordinance relating to the Capital Long Range Improvement Committee.

**CONSIDERATION
OF MAYOR'S VETO**

Mayor Sayles Belton returning with her veto a report passed by the Council June 27, 1997, relating to the Civilian Police Review Authority Executive Director position and transfer of direction of the CPRA to the City Coordinator's office until completion of the redesign process, and stating her objections thereto.

No action was taken.

NEW BUSINESS

Dziedzic offered Ordinances amending Title 17 of the Minneapolis Code of Ordinances relating to **Streets and Sidewalks**, which were given their first reading and referred to the Transportation & Public Works Committee (adding legislative changes), amending the following:

Chapter 429 entitled "**Right-of-Way Administration**"

Chapter 430 entitled "**Right-of-Way Permits**"
Campbell moved to adjourn. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Schulstad, Thurber.

Adjourned.

STEVEN J. RISTUBEN,
Assistant City Clerk.
97-6828