

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

JUNE 26, 1998

(Published Tuesday, July 7, 1998,
in Finance and Commerce)

Council Chamber
Minneapolis, Minnesota
June 26, 1998 – 9:30 a.m.

President Cherryhomes in the Chair.

Present – Council Members Herron, Mead,
Minn, McDonald, Johnson, Ostrow, Campbell,
Biernat, Niland, Goodman, Colvin Roy,
President Cherryhomes.

Absent – Thurber.

Campbell moved approval of the minutes of
the regular meeting of June 12, 1998.

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.

Notice is given that the adjourned Council
meeting of June 19, 1998 was cancelled

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT

(See Rep):

COUNCIL MEMBER NILAND (263873)
Affordable Housing Policy for the City of
Mpls: Letters received regarding subject
matter.

**COMMUNITY DEVELOPMENT and
WAYS & MEANS/BUDGET (See Rep):**
COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (263874)

50th & France Development District: 50th
& France City Development District Plan & Tax
Increment Finance Plan, w/Attachment.

INTERGOVERNMENTAL RELATIONS:
METROPOLITAN COUNCIL (263875)
Property Tax Incentive to Locate
Businesses Along High-Frequency Bus
Routes: Includes maps.

**INTERGOVERNMENTAL RELATIONS
(See Rep):**

HEALTH AND FAMILY SUPPORT
SERVICES (263876)
Comprehensive AIDS Resource
Emergency (CARE) Act: Authorize execute
Intergovernmental Agreement II.

MAYOR (263877)
Central Library: Recommend resolution
establishing a New Central Library
Implementation Committee.

METROPOLITAN COUNCIL (263878)
Regional Fiscal Impact Study: Costs of
growth, related to Met Council's Regional
Growth Strategy.

**INTERGOVERNMENTAL RELATIONS
and WAYS & MEANS/BUDGET (See Rep):**

COORDINATOR (263879)
Empowerment Zone Federal Grant
Application: Approve financing portion.
Postpone consultant selection.

**PUBLIC SAFETY AND REGULATORY
SERVICES:**

ATTORNEY (263880)
Special Assessment Appeal of Jack
Singer: Findings of Fact, Conclusions of Law
and Order for Judgment affirming City's
assessments.

**PUBLIC SAFETY AND REGULATORY
SERVICES (See Rep):**

CITY CLERK/SPECIAL PERMITS
(263881)

Mississippi River south of the Plymouth Av bridge (Riverplace) Dayton's Big Ooh Aaah fireworks.

HEALTH AND FAMILY SUPPORT SERVICES (263882)

Data Matching and Analysis Project: Execute Confidentiality and Research Nondisclosure Agreement with Hennepin County to match birth certificates on selected teen parents with Minneapolis school records and County social service records, effective through 12/31/98.

Project LID (Lower Infant Deaths): Execute Amendment #1 to Agreement with Metropolitan Visiting Nurse Association to provide public health nursing services at half-time for remainder of calendar year 1998.

INSPECTIONS DEPARTMENT (263883)

Special Assessment (3434 Washington Av N): Remove brush assessment from 1998 property taxes payable by Vivian Kay Alvarado.

Truth In Housing: Ordinance redesigning process to require certain unsafe items to be repaired and/or replaced prior to sale or within one year, w/attachments.

LICENSES AND CONSUMER SERVICES (263884)

Licenses: Applications; w/attachment relating to Mill Inn, 515 Washington Av S.

POLICE LICENSES (263885)

Secondhand Goods: Revisions to Chapter 321 of Minneapolis Code of Ordinances to define and regulate Secondhand Dealers and Antique Dealers, and the sale of secondhand items at exhibitions.

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

FIRE DEPARTMENT (263886)

Emergency Medical Service Training: Renew agreement with Hennepin County Medical Center for EMS training for all fire personnel for one-year period, 7/1/98 through 6/30/99; and amend agreement to increase cost of services provided by HCMC.

LICENSES AND CONSUMER SERVICES (263887)

Lead Project Coordinator: Waive six-month waiting period for medical, health and other benefits for William Radosevish; and Authorize benefits to begin effective August 1, 1998.

POLICE DEPARTMENT (263888)

Community Oriented Policing Grant Program: Accept additional grant funds from Minnesota Department of Public Safety for officer overtime; Amend grant agreement with State to reflect additional funding and designate proper City Officers empowered to sign amended agreement; and Appropriate additional grant funds to Police Department.

Sex Offender Community Notification

Grant: Accept grant award from State Department of Public Safety to hire temporary Administrative Analyst I to serve as Community Notification Coordinator for two-year period; Authorize purchase telecommunications and public presentation equipment for Community Notification meetings; and Appropriate grant funds to Police Department.

Operation ID: Authorize solicit private funds from Insurance Federation of Minnesota, individual insurance companies licensed in Minnesota, and other businesses and associations for cost of providing a pen-like engraving tool free of charge to citizens who join Operation ID.

TRANSPORTATION AND PUBLIC WORKS

PUBLIC WORKS AND ENGINEERING (263889)

Light Rail Transit: Background information from discussion on Hiawatha route, downtown route possibilities and organizational structure.

Traffic Restrictions: Quarterly report for stop signs, parking/turn restrictions, zones, streetlights, etc.

Application for Critical Parking Area: Nicollet Island vicinity.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Community Development, Transportation & Public Works & Ways & Means/Budget Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (263893)

Ryan Properties, Inc: Restated contract business terms for redevelopment of Block 34 of the South Nicollet Mall Development District (900 Nicollet block), revised project finance plan & authorization to execute restated redevelopment contract & related documents for Target Store proposal.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

COUNCIL MEMBER HERRON (263890)
Flood Mitigation Program: Addition of property at 4339 Oakland Av S to Phase 1 acquisition list.

PUBLIC WORKS AND ENGINEERING (263891)

Damaged Tree Removal: Reimbursement and assessment to Patricia Brock, 622 Jackson St NE, for removal of damaged tree.

Railroad Crossing Improvements: Agreement with Columbia Heights to share costs of improvements at 37th & McKinley St NE.

PUBLIC WORKS AND ENGINEERING (263892)

Solid Waste Collection Point Cleanups: Adopt assessments.

W 31st St: Agreement for acceptance of temporary easement from Hennepin County Railroad Authority for street realignment.

Critical Parking Ordinance: Amendment deleting public hearing requirement for establishment of critical parking areas and changing regulations regarding business and visitor permits.

Landscaping Agreement: Agreement with MnDOT for landscaping at Highway 55 and Lyndale Av N.

No Parking Zone: Establish at 21st Av S between E 28th & 29th Sts.

21st Av S Paving Project: Acquisition of permanent & temporary easements.

Dinkytown Road, Bridge & Streetscape Construction Project: Supplemental agreement with Dinkytown Business Association increasing funds for organizational consultant services.

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

PUBLIC WORKS AND ENGINEERING (263894)

Light Rail Transit: Appropriation increase to fund retention of consultant.

Lyn/Lake Municipal Parking Lot: Establish appropriation for project funding.

Property Acquisition for Public Works Facilities: Purchase agreement with Monti Friedkin to acquire 198 N Aldrich Av to temporarily house the Street Maintenance Division.

Prospect Park Tower Project and Third Police Precinct Locker Room Expansion Project: Approve deferral of Public Service Center HVAC Upgrade Project to fund projects.

Land Sale (2429 Nicollet Av S): Purchase agreement to sell property to James Lamb; Planning Commission comments.

PURCHASING (263895)

Bid: OP #4894, accept low bid of Building Restoration Corporation for concrete repair work at the Prospect Park Water Tower.

WATER DEPARTMENT (263896)

Water Works Project Review Committee: Establish advisory committee to review proposed capital projects.

WAYS AND MEANS BUDGET (See Rep):

ARTS COMMISSION (263897)

East Calhoun Community Organization Neighborhood Gateway Project: Contract with Philip Rickey.

ATTORNEY (263898)

Settlements: Approve settlement of Patriece Eileen Franklin; Mary Spetzman; Patti Marie Swanstrom; and Davinder Padda.

CIVIL RIGHTS (263899)

Small Business Enterprise Program/Joint Centralized Certification: Agreement with Hennepin and Ramsey Counties, City of St. Paul and School District #625.

COORDINATOR (263900)

Mayor/City Council Shared Action Plan: Approve.

Northside Neighborhood Weed & Seed Funds: Approve transfer of funds to Minneapolis Employment & Training Program/ Neighborhood Services for youth initiative.

FINANCE DEPARTMENT (263901)

Computer Equipment Leasing: Contract with Compaq/GE Capital for City to lease equipment.

FINANCE DEPARTMENT (263902)

Tax Increment Financing: Direct staff to develop policy.

HEALTH AND FAMILY SUPPORT SERVICES (263903)

Phillips Neighborhood Revitalization Program Funds: Accept funds for safety & crime prevention and execute agreement with Minneapolis Community Development Agency.

Local Plan for Employment and Training: Agreement with State.

Juvenile Justice Title V Grant Funds: Amend Council Action of 2/20/98 to change

funding source for operation of Curfew Truancy Center.

Dislocated Worker Program: Modify Fund Availability Notice to Greater Minneapolis Day Care Association.

Youth Transition from School to Work Services: Extend period of performance for Fund Availability Notice issued to Minneapolis Urban League.

HUMAN RESOURCES (263904)

Exempt Employees: Ordinance repealing a portion of Title 2, Chapter 20 relating to Administration: Personnel, Article IV, Overtime Pay.

HUMAN RESOURCES (263905)

Fire Cadet Recruitment: Approve additional funds. Defer to Mid-Year Review.

Minneapolis Foremen's Association Labor Agreement Settlement: Amend Salary Ordinance.

International Association of Machinists and Aerospace Workers, Lodge #77 Labor Agreement Settlement: Amend Salary Ordinance.

INFORMATION & TECHNOLOGY SERVICES (263906)

Professional Services: Contract with EMA Services.

LICENSES AND CONSUMER SERVICES (263907)

Greater Minneapolis Convention and Visitors Association Quarterly Performance: Receive and File 1st Quarter 1998 Report.

PURCHASING (263908)

Bid: OP #4884, Accept low bid of Sunrise Painting and Wallcovering, Inc, for removal and installation of wall fabric at Minneapolis Convention Center.

Bid: OP #4909, Accept low bid of Veit & Company, Inc, for demolition of 2 buildings.

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT (263909)

Yoo Chi for Gopher Laundry, 811 4th St SE: Appeal filed by Bob Mikulak from Planning Commission decision denying request for site plan review application, w/attachments.

BUILDERS ASSOCIATION OF TWIN CITIES (263910)

Urban Sprawl: Brochure on cost, causes, affordable housing.

ZONING AND PLANNING (See Rep):

CITY CLERK/SPECIAL PERMITS (263911)

Broadway NE, 80 (Top Line Advertising) sign; Currie Av N, 1000 (Allison Boisvert) beds on second floor; Minnehaha Av S, 3036 (David Botzler) operate an armored car business; Nicollet Mall, 600 (Larry Herkal) banners.

HERITAGE PRESERVATION COMMISSION (263912)

Heritage Preservation Designation of Theodore Wirth House, 3954 Bryant Av S; Keyes House, 2225 E Lake of Isles Pkwy; Woman's Club of Mpls, 410 Oak Grove St; Brooberg Residence, 727 E 24 St; Sharei Zedeck Synagogue (St John's Missionary Baptist Church), 1119 Morgan Av N; Mikro Kodesh Synagogue (Disciple's Ministry Church), 1000 Oliver Av N. Planning Dept: Recmd local heritage preservation designation of exteriors. Planning Comsn: Recmd exterior designation. Heritage Preservation Comsn: Registration forms w/attached photos, maps; Design guidelines for Woman's Club.

PLANNING COMMISSION/DEPARTMENT (263913)

Block E: Postpone decision on Findings of Fact & Record of Decision report for Environmental Assessment Worksheet, to obtain additional information.

PLANNING COMMISSION/DEPARTMENT (263914)

Interim Ordinance (Elliot Park Parking Lot Moratorium): Amending Title 21, Chapter 582 relating to Interim Ordinances: Providing for a moratorium on establishment or expansion of surface parking lots in Elliot Park, w/attached map.

Interim Ordinance (Loring Park & North Loop Parking Lot Moratorium): Amending Title 21 adding new Chapter 587 relating to Interim Ordinances: Providing for moratorium on demolition of buildings and establishment or expansion of surface parking lots in Loring Park & North Loop Study Areas.

Vacation: Approve application of Kraus-Anderson Construction to vacate alley in block bounded by 21st & 22nd Avs N, Girard Av N & Irving Av N for playground for Broadway Community School; Findings; Attached maps; Summary of Planning Commission action.

Vacation: Approve applications of John A Dalsin & Son Inc & The Green Institute to

vacate portions of streets & alleys in area bounded by E 28th St, 22nd Av S, E 29th St, & 19th Av S for site assembly; Findings; Attached maps; Summary of Planning Commission action.

800 & 900 Blocks of Nicollet Mall: Revise Final Alternative Urban Areawide Review to accommodate changes to design of 800 block building.

PLANNING COMMISSION:

FRANCE PARTNERS (263915)

Permission to vacate alley in vicinity of W 50th St & France Av S.

SCHERBING, RAYMOND G (263916)

Permission to vacate 40th Av N vicinity of 4th St N & Washington Av N.

MOTIONS (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (263917)

Employment & Training Program: Location of METP (Referred from Board of Health).

FILED:

CITY CLERK/SPECIAL PERMITS (263918)

2nd Av S, 1301 (Mayflower Transit) chimpanzee; 3rd St S, 328 (Ronald Chessen) outside seating w/tables; 44th & Lyndale Avs N (Americana Fireworks Display Co) fireworks; Block E (Kathy Carson) volley ball court, tent, stage; Excelsior Blvd, 3205 (Americana Fireworks Display Co) fireworks; Portland Av S, 3114-16 (Pauline Thomas) move house; Stinson Blvd NE, 451 (Suburban Lighting Inc) sign; Vineland Pl & Bryant Av (Walker Art Center) close streets.

FINANCE DEPARTMENT (263919)

Investment Management System & Reconciliation Report thru May 31, 1998.

**REPORTS OF
STANDING COMMITTEES**

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

Comm Dev – Your Committee recommends passage of the accompanying resolution adopting an Affordable Housing Policy for the City of Minneapolis.

Niland moved that the report be referred back to the Community Development and Intergovernmental Relations Committees. Seconded.

Adopted upon a voice vote.

Comm Dev – Your Committee recommends passage of the accompanying resolution developing the concept of infrastructure improvements and housing redevelopment for the Humboldt Avenue Greenway project.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-211
By Johnson and Niland**

Developing concept of infrastructure improvements and housing redevelopment for the Humboldt Avenue Greenway project.

Whereas, the City of Minneapolis, the Minneapolis Community Development Agency Board of Commissioners, the Hennepin County Board of Commissioners, and the Minneapolis Park and Recreation Board wish to implement infrastructure improvements and housing redevelopment activities along and adjacent to Humboldt Avenue North in Minneapolis as part of the Hennepin Community Works (HCW) program; and

Whereas, Hennepin County has committed \$10 million in capital funding for the Humboldt Avenue Greenway project; and

Whereas, the state of Minnesota has committed \$7 million to the Humboldt project as part of the 1998 Bonding bill; and

Whereas, the City of Minneapolis has committed \$1.8 million to the project, and

Whereas, the Lind-Bohanon and Shingle Creek residents desire to have the Humboldt Greenway infrastructure improvements and the associated new housing constructed in a timely and deliberate fashion; and

Whereas, this multi-jurisdictional effort requires local units of government to work in cooperation to build and ensure the success of the Humboldt Greenway;

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

That the Minneapolis Community Development Agency staff and the Hennepin County Works staff, with assistance and input from the community, the Minneapolis Planning Department, the University's Design Center for American Urban Landscape be directed to undertake the following tasks:

1. Issue a joint HCW/MCDA "Request for Proposals" (RFP) for the development of an overall plan (Plan) for the implementation and the construction of Phase I of the Humboldt Avenue Greenway project. The plan will take into consideration the following:

A. The design and density of the new housing shall blend in with the neighborhood's existing architectural fabric;

B. The plan will provide maximum front door exposure along Humboldt Avenue in order to take advantage of the new Greenway and other amenities created in the project area;

C. The plan will provide a choice of styles and a range of housing options;

D. The plan shall be based on the Humboldt Greenway design as prepared and presented by BRW, Inc. Respondents may also consider and propose reconfiguration of the Central Green, between 49th Avenue and 51st Avenue along Humboldt, to accomplish the development of new housing on the east side of the new amenity; and

E. The plan shall also provide housing development options for both 50th Avenue, between Girard and Dupont Avenues, and the west side of Girard Avenue, for 49th to 51st Avenue.

2. By September 1, 1998, the plan shall be submitted to the City Council's Community Development Committee for concept approval and to identify City funding sources needed to assist efforts to develop the housing in the project area.

3. Following approval of the concept plan by the City Council, the MCDA will transmit the proposed plan to all impacted jurisdictions for review and comment and will work toward the execution of a redevelopment contract and the establishment of a Tax Increment District for Phase I of the development.

4. By November 1, 1998, the redevelopment Contract and TIF Plan to Phase I will be brought forward to the City Council's Community Development Committee for approval and transmittal for consideration of the full City Council and MCDA Board of Commissioners.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

Comm Dev & W&M/Budget – Your Committee, having under consideration a proposal by France Partners, L.L.C. to build a two-story, 40,000 square foot retail/office structure at 50th St and France Ave, and the developers request for assistance in site assembly for said project, and having held a public hearing thereon, now recommends –

Comm Dev – Passage of the accompanying resolution adopting the establishment of the 50th and France Development District, designating the boundaries thereof, and adopting the Development Program for the District and the 50th and France Tax Increment Finance Plan, as set forth in Petn No 263874.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

W&M/Budget – That said request be forwarded without recommendation.

Minn moved to amend the report to approve the recommendation of the Community Development Committee and to delete the recommendation of the Ways & Means/Budget Committee. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 10; Nays, 2 as follows:

Yeas – Herron, Minn, McDonald, Johnson, Campbell, Biernat, Niland, Goodman, Colvin Roy, Cherryhomes.

Nays – Mead, Ostrow.

Absent – Thurber.

Passed June 26, 1998.
Approved July 1, 1998. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 98R-212
By Niland

**Adopting the Establishment of the 50th
and France Development District, designa-
ting the boundaries thereof, and adopting
the Development Program for the District,
and the 50th and France Tax Increment
Finance Plan.**

Resolved by The City Council of The City
of Minneapolis:

Section 1. **Recitals.**

1.01. Pursuant to Laws of Minnesota 1980,
Chapter 595, as amended, and the Minneapolis
Code of Ordinances, Chapter 422, as
amended, (the "Agency Laws") the Minneapolis
Community Development Agency (the
"Agency") has the authority to propose and
implement redevelopment projects,
development districts, redevelopment projects
and tax increment financing districts, all
pursuant to Minnesota Statutes, Sections
469.001 through 469.047, 469.124 to 469.134,
and 469.174 through 469.179, as amended;
Laws of Minnesota 1971, Chapter 677, as
amended; (collectively, the "Laws").

1.02. As required by Minnesota Statutes,
Sections 469.124 through 469.134 as a
condition for establishing a development
district, the Minneapolis City Council has
appointed an Advisory Board as provided in
Minnesota Statutes, Section 469.132,
consisting of seven members, the majority of
whom are owners or occupants of real property
located in or adjacent to the proposed
development district. The Advisory Board for
the proposed development district has been
consulted and its advice and recommendations
obtained concerning the designation of this
development district.

1.03. It has been proposed that the Agency
prepare the 50th and France Development
Program and Tax Increment Finance Plans to
reflect the establishment and designation of a
development district, designation of boundaries
thereof, project activities and costs, the
designation of property that may be acquired,
and the establishment of the 50th and France

Tax Increment Finance District (the "TIF
District"), all pursuant to and in accordance with
the Laws.

1.04. The Agency has caused to be
prepared, and this Council has investigated the
facts with respect to the proposed 50th and
France Development District and Tax
Increment Finance Plans, (collectively, the
"Plans") describing more precisely the
designation of boundaries thereof, activities to
be undertaken, public costs, the designation of
property that may be acquired, and the
identification of a budget for expenditures,
within the area bounded by the project (the
"Project Area"), all pursuant to and in
accordance with the Laws.

1.05. The Agency and the City have
performed all actions required by law to be
performed prior to the adoption of the Plans,
including, but not limited to, a review of the
proposed Plans by the affected neighborhood
groups and the Planning Commission,
transmittal of the proposed Plans to the
Hennepin County Board of Commissioners and
the School Board of Special School District No
1, the Mayor of the City of Minneapolis and
other interested parties, for their review and
comment, and the holding of a public hearing
after published and mailed notice as required
by law.

1.06. Prior to relocation of any displaced
persons or businesses, the Agency will provide
relocation assistance in accordance with the
provisions of Minnesota Statutes.

1.07. The Council hereby determines that it
is necessary and in the best interests of the
City at this time to approve the Plans to reflect
establishment and designation of district
boundaries, project activities and costs in the
Project Area.

Section 2. **Findings for the Adoption of
the Plans.**

2.01. The Council hereby finds, determines
and declares that the Plans will afford
maximum opportunity, consistent with the
sound needs of the City as a whole, for the
development or redevelopment of the Project
Area and TIF District by private enterprise as
the proposed development or redevelopment
eliminates the blighting influences of obsolete,
blighted, and deteriorating substandard
structures requiring substantial renovation or
clearance, and exhibiting deficiencies in other
categories, and redevelops the area by new

construction and rehabilitation. The proposed project will include commercial redevelopment of an approximately one acre site for the construction of a new roughly 40,000 square foot, L-shaped, two-story retail and office center on the project site. The project will include underground parking and surface parking spaces on site, as well as public improvements and streetscaping.

2.02. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. This development district includes the main commercial properties and public infrastructure located in Minneapolis that are part of the 50th and France Community level retail note. The boundaries of the development district coincide with the boundaries of the Business Zone that were identified in the Fiftieth and France Avenue Master Plan (the "Master Plan"), produced jointly by the Fulton Neighborhood Association and the 50th and France Business Association, dated November 1, 1996. Further, as stated in the Master Plan, the objective is to open up shared parking opportunities between businesses in the immediate area, thus promoting more effective use of parking facilities and increasing larger scale redevelopment flexibility within this planning quadrant. In addition to the municipal parking lot, general streetscape improvements are planned within the development district that will provide necessary amenities for commercial enterprise and to provide transition zones between commercial and residential land uses, intended to serve the mutual interests of both residential property and business owners, and are consistent with amenities proposed in the Master Plan. The economic vibrancy of the development district in general, and the proposed TIF district in particular require that public amenities are provided. It has been determined that the establishment of the development district will provide the City with the ability to achieve certain public purpose goals not otherwise obtainable in the foreseeable future without City intervention in the normal development process. These goals are to restore and improve the tax base and tax revenue generating capacity of the development district; increase employment opportunities; realize comprehensive planning goals; remove blighted conditions; revitalize the

property within the development district to create an attractive, competitive, convenient and efficient area for mixed-use commercial office and retail uses. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.03. The Council further finds, determines and declares that the proposed development or redevelopment would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and the use of tax increment financing is deemed necessary, as the land in the Project Area would not be made available for redevelopment without the financial aid to be sought. Further, the private redevelopment of the property included in the TIF District could not occur without public participation and financial assistance. As early as June of 1979, 50th and France was identified by the City in the Plan for the 1980s as a Community retail center, providing retail services for a large trade area covering much of Southwest Minneapolis. This plan also noted that in order to effectively sustain its role as a competitive community level retail center, the Minneapolis portion of the 50th and France commercial district needed significant public and private investment and renovation to overcome the growing physical, functional and economic obsolescence of the area. During the past twenty years, despite some public and private investment and modernization, the retail district has failed to remain competitive with the thriving commercial district located contiguous with it in Edina, on the west side of France Avenue. The five commercial properties at the northwest corner of the intersection of West 50th Street and France Avenue, located directly across France Avenue from the proposed project site, had an estimated market value for taxes payable (TP) 1998 of \$2,254,900, or \$80.20 per square foot of land. The five properties located at the Northeast corner of the intersection, the site of the proposed TIF District, had a total estimated market value in the same year of \$1,515,500. For the Minneapolis project site this valuation equals \$34.49 per square foot, which is 43% of the Edina values. Because of the deteriorating property conditions and low commercial occupancy rates of the property located within

the proposed TIF district, the January 2, 1998 assessed value (for TP 1999) of the property in the district is \$1,211,500, a 20% decline in assessed market value from the prior year.

Public redevelopment activities and expenditures authorized by the Plans have two main objectives: 1) redevelopment of the property included within the TIF District to construct a new attractive, competitive, convenient and efficient mixed-use, commercial office and retail project, 2) revitalizing the northeast corner of the intersection of France Avenue and West 50th Street is the key to stimulating commercial revitalization in the remainder of the Project Area, and successfully implementing the public improvements, parking and streetscaping program for the larger commercial area. The purpose of the tax increment funded public redevelopment activities is to facilitate commercial redevelopment of the project site through the acquisition and removal of marginal, substandard and obsolete building structures.

The proposed project site is approximately one acre in size. The estimated costs of site assembly and site preparation range from \$2,000,000 to \$2,400,000. This includes the total cost of property acquisition, relocation of displaced tenants, and demolition of the existing structures. Cost estimates for site assembly and preparation equate to approximately \$46 – \$55 per square foot. Based upon an analysis by staff at the City Assessor's Office, it is estimated that the fair market value of cleared land at this location is approximately \$13 per square foot. Furthermore, public land use controls and regulatory efforts to restrict the encroachment of the commercial land uses into the surrounding residential neighborhood limit the size of the commercial parcel available for redevelopment. This imposes the additional financial burden on new development of building expensive structured parking to provide a portion of the on-site parking necessary for viable commercial development.

Without public redevelopment activities and expenditures, the development of this community retail center would not be economically viable by private investment alone.

Therefore, it is the opinion of the City of Minneapolis that development in the proposed TIF District could not occur solely through

private investment within the foreseeable future and the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the Plans.

2.04. The Council further finds, determines and declares that the property to be included in the TIF District consists of property that qualifies for inclusion in a renewal and renovation district and is blighted and the buildings are substandard, as defined in Minnesota Section 469.174, Subdivision 10a; that the tax increment financing district to be established meets the criteria of a renewal and renovation district as defined therein, based upon detailed and documented parcel-by-parcel interior and external inspections of the properties to be included in the TIF District; that exterior surveys were conducted for all buildings, and interior inspections were conducted for all buildings; and that the reasons and supporting facts for these determinations are retained and available from the Agency.

2.05. The Council further finds, determines and declares that the creation of the 50th and France renewal and renovation TIF District is necessary in order to finance public redevelopment activities intended to enhance the tax base of the state by allowing for the removal of marginal, substandard and obsolete structures and the creation of an attractive, competitive, convenient and efficient area for mixed-use, commercial office and retail uses within a Community retail center. Therefore, creation of this renewal and renovation tax increment financing district is in the public interest because it will result in the preservation and enhancement of the tax base of the State.

2.06. The Council further finds, determines and declares that the development program and actions authorized by the Plans are all pursuant to and in accordance with the Laws.

2.07. The Council further finds, determines and declares that the City elects the method of tax increment computation set forth in Minnesota Statutes, Section 469.177, Subdivision 3 (a), and that it is the intent of the City and Agency that the entire fiscal disparity

contribution required of the City for development occurring within this TIF District be taken from outside this TIF District.

2.08. The Council further finds, determines and declares that the City elects to make the qualifying local contribution to project costs required pursuant to Minnesota Statutes, Section 273.1399, thereby exempting the City from the State Aid Offset (LGA/HACA penalty) on the TIF District. A new renewal and renovation TIF District can be exempted from the LGA/HACA penalty provisions if the local municipality makes a contribution of qualifying local funds to the project costs equivalent to ten percent of the arithmetic sum of all tax increment revenues collected from the TIF District during its legal term.

2.09. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to create and designate the development district to be improved in accordance with a development program to be adopted for the development district; and further to approve the Plans.

Section 3. Approval of the Plans.

3.01. Based upon the findings set forth in Section 2 hereof, the 50th and France City Development District Plan, and the 50th and France Tax Increment Finance Plan presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans.

4.01. The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted. Yeas, 10; Nays, 2 as follows:

Yeas – Herron, Minn, McDonald, Johnson, Campbell, Biernat, Niland, Goodman, Colvin Roy, Cherryhomes.

Nays – Mead, Ostrow.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell moved to discharge the Community Development Committee from further consideration of the Ryan Properties, Inc./Target Store proposal. Seconded.

Adopted. Yeas, 8; Nays, 4 as follows:

Yeas – Herron, Minn, Johnson, Ostrow, Campbell, Biernat, Colvin Roy, Cherryhomes.

Nays – Mead, McDonald, Niland, Goodman.

Absent – Thurber.

The **COMMUNITY DEVELOPMENT, TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

Comm Dev, T&PW & W&M/Budget –

Your Committee, having under consideration the basic business terms and financing plan for a restated redevelopment contract with Ryan Properties, Inc., for the phased redevelopment of Block 34 of the South Nicollet Mall Development District, also referred to as the "900 Nicollet Block," (Target Store proposal) now recommends –

a) Approval of the restated contract business terms set forth in Petn No 263893 for said redevelopment;

b) Approval of the method of financing the public redevelopment costs for this project as proposed in the Petition;

c) That the proper officers of the City and Minneapolis Community Development Agency (MCDA) be authorized to execute a Restated Redevelopment Contract and related documents consistent with the approved terms and contained in the Petition;

d) That the Board of Estimate and Taxation be authorized to issue parking bonds in an amount sufficient to provide \$9,800,000 in proceeds for this project;

e) That this action be transmitted to the Board of Commissioners of the MCDA.

Niland moved that the report be postponed. Seconded.

Lost. Yeas, 5; Nays, 7 as follows:

Yeas – Mead, Minn, McDonald, Niland, Goodman.

Nays – Herron, Johnson, Ostrow, Campbell, Biernat, Colvin Roy, Cherryhomes.

Absent – Thurber.

The report was adopted.

Yeas, 7; Nays, 5 as follows:

Yeas – Herron, Johnson, Ostrow,
Campbell, Biernat, Colvin Roy, Cherryhomes.
Nays – Mead, Minn, McDonald, Niland,
Goodman.
Absent – Thurber.
Passed June 26, 1998.
Approved July 1, 1998. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

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

IGR – Your Committee recommends that
the proper City officers be authorized to
execute the Comprehensive AIDS Resource
Emergency (CARE) Act Intergovernmental
Agreement II. (Petn No 263876)
Adopted. Yeas, 12; Nays none.
Absent – Thurber.
Passed June 26, 1998.
Approved July 1, 1998. S. Sayles Belton,
Mayor.
Attest: M Keefe, City Clerk.

IGR – Your Committee, having under
consideration the Metropolitan Council's
Proposed Regional Fiscal Impact Study (Fiscal
Study), related to its Regional Growth Study,
now recommends that the City participate in
the Fiscal Study up to \$25,000.

Your Committee further recommends that
funding for the Fiscal Study be referred to the
Budget Office for consideration during either
the 1998 mid-year review or the 1999 budget
process. (Petn No 263878)
Adopted. Yeas, 12; Nays none.
Absent – Thurber.
Passed June 26, 1998.
Approved July 1, 1998. S. Sayles Belton,
Mayor.
Attest: M Keefe, City Clerk.

IGR – Your Committee, recommends
passage of the accompanying resolution
establishing a New Central Library
Implementation Committee.
Adopted. Yeas, 12; Nays none.
Absent – Thurber.
Passed June 26, 1998.
Approved July 1, 1998. S. Sayles Belton,
Mayor.
Attest: M Keefe, City Clerk.

**RESOLUTION 98R-213
By Campbell**

**Resolution Establishing a New Central
Library Implementation Committee.**

Whereas the Minneapolis Public Library
has done extensive research over the past
several years demonstrating the need for a new
Central Library; and

Whereas this research has shown that the
current library is inadequate to meet the needs
of the citizens of Minneapolis and of the
metropolitan area because of, among other
reasons, insufficient and antiquated use of
space, architectural obsolescence, inability to
display and safeguard collections and
limitations on technological improvements; and

Whereas, the Minneapolis Public Library
and the City of Minneapolis are both
independent public bodies and have worked
cooperatively over the past several years in
addressing the status of the Central Library and
the need for a new Central Library in downtown
Minneapolis, through resolutions of support and
joint funding and participation on the Blue
Ribbon Task Force which was convened in
1990 to examine this issue; and

Whereas the Minneapolis Public Library,
and the City of Minneapolis hereby reaffirm
their commitment to work collaboratively to
construct a new Central Library;

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

That a Minneapolis Central Library
Implementation Committee be established as
advisory to the Library Board and the City
Council to recommend, no later than June 1,
1999, a site, conceptual design, and funding
methodology for the construction of a new
Central Library. This Committee will:

- Define the role of a Central Library in the
context of the City, the metropolitan area and
regional and state-wide library systems;
- Determine program requirements for a
new Central Library;
- Examine the adequacy or inadequacy of
the existing Central Library facility;
- Develop a program and building design
based on the program requirements;
- Recommend a site for a new facility;
- Develop cost estimates of program and
design alternatives;

- Develop financing options and consider operating assumptions for the facility;
- Make a final recommendation for a site, and a program and design alternative;
- Advocate for the construction of this project;
- Recommend policies, guidelines, a work plan and schedule for the implementation of this project from design to the project closeout;
- Make recommendations to the Library Board and City Council and other jurisdictions as necessary for the completion of a new Central Library; and
- Provide periodic updates to the Library Board and City Council regarding its progress and its policy recommendations.

Be It Further Resolved that the Library Board and the City Council agree that this is a collaborative effort and will provide staff and funding to this Committee as necessary. The Director of the Library and the City Coordinator will be the lead staff from each agency and will provide all necessary staffing of this Committee. This Committee will also have the authority to hire consultants and other individuals as necessary. Funding for these activities will be appropriated by the Library Board and City Council from general revenues as requested.

Be It Further Resolved that the Membership of this Committee will be comprised of:

Chairs

- Mayor of the City of Minneapolis
- President of the Minneapolis Public

Library

Library Board

- Chair, Central and Community Relations Committee

- Chair, Finance Committee

City Council

- Council President
- Chair, Intergovernmental Relations Committee

Users (to be appointed by the Library Board)

- General users
- Users of special collection
- Representative of business community

Downtown Representatives

(Appointments of Council/
Mayor)

- Representative of Downtown Council

- Representative of Nicollet Mall Advisory Board

- Two Downtown Residents

Staff

- City Coordinator
- Library Director

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS** and **WAYS & MEANS/BUDGET** Committee submitted the following report:

IGR & W&M/Budget – Your Committee, having under consideration the matter of developing a strong, competitive application for a Federal Empowerment Zone grant, now recommends:

a. that an amount not to exceed \$75,000 be appropriated for the services of a consultant, to be named at a later date, to assist staff with the preparation of the application; and

b. that an amount not to exceed \$60,000 be appropriated for other expenses of developing the application, including the services of a project manager, a communications consultant, and a graphic consultant, and costs for printing, video production and travel to Washington, D.C.

Your Committee further recommends passage of the accompanying resolution increasing the Intergovernmental Relations Agency Appropriation by \$75,000 and the City Coordinator Agency Appropriation by \$60,000. (Petn No 263879)

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-214

By Campbell

Amending The 1998 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 Intergovernmental Relations Agency in the General Fund (010-841-8410) by \$75,000; and
- b. Increasing the appropriation for the City Coordinator Agency in the General Fund (010-840-8405) by \$60,000.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, 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 January 1, 1999

Loring Park Assoc Ltd Partners, dba Hyatt Regency Mpls/Regency Caterers, 1300 Nicollet Mall;

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 1999

Columbia Park Business Center Corp, dba Minneapolis Athletic Club, 615 2nd Av S (change in ownership from Minneapolis Athletic Club);

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 1999

It's Greek To Me Inc, dba It's Greek To Me, 626 W Lake St (new business, change from On-Sale Wine Class E with Strong Beer);

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 1999

Pier Group LLC, dba Chiang Mai Thai Restaurant, 3001 Hennepin Av (new business);

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

Labonne Table Inc, dba New French Cafe & Bar, 128 N 4th St (temporary expansion of premises and temporary outdoor entertainment, July 12, 1998 for Bastille Day Celebration);

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 1999

Market Bar-B-Que Corporation, dba Market Bar-B-Que, 1414 Nicollet Av (internal transfer of shares);

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

Mill Inn Inc, dba Mill Inn, 515 Washington Av S (temporary expansion of premises, June 27 & 28, 1998 from 8:00 a.m. to 1:00 a.m.);

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 1999

Loon Cafe Inc, dba Loon Cafe, 500 1st Av N (Sidewalk Cafe expansion);

Temporary On-Sale Liquor

Twin Cities Goodtime Softball League Inc, 1812 1st Av S on Saturday June 27, 1998 and Sunday June 28, 1998 from 4:00 p.m. to 10:00 p.m. on Block E (licensed facilitator: Ampa Inc);

On-Sale Wine Class B with Strong Beer, to expire April 1, 1999

Balcony Inc, dba Sallie's Soul & Creole, 1628 E Lake St (change in ownership from Soul Inc);

On-Sale Wine Class E with Strong Beer, to expire April 1, 1999

Mighty Wrapps LLC, dba Mighty Wrapps, 3001 Hennepin Av (sidewalk cafe expansion);

On-Sale Beer Class E, to expire April 1, 1999

Johnnie Entertainment LLC, dba Sportsman's Pub, 2124 Como Av (change in ownership from Gray's Sportmans' Ent Inc);
Pizza Hut of America Inc, dba Pizza Hut #401020, 2150 E Lake St;

Temporary On-Sale Beer

Church of All Saints, 435 NE 4th St, for Fall Festival on September 13, 1998 from 11:00 a.m. to 7:00 p.m.;

Minneapolis Aquatennial Association, dba Minneapolis Aquatennial, 43 Main St SE Ste 145, on July 18 & 19, 1998 from noon to 10:00 p.m.; July 22, 1998 from 5:00 p.m. to 10:00 p.m.; July 25 & 26, 1998 from noon to 10:00 p.m. on Block E;

Minneapolis Downtown Council, dba Aquatennial Downtown Block Party, 81 S 9th St Ste 260, on July 17, 1998 on Hennepin Av from 4th to 9th Sts.

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, 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 June 26, 1998, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 263884):

Amusement Devices; Building Contractor Class A; Building Contractor Class B; Cement Finisher; Contractor/Masonry Class A; Contractor/Masonry Class B; Fire Extinguisher Class A; Laundry; Caterers; Farm Produce (profit or non-profit permit); Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food Establishment; Sidewalk Cafe Permit; Vending Machines; Musical Juke Box; Motor Vehicle Servicing Class A (Towing); Peddler – Foot; Peddler - Special Religious; Plasterer; Plumber; Suntanning Facilities; Taxicab Service Company License; Taxicab Vehicle; Tobacco Dealers; Tradesman - Combination; Tree Servicing.

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, 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

A Chance to Grow Inc, 3820 Emerson Av N, for raffle on October 4, 1998;

Minnesota Paralyzed Veterans of America, 1 Veterans Dr, for raffle on November 12, 1998;

Church of All Saints, 435 NE 4th St, for bingo, raffle, pulltabs and paddle wheel on September 13, 1998.

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends approval of the application of the Minneapolis Aquatennial Association for a special permit to conduct the Big OOOH AAAH Fireworks Show

on Saturday July 25, 1998 from 10:00 to 10:30 p.m., to be displayed from three barges moored off Boom Island and south of the Plymouth Avenue Bridge (Ward 3), including the use of the Plymouth Avenue Bridge.

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration an assessment for brush removal for the property located at 3434 Washington Av N, now recommends that the proper City Officers be authorized to request that Hennepin County remove the assessment of \$76.99, plus interest or penalties, from the property taxes payable in 1998 by Vivian Kay Alvarado for the property at 3434 Washington Av N (PID #10-029-24-21-0011).

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends that the proper City Officers be authorized to execute a Confidentiality and Research Nondisclosure Agreement with Hennepin County which will allow the sharing of data between Hennepin County and the Minneapolis Department of Health & Family Support, as part of a collaborative data matching and analysis project between the City of Minneapolis, Hennepin County and the Minneapolis Public Schools. Said agreement shall be effective through December 31, 1998, and will match birth certificates on selected teen parents in Minneapolis with school records and County social service records. (Petn No 263882)

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998.

Approved June 26, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published June 30, 1998)

PS&RS – Your Committee recommends that the proper City Officers be authorized to

execute Amendment #1 to Agreement #12242 with the Metropolitan Visiting Nurse Association, to increase the contract by \$17,205 for a new total amount not to exceed \$1,252,371, to provide for funding a public health nurse, at half time, for the period July 1 through December 31, 1998, to complete Project LID, a research project to Lower Infant Deaths, payable from Health Department (060-440-4413).

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, to whom was referred ordinances amending Title 12 of the Minneapolis Code of Ordinances relating to **Housing** regarding redesign of the Truth in Sale of Housing Program by requiring certain unsafe items to be repaired and/or replaced prior to sale or within one year, and having held public hearings thereon, now recommends that the following ordinances be sent forward without recommendation:

a. Repealing Chapter 248 relating to **Truth in Sale of Housing**; and

b. Adding a new Chapter 248 relating to **Truth in Sale of Housing**.

Minn moved to amend Section 248.90 of the Ordinance by deleting the following language in Subsection (a):

“A buyer intending to correct these items must have written consent from the director of inspections, or the director’s designee. Such written consent may be subject to terms and conditions including but not limited to:

(1) A signed agreement between the seller and buyer that the buyer will accept responsibility for correction of required repair/replace items.

(2) A list of all work to be completed with a completion date not to exceed 90 days from closing, unless otherwise approved by the City.

(3) Evidence of financial ability to perform the corrections.

(4) When the buyer may occupy or allow occupancy of the dwelling.”, and inserting in lieu thereof “Seller and buyer shall cause to have filed with the director of inspections a copy of a responsibility agreement that shall

include evidence of financial ability to perform the corrections required thereto.” Seconded.

Adopted upon a voice vote.

McDonald moved to amend Section 248.80 by deleting the repair/replace items listed in Subsections (a) (3) and (a) (5) and amending Subsection (a) (4) by deleting the language “Plumbing systems that are unsanitary due to leaking waste systems, fixtures or traps;” and “cross connection of municipal water supply with fixtures or sewage lines, missing cleanout floor drain plug, improper waste or vent lines on illegal installations”. Seconded.

Lost upon a voice vote.

Minn moved to amend Section 248.90 of the Ordinance by deleting in Subsection (d) the language “has been approved by the city” and inserting in lieu thereof “has been received by the director of inspections”. Seconded.

Adopted upon a voice vote.

Minn moved to amend Section 248.80 of the Ordinance by deleting in Subsection (c) the language “completed by the owner within one (1) year” and inserting in lieu thereof “completed by the buyer or seller within ninety (90) days”. Seconded.

Adopted upon a voice vote.

Minn moved to amend the report by deleting the language “be sent forward without recommendation” and inserting in lieu thereof “be given their second reading for amendment and passage.” Seconded.

Adopted upon a voice vote.

Minn moved to amend the report by adding the following paragraph:

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

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 7; Nays, 5 as follows:

Yeas – Herron, Mead, Minn, Campbell, Biernat, Niland, Cherryhomes.

Nays – McDonald, Johnson, Ostrow, Goodman, Colvin Roy.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-056 repealing Chapter 248 of Title 12 of the Minneapolis Code of

Ordinances relating to **Housing: Truth in Sale of Housing** and Ordinance 98-Or-057 amending Title 12 of the Minneapolis Code of Ordinances relating to **Housing**, by adding a new Chapter 248 relating to **Truth in Housing**, to establish requirements for:

- a) When a Truth in Sale of Housing report is needed or exempted,
- b) Requirements for disclosure by the seller,
- c) Requirements for the disclosure report,
- d) Requirements for the repair/replace of:
 - (1) Heating systems that are unsafe due to burned out or rusted heat exchangers; burned out, rusted, or plugged flues; improper vents.
 - (2) Water heaters that are unsafe due to burned out or rusted heat exchangers; burned out, rusted or plugged flues; improper vents; or improper or missing temperature and pressure relief valves or discharge pipe.
 - (3) Electrical systems that are unsafe due to dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; exposed uninsulated wires; temporary distribution systems; or ungrounded systems.
 - (4) Plumbing systems that are unsanitary due to leaking waste systems, fixtures or traps; lack of an operating toilet; lack of washing or bathing facilities; cross connection of municipal water supply with fixtures or sewage lines, missing cleanout floor drain plug, improper waste or vent lines on illegal installations.
 - (5) Structural systems, including walls, chimneys, ceilings, roofs, foundations, floor systems or decks which are not capable of carrying imposed loads.
 - (6) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, vermin infestation or other materials rendering residential building and structures unsanitary for human occupancy per Minneapolis Housing Maintenance Code section 244.690.
 - (7) The disorganized storage of large amounts of newspapers, clothing and many other kinds of materials in violation of Minneapolis Housing Maintenance Code section 244.695.
 - (8) Smoke detectors that are improperly located, missing, or inoperable.
 - (9) Lack of required utilities.
 - (10) Broken or jagged glass such that exposed edges may cause injury.

- (11) Gas piping systems that are unsafe due to unapproved, improper, or uncapped lines;
 - e) Establishing requirements for completing the required work with timelines,
 - f) Requirements for if the buyer is to assume responsibility to complete the required work,
 - g) Requirements for the sale of condemned properties requiring a code compliance,
 - h) Requirements regarding evaluator licenses and establishing a method of appeal for persons aggrieved in the process. These ordinances were passed June 26, 1998 by the City Council and approved July 1, 1998 by the Mayor. Complete copies are available for public inspection in the office of the City Clerk.

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

ORDINANCE 98-Or-056
By Biernat and Minn
Intro: 3/6/98
Ref to: PS&RS
1st Reading: 4/1/98
2nd Reading: 6/26/98

Repealing Chapter 248 of Title 12 of the Minneapolis Code of Ordinances relating to Housing: Truth in Sale of Housing.

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

CHAPTER 248. TRUTH IN SALE OF HOUSING²⁴

248.10. Definitions. For the purpose of this chapter the following terms shall mean:

~~*Time of sale:* The time when a written purchase agreement is executed by the buyer, or, in the absence of a purchase agreement, prior to the execution of any document providing for the conveyance of a single- or two-family dwelling.~~

~~*Truth-in-housing disclosure report:* The written and signed evaluation by a person certified pursuant to section 248.80, made on a form described in section 248.40, representing to the actual buyer of the dwelling evaluated that said person has utilized the care and diligence reasonable and ordinary for one meeting the certification standards prescribed by section 248.70 and has found no instances of noncompliance with the items contained on said~~

form as of the date thereon except as specifically designated thereon:

~~Truth-in-housing zoning report:~~ The written and signed zoning evaluation by the city zoning administrator made on a form containing the zoning information required in section 248.40:

248.20. Prohibited act. No owner or agent of the owner shall sell by conveyance or contract for conveyance a single- or two-family dwelling within the city without providing to the buyer, prior to the time of sale, one of the following disclosure documents issued within one year preceding the time of sale: either a copy of (i) a truth-in-housing disclosure report relating to said dwelling as described in section 248.40, or (ii) a certificate of code compliance as set forth in Chapter 87, Article II, of this Code, or a copy of the orders issued by the director of inspections as a result of a certificate of code compliance inspection, issued within one year preceding the time of sale. Further, no owner or agent of the owner shall sell by conveyance or contract for conveyance any building located in the R1, R2, R2A or the R2B zoning districts occupied as a multiple dwelling without providing to the buyer prior to the time of sale a copy of a truth-in-housing zoning report issued within one year preceding the time of sale or a certificate of code compliance issued within the same time period.

The truth-in-housing disclosure report, the certificate of code compliance, or the orders resulting from a code compliance inspection, when used as the disclosure document required by this chapter, shall all contain a statement signed by the dwelling owner as to any damage to the dwelling or its contents by flooding, or sewer backup due to flooding, and also any evidence of chronic water seepage of which the owner has experience or knowledge. All such reports and certificates are not deemed valid without the aforementioned signed statement. Further, no owner or agent of the owner shall sell such dwelling without providing to the buyer a statement of the nature, extent and cause of any water seepage or flooding of any portion of the property within the knowledge of the owner.

No holder of a certificate of competency issued in accordance with this chapter shall allow said certificate to be used by another person. No person shall fill out a truth-in-housing disclosure report on the form prescribed in section 248.40 of this chapter to be used as a disclosure document

as set out in this section without first obtaining and maintaining a certificate of competency as provided for in this chapter.

248.25. Resale of dwellings. A new disclosure report, certificate or orders resulting from a certificate of code compliance inspection shall be required for each change of ownership or time of sale:

248.26. Availability of documents. No person licensed by the State of Minnesota to sell real estate shall offer for sale by exhibiting or showing any one- or two-family dwelling within the city without first having obtained one of the documents as set out in section 248.20: The report, certificate or orders, as set out in section 248.20, shall be made available for inspection at the premises to which they pertain at all times that such dwelling is being offered for sale:

248.30. New housing. Except for the disclosure report required under this section, the provisions of this chapter shall not apply to the sale or conveyance of any single- or two-family dwelling to a public body nor to any newly constructed dwelling when title is transferred to the first owner, nor to condominiums; however, townhouse dwellings, as defined in Chapter 522, shall require a disclosure document as set out in section 248.20 and in addition, if said townhouses are newly constructed dwellings, shall conform to the requirement of this section:

No owner or agent of the owner shall sell by conveyance or contract for conveyance a newly constructed dwelling within the city without providing to the buyer, prior to the time of sale as defined in 248.10 a statement containing the following information:

- (A) The R value of all exterior walls, floors and roofs;
- (B) The cost to the buyer of the dwelling expressed in dollars per square foot of habitable space;
- (C) A list indicating the name and addresses of the contractor(s) and subcontractor(s) who constructed the dwelling;
- (D) A list of the material out of which each of the following building components are made:
 - (1) Water pipe;
 - (2) Sewer pipe;
 - (3) Wiring from the main electrical box to all outlets and overhead lights;
 - (4) Any carpeting or other floor covering;

- (5) The foundation;
- (6) All materials comprising the part of the building between the ground or basement space and the floor upon which a person walks;
- (E) The square footage of all closet space and the square footage of the basement area or a statement that there is no basement or closet space;
- (F) If the offer to sell is for a unit not yet built, then a list of any required variances, conditional use permits or other governmental actions required before the unit can be built and/or occupied; and
- (G) Unless low interest financing has specifically been committed for the unit by federal, state or city agencies, a statement that no low interest financing has been made available for the purchase of the dwelling. In addition, a statement that if the prospective purchaser is interested in knowing the possibility of the purchaser and/or the unit being eligible and receiving such financing that the purchaser should contact a lending institution or the appropriate city, state or federal agency for information. Further, a statement that neither the builder nor the real estate agent has the power to commit any city, state or federal agency or any lending institution to the provision of low interest financing.

The seller of the dwelling may reasonably rely on information provided by the builder or general contractor of the dwelling for items (A), (C), (D). The builder or general contractor is hereby required to provide this information to the seller. The seller may reasonably rely on information provided by the city's zoning department and inspections department for item (F). The zoning department and inspections department shall be required to provide such information in writing to the seller upon request.

248.40. Forms. Subject to the approval of the city council, the examining board shall prepare or authorize the use of such form or forms as it may deem appropriate to constitute a disclosure under section 248.20. The form shall provide information concerning minimum code requirements applicable to existing single- and two-family dwellings and townhouses which, when not complied with, constitute a major structural defect or an immediate danger to the health and safety of the occupant. The information provided

shall indicate whether the condition meets minimum city requirements, is below minimum city requirements, or is deemed to be hazardous at the time and date of the evaluation. In making the evaluation, it shall be assumed that any concealed facilities and installations that are not viewed are adequate, based on the functional operations of the facilities and installations and the condition of the equipment that is viewed; no other warranty is expressed or implied. The form shall also include the signed statement by the owner or agent of the owner as to whether or not there are housing orders pending regarding the property issued by the department of inspections, City of Minneapolis. The form shall also include a determination of the dwelling's zoning status, indicating the present occupancy and a determination whether the present occupancy is conforming or nonconforming, and shall also show present zoning of the dwelling. If nonconforming occupancy is claimed, such nonconforming use shall be verified by the city zoning administrator in writing. The owner shall provide a copy of such written verification to the buyer prior to the closing or finalization of the transfer of ownership or the buyer's signing of any contract for deed. Nothing in said report shall indicate, or shall be deemed to indicate, that said dwelling meets all minimum housing standards.

248.50. Examining board established; membership. For the purpose of this chapter, an examining board, which shall be known as the examining board for truth-in-housing evaluators, shall be appointed by the city council, and shall consist of ten (10) members. The director of inspections, or designee, shall be a member of the board and shall serve as its secretary-treasurer. Each appointment shall be for a period of two (2) years and shall continue until a replacement has been duly appointed and qualified.

248.60. Organization of board. Said examining board shall elect a chair who shall preside over meetings of the board and vice chair who shall preside in the absence of the chair. The secretary-treasurer shall have the duty to keep records of all applications and examinations for certificate of competency, certificate issuances and renewals, complaints of the performances of individual truth-in-housing evaluators, and other activities of the board and of fees received, and to pay into the city finance officer, as soon after their receipt as practicable, all monies collected by the board. Regular meetings of the board shall be

held on the second Tuesday of January, April, July and October, respectively, and special meetings shall be held when necessary at the call of the chair of the board. The board shall adopt rules and bylaws governing its procedures and a copy of such rules and bylaws shall be available to each applicant for a certificate of competency.

248.70. Duties of board. The board shall subject each applicant for a certificate of competency to an examination to determine whether the applicant has sufficient knowledge, expertise, skill, training and experience to properly carry on the business evaluating single- and two-family dwellings for compliance with the Code of Ordinances applicable to existing single- and two-family dwellings, and shall issue to each applicant who satisfactorily passes such examination the desired certificate of competency upon the payment of the fees hereinafter provided, and shall issue renewals of such certificates from year to year as hereinafter provided, upon payment of the required fees therefor. In case any certificate of competency shall lapse for a period of one year or more, then it shall be necessary for the person who held such certificate to pass a new examination by the examining board before receiving a renewal of such certificate. The board may remove a truth-in-housing evaluator for just cause after notice and a hearing held thereon. Any applicant aggrieved by a decision of the board may appeal such decision to the city council by notifying the chair of the public safety and regulatory services committee of the city council in writing within fifteen (15) days of receipt of the board's decision. All such appeals shall be on the record and shall be heard by the public safety and regulatory services committee. The public safety and regulatory services committee shall then make a recommendation to the city council.

248.80. Applications for certificates; examination fees. Each person desiring a certificate of competency such as herein provided, shall file with the examining board, at least three (3) days prior to the date of examination, an application to take the required examination and shall pay the nonrefundable sum of fifty dollars (\$50.00) as an examination fee. Such application shall contain information relative to name, address, place of employment, time and place of schools attended and studies completed, together with a chronological record of the candidate's employment, with complete information relative to duties and type of work performed. This information shall be deemed public and available

upon request.

Upon successful completion of said examination, an application for a certificate of competency shall be made on forms prescribed and furnished by the board and shall be filed with the office of the director of inspections upon payment of an annual fee of fifty dollars (\$50.00) which shall be nonrefundable.

248.90. Insurance. No certificate of competency shall be issued or renewed without proof of general liability insurance insuring the applicant with a minimum limit of liability of two hundred fifty thousand dollars (\$250,000.00) general aggregate and per occurrence and errors and omissions insurance with a minimum limit of liability of two hundred fifty thousand dollars (\$250,000.00) which may include a deductible not exceeding five thousand dollars (\$5,000.00) and the evaluator shall maintain insurance continuously in force thereafter and no certificate of competency shall be deemed to be in effect when such insurance is not in effect. The city shall be included as a named insured on the insurance required herein at the expense of the evaluator. The evaluator shall furnish the city with a certificate of insurance which meets the city requirements.

248.100. Fees for certificates and renewals. The holder of a certificate of competency shall, upon payment of a renewal fee of fifty dollars (\$50.00) annually, have said certificate renewed for the ensuing year. A holder of a certificate shall not allow said certificate to be used by another person.

248.110. City employees not to be certified. No employee of the city shall be certified under this chapter.

248.115. Report filing and filing fees. Each truth-in-housing evaluator shall submit to the secretary-treasurer of the examining board an exact duplicate or copy of each truth-in-housing disclosure report within ten (10) days after the evaluation inspection has been made. The exact duplicate or copy required by this section shall be of the final report, either typewritten or legibly printed in ink, as furnished to the seller. A filing fee of ten dollars (\$10.00), made payable to the Minneapolis finance officer shall be required with each evaluation report so submitted to the secretary-treasurer of the examining board.

When said truth-in-housing disclosure report is not filed, or the required filing fee therefor is not paid, within the ten-day time limit set forth in this section, then the fee for such filing of the required

report shall be doubled. Further, failure to comply with the provisions of this section within the aforesaid time limitations may be just cause for the examining board to revoke the certificate of competency of a truth-in-housing evaluator.

~~248.120. Residency or mailing requirements.~~ Any person certified under this chapter shall cause to keep registered with the board his/her current residency or mailing address. If either such residency or mailing address is outside the territorial limits of Hennepin County, such certified person shall deliver to the secretary of said board the name and current address of an agent or other person designated by that person to accept service of process and to receive and give receipt for notices for and on behalf of such certified person, and such person shall be a resident of and be amenable to such mailings within Hennepin County.

Adopted. Yeas, 7; Nays, 5 as follows:

Yeas - Herron, Mead, Minn, Campbell, Biernat, Niland, Cherryhomes.

Nays - McDonald, Johnson, Ostrow, Goodman, Colvin Roy.

Absent - Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

ORDINANCE 98-Or-057

Intro: 3/6/98

Ref to: PS&RS

1st Reading: 4/1/98

2nd Reading: 6/26/98

By Biernat & Minn

Amending Title 12 of the Minneapolis Code of Ordinances relating to Housing, by adding a new Chapter 248 relating to Truth in Sale of Housing.

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 248 to read as follows:

CHAPTER 248. TRUTH IN SALE OF HOUSING

248.10. Definitions. For the purpose of this chapter the following terms shall mean:

Available for sale: The implementation of any of the following actions including, but not limited to, advertising the sale of the dwelling, entering into a listing agreement to sell the dwelling or posting a sign that the dwelling is for sale.

Certificate of approval: A certificate issued by the city verifying approval with this chapter.

Conditional certificate of approval: A certificate issued by the city when arrangements have been approved for the buyer to complete the required repair/replace items.

Disclosure report: The written evaluation report, prepared and signed, by a person licensed as a Minneapolis truth-in-sale of housing evaluator pursuant to this chapter on a form in compliance with this chapter.

Dwelling: A building or portion of a building which is designed to be occupied for residential purposes but containing not more than two (2) individual dwelling units.

Dwelling unit: Any habitable room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Evaluation: An inspection of a dwelling or dwelling unit, performed by a licensed evaluator to determine the condition of the structural, electrical and mechanical systems as they relate to chapter 244 of the City of Minneapolis Housing Maintenance Code.

Evaluator: A person who holds a current license from the City of Minneapolis to conduct truth-in-sale of housing evaluations.

Information page(s): Any information page(s) that the city may require to be attached to the disclosure report or code compliance certificate or orders and provided to the owner and to the buyer.

Re-evaluation: An amended disclosure report filed as a result of a reinspection of the subject dwelling or dwelling unit, conducted by the original evaluator, within the period of time the disclosure report is valid. The re-evaluation does not extend the expiration date of the original evaluation.

Repair: To restore to a sound, acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately

as long as would the replacement by new items.

Replace or replacement: To remove an existing item or portion of a system and to construct or install a new item of a quality similar to that of the existing item when it was new. Replacement ordinarily takes place when repair of the item is impractical.

Required repair/replace item: A condition or defect as defined in section 248.80 of this chapter, that when identified on the disclosure report, must either be repaired or replaced, then re-inspected and approved by a City of Minneapolis inspector.

Responsibility Agreement: A form provided by the city for the purpose of allowing the buyer to assume responsibility for the repair/replace items.

Time of closing: The time of execution of any document providing for the conveyance of title or possession of a dwelling whether or not absolute title is transferred including but not limited to conveyance by Contract for Deed.

Time of sale: The time when a written purchase agreement is executed by the buyer, or, in the absence of a purchase agreement, prior to the execution of any document providing for the conveyance of title or possession of a dwelling whether or not absolute title is transferred including but not limited to conveyance by Contract for Deed.

248.20. Required acts. (a) Any owner or representative of the owner who makes available for sale any single- or two-family dwelling or townhouse that is not condemned requiring a code compliance by implementing any of the following actions including, but not limited to, advertising the sale of the dwelling, entering into a listing agreement to sell the dwelling or posting a sign that the dwelling is for sale, shall, within three (3) calendar days of any such action, have an evaluation by a licensed evaluator or have an evaluation scheduled.

(1) A disclosure report shall be prepared only by persons licensed as truth-in-sale of housing evaluators under section 248.200.

(b) Any owner or representative of the owner who makes available for sale any single- or two-family dwelling or townhouse that is condemned requiring a code compliance by implementing any of the following actions,

including, but not limited to, advertising the sale of the dwelling, entering into a listing agreement to sell the dwelling or posting a sign that the dwelling is for sale, shall, within three (3) calendar days of any such action, have a valid certificate of code compliance as set forth in section 89.15 of this Code or a copy of the orders issued as a result of a code compliance inspection or the inspection scheduled and paid for.

(1) A code compliance certificate or orders of code compliance shall be prepared only by the City of Minneapolis inspections division.

(c) The owner or representative of the owner shall obtain a certificate of approval from the city prior to the sale or transfer of title, unless otherwise excepted in this chapter.

(d) All required repair/replace items identified on a truth-in-sale of housing disclosure report must be completed within one (1) year of the date of the disclosure report whether or not the property is sold, unless otherwise excepted by this chapter.

248.30. Seller disclosure required. (a) The truth-in-housing disclosure report, the code compliance orders or certificate of code compliance shall all contain a statement signed by the owner or representative of the owner:

(1) as to any damage to the dwelling or its contents by:

- a. flooding
- b. sewer backup due to flooding.

(2) any evidence of chronic water seepage of which the owner has experience or knowledge.

(3) age and condition of roof:

- a. currently leaking
- b. patched.

(b) Further, no owner or representative of the owner shall sell such dwelling without providing to the buyer a statement of the nature, extent and cause of any water seepage or flooding of any portion of the property within the knowledge of the owner.

(c) All such reports and certificates or orders are deemed not valid without the signed statement.

248.40. Availability of documents. (a) A separate disclosure report, code compliance certificate, or code compliance orders shall be prepared for each dwelling.

- (1) The disclosure report, certificate or orders shall be available at the time the dwelling is first shown.
 - (2) At all times each dwelling or dwelling unit that is for sale shall have a valid disclosure report, certificate or orders conspicuously displayed at the premises.
- (b) A valid disclosure report, code compliance certificate or code compliance orders issued for the dwelling along with any required information page(s) shall be provided to the buyer before or at the time of sale of the dwelling.

(c) A valid certificate of approval or conditional certificate of approval shall be provided to the buyer before or at the time of closing.

248.50. Resale of dwellings. (a) A disclosure report is valid for one (1) year from the date of its issuance. The report is valid only for the owner listed on the report.

(b) A code compliance certificate is valid for one (1) year from the date of issuance. The certificate is valid only for the owner listed.

(c) Code compliance orders are valid for one (1) year from the date of issuance. The orders are valid only for the owner listed.

248.60. Exceptions. The provisions of this chapter do not apply to:

- (1) Any newly constructed dwelling when title is transferred to the first owner.
 - a. Any owner, representative of the owner, builder, general contractor or other representative must comply with Minnesota Statutes, Section 327A regarding disclosure information and new home warranties.
- (2) The sale or transfer of title of any dwelling to a public body.
- (3) The sale or transfer of title of any dwelling for the purpose of demolition.
- (4) The sale or conveyance of any dwelling by sheriff or other public or court officer in the performance of their official duties. This exemption does not apply, however, to the sale of a dwelling by a person appointed by a probate court.

248.70. Disclosure report. The city shall prepare or authorize the use of such form or forms as it may deem appropriate to constitute a disclosure under section 248.20 and this section.

- (1) The disclosure report shall provide information concerning minimum code requirements applicable to existing single- and two-family dwellings, and townhouses which, when not complied with, constitute:
 - a. A major structural defect.
 - b. An immediate danger to the health and safety of the occupant.
 - c. A violation of the minimum housing code.
- (2) The information shall indicate, with appropriate comments, whether the condition at the time and date of the evaluation:
 - a. Meets minimum city requirements.
 - b. Is below minimum city requirements.
 - c. Is a suggested correction; repair/replace is recommended but not required.
 - d. Is a required repair/replace item as specified in section 248.80.
 - e. Is not applicable/does not apply.
- (3) It shall be assumed that any concealed facilities and installations that are not viewed are adequate, based on the functional operations of the facilities and installations and the condition of the equipment that is viewed.
- (4) Nothing in the disclosure report shall indicate, or shall be deemed to indicate, that such dwelling meets all minimum housing and building standards. No warranty is expressed or implied.
- (5) The disclosure report shall also indicate:
 - a. Whether or not there are housing orders pending regarding the property issued by the inspections division, City of Minneapolis.
 - b. Whether the property is condemned or not.
 - c. The dwelling's current zoning status.
 - d. A discrepancy with city records regarding number of units.
 - e. Whether the property is conforming or nonconforming.

248.80. Correction of required repair/replace items. (a) The following items, when discovered by the evaluator by a visual inspection, shall be identified as required repair/replacement items in the disclosure report.

-
- (1) Heating systems that are unsafe due to burned out or rusted heat exchangers; burned out, rusted, or plugged flues; improper vents.
 - (2) Water heaters that are unsafe due to burned out or rusted heat exchangers; burned out, rusted or plugged flues; improper vents; or improper or missing temperature and pressure relief valves or discharge pipe.
 - (3) Electrical systems that are unsafe due to dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; exposed uninsulated wires; temporary distribution systems; or ungrounded systems.
 - (4) Plumbing systems that are unsanitary due to leaking waste systems, fixtures or traps; lack of an operating toilet; lack of washing or bathing facilities; cross connection of municipal water supply with fixtures or sewage lines, missing cleanout floor drain plug, improper waste or vent lines on illegal installations.
 - (5) Structural systems, including walls, chimneys, ceilings, roofs, foundations, floor systems or decks which are not capable of carrying imposed loads.
 - (6) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, vermin infestation or other materials rendering residential building and structures unsanitary for human occupancy per Minneapolis Housing Maintenance Code section 244.690.
 - (7) The disorganized storage of large amounts of newspapers, clothing and many other kinds of materials in violation of Minneapolis Housing Maintenance Code section 244.695.
 - (8) Smoke detectors that are improperly located, missing, or inoperable.
 - (9) Lack of required utilities.
 - (10) Broken or jagged glass such that exposed edges may cause injury.
 - (11) Gas piping systems that are unsafe due to unapproved, improper, or uncapped lines.
- (b) When correcting the required repair/replace items, the owner or licensed contractor shall obtain all necessary permits from the city and comply with all city ordinances.
- (c) All required repair/replace items must be completed by the buyer or seller within ninety (90) days of the date of the disclosure report whether or not the property is sold, unless otherwise excepted by this chapter.
- 248.90. Responsibility Agreement** (a) If the owner cannot undertake the corrective action, the buyer may elect to correct the required repair/replace items identified in the disclosure report. Seller and buyer shall cause to have filed with the director of inspections a copy of a responsibility agreement that shall include evidence of financial ability to perform the corrections required thereto.
- (b) If the owner is a government agency, bank or other financial agency, the buyer may correct the required items provided the buyer has written consent per section 248.90.
- (c) If an agreement exists between the owner and the buyer that the buyer will correct the required repair/replace items as part of a remodeling project, the buyer may correct the required items provided the buyer has written consent per section 248.90.
- (d) The conditional certificate of approval shall not be issued until the responsibility agreement has been received by the director of inspections and signed by the buyer.
- (e) If the buyer fails to complete the required work within the agreed upon time as set forth in the responsibility agreement, this shall be a violation of this chapter and a misdemeanor.
- (f) The city does not assume any responsibility or liability if the buyers funds are not sufficient to cover the costs of all required work.
- 248.100. Condemned properties, code compliance orders.** (a) No occupancy shall be permitted of any dwelling that is condemned requiring a code compliance until such time that all orders are complied with, inspected, approved and a certificate of code compliance issued.
- (1) All requirements concerning condemned properties in section 89.15 of this Code must be complied with.
 - (b) When correcting the items from a code compliance inspection, the owner or licensed contractor shall obtain all necessary permits

from the city and comply with all city ordinances.

(c) Any owner of a condemned property may sell the property "as is" as long as the owner has met the disclosure requirements in sections 248.20, 248.30 and 248.40.

248.110. Issuance of certificate of approval, conditional certificate of approval.

(a) If after the evaluation the dwelling is found to be in compliance with the requirements of this chapter, or after all required repairs/replacements or code compliance orders are completed and approved, or if the owner has a valid certificate of code compliance as per section 89.15 of this Code, a certificate of approval shall be issued to the owner or owner's representative.

(1) The certificate shall state the address of the property evaluated, the owner or owner's representative, and the owner or owner's representative address, report number, and issue date, that the structure has been inspected and is in compliance with the requirements of this section, and a copy shall be made available to the buyer of the property. The report shall be signed by the director of inspections, or the director's designee.

(b) During the period of one (1) year following its issuance, a certificate of approval may be accepted by the city in satisfaction of the requirements of sections 248.20 and 248.80 without the need for a second inspection.

(1) If the city finds that circumstances following the issuance of a certificate of approval involve new violations of repair/replace items a new inspection may be required in order to satisfy the requirements of section 248.80.

(c) A conditional certificate of approval shall be issued in government and bank or other sales where the buyer shall be responsible for the correction of required repair/replace items, upon approval of the director of inspections, or the director's designee.

(1) Buyer shall comply with all requirements in section 248.90 regarding written consent.

(d) The certificate of approval shall be valid only with the original Truth-in-Sale of Housing evaluation, code compliance orders or code compliance certificate attached.

248.120. Appeals board, appointment, terms. (a) Appeals board shall be established with members appointed by the city council, and shall consist of ten (10) members. The membership shall include the director of inspections, or the director's designee, the executive director of the Minneapolis Community Development Agency, or the executive director's designee, an attorney representing the city attorney's office, and a public representative from each of the following: the financial community, the real estate business, a person experienced in construction, one (1) member each from the Minnesota Society Of Housing Inspectors (MSHI) and the American Society of Home Inspectors (ASHI), and two (2) from the general public.

(b) The director of inspections, or the director's designee, the executive director of the Minneapolis Community Development Agency, or the executive director's designee, and an attorney representing the city attorney's office shall serve in a nonvoting capacity.

(c) Each appointment shall be for a period of two (2) years and shall continue until a replacement has been duly appointed and qualified.

(d) Each public member shall be compensated fifty dollars (\$50.00) per meeting attended, not to exceed six hundred dollars (\$600.00) per year.

(e) Public members of the board must reside in the city.

248.130. Meetings of the board. Regular meetings of the board shall be held monthly.

248.140. Duties of the board. (a) The appeals board shall elect a chair who shall preside over meetings of the board and a vice-chair who shall preside in the absence of the chair.

(b) The director of inspections, or the director's designee, shall act as secretary to the board and shall have the duty to keep all records.

(c) The following shall be the duties of the board:

(1) Adopt rules and procedures for the evaluators and for appeals.

(2) Develop and enforce a code of ethics for truth-in-sale of housing evaluators.

(3) Make available copies of such rules, procedures and code of ethics to each applicant for an evaluator's license.

(d) The following shall be the duties of the secretary:

(1) To keep minutes of the board meetings including a record of votes, findings, and decisions, official actions, and appeals.

(2) Record complaints of the performances of individual truth-in-sale of housing evaluators.

(e) Hear and act upon all appeals. The board may modify, sustain, or quash all or any portion of any order, interpretation, requirement, decision, or other determination made by the director of inspections, or the director's designee. The board may not grant exceptions to the code or act on other unrelated appeals.

248.150. Right to appeal, procedures.

(a) Any applicant or evaluator aggrieved by any administrative decision of the director of inspections, or the director's designee, in accepting or rejecting any application for examination; in any determination of whether the person meets the requirements set by the board as to qualification to take the examination; in any issue related to the testing process; in accepting or rejecting educational credits; or to deny, revoke, suspend or not renew an evaluator's license may make an appeal to the board.

(b) Any owner of property or other person directly and personally affected by any required repair/replace order or hardship determination may, either personally or through their representative, make an appeal to the board.

(c) Any appeal must be by written notice filed with the inspections division within thirty (30) days of the decision.

(1) The payment of a fee in the amount of one hundred dollars (\$100.00) will accompany the submission of the appeal from owners or their representative to cover administration and handling costs.

(d) The board shall hear the appeal and render its decision within forty-five (45) days of the filing of the notice of appeal.

(1) Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant by mail, addressed to the appellant at the appellant's address shown on the appeal.

248.160. Hearings and decisions. (a) All meetings before the board shall be public and shall be posted.

(b) A record shall be kept of the proceedings.

(c) The board may, at its option, make specific findings and/or conclusions in connection with any decision upon any appeal.

(d) All decisions by the board shall become final when notice is communicated to the appellant or representative in writing and shall become effective and enforceable at such time or at such alternative time as specified therein.

(e) Decision of the appeals board, with respect to these duties shall be final, subject to appeal to the Minneapolis city council. Any board decision or order to an evaluator or owner or their representative filing the appeal, shall include a written statement notifying them of the right to appeal that order or decision to the city council.

(f) Any applicant, evaluator, owner or their representative aggrieved by a decision of the board may appeal such decision to the city council by filing a written request with the city clerk within fifteen (15) days of receipt of the board's decision.

(1) If an appeal is filed, the city clerk shall, within two (2) weeks, fix a date for a public hearing.

(2) The city clerk shall mail a notice of the date, time, place and subject of the hearing to the person requesting the appeal and to the board and to the director of inspections, or the director's designee.

(g) All such appeals shall be on the record and shall be heard by the Public Safety and Regulatory Services Committee. The Public Safety and Regulatory Services Committee shall then make a recommendation to the city council.

(1) At the time of the Public Safety and Regulatory Services Committee public hearing, the committee shall hear from the person requesting

the appeal, any board member or their designee, and any other party who wishes to be heard regarding the appeal.

(h) The Public Safety and Regulatory Services Committee may reverse, confirm, or modify the board's order or decision and shall then make a recommendation to the city council.

(i) The city clerk shall mail a copy of the city council's decision of the appeal to the person making the appeal, the board chair, and the director of inspections, or the director's designee.

248.170. Denial, revocation, suspension or cancellation of license. (a) Any evaluator's license issued or proposed to be issued under this chapter may be denied, revoked, suspended, cancelled or not renewed by an administrative decision by the director of inspections, or the director's designee, if the applicant or evaluator:

- (1) Is convicted of any crime related to the licensed occupation, pursuant to Minnesota Statutes, Section 364.03, Sub. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of the licensed occupation, pursuant to Minnesota Statutes, Section 364.03, Sub. 3.
- (2) In the application process for issuance or renewal of a license knowingly falsifies, conceals, misrepresents or misstates any material fact or matter bearing upon the holder's eligibility or competency.
- (3) Obtains, attempts to obtain, or assists another in obtaining or attempting to obtain an evaluator's license through fraudulent or other improper means.
- (4) Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city or allows such insurance to lapse.
- (5) Fails to pay the required fees.
- (6) Fails to promptly file any disclosure report.
- (7) Has been the subject of substantiated complaints from

residents using the applicant's evaluations services.

- (8) Has demonstrated incompetency or inefficiency in conducting evaluations.
- (9) Violates any of the provisions of this chapter or any conditions provided for in the license issued pursuant to this chapter.
- (10) For just cause.

(b) If the director of inspections, or the director's designee, determines that a truth-in-sale of housing evaluator's license should be denied, suspended, revoked, canceled or not renewed under this section, the director of inspections, or the director's designee, shall send the applicant or evaluator a notice of denial, suspension, revocation, cancellation or nonrenewal.

- (1) The notice shall state the proposed action to be taken and a summary statement of the reason or reasons that such action is recommended.
- (2) The notice shall state that the proposed action will become final unless the applicant or evaluator files an appeal pursuant to sections 248.160 and 248.170.

248.180. Application fees, requirements and examination. (a) Each person desiring an evaluator license shall file with the city at least three (3) business days prior to the date of examination, an application to take the required examination and shall pay the nonrefundable sum of seventy-five dollars (\$75.00) as an application fee.

(b) Each application shall contain the following information: name, address, place of current employment, time and place of schools attended and studies completed, together with a chronological record of the candidate's previous employment, with complete information regarding duties and type of work performed.

(c) The inspections division shall set standards regarding requirements to be met before applicants may take the examination. These requirements shall be given to each applicant upon request.

- (1) Applicants not meeting these requirements will have their application and fee returned.

(d) The inspections division shall determine when and how often the examination shall be offered.

(e) The applications are public data under the Minnesota Data Practices Act and available to any person upon request.

248.190. Evaluator license and renewal requirements. (a) Each applicant who successfully passes the examination required in section 248.190 shall, upon payment of the nonrefundable sum of seventy-five dollars (\$75.00) to the city be issued an evaluator license.

- (1) No license shall be granted to any person less than eighteen (18) years of age.
- (2) No employee of the city shall be licensed under this chapter.
- (3) Any person who passes the examination to become a truth-in-sale of housing evaluator has one (1) year from the date of the examination to obtain their license.
- (4) The applicant will have to reapply and pass another examination if the applicant fails to obtain a license within that one (1) year period.

(b) Each evaluator who is eligible to renew their truth-in-sale of housing evaluator license shall pay the nonrefundable sum of seventy-five dollars (\$75.00) to the city for renewal of the license.

- (1) Persons who have not renewed their licenses within one (1) year of the expiration date shall reapply and pass another city examination prior to re-licensing.
- (2) All licenses under this chapter shall expire on December 31 of each year.

(c) The city may require each evaluator to attend city sponsored training. The city may charge reasonable fees for this training.

248.200. Duties of evaluators. (a) Each evaluator shall comply with the following:

- (1) Maintain a current license from the city.
- (2) Maintain required insurance.
- (3) Conduct an inspection of the property being offered for sale and conduct all evaluations within the program's guidelines.

(4) Meet required continuing education requirements established by the city.

(5) Not allow their truth-in-sale of housing evaluator's license to be used by another person.

(6) Agree to comply to a code of ethics in performance of evaluation duties.

248.210. Insurance. (a) Each evaluator must provide the city with a certificate of insurance showing proof of the following insurance coverage before receiving a license:

- (1) General liability insurance with a minimum limit of liability of two hundred fifty thousand dollars (\$250,000.00) per occurrence and five hundred thousand dollars (\$500,000.00) per year general aggregate.
- (2) Professional errors and omissions insurance with a minimum limit of liability of two hundred fifty thousand dollars (\$250,000.00) per occurrence and five hundred thousand dollars (\$500,000.00) per year general aggregate.
- (3) Such insurance may include a deductible not exceeding five thousand dollars (\$5,000.00).
- (4) The evaluator shall maintain insurance continuously in force thereafter and no license shall be deemed to be in effect when such insurance is not in effect.
- (5) The insurance shall list the city as an additional insured and shall cover any and all liability from the performance of the duties as a licensed truth-in-sale of housing evaluator.

248.220. Report filing and filing fees.

(a) Each evaluator shall submit to the city, a true copy of each disclosure report within ten (10) calendar days after the evaluation has been made. The copy shall be of the final report, either typewritten, computerized or legibly printed in ink, as furnished to the seller. A filing fee of twenty dollars (\$20.00) made payable to the Minneapolis finance department shall be required with each disclosure report submitted to the city.

(1) Information page(s) required by the city to be attached to the report do not have to be filed with the report as long as the evaluator signs the statement that these pages have been attached and given to the owner or representative of the owner.

(b) When the disclosure report is not filed or the required filing fee is not paid within the ten (10) calendar day time limit set forth in this section, the fee for such filing of the required report shall be doubled for reports received within the next ten (10) calendar day time limit.

(1) An additional ten dollars (\$10.00) late fee shall be added to the fees already due for each additional ten (10) calendar day time period.

(c) Failure to comply with the provisions of the timely filing of reports or to pay the required filing fees may be just cause for the examining board to suspend, cancel, revoke or fail to renew the license of a truth-in-sale of housing evaluator.

248.230. Fees for services. Truth-in-sale of housing evaluators may charge a reasonable fee for their services.

248.240. Penalties. (a) The failure of any owner, agent of an owner, buyer or any other person to comply with the provisions of this chapter or to comply with an order issued by the city pursuant to this chapter shall be a misdemeanor.

(b) The failure of any evaluator to comply with the licensing provisions of this chapter shall be a misdemeanor.

(c) The city may also enforce provisions of this chapter by mandamus, injunction, or other appropriate remedy in a court of competent jurisdiction.

248.250. Warranty limitations. (a) Nothing in the evaluator's report shall guarantee or warrant that a dwelling meets all minimum maintenance, housing, and building standards.

(b) Evaluations conducted pursuant to this chapter are made in order to improve the overall housing stock in the city. The report issued by the evaluator is not a guarantee or warranty to any individual buyer, seller, or renter regarding the condition of the individual dwelling, nor is the report intended for the special benefit of any individual.

248.260. Effective date. This chapter shall be effective for dwellings offered or listed for sale by exhibiting or showing on or after January 1, 1999.

(1) Truth-in-sale of housing reports completed before the effective date shall be valid for one (1) year or one (1) owner.

(2) Filing fees for Truth-in-sale of housing reports shall be effective for evaluations done on or after January 1, 1999.

(3) Fees for evaluator license or renewal, exam applications or training shall be effective immediately upon passage of this chapter.

248.270. Severability. If any section, subsection, sentence, clause, or phrase of this chapter is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have adopted the chapter in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

248.280. Residency or mailing requirements. (a) Any person licensed under this chapter shall cause to keep registered with the city their current residency or business address. If either such residency or business address is outside the sixteen (16) county metropolitan area, as defined in chapter 244.1840, such licensed evaluator shall deliver to the city the name and current address of an agent or other person designated by that evaluator to accept service of process and to receive and give receipt for notices for and on behalf of such licensed evaluator, and such person shall be a resident of and be amenable by signed affidavit to such mailings within the same sixteen (16) county metropolitan area.

(b) A post office box is not acceptable as an address.

Adopted. Yeas, 7; Nays, 5 as follows:

Yeas - Herron, Mead, Minn, Campbell, Biernat, Niland, Cherryhomes.

Nays - McDonald, Johnson, Ostrow, Goodman, Colvin Roy.

Absent - Thurber.

Passed June 26, 1998. J. Cherryhomes,
President of Council.

Approved July 1, 1998. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, to whom was referred ordinances amending Title 13 of the Minneapolis Code of Ordinances relating to **Licenses and Business Regulations** to define and regulate Secondhand Dealers and Antique Dealers, and to define and regulate the sale of secondhand items at exhibitions, and having held a public hearing thereon, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. Repealing Chapter 321 relating to **Secondhand Dealers**; and
- b. Adding a new Chapter 321 relating to **Secondhand Dealers**.

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

Ostrow moved to amend Section 321.80 of the Ordinance by deleting in Subsection (a) (8) the language “business plan including, at a minimum,”. Seconded.

Adopted upon a voice vote.

The report, with the Ordinance as amended, was adopted.

Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-058 repealing Chapter 321 of Title 13 of the Minneapolis Code of Ordinances relating to **Licenses and Business Regulations: Secondhand Dealers** and Ordinance 98-Or-059 amending Title 13 of the Minneapolis Code of Ordinances relating to **Licenses and Business Regulations** by adding a new Chapter 321 relating to **Secondhand Dealers** to define and establish licensing requirements, application processes, bonding requirements, license classifications and license fees for secondhand dealers, auction house dealers, antique dealers, antique mall operators and dealers, and exhibition operators and exhibitors; to define minimum

record keeping, customer receipting and reporting requirements; to establish use of the Automated Pawn System and billable transaction fees for transactions reported to the police; sets a 30 day holding period for items reported to the police, and authorizes the director of Licenses and Consumer Services to approve or deny exhibition operator and exhibitor permits. These ordinances were passed June 26, 1998 by the City Council and approved July 1, 1998 by the Mayor. A complete copy of these ordinances are available for public inspection in the office of the City Clerk.

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

ORDINANCE 98-Or-058

By Biernat, McDonald, Johnson and Minn

Intro: 5/22/98

Ref to: PS&RS

1st Reading: 6/17/98

2nd Reading: 6/26/98

Repealing Chapter 321 of Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Secondhand Dealers.

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

Section 1. That Chapter 321 of the above-entitled ordinance be and is hereby repealed.

~~CHAPTER 321. SECONDHAND DEALERS*~~

~~ARTICLE I. GENERALLY~~

~~321.10. Definitions.~~ When used in this article, the following words shall mean:

~~Pawnbroker.~~ A person who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged.

~~Receive.~~ To purchase, accept for sale on consignment or take in pawn any secondhand goods.

~~Secondhand goods dealer.~~ Any person, partnership, firm or corporation whose regular business includes selling or receiving any tangible personal properties, excluding motor

vehicles, previously used, rented or leased. The term secondhand goods dealer shall include pawnbrokers.

321.20. Exemptions. This article shall not apply to or include the following:

(1) The sale of secondhand goods where all of the following are present:

- (a) The sale is held on property occupied as a dwelling by the seller or owned, rented or leased by a charitable or political organization;
- (b) The items offered for sale are owned by the occupant;
- (c) That no sale exceeds a period of seventy-two (72) consecutive hours;
- (d) That no more than two (2) sales are held in any twelve-month period;
- (e) That none of the items offered for sale shall have been purchased for resale or received on consignment for purpose of resale.

(2) A person licensed under Chapter 348 of the Minneapolis Code of Ordinances.

(3) The sale of secondhand books, magazines, sound or video recordings, or films.

(4) The sale of goods at an auction held by an auctioneer licensed under Chapter 271.

(5) The business of buying or selling only those secondhand goods taken as part or full payment for new goods and where such business is incident to and not the primary business of a person.

(6) A bulk sale of property from a merchant, manufacturer or wholesaler having an established place of business or of goods sold at open sale from bankrupt stock.

(7) Goods sold at the public market pursuant to the provisions of Chapter 202.

(8) Goods sold at an exhibition pursuant to Minneapolis Code of Ordinances sections 321.190 to 321.250.

321.30. License required. No person shall engage in the business of secondhand goods dealer without a secondhand goods dealer license. A secondhand goods dealer licensed under this chapter shall also obtain a precious metal dealer's license if required to do so under Chapter 322.

321.40. Multiple dealers at one location.

(a) The owner of a business, at which two (2) or more secondhand goods dealers are

engaged in business by maintaining separate sales space and identifying themselves to the public as individual dealers, may obtain a multiple secondhand goods dealer license for that location. No such license shall be issued unless the following requirements are met:

- (1) The business shall have a single name and address;
- (2) The business shall operate in a compact and contiguous space;
- (3) The business shall be under the unified control and supervision of one person, partnership, firm or corporation, which shall hold the license;
- (4) All sales shall be consummated at a central point or register operated by the owner of the business, and the owner shall maintain a comprehensive account of all sales.

(b) The holder of a secondhand goods dealer license under this section, for a business with more than one dealer at the same location, shall comply with all of the requirements of this chapter, including the responsibility for police reporting and recordkeeping, in the same manner as any other dealer licensed under this chapter. Any dealer licensed under this section shall be responsible to its customers for any stolen or misrepresented goods sold at its place of business, in the same manner as any other dealer licensed under this chapter.

321.50. License fee. (a) The annual license fee for a secondhand goods dealer, not a pawnbroker, shall be one hundred twenty-five dollars (\$125.00).

(b) The annual license fee for a secondhand goods dealer under section 321.40, for a location where more than one secondhand goods dealer is engaged in business, shall be three hundred nine dollars (\$309.00).

(c) The annual license fee for a pawnbroker shall be three hundred sixty-nine dollars (\$369.00).

(d) In addition to the fee specified above, an additional fifty-nine-dollar (\$59.00) fee shall be paid by an applicant:

- (1) Upon initial application for a license specified in this section; and
- (2) Upon application for the license specified in this section after failing to renew the license within one year of the expiration date of the

previously held license. The fifty-nine-dollar (\$59.00) fee shall not be refunded whether or not the license sought is granted.

321.60. Expiration of license. All licenses shall expire on July first.

321.70. Application required. (a) *[Contents.]* Every licensee must complete the application form provided by the department of licenses and consumer services. The application form shall contain all information required by the department of licenses and consumer services including:

- (1) Name, place and date of birth and street residence of the applicant;
- (2) The business address and the name and address of the owner of the premises;
- (3) A statement as to whether, within the preceding five (5) years, the applicant has been convicted of any law relating to theft, damage or trespass to property, sale of a controlled substance or the operation of a business; the nature and date of the offense and the penalty assessed;
- (4) Whether the applicant is a natural person, corporation or partnership:
 - a. If the applicant is a corporation, the state of incorporation and the names and addresses of all officers and directors;
 - b. If applicant is a partnership, the names and addresses of all partners.
- (5) The name of the manager or proprietor of the business.
- (6) Applicants for a multiple dealers license shall provide the full name, birth date, home address, home phone number, address of the principal place of business, and phone number for that business for all individual dealers.

(b) *Execution of application.* If the applicant is a natural person, the application shall be signed and sworn to by the person; if a corporation, by an agent authorized to sign; if a partnership, by a partner.

(c) *False statements in application.* No person shall make any material false statement in any application. In addition to other

penalties, the licensee's license may be revoked by the city council for a violation of this section:

321.80. Bond required. Before a license will be issued every applicant must submit a five-thousand-dollar (\$5,000.00) bond on the forms provided by the department of licenses and consumer services. All bonds shall be conditioned that the principal will observe all laws in relation to dealers in secondhand goods, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled any goods which have come into the principal's hand through the principal's business as a dealer in secondhand goods, or in lieu thereof, will pay the reasonable value in money to the person:

321.90. Records required. Every secondhand goods dealer, at the time of receipt of an item which the dealer intends to resell for thirty dollars (\$30.00) or more, whether inside or outside the City of Minneapolis, shall immediately record, using the English language, in ink or other indelible medium in a book or word-processing unit, the following information:

- (1) An accurate description of the item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such item;
- (2) The purchase price;
- (3) Date, time and place of receipt;
- (4) Name, address and date of birth of the person from whom the item was received;
- (5) The identification number from any of the following forms of identification of the seller:
 - (a) Valid driver's license, containing a picture;
 - (b) Valid State of Minnesota identification card, containing a picture.

The book as well as the goods received shall at all reasonable times be open to inspection by the police department or department of licenses and consumer services. Entries shall be retained for at least three (3) years.

321.100. Daily reports to police. For the following items, regardless of what price the dealer intends to resell them for, a secondhand

goods dealer shall make out, on forms approved by the Minneapolis Police Department, and send daily by mail to the police department a legible description of the goods received in the City of Minneapolis during the preceding day, together with the time received and a description of the person from whom the goods were received:

- (a) Items with a serial number, identification number, or "Operation Identification" symbol;
- (b) Cameras;
- (c) Electronic audio or video equipment;
- (d) Precious jewelry or gems, and precious metals;
- (e) Artist-signed or artist-attributed works of art;
- (f) Guns;
- (g) Any item not included in the above, except furniture and kitchen or laundry appliances, which the secondhand goods dealer intends to sell for more than two hundred dollars (\$200.00).

321.110. Holding period. Any item received by a secondhand goods dealer, for which a report to the police is required under section 321.100, shall not be sold or otherwise transferred for twelve (12) days after the date of such report to the police. However, an individual may redeem an item that he or she pawned seventy-two (72) hours after the item was received on deposit, excluding Sundays and legal holidays.

321.120. Receipt to seller. Every secondhand goods dealer shall provide upon request a receipt to the seller or cosigner of any item and maintain a duplicate of that receipt for three (3) years which shall include:

- (1) The name, address and phone number of the business;
- (2) The date, time and place of receipt;
- (3) An accurate description of the item purchased including but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such item;
- (4) The signature of the purchaser;
- (5) The identification number from any of the following forms of identification of the seller:
 - (a) Valid driver's license;

- containing a picture;
- (b) Valid State of Minnesota identification card, containing a picture.

321.130. Police order to hold property.

Whenever the chief of police, or the chief's designee, notifies a dealer not to sell an item, the item shall not be sold or removed from the licensed premises until authorized to be released by the chief or the chief's designee.

321.140. Prohibited acts. (a) No person under the age of eighteen (18) years shall sell or consign or attempt to sell or consign any goods with any secondhand goods dealer, nor shall any secondhand goods dealer receive any goods from a person under the age of eighteen (18) years.

(b) No secondhand goods dealer shall receive any goods from a person of unsound mind or an intoxicated person.

(c) No secondhand goods dealer shall receive any goods, unless the seller presents identification in the form of a valid driver's license, containing a picture, or a valid State of Minnesota identification card, containing a picture.

321.150. Denial, suspension or revocation. Any license under this article may be denied, suspended or revoked for one or more of the following reasons:

- (1) The proposed use is in conflict with the Minneapolis Zoning Code;
- (2) The proposed use is in conflict with any health, building, building maintenance or other provisions of this Code of Ordinances or state law;
- (3) The applicant has failed to comply with one or more provisions of this article;
- (4) Fraud, misrepresentation or bribery in securing a license;
- (5) Fraud, misrepresentation or false statements made in the course of the applicant's business;
- (6) Violation within the preceding five (5) years, of any law relating to theft, damage or trespass to property, sale of a controlled substance, or operation of a business.

321.160. Redemption period. Any person who pawns an item shall have at least four (4)

months to redeem the item before it may be sold.

321.170. Payment by check only. When a dealer buys or otherwise receives an item at his or her regular place of business, payment shall be made by check only, made payable to a named payee who is the actual intended seller. This section shall not apply to pawnbrokers.

321.180. Business at only one place. A license under this chapter shall authorize the licensee to carry on its business only at the permanent place of business designated in the license except that a licensee may conduct an estate sale at the dwelling of the owner or prior owner of the goods, provided that all goods offered for sale are owned by or were obtained from the occupant of the dwelling where the sale is conducted. No license may be transferred to a different location or a different person.

ARTICLE II. EXHIBITIONS

321.190. Definitions. Exhibitions [shall mean] a temporary exhibition, convention, show or exposition of secondhand goods by any person, association or corporation. No exhibition shall be held for more than five (5) calendar days. No more than twelve (12) exhibitions may be held at a single location in a license year.

321.200. License required. No person, association or corporation shall hold an exhibition without an exhibition license. The license fee for an exhibition shall be one hundred twenty-five dollars (\$125.00).

321.210. Application required. Every licensee shall complete the application provided by the department of licenses and consumer services. The application form shall contain all information required by the department of licenses and consumer services, including:

- (1) The name or names of persons who will be responsible for the exhibition.
- (2) The time and place of the exhibition.
- (3) The address, both residence and business, of the person or persons who will be responsible for the exhibition.
- (4) A list of all individuals' full names, birth dates, home address, home phone number, address of their

principal place of business, and phone number for that business to the extent known at the time of making application, who will be exhibiting and selling secondhand goods at the exhibition.

321.220. Bond required. Before a license will be issued every applicant must submit a ten-thousand-dollar (\$10,000.00) bond on the forms provided by the department of licenses and consumer services. All bonds shall be conditioned that the principal will observe all laws in relation to dealers in secondhand goods, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled any goods which have come into the principal's hand through the principal's business as a dealer in secondhand goods, or in lieu thereof, will pay the reasonable value in money to the person.

321.230. Records required. Every person who exhibits and sells secondhand goods at an exhibition shall maintain a permanent record of the following information for all goods exhibited:

- (1) An accurate description of the item; including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such item;
- (2) Purchase price;
- (3) Date, time and place of receipt;
- (4) Name and residence address of the person from whom the item was received.

The records required under this section shall be available for inspection upon request by the police department and the department of licenses and consumer services. Entries shall be maintained for at least three (3) years.

321.240. Prohibited acts. No exhibitor may purchase or otherwise receive any secondhand goods item at an exhibition except from another exhibitor at the exhibition.

321.250. Denial, suspension or revocation. Any license under this article may be denied, suspended or revoked for any of the reasons set forth in section 321.150, or for other good cause.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

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

ORDINANCE 98-Or-059

By Biernat, McDonald, Johnson and Minn

Intro: 5/22/98

Ref to: PS&RS

1st Reading: 6/17/98

2nd Reading: 6/26/98

**Amending Title 13 of the Minneapolis
Code of Ordinances relating to Licenses
and Business Regulations by adding a new
Chapter 321 relating to Secondhand
Dealers.**

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 321 to read as follows:

CHAPTER 321. SECONDHAND DEALERS

ARTICLE I. SECONDHAND DEALERS

321.10. Definitions. As used in this
article:

Auction house dealer shall mean any
secondhand dealer where some, or all, of the
secondhand merchandise is offered for sale for
the highest bid or offer tendered. If the sale is
conducted by means of an auction, the
auctioneer must be properly licensed and
bonded in accordance with applicable laws.

Billable transaction shall mean every
reportable transaction conducted by a
secondhand dealer, regardless of the number
of items received in that transaction.

Business manager shall mean a person(s)
designated by the licensee to operate a
business in the licensee's absence. A licensee
must designate a manager to operate the
licensed business if the licensee does not
personally provide on-site supervisory services
at the business at least sixty-four (64) hours
per month.

Consignment shall mean a written
agreement between a dealer and a seller that
enables the dealer to take temporary
possession of secondhand property, owned by
the seller, for the purpose of offering it for sale
to the public. Agreement shall state the terms

under which the seller will be compensated,
and the amount of that compensation.

Dealer shall mean any natural person,
partnership or corporation, either as principal or
agent or employee thereof, licensed under this
article.

Precious gems shall mean any gem that is
valued for its character, rarity, beauty or quality,
including diamonds, rubies, emeralds,
sapphires or pearls, or any other such precious
gems or stones, whether as a separate item or
in combination as a piece of jewelry or other
crafted item.

Precious metals shall mean gold, silver,
platinum, and sterling silver, whether as a
separate item or in combination as a piece of
jewelry or other crafted item, except items
plated with precious metal(s) and the plating
equals less than one (1) percent of the items
total weight.

Receive shall mean to purchase, accept for
sale on consignment, broker, or receive in
trade for an item of equal or lesser value, any
tangible personal property previously owned,
used, rented or leased.

Recordable transaction shall mean every
transaction conducted by a secondhand dealer
in which merchandise defined in Section
321.100 is received, offered for sale, or
intended for sale, whether inside or outside the
City of Minneapolis.

Reportable transaction shall mean every
transaction conducted by a secondhand dealer,
inside the City of Minneapolis, in which
merchandise defined in Section 321.110(a) is
received, and for which a daily report to the
police department is required.

Secondhand dealer shall mean any natural
person, partnership or corporation, either as
principal or agent or employee thereof, whose
regular business includes selling or receiving
tangible personal properties, excluding motor
vehicles, previously owned, used, rented or
leased. The term secondhand dealer shall
include auction house dealers.

Unique identifier shall mean a serial
number, identification number, model number,
owner applied identifier or engraving,
"Operation ID" number or symbol, or other
unique marking.

321.20. License required. No person
shall engage in the business of secondhand
dealer without a secondhand dealer license.
No secondhand dealer license may be

transferred to a different location or a different person. Licenses shall be conspicuously displayed. Issuance of a license under this article shall not relieve the dealer from obtaining any other licenses required to conduct business at the same or any other locations. A secondhand goods dealer licensed under this article shall also obtain a precious metal dealer's license if required to do so under Chapter 322. Persons licensed under Chapter 324 shall not be eligible for a license under this chapter for the same location.

321.30. Exceptions. The following transactions shall not require a license under this article:

(a) The sale of secondhand goods at events commonly known as "garage sales", "yard sales" or "estate sales" where all of the following are present:

- (1) The sale is held on property occupied as a dwelling by the seller or owned, rented or leased by a charitable or political organization.
- (2) The occupant owns the items offered for sale and that none of the items offered for sale shall have been purchased for resale or received on consignment for purpose of resale.
- (3) The owner of the property conducts the sale and receives all proceeds from the sale.
- (4) That no sale exceeds a period of seventy-two (72) consecutive hours. That no more than two (2) sales are held in any twelve (12) month period at any residential dwelling.

(b) The sale or receipt of secondhand books, magazines, post cards, postage stamps, or philatelic material.

(c) Goods sold at the public market pursuant to the provisions of Chapter 202 of the Minneapolis Code of Ordinances.

(d) Transactions conducted by an antique dealer licensed under Article II of this chapter.

(e) Goods sold at an exhibition pursuant to Article III of this chapter.

(f) Transactions conducted by a precious metals dealer licensed under Chapter 322 of the Minneapolis Code of Ordinances, and for which a precious metal dealer's license is required.

(g) Transactions conducted by a pawnbroker licensed under Chapter 324 of the Minneapolis Code of Ordinances.

(h) Transactions conducted by a used auto part dealer licensed under Chapter 348 of the Minneapolis Code of Ordinances.

321.40. License classifications. (a) Licenses renewed under provisions of this article shall be classified first according to the number of transactions submitted annually to the police department during the twelve (12) month period ending thirty (30) days prior to their renewal date, and then by the type of license. The classifications shall be:

- (1) Class A - Dealers that submitted four hundred (400) or more transactions.
- (2) Class B - Dealers that submitted fewer than four hundred (400) transactions.

(b) All new licenses issued pursuant to this article after July 1, 1998 shall be deemed to be Class A licenses unless:

- (1) Applicant's business plan clearly indicates business will conduct fewer than four hundred (400) reportable transactions in any consecutive twelve (12) month period, or
- (2) If the applicant has any ownership, management or financial interest in any other businesses licensed under Chapters 321, 322 or 324, and the total number of reportable transactions from all businesses licensed pursuant to these chapters, including the current application, is fewer than four hundred (400) in any consecutive twelve (12) month period.

(c) All new Class B licenses issued pursuant to this article after July 1, 1998 shall be monitored by the police license inspector and upgraded to a Class A license whenever four hundred (400) or more reportable transactions are, or should have been, submitted within any twelve (12) consecutive month period. Licensees shall be subject to all applicable Class A fees and regulations sixty (60) days after being notified in writing of the upgrade, but not sooner than January 1, 1999.

321.50. License fees. (a) The annual license fees for licenses issued under this article shall be as follows:

- (1) For all Class A Secondhand Dealers and Auction House Dealers - Two hundred and twenty-five dollars (\$225.00).
- (2) For all Class B Secondhand Dealers and Auction House Dealers - Two hundred and twenty-five dollars (\$225.00).

(b) The billable transaction fee shall be classified according to the medium by which daily reports required by Section 321.110 are submitted to the police department. These classifications shall be as follows:

- (1) Modem - Required of all Class A dealers, optional for Class B dealers.
- (2) Manual - Required of all Class B dealers who do not fulfill Class A reporting requirements.

(c) The billable transaction license fee shall reflect the cost of processing transactions from the respective classifications and other related regulatory expenses as determined by the City council, and shall be reviewed and adjusted, if necessary, every six (6) months. Dealers shall be notified in writing thirty (30) days before any adjustment is implemented. The billable transaction fee for modem transactions shall not exceed the billable transaction fee for manual transactions.

- (1) The initial billable transaction fee for modem transaction shall be one dollar fifty cents (\$1.50) per transaction, regardless of the number of items in that transaction.
- (2) The initial billable transaction fee for manual transaction shall be two dollars fifty cents (\$2.50) per transaction, regardless of the number of items in that transaction.

(d) Billable transaction fees shall be billed monthly and are due and payable within thirty (30) days. Failure to pay in accordance with these terms is a violation of this article.

321.60. Investigation fee. An applicant for a new license under this article, or for the renewal of an existing license that is more than six (6) months past due, or for a new manager as specified in Section 321.90, Subd. (b), shall reimburse the city for any extraordinary costs or investigative expenses involved in verifying the license application or assuring compliance with this ordinance. When the police license inspector or the inspector's designee determine

an application may require extraordinary investigative expenses, the applicant will be notified and given the opportunity to withdraw the application. If the investigation process is conducted solely within the State of Minnesota, the fee shall not exceed five hundred dollars (\$500.00). If the investigation is conducted outside the State of Minnesota, the issuing authority may recover the actual investigation costs not exceeding ten thousand dollars (\$10,000.00).

321.70. Expiration of license. All licenses shall expire on July 1st.

321.80. Application required. (a) *Contents.* Every applicant for a license defined in this article must submit a complete and accurate application on forms provided by the department of licenses and consumer services. All applicants, in addition to a general personal and criminal history, shall be required to submit adequate information to enable a fair determination of their eligibility to hold the license for which they are applying, including:

- (1) Whether the applicant holds a current secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.
- (2) Whether the applicant has previously been denied, or had revoked or suspended, a secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.
- (3) The location of the business premises.
- (4) The location at which the applicant's business records are maintained.
- (5) If the applicant does not own the business premises, a true and complete copy of the executed lease, and the legal description of the premises to be licensed.
- (6) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts which are unpaid.
- (7) Whenever the application is for premises either planned or under construction or undergoing

substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.

- (8) The applicants hours of operation, on-site management and parking facilities.
- (9) An executed data privacy advisory and consent form authorizing the release of criminal history information.
- (10) Such other information as the city council or issuing authority may require.

(b) *New manager.* When a dealer places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the dealer must complete and submit the appropriate application, on forms provided by the department of licenses and consumer services, within fourteen (14) days of the change. The application must include all appropriate information required in Section 321.80.

(c) *Application execution.* All applications for a license under this ordinance must be signed and sworn to under oath or affirmation by the applicant. If the application is that of a natural person, it must be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

(d) *Investigation.* The police license inspector shall investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant shall furnish to the police license inspector such evidence as the inspector may reasonably require in support of the statements set forth in the application, or in answer to any questions raised by the investigation.

(e) *Public hearing.* The council member of the ward in which the proposed business would be located may request a public hearing at council, or in the evening hours at a location in the approximate vicinity of the proposed location.

(f) *Persons ineligible for a license.* No licenses under this ordinance will be issued to an applicant who is a natural person, a partnership if such applicant has any general

partner or managing partner, a corporation or other organization if such applicant has any manager, proprietor or agent in charge of the business to be licensed, if the applicant:

- (1) Is a minor at the time that the application is filed;
- (2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, Subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a dealer under this article as prescribed by Minnesota Statutes, Section 364.03, Subd. 3; or
- (3) Is not of good moral character or repute.

321.90. Bond required. Before a license will be issued for a secondhand dealer, every applicant must submit a five thousand dollar (\$5,000.00) bond on the forms provided by the department of licenses and consumer services. All bonds must be conditioned that the principal will observe all laws in relation to secondhand dealers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled, any goods which have come into the principal's hand through the principal's business as a secondhand dealer, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days written notice to the city, which shall be served upon the department of licenses and consumer services.

321.100. Records required. (a) *Exempt transactions.* The following items, when received by a dealer, are exempt from recording and reporting requirements in this article, regardless of the purchase price paid by the dealer, asking price if consigned or brokered, or value attributed to it if accepted in trade:

- (1) The receipt of new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the secondhand dealer must maintain a record of all such transactions

which describes each item, and must identify such items in a manner which relates them to that transaction record. Any identification code used by the dealer must be provided to the police license inspector or the inspector's designee(s) upon request.

- (2) The sale or receipt of used merchandise donated to recognized non-profit organizations and for which no compensation is paid.
- (3) The sale or receipt of secondhand household kitchen and laundry appliances.
- (4) The sale or receipt of secondhand furniture, excluding audio, video and other electronic devices.
- (5) The sale or receipt of secondhand cookware, glassware and eating utensils that do not contain precious metals.
- (6) The sale or receipt of secondhand clothing and shoes.
- (7) The sale or receipt of secondhand infant's, toddler's or children's clothing, appliances, furniture, or safety devices.

(b) *Recordable transactions.* Every dealer, at the time of receipt of any item which has a unique identifier, or is or contains precious metals or gems, regardless of the purchase price, asking price if consigned or brokered, or value attributed to it if accepted in trade, or any other item for which the dealer paid fifteen dollars (\$15.00) or more, by check or other consideration, or which the dealer intends to offer for sale, or broker, for thirty dollars (\$30.00) or more, and which is not exempted in Section 321.100(a), shall immediately and legibly record, using the English language, in ink or other indelible medium in a book, on forms, or in a computerized record approved by the police license inspector, the following information:

- (1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

- (2) The purchase price, asking price if consigned, or value attributed to item if accepted in trade, for each item received.
- (3) Date and time the dealer received the item of property.
- (4) Full name, residence address, residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including: sex, height, weight, race, color of eyes and color of hair.
- (5) The identification number and state of issue from any of the following forms of identification presented by the seller:
 - a. Current valid Minnesota driver's license.
 - b. Current valid Minnesota identification card.
 - c. Current valid photo driver's license or photo identification card issued by another state or province of Canada.
- (6) The signature of the person identified in the transaction.
- (7) Class A dealers only. In addition to requirements of Section 321.100(b)(1) through (6), effective sixty (60) days from the date of notification by the police license inspector of acceptable video standards, but no sooner than January 1, 1999, all class A dealers must take a color photograph or color video recording of:
 - a. Each customer involved in a reportable transaction as defined in Section 321.110(a).
 - b. Every item received which does not have a unique identifier, and which is, or contains, precious metal(s) or precious gem(s).
- (8) If a photograph is taken, it must be done in a format that will produce a picture at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph, if the film is developed, or frame, if the film is exposed but not developed,

can be readily matched and correlated with all other records of the transaction to which it relates. Such photographs, or the undeveloped film containing them, must be available to the chief of police or the chief's designee upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who sold, consigned or traded the item. Items photographed must be accurately depicted.

If a video photograph is taken, the video camera must record the person selling, consigning or trading the item so as to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The dealer must inform the person that they are being photographed or videotaped by displaying a sign of sufficient size in a conspicuous place on the premises. The dealer must keep the photographs or exposed videotape or film for ninety (90) days.

- (9) Digitized photographs. Effective sixty (60) days from the date of notification by the police license inspector, but no sooner than July 1, 1999, Class A dealers must fulfill the color photograph requirements in Section 321.100(b)(7) by submitting them as digital images, in a format specified by the issuing authority, and electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in Section 321.100(b)(7).

- (10) Inspection of records. The records must at all reasonable times be open to inspection by the police department or department of licenses and consumer services. Records of all transactions shall be retained for at least three (3) years from the date of transaction. Entries of digital images, when implemented, shall be retained a minimum of ninety (90) days.

321.110. Daily reports to police. (a) *Reportable transactions.* Except for items received through consignment, or for which payment in full is made with a credit or voucher redeemable for merchandise from the dealer, every dealer shall report daily, to the police department, any recordable transaction in which one (1) or more of the following items is received, regardless of the purchase price, asking price if consigned or brokered, or value attributed to it if accepted in trade:

- (1) Any item with a unique identifier.
- (2) Items containing precious metals.
- (3) Items containing precious gems.
- (4) Firearms.
- (5) Any of the following items for which the dealer paid twenty-five dollars (\$25.00) or more, in cash or other consideration, or which the dealer intends to offer for sale, or broker, for fifty dollars (\$50.00) or more.
 - a. Electronic audio equipment.
 - b. Electronic video equipment.
 - c. Musical instruments.
 - d. Photographic and optical equipment.
 - e. Electronic office equipment.
 - f. Computers, monitors, printers, scanners and computer hardware.
 - g. Cellular telephones and pagers.
 - h. Outboard motors, inboard drives, and powered golf carts.
 - i. Electric and gas powered yard or garden equipment and tools.
 - j. Electric, pneumatic or hydraulic powered construction or mechanic's equipment or tools.
- (6) Sporting equipment limited to bicycles, golf clubs, snow boards,

skis, ski boots and hockey goalie pads, regardless of the purchase price, asking price if consigned or brokered, or value attributed to them if accepted in trade, or any other item for which the secondhand dealer paid one hundred dollars (\$100.00) or more, in cash or other consideration, or which the secondhand dealer intends to offer for sale, or broker, for two hundred dollars (\$200.00) or more.

- (7) Architectural elements, lighting fixtures or lamps that are, or contain, stained, etched, leaded, beveled or art glass, limited to those which the secondhand dealer paid one hundred fifty dollars (\$150.00) or more, in cash or other consideration, or which the secondhand dealer intends to offer for sale, or broker, for three hundred dollars (\$300.00) or more.
- (8) Artist signed or artist attributed works of art, other than architectural elements, lighting fixtures or lamps, limited to those for which the secondhand dealer paid two hundred fifty dollars (\$250.00) or more, in cash or other consideration, or which the secondhand dealer intends to offer for sale, or broker, for five hundred dollars (\$500.00) or more.

(b) *Method.* Dealers must provide to the police department the information required in Section 321.100(b)(1) through (6), in writing, on forms approved by the police license inspector, for all reportable transactions. The dealer must display a sign of sufficient size, and in a conspicuous place in the premises, so as to inform all patrons that transactions are reported to the police department daily. Effective sixty (60) days from the date the police license inspector provides dealers with computerized record standards, but no sooner than January 1, 1999, dealers must submit every reportable transaction to the police department daily in the following manner:

- (1) Class A dealers must, and Class B dealers may, provide to the police department the information

required in Section 321.100(1) through (5), for all reportable transactions, by transferring it from their computer to the police department via modem. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority using a dial-callback protocol or other procedures that address security concerns of the dealers and the issuing authority.

- (2) Class B dealers who do not fulfill requirements of Section 321.110(b)(1) must provide to the police department the information required in Section 321.100(b)(1) through (6), in writing, on forms approved by the police department, by twelve (12) o'clock noon the first business day following the date of the transaction.

(c) *Billable transaction fees.* Dealers, regardless of class, will be charged for billable transactions at the current rate for the medium by which they were reported to the police department except:

- (1) If a Class A dealer, or a Class B dealer who has consistently reported via modem, is unable to successfully transfer the required reports by modem, the dealer must provide the police department printed copies of all reportable transactions for that date by twelve (12) o'clock noon the next business day, and must be charged at the modem rate for billable transactions;
- (2) If the problem is determined to be in the dealer's system and is not corrected by the close of the first business day following the failure, the dealer must provide the required reports as detailed in Section 321.110(c)(1), and must be charged at the modem rate for transactions through the close of the first business day following the failure, and at the manual rate for

- all subsequent billable transactions, until the error is corrected; or
- (3) If the problem is determined to be outside the dealer's system, the dealer must provide the required reports as detailed in Section 321.110(c)(1), and will be billed at the modem rate for billable transactions until the error is corrected.
 - (4) If a Class A dealer, or a Class B dealer who has consistently reported via modem, is unable to capture, digitize or transmit the photographs required in Section 321.100(7) and (8), when implemented, the dealer shall immediately take all required photographs with a still camera, develop the pictures, cross-reference the photographs to the related transaction, and deliver them to the police department by twelve (12) o'clock noon the next business day. Billable transactions will be charged at the modem rate for transactions through the close of the first business day following the failure, and at the manual rate for all subsequent billable transactions, until the error is corrected.
 - (5) Section 321.110(c)(1) through (5) notwithstanding, the police license inspector may, upon presentation of extenuating circumstances, extend the period that a qualifying dealer is billed at the modem rate for billable transactions.

321.120. Receipt required. Every dealer must provide a receipt, upon request, to any person from whom they received goods for which a record was required in Section 321.100, and must maintain a duplicate of that receipt for three (3) years. The receipt must include sufficient information to enable the police license inspector or the inspector's designee(s) to identify the transaction, and every item related to it, in the dealer's records.

321.130. Payment by check only. When a dealer buys or otherwise receives an item, payment shall be made by check only, made payable to a named payee who is the actual and identified seller.

321.140. Holding period. Any item received by a dealer, for which a report to the police is required in Section 321.110, shall not be sold or otherwise transferred for thirty (30) days after the date the police receive such report except as provided in Section 321.200. Items may not be altered, modified or changed in anyway during the holding period.

321.150. Police order to hold property.

(a) *Investigative hold.* Whenever a law enforcement official from any agency notifies a dealer not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within seventy-two (72) hours and will remain in effect for fifteen (15) days from the date of initial notification, or until the investigative order is canceled, or until an order to hold/confiscate is issued, pursuant to Section 321.150(b), whichever comes first.

(b) *Order to hold.* Whenever the chief of police or the chief's designee notifies a dealer not to sell an item, the item must not be sold or removed from the licensed premises until authorized to be released by the chief of police or the chief's designee. The order to hold shall expire ninety (90) days from the date it is placed unless the chief of police or the chief's designee determines the hold is still necessary and notifies the dealer in writing.

(c) *Order to confiscate.* If an item is identified as stolen or evidence in a criminal case, the chief of police or the chief's designee may:

- (1) Physically confiscate and remove it from the shop, pursuant to a written order from the chief of police or the chief's designee, or
- (2) Place the item on hold or extend the hold as provided in Section 321.150(b), and leave it in the shop.

When an item is confiscated, the person doing so shall provide identification upon request of the dealer, and shall provide the dealer the name and phone number of the confiscating agency and investigator, and the case number related to the confiscation. When an order to hold/confiscate is no longer necessary, the chief of police or the chief's designee shall so notify the dealer.

321.160. Inspection of items. The licensee must allow the police license inspector or the inspector's designee(s) to enter the

premises where the licensed business is located or business records are maintained, including all off-site storage facilities as authorized in Section 321.200, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, ware and merchandise and records therein to verify compliance with this chapter or other applicable laws.

321.170. Label required. Dealers must attach a label to every item, for which a report to the police department is required in Section 321.110, at the time it is received in inventory. Permanently recorded on this label must be the number or name that identifies the transaction in the dealer's records, the name of the item, and the date the item can be sold. Labels shall not be re-used.

321.180. Prohibited acts. The following acts are prohibited under this article:

(a) No person under the age of eighteen (18) years may sell or consign, or attempt to sell or consign, any goods with any dealer, nor may any dealer receive any goods from a person under the age of eighteen (18) years.

(b) No dealer may receive any goods from a person of unsound mind or an intoxicated person.

(c) No dealer may receive any goods unless the seller presents one of the following forms of identification:

- (1) Current valid Minnesota driver's license.
- (2) Current valid Minnesota identification card.
- (3) Current valid photo driver's license or photo identification card issued by another state or province of Canada.

(d) No dealer may receive any item of property that possesses an altered or obliterated serial number or "operation identification" number, or any item of property that has had its serial number removed.

321.190. Denial, suspension or revocation. Any license under this article may be denied, suspended or revoked for one or more of the following reasons:

(a) The proposed use does not comply with the Minneapolis Zoning Code.

(b) The proposed use does not comply with any health, building, building maintenance or other provisions of this Code of Ordinances or state law.

(c) The applicant or dealer has failed to comply with one or more provisions of this chapter.

(d) The applicant is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.

(e) Fraud, misrepresentation, or bribery in securing or renewing a license.

(f) Fraud, misrepresentation or false statements made in the application and investigation for, or in the course of, the applicant's business.

(g) Business practices, or conduct, deemed by the issuing authority to be contrary to the best interests, or safety, of the public.

(h) Violation within the preceding five (5) years, of any law relating to theft, damage or trespass to property, sale of a controlled substance, or operation of a business.

(i) The owner of the premises licensed or to be licensed would not qualify for a license under the terms of this article.

321.200. Off-site storage. Upon written request, the police license inspector may approve an off-site locked and secured storage facility. The dealer shall permit inspection of the facility in accordance with Section 321.160. All provisions of this article regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the city code. The dealer must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premises.

321.210. Separability. Should any article, section, subsection, clause or other provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not effect the validity of the ordinance as a whole or any part other than the part so declared invalid.

ARTICLE II. ANTIQUE DEALERS

321.220. Definitions. When used in this article:

Antique shall mean any used property offered for sale upon the basis, express or implied, that the value of the property, in whole or in substantial part, is derived from its age or its historical association and exceeds the original value of the item when new.

Antique dealer shall mean any natural person, partnership or corporation, either as principal or agent or employee thereof, whose regular business includes selling or receiving goods previously owned, used, rented or leased, and where at least ninety (90) percent, measured according to value, of the used goods on hand at all times, consists of antiques, offered for sale upon the basis, express or implied, that the value of the property, in whole or in substantial part, is derived from its age or its historical association and exceeds the original value of the item when new. For purposes of this article, antique dealer shall include antique mall operator and antique mall dealer unless otherwise delineated.

Antique mall dealer shall mean an antique dealer who leases space from, or conducts business at, a location licensed by an antique mall operator.

Antique mall operator shall mean any natural person, partnership or corporation, either as principal, or agent thereof, who operates a business at which on (1) or more antique mall dealers are engaged in business by maintaining separate sales space and identifying themselves to the public as individual antique dealers, and where all of the following requirements are met:

- (a) The business has a single name and address.
- (b) The business operates in a compact and contiguous space.
- (c) The business is under the unified control and supervision of one (1) person, partnership, firm or corporation, which shall hold the antique mall operator license.
- (d) All sales are consummated at a central point or register operated by the antique mall operator and the antique mall operator maintains a comprehensive account of all sales.
- (e) Each antique mall dealer operating at the antique mall operator's location is properly licensed and complies with all applicable requirements of this article.
- (f) The antique mall operator maintains a complete and accurate file of the current and valid licenses

issued to each of the antique mall dealers conducting business at that location.

- (g) Individuals, partnerships or corporations that are a part of the business entity licensed as the antique mall operator, and who maintain separate sales space, or identify themselves to the public as an individual antique dealer at that location, are also individually licensed as antique mall dealers.

Billable transaction shall mean every reportable transaction conducted by an antique dealer, regardless of the number of items received in that transaction.

Business manager shall mean a person(s) designated by the licensee to operate a business in the licensee's absence. A licensee, other than an antique mall dealer, must designate a manager to operate the licensed business if the licensee does not personally provide on-site supervisory services at the business at least sixty-four (64) hours per month.

Consignment shall mean a written agreement between a dealer and a seller that enables the dealer to take temporary possession of secondhand property, owned by the seller, for the purpose of offering it for sale to the public. Agreement shall state the terms under which the seller will be compensated, and the amount of that compensation.

Dealer shall mean any natural person, partnership or corporation, either as principal or agent or employee thereof, licensed under this article.

Precious gems shall mean any gem that is valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or any other such precious gems or stones, whether as a separate item or in combination as a piece of jewelry or other crafted item.

Precious metals shall mean gold, silver, platinum, and sterling silver, whether as a separate item or in combination as a piece of jewelry or other crafted item, except items plated with precious metal(s) and the plating equals less than one (1) percent of the items total weight.

Receive shall mean to purchase, accept for sale on consignment, broker, or receive in

trade for an item of equal or lesser value, any tangible personal property previously owned, used, rented or leased.

Recordable transaction shall mean every transaction conducted by a secondhand dealer in which merchandise defined in Section 321.310 is received, offered for sale, or intended for sale, whether inside or outside the City of Minneapolis.

Reportable transaction shall mean every transaction conducted by an antique dealer, inside the City of Minneapolis, in which merchandise defined in Section 321.320(a) is received, and for which a daily report to the police department is required.

Unique identifier shall mean a serial number, identification number, model number, owner applied identifier or engraving, "Operation ID" number or symbol, or other unique marking.

321.230. License required. (a) No person shall engage in the business of antique dealer without a license. No license may be transferred to a different location or a different person. Licenses shall be conspicuously displayed. Issuance of a license under this article shall not relieve the dealer from obtaining any other licenses required to conduct business at the same or any other locations. A dealer licensed under this article shall also obtain a precious metal dealer's license if required to do so under Chapter 322. Persons licensed under Chapter 324 shall not be eligible for a license under this chapter for the same location.

(b) Chapter 321.230(a) notwithstanding, antique dealers may receive reportable property at a private residence or other private location, providing they fulfill all applicable requirements in this article.

321.240. Exceptions. The following transactions shall not require a license under this article:

(a) The sale of reportable goods at events commonly known as "garage sales", "yard sales" or "estate sales" where all of the following are present:

- (1) The sale is held on property occupied as a dwelling by the seller or owned, rented or leased by a charitable or political organization.
- (2) The occupant owns the items offered for sale and that none of

the items offered for sale shall have been purchased for resale or received on consignment for purpose of resale.

- (3) The owner of the property conducts the sale and receives all proceeds from the sale.
- (4) That no sale exceeds a period of seventy-two (72) consecutive hours. That no more than two (2) sales are held in any twelve (12) month period at any residential dwelling.

(b) The sale or receipt of secondhand books, magazines, post cards, postage stamps, or philatelic material.

(c) Transactions conducted by a secondhand goods dealer pursuant to Article I of this chapter.

(d) Goods sold at an exhibition pursuant to Article III of this chapter.

(e) Goods sold at the public market pursuant to the provisions of Chapter 202 of the Minneapolis Code of Ordinances.

(f) Transactions conducted by a precious metals dealer licensed under Chapter 322 of the Minneapolis Code of Ordinances, and for which a precious metal dealer's license is required.

(g) Transactions conducted by a pawnbroker licensed under Chapter 324 of the Minneapolis Code of Ordinances.

(h) Transactions conducted by a used auto part dealer licensed under Chapter 348 of the Minneapolis Code of Ordinances.

321.250. License classifications. (a) Licenses renewed under provisions of this article shall be classified first according to the number of transactions submitted annually to the police department during the twelve (12) month period ending thirty (30) days prior to their renewal date, and then by the type of license. The classifications shall be:

- (1) Class A - Licensees that submitted four hundred (400) or more transactions.
- (2) Class B - Licensees that submitted fewer than four hundred (400) transactions.

(b) All new licenses issued pursuant to this article after July 1, 1998 shall be deemed to be Class A licenses unless:

- (1) Applicant's business plan clearly indicates business will conduct

fewer than four hundred (400) reportable transactions in any consecutive twelve (12) month period, or

- (2) If the applicant has any ownership, management or financial interest in any other businesses licensed under Chapters 321, 322 or 324, and the total number of reportable transactions from all businesses licensed pursuant to these chapters, including those projected from the new business, is fewer than four hundred (400) in the consecutive twelve (12) month period ending thirty (30) days prior to the date of the new application.

All new Class B licenses issued pursuant to this article after July 1, 1998 shall be monitored by the police license inspector and upgraded to a Class A license whenever four hundred (400) or more reportable transactions are, or should have been, submitted within any consecutive twelve (12) month period.

Licensees shall be subject to all applicable Class A fees and regulations sixty (60) days after being notified in writing of the upgrade, but not sooner than January 1, 1999.

321.260. License fees. (a) The annual license fees for licenses issued under this article shall be as follows:

- (1) For all Class A Antique Dealers - Two hundred twenty-five dollars (\$225.00).
- (2) For all Class B Antique Dealers - Two hundred twenty-five dollars (\$225.00).
- (3) For all Class A Antique Mall Operators - Three hundred twenty-five dollars (\$325.00).
- (4) For all Class B Antique Mall Operators - Three hundred twenty-five dollars (\$325.00).
- (5) For all Class A Antique Mall Dealers - Two hundred twenty-five dollars (\$225.00).
- (6) For Class B Antique Mall Dealers - Sixty dollars (\$60.00).
- (7) For second or subsequent locations for antique mall dealers in which all applicant information is the same as their initial license application, except for the address at which the dealer will conduct

business, - Fifteen dollars (\$15.00).

(b) The billable transaction fee shall be classified according to the medium by which daily reports required by Section 321.320 are submitted to the police department. These classifications shall be as follows:

- (1) Modem - Required of all Class A dealers, optional for Class B dealers.
- (2) Manual - Required of all Class B dealers who do not fulfill Class A reporting requirements.

(c) The billable transaction fee shall reflect the cost of processing transactions from the respective classifications and other related regulatory expenses as determined by the city council, and shall be reviewed and adjusted, if necessary, every six (6) months. Licensees shall be notified in writing thirty (30) days before any adjustment is implemented. The billable transaction fee for modem transactions shall not exceed the billable transaction fee for manual transactions.

- (1) The initial billable transaction fee for modem transaction shall be one dollar fifty cents (\$1.50) per transaction, regardless of the number of items in that transaction.
- (2) The initial billable transaction fee for manual transaction shall be two dollars fifty cents (\$2.50) per transaction, regardless of the number of items in that transaction.

(d) Billable transaction fees shall be billed monthly and are due and payable within thirty (30) days. Failure to pay in accordance with these terms is a violation of this article.

321.270. Investigation fee. An applicant for a new license under this article, or for the renewal of an existing license that is more than six (6) months past due, or for a new manager as specified in Section 321.90, Subd. (b), shall reimburse the city for any extraordinary costs or investigative expenses involved in verifying the license application or assuring compliance with this ordinance. When the police license inspector or the inspector's designee determine an application may require extraordinary investigative expenses, the applicant will be notified and given the opportunity to withdraw the application. If the investigation process is conducted solely within the State of Minnesota, the fee shall not exceed five hundred dollars

(\$500.00). If the investigation is conducted outside the State of Minnesota, the issuing authority may recover the actual investigation costs not exceeding ten thousand dollars (\$10,000.00).

321.280. Expiration. All licenses in this article shall expire annually every July 1st.

321.290. Application required. (a) *Contents.* Every applicant for a license defined in this article must submit a complete and accurate application on forms provided by the department of licenses and consumer services. All applicants, in addition to a general personal and criminal history, shall be required to submit adequate information to enable a fair determination of their eligibility to hold the license for which they are applying, including all of the following which are reasonably applicable:

- (1) Whether the applicant holds a current secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.
- (2) Whether the applicant has previously been denied, or had revoked or suspended, a secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.
- (3) The location of the business premises.
- (4) The location at which the applicant's business records are maintained.
- (5) If the applicant does not own the business premises, a true and complete copy of the executed lease, and the legal description of the premises to be licensed.
- (6) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts which are unpaid.
- (7) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans

showing the design of the proposed premises to be licensed.

- (8) The applicants business plan including, at a minimum, hours of operation, on-site management and parking facilities.
- (9) An executed data privacy advisory and consent form authorizing the release of criminal history information.
- (10) Such other information as the city council or issuing authority may require.

(b) *New manager.* When a dealer places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the dealer must complete and submit the appropriate application, on forms provided by the department of licenses and consumer services, within fourteen (14) days of the change. The application must include all appropriate information required in Section 321.290.

(c) *Application execution.* All applications for a license under this ordinance must be signed and sworn to under oath or affirmation by the applicant. If the application is that of a natural person, it must be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

(d) *Investigation.* The police license inspector shall investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant shall furnish to the police license inspector such evidence as the inspector may reasonably require in support of the statements set forth in the application, or in answer to any questions raised by the investigation.

(e) *Public hearing.* The council member of the ward in which the proposed business would be located may request a public hearing at council, or in the evening hours at a location in the approximate vicinity of the proposed location.

(f) *Persons ineligible for a license.* No licenses under this ordinance will be issued to an applicant who is a natural person, a partnership if such applicant has any general partner or managing partner, a corporation or

other organization if such applicant has any manager, proprietor or agent in charge of the business to be licensed, if the applicant:

- (1) Is a minor at the time that the application is filed;
- (2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, Subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a dealer under this article as prescribed by Minnesota Statutes, Section 364.03, Subd. 3; or
- (3) Is not of good moral character or repute.

321.300. Bond required. (a) *Antique dealers.* Before a license will be issued for an antique dealer, every applicant must submit a five thousand dollar (\$5,000.00) bond on the forms provided by the department of licenses and consumer services. All bonds must be conditioned that the principal will observe all laws in relation to dealers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled, any goods which have come into the principal's hand through the principal's business as a dealer, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days written notice to the city, which shall be served upon the department of licenses and consumer services.

(b) *Antique mall operators.* Before a license will be issued for an antique mall operator, every applicant must submit a ten thousand dollar (\$10,000.00) antique mall operator bond on forms provided by the department of license and consumer services. All antique mall operator bonds must be conditioned that the operator, and all mall antique dealers licensed to conduct business at the operator's location, will observe all laws in relation to dealers, will conduct business in conformity thereto, and that the operator will account for and deliver to any person legally entitled, any goods which have come into the hands of the operator, or the hands of any of its antique mall dealers, through their business as a dealer, or in lieu thereof, will pay the

reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days written notice to the city, which shall be served upon the department of licenses and consumer services.

(c) *Antique mall dealers.* Before a license will be issued for an antique mall dealer, the department of licenses and consumer services must have in its possession a valid antique mall operator bond issued to the licensed antique mall operator at the location for which the applicant is applying.

321.310. Records required. (a) *Exempt transactions.* The following item(s), when received by a dealer, are exempt from recording and reporting requirements in this article, regardless of the purchase price paid by the dealer, asking price if consigned or brokered, or value attributed to it if accepted in trade:

- (1) The receipt of new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the secondhand dealer must maintain a record of all such transactions which describes each item, and must identify such items in a manner which relates them to that transaction record. Any identification code used by the dealer must be provided to the police license inspector or the inspector's designee(s) upon request.
- (2) The sale or receipt of used merchandise donated to recognized non-profit organizations and for which no compensation is paid.
- (3) The sale or receipt of secondhand clothing and shoes.

(b) *Recordable transactions.* Every dealer, at the time of receipt of any item which the dealer was required to pay for by check, and which has a unique identifier, or is or contains precious metals or gems, regardless of the purchase price, asking price if consigned or brokered, or value attributed to it if accepted in trade, or any other item for which the dealer paid fifteen dollars (\$15.00) or more, by check

or other consideration, or which the dealer intends to offer for sale, or broker, for thirty dollars (\$30.00) or more, and which is not exempted in Section 321.310(a), shall immediately and legibly record, using the English language, in ink or other indelible medium in a book, on forms, or in a computerized record approved by the police license inspector, the following information:

- (1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- (2) The purchase price, asking price if consigned, or value attributed to item if accepted in trade, for each item received.
- (3) Date and time the dealer received the item.
- (4) Full name, residence address, residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including: sex, height, weight, race, color of eyes and color of hair.
- (5) The identification number and state of issue from any of the following forms of identification presented by the seller:
 - a. Current valid Minnesota driver's license.
 - b. Current valid Minnesota identification card.
 - c. Current valid photo driver's license or photo identification card issued by another state or province of Canada.
- (6) The signature of the person identified in the transaction.
- (7) Class A dealers only. In addition to requirements of Section 321.310(b)(1) through (6), effective sixty (60) days from the date of notification by the police license inspector of acceptable video standards, but no sooner than January 1, 1999, all class A dealers must take a color photograph or color video recording of:

- a. Each customer involved in a reportable transaction as defined in Section 321.320(a).
 - b. Every item received that does not have a unique identifier, and which is, or contains, precious metal(s), precious gem(s) or precious stone(s).
- (8) If a photograph is taken, it must be done in a format that will produce a picture at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph, if the film is developed, or frame, if the film is exposed but not developed, can be readily matched and correlated with all other records of the transaction to which it relates. Such photographs, or the undeveloped film containing them, must be available to the chief of police or the chief's designee upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who sold, consigned or traded the item. Items photographed must be accurately depicted. If a video photograph is taken, the video camera record the person selling, consigning or trading the item so as to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The dealer must inform the person that they are being photographed or videotaped by displaying a sign of sufficient size in a conspicuous place on the premises. The dealer must keep the photographs or exposed videotape or film for ninety (90) days.
- (9) Digitized photographs. Effective sixty (60) days from the date of notification by the police license

inspector, but not sooner than July 1, 1999, Class A dealers must fulfill the color photograph requirements in Section 321.310(b)(7) by submitting them as digital images, in a format specified by the issuing authority, and electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in Section 321.310(b)(7).

- (10) Inspection of records. The records must at all reasonable times be open to inspection by the police department or department of licenses and consumer services. Records of all transactions shall be retained for at least three (3) years from the date of transaction. Entries of required digital images, when implemented, shall be retained a minimum of ninety (90) days.

321.320. Daily reports to police. (a) *Reportable transactions.* Except for items received through consignment, or for which payment in full was made with a credit or voucher redeemable for merchandise from the dealer, every dealer shall report daily, to the police department, any recordable transaction in which one or more of the following items is received, regardless of the purchase price, asking price if consigned or brokered, or value attributed to it if accepted in trade:

- (1) Any item with a unique identifier.
- (2) Any item containing precious metals.
- (3) Any item containing precious gems.
- (4) Firearms.
- (5) Any of the following for which the dealer paid two hundred fifty dollars (\$250.00) or more, in cash or other consideration, or which the dealer intends to offer for sale, or broker, for five hundred dollars (\$500.00) or more.
 - a. Antique audio or video equipment.
 - b. Antique musical instruments.

- c. Antique photographic and optical equipment.
 - d. Antique sporting equipment.
- (6) Architectural elements, lighting fixtures or lamps that are, or contain, stained, etched, leaded, beveled or art glass, limited to those which the dealer paid one hundred fifty dollars (\$150.00) or more, in cash or other consideration, or which the dealer intends to offer for sale, or broker, for three hundred dollars (\$300.00) or more.
- (7) Artist signed or artist attributed works of art, other than architectural elements, lighting fixtures or lamps, limited to those for which the dealer paid two hundred fifty dollars (\$250.00) or more, in cash or other consideration, or which the dealer intends to offer for sale, or broker, for five hundred dollars (\$500.00) or more.

(b) *Method.* Dealers must provide to the police department the information required in Section 321.310(b)(1) through (6), in writing, on forms approved by the police license inspector, for all reportable transactions. The dealer must display a sign of sufficient size, and in a conspicuous place in the premises, so as to inform all patrons that transactions are reported to the police department daily. Effective sixty (60) days from the date the police license inspector provides dealers with computerized record standards, but no sooner than January 1, 1999, dealers must submit every reportable transaction to the police department daily in the following manner:

- (1) Class A dealers must, and Class B dealers may, provide to the police department the information required in Section 321.310(b)(1) through (5), for all reportable transactions, by transferring it from their computer to the police department via modem. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority

using a dial-callback protocol or other procedures that address security concerns of the dealers and the issuing authority.

- (2) Class B dealers who do not fulfill requirements of Section 321.320(b)(1) must provide to the police department the information required in Section 321.310(b)(1) through (6), in writing, on forms approved by the police department, by twelve (12) o'clock noon the first business day following the date of the transaction.

(c) *Billable transaction fees.* Dealers, regardless of class, will be charged for billable transactions at the current rate for the medium by which they were reported to the police department except:

- (1) If a Class A dealer, or a Class B dealer who has consistently reported via modem, is unable to successfully transfer the required reports by modem, the dealer must provide the police department printed copies of all reportable transactions for that date by twelve (12) o'clock noon the next business day, and must be charged at the modem rate for billable transactions;
- (2) If the problem is determined to be in the dealer's system and is not corrected by the close of the first business day following the failure, the dealer must provide the required reports as detailed in Section 321.320(c)(1), and must be charged at the modem rate for transactions through the close of the first business day following the failure, and at the manual rate for all subsequent billable transactions until the error is corrected; or
- (3) If the problem is determined to be outside the dealer's system, the dealer must provide the required reports as detailed in Section 321.320(c)(1), and will be billed at the modem rate for billable transactions until the error is corrected.
- (4) If a Class A dealer, or a Class B dealer who has consistently

reported via modem, is unable to capture, digitize or transmit the photographs required in Section 321.310(b)(7) and (8), when implemented, the dealer shall immediately take all required photographs with a still camera, develop the pictures, cross-reference the photographs to the correct transaction, and deliver them to the police department by twelve (12) o'clock noon the next business day. Billable transactions will be charged at the modem rate for transactions through the close of the first business day following the failure, and at the manual rate for all subsequent billable transactions until the error is corrected.

- (5) Section 321.320(c)(1) through (5) notwithstanding, the police license inspector may, upon presentation of extenuating circumstances, extend the period that a qualifying antique dealer is billed at the modem rate for billable transactions.

321.330. Receipt required. Every dealer must provide a receipt, upon request, to any person from whom they received goods for which a record was required in Section 321.310, and must maintain a duplicate of that receipt for three (3) years. The receipt must include sufficient information to enable the police license inspector or the inspector's designee(s) to identify the transaction, and every item related to it, in the dealer's records.

321.340. Payment by check. When a dealer buys or otherwise receives merchandise at any location other than those identified in Section 321.240(a), payment shall be made by check only, made payable to a named payee who is the actual and identified seller.

321.350. Holding period. Any item received by a dealer, for which a report to the police is required in Section 321.320, shall not be sold or otherwise transferred for thirty (30) days after the date the police receive such report except as provided in Section 321.410. Items may not be altered, modified or changed in anyway during the holding period.

321.360. Police order to hold property.
 (a) *Investigative hold.* Whenever a law

enforcement official from any agency notifies a dealer not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within seventy-two (72) hours and will remain in effect for fifteen (15) days from the date of initial notification, or until the investigative order is canceled, or until an order to hold/confiscate is issued, pursuant to Section 321.150(b), whichever comes first.

(b) *Order to hold.* Whenever the chief of police or the chief's designee notifies a dealer not to sell an item, the item must not be sold or removed from the licensed premises until authorized to be released by the chief of police or the chief's designee. The order to hold shall expire ninety (90) days from the date it is placed unless the chief of police or the chief's designee determines the hold is still necessary and notifies the antique dealer in writing.

(c) *Order to confiscate.* If an item is identified as stolen, or evidence in a criminal case, the chief of police or the chief's designee may:

- (1) Physically confiscate and remove it from the shop, pursuant to a written order from the chief of police or the chief's designee, or
- (2) Place the item on hold or extend the hold as provided in Section 321.360(a), and leave it in the shop.

When an item is confiscated, the person doing so shall provide identification upon request of the licensee, and shall provide the licensee the name and phone number of the confiscating agency and investigator, and the case number related to the confiscation. When an order to hold/confiscate is no longer necessary, the chief of police or the chief's designee shall so notify the licensee.

321.370. Inspection of items. The licensee must allow the police license inspector or the inspector's designee(s) to enter the premises where the licensed business is located or business records are maintained, including all off-site storage facilities as authorized in Section 321.390, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, ware and merchandise and records therein to verify compliance with this chapter or other applicable laws.

321.380. Label required. Dealers must attach a label to every item, for which a report to the police department is required in Section 321.320, at the time it is received in inventory. Permanently recorded on this label must be the number or name that identifies the transaction in the dealer's records, the name of the item, and the date the item can be sold. Labels shall not be re-used.

321.390. Prohibited acts. The following acts are prohibited under this article:

(a) No person under the age of eighteen (18) years may sell or consign, or attempt to sell or consign, any goods with any dealer, nor may any dealer receive any goods from a person under the age of eighteen (18) years.

(b) No dealer may receive any goods from a person of unsound mind, or an intoxicated person.

(c) No dealer may receive any goods for which payment by check is required in Section 321.340 unless the seller presents one of the following forms of identification:

- (1) Current valid Minnesota driver's license.
- (2) Current valid Minnesota identification card.
- (3) Current valid photo driver's license or photo identification card issued by another state or province of Canada.

(d) No dealer may receive any item of property that possesses an altered or obliterated serial number or "operation identification" number, or any item of property that has had its serial number removed.

321.400. Denial suspension or revocation. Any license under this article may be denied, suspended or revoked for one (1) or more of the following reasons:

(a) The proposed use does not comply with the Minneapolis Zoning Code.

(b) The proposed use does not comply with any health, building, building maintenance or other provisions of this Code of Ordinances or state law.

(c) The applicant or licensee has failed to comply with one (1) or more provisions of this chapter.

(d) The applicant is not a citizen of the United States, or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.

(e) Fraud, misrepresentation, or bribery in securing or renewing a license.

(f) Fraud, misrepresentation or false statements made in the application and investigation for, or in the course of, the applicant's business.

(g) Business practices, or conduct, deemed by the issuing authority to be contrary to the best interests, or safety, of the public.

(h) Violation within the preceding five (5) years, of any law relating to theft, damage or trespass to property, sale of a controlled substance, or operation of a business.

(i) The owner of the premises licensed or to be licensed would not qualify for a license under the terms of this article.

321.410. Off-site storage. Upon written request, the police license inspector may approve an off-site locked and secured storage facility. The antique dealer shall permit inspection of the facility in accordance with Section 321.370. All provisions of this article regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the city code. The licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premises.

321.420. Separability. Should any article, section, subsection, clause or other provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not effect the validity of the ordinance as a whole, or any part, other than the part so declared invalid.

ARTICLE III. EXHIBITIONS

321.430. Definitions. As used in this article:

Exhibition shall mean a temporary exhibition, convention, show or exposition of secondhand goods by any person, partnership, corporation or association. No exhibition shall be held for more than five (5) consecutive calendar days. No more than twelve (12) exhibitions may be held at a single location, other than the Minneapolis Convention Center, in a calendar year.

Exhibition Operator shall mean any natural person, partnership, corporation or association, either as principal or agent or employee thereof, who organizes, promotes or conducts an exhibition.

Exhibitor shall mean any natural person, partnership, corporation or association, either as principal or agent or employee thereof, whom offers used or previously owned merchandise for sale at an exhibition.

321.440. Permit required. (a) No person, partnership, corporation or association shall hold an exhibition without first obtaining an exhibition operator permit. No person, partnership, corporation or association shall sell, or offer for sale, used or previously owned merchandise, at an exhibition, without first obtaining an exhibitor permit. Applications for exhibitor permits will not be accepted prior to receipt of the application from the exhibition operator. Exhibition operator and exhibitor permits shall only be valid for the dates and location of a single, specific exhibition, and for a maximum of five (5) consecutive days.

(b) Exhibitors shall post their permit in a conspicuous manner in their display or sales area of the exhibition, and shall maintain such posting for the duration of the exhibition.

(c) Exhibition operator and exhibitor permits shall be reviewed and approved, or denied, by the director of licenses and consumer services, in accordance with Section 321.510 of this article.

321.450. Exceptions. The following transactions shall not require a permit under this article:

(a) The sale or receipt of used merchandise donated to recognized non-profit organizations and for which no compensation is paid.

(b) The sale of secondhand books, magazines or postage stamps.

(c) Goods sold at the public market pursuant to the provisions of Chapter 202 of the Minneapolis Code of Ordinances.

(d) The sale used motor vehicles by licensed dealers.

321.460. Permit Fees. The fees for permits issued under this article shall be:

(a) Exhibition Operator: For complete and accurate applications received by the department of licenses and consumer services at least thirty (30) days prior to the first day of the exhibition, the permit fee shall be seven hundred fifty dollars (\$750.00).

(1) If the application is received, or remains incomplete or inaccurate, less than thirty (30) days prior to

the first day of the exhibition, an additional fee of seventy-five dollars (\$75.00) will be assessed.

(b) Exhibitor: For complete and accurate applications received by the department of licenses and consumer services at least seven (7) business days prior to the first day of the exhibition, the permit fee shall be thirty dollars (\$30.00). If the applicant is currently licensed under Section 321 Article I or II, Section 322 or Section 324, the permit fee shall be fifteen dollars (\$15.00).

- (1) If the application is received, or remains incomplete or inaccurate, less than seven (7) business days prior to the first day of the exhibition, an additional fee of ten dollars (\$10.00) will be assessed.
- (2) Section 321.450(b)(1) notwithstanding, all applications must be submitted, completely and accurately, to the department of licenses and consumer services, prior to four (4) o'clock p.m. of the second business day prior to the exhibition.

321.470. Application required. (a) *Contents.* Every applicant for a permit defined in this article must submit a complete and accurate application on forms provided by the department of licenses and consumer services. All applicants, in addition to a general personal and penal history, shall be required to submit adequate information to enable a fair determination of their eligibility to hold the permit for which they are applying, including:

- (1) The location of the proposed exhibition.
- (2) The dates and hours of the exhibition.
- (3) Whether the applicant holds a current secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.
- (4) Whether the applicant has previously been denied, or had revoked or suspended, a secondhand dealer, precious metal dealer, antique dealer, pawnbroker license or exhibition license or permit from this or any other governmental unit.

- (5) The location at which the applicant's business records are maintained.
- (6) An executed data privacy advisory and consent form authorizing the release of criminal history information.
- (7) Applicants for exhibition operator permits must include a complete list of all exhibitors known to them at the time that they make application.
- (8) Exhibition operators must provide a final and complete list of all exhibitors by twelve (12) o'clock noon of the second business day prior to the opening date of the exhibition.
- (9) Such other information as the city council or issuing authority may require.

(b) *Application execution.* All applications for a permit under this ordinance must be signed and sworn to under oath or affirmation by the applicant. If the application is that of a natural person, it must be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

(c) *Investigation.* The police license inspector shall investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant must furnish to the police license inspector such evidence as the Inspector may reasonably require in support of the statements set forth in the application, or in answer to any questions raised by the investigation.

321.480. Bond required. (a) *Exhibition operator.* Before a permit will be issued for an exhibition operator, every applicant must submit a ten thousand dollar (\$10,000.00) exhibition operator bond on forms provided by the department of license and consumer services. All exhibition operator bonds must be conditioned that the operator, and all exhibitors permitted to conduct business at the exhibition, will observe all laws in relation to exhibition operators and exhibitors, will conduct business in conformity thereto, and that the operator will account for and deliver to any person legally

entitled, any goods which have come into the hands of the operator, or the hands of any of its exhibitors, through their business as an exhibition operators or exhibitors, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days written notice to the city, which shall be served upon the department of licenses and consumer services.

(b) *Exhibitor.* Before a permit will be issued for an exhibitor, the department of licenses and consumer services must have in its possession a valid exhibition operator bond issued to the exhibition operator permitted at the location for which the applicant is applying.

321.490. Records required. Every exhibitor at an exhibition shall maintain a permanent record of the following information for all goods exhibited:

(a) An accurate description of the item; including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such item.

(b) Purchase price.

(c) Date, time and place of receipt.

(d) Name and residence address of the person from whom the item was received.

The records required under this section shall be made available for inspection upon request by the police department or the department of licenses and consumer services. Entries shall be maintained for at least three (3) years.

321.500. Prohibited acts. No exhibitor may purchase or otherwise receive any secondhand goods item at an exhibition except from another permitted exhibitor at the exhibition.

321.510. Police order to hold property. Whenever the chief of police or the chief's designee notifies an exhibition operator or exhibitor not to sell an item, the item shall not be sold or removed from the exhibition. The chief of police or the chief's designee shall confiscate or release the item prior to the close of the exhibition.

321.520. Denial, suspension or revocation. Any permit under this article may be denied, suspended or revoked for one or more of the following reasons:

(a) The proposed use does not comply with the Minneapolis Zoning Code.

(b) The proposed use does not comply with any health, building, building maintenance or other provisions of this Code of Ordinances or state law.

(c) The applicant, exhibition operator or exhibitor has failed to comply with one (1) or more provisions of this article.

(d) The applicant is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.

(e) Fraud, misrepresentation, or bribery in securing or renewing a license.

(f) Fraud, misrepresentation or false statements made in the application and investigation for, or in the course of, the applicant's business.

(g) Business practices, or conduct, deemed by the issuing authority to be contrary to the best interests, or safety, of the public.

(h) Violation within the preceding five (5) years, of any law relating to theft, damage or trespass to property, sale of a controlled substance, or operation of a business.

(i) The owner of the premises where the exhibition is planned would not qualify for a license under the terms of this article.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET

Committees submitted the following reports:

PS&RS & W&M/Budget – Your

Committee recommends that the proper City Officers be authorized to solicit up to \$25,000 in private funds from the Insurance Federation of Minnesota, individual insurance companies licensed in the State of Minnesota, and other businesses and associations to recover the cost of providing a pen-like engraving tool at no charge to citizens who join the Police Department's Operation ID.

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee, having under consideration the Community Oriented Policing Grant Program, now recommends the following:

a. that the proper City Officers be authorized to accept an additional \$25,000 in grant funds from the Minnesota Department of Public Safety to provide officer overtime for extra patrol and crime abatement initiatives throughout Minneapolis, as well as to provide increased support for the Minnesota HEALS Programs;

b. that the proper City Officers be authorized to amend the grant agreement with the State to reflect the new grant amount, totaling \$150,000, and designating the proper City officers empowered to sign the amended agreement;

c. passage of the accompanying Resolution appropriating \$25,000 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-215
By Biernat and Campbell**

**Amending The 1998 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 (060-400-4030) by \$25,000.

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to renew Agreement #A17707 with the Hennepin County Medical Center (HCMC) to continue Emergency Medical Service Training for all of the Fire Department's Emergency Medical Technicians (EMTs) for a one-year period beginning July 1, 1998 and expiring June 30, 1999. Further, that the proper City Officers be authorized to execute Amendment #1 to said agreement to increase the cost of services provided by HCMC from \$65,800 to \$67,160, payable from Fire Department (010-280-2816). (Petr No 263886)

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to accept a Community Notification Grant award, in the amount of \$150,000, from the State Department of Public Safety to fund the hiring of a temporary employee for two years to serve as the Community Notification Coordinator. Said temporary position will be classified as an Administrative Analyst I and shall be responsible for coordination of Sex Offender Community Notification meetings and other responsibilities for compliance with the State Sex Offender Community Notification Law. Said grant funds will also be used to purchase telecommunications and public presentation equipment for Community Notification Meetings to inform the public of sex offenders released into the community. (Petr No 263888)

Your Committee further recommends passage of the accompanying Resolution appropriating \$150,000 to the Police Department Agency to reflect receipt of said grant funds to the Community Crime Prevention/SAFE Unit.

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-216
By Biernat and Campbell

**Amending The 1998 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-E005) by \$150,000.

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to waive the six-month waiting period for medical, health and other City benefits for the position of Project Coordinator of the HUD Round IV Lead-Based Hazard Reduction Grant held by William Radosevish. Further, that Mr. Radosevish shall receive said benefits effective August 1, 1998, to be payable from HUD grant funds in the Health Department (030-835-8393).

Adopted. Yeas, 11; Nays none.

Absent – Thurber, Campbell.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

T&PW – Your Committee recommends passage of the accompanying Resolution adopting the assessments, levying the assessments and adopting the assessment roll for the unpaid charges for the cleanups of the areas around the Solid Waste Collection Points on the list of properties set forth in Petn No 263892.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-217
By Mead

Adopting the assessments, levying the assessments and adopting the assessment roll for the unpaid charges for the cleanups of the areas around the Solid Waste Collection Points on the list of properties set forth in Petn No 263892.

Whereas, a public hearing was held on June 18, 1998 in accordance with Sections 225.660 and 225.690 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed assessment roll on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the following proposed assessments be waived/reduced:

a) 4600-4604 Bloomington Av (PID #14-028-24-12-0011), waive \$52.50;

b) 4312 Columbus Av (PID #11-028-24-32-0133), waive \$52.50;

c) 4247 Emerson Av N (PID #04-029-24-12-0013), reduce to \$25.00;

d) 3223 Portland Av (PID #02-028-24-23-0103), reduce to \$26.25.

That the proposed assessments against the affected properties on the list dated May 22, 1998 set forth in Petn No 263892 in the total amount of \$7,744.04 and as shown on the proposed assessment roll on file in the Office of the City Clerk be and hereby is revised to \$7,585.29 and are adopted and levied as revised herein.

Be It Further Resolved that the revised assessment in the amount of \$7,585.29 be collected in one (1) installment on the 1999 real estate tax statements with interest charged at the same rate as assessment bonds are sold for in 1998.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is revised to \$7,585.29 and adopted as revised herein and that the City Clerk is hereby directed to transmit a certified copy of said

revised assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, to whom was referred an ordinance amending Title 18 of the Minneapolis Code of Ordinances, amending Chapter 478 relating to **Traffic Code: Parking, Stopping and Standing, Critical traffic and parking areas** by deleting the public hearing requirement for establishment and elimination of critical parking areas, allowing a maximum of two vehicle permits for businesses, increasing the vehicle permit fee and adding an expiration date for visitor permits and prohibiting taxicabs and other commercial vehicles, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that said ordinance be summarized for publication.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-060 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing amending Section 478, regarding Critical Traffic and Parking Areas, by deleting the public hearing requirement for establishment and elimination of critical parking areas, allowing a maximum of two vehicle permits for businesses, increasing the vehicle permit fee and adding an expiration date for visitor permits and prohibiting taxicabs and other commercial vehicles, was passed June 26, 1998 by the City Council and approved July 1, 1998 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 98-Or-060

By Mead

Intro: 6/12/98

Ref to: T&PW

1st Reading: 6/18/98

2nd Reading: 6/26/98

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 478.710 (a), (d) and (e) of the above-entitled ordinance be amended to read as follows:

478.710. Critical traffic and parking areas. (a) Establishment authorized. The city council may, ~~after public hearing thereon and~~ after recommendation of the city engineer, and after receiving a written application as specified in this section, designate a critical traffic and parking area consisting of certain streets or parts thereof in a compact and contiguous area. The city council shall also specify special traffic and parking restrictions within each critical traffic and parking area thus established.

(d) *Residential parking permit authority.* The establishment of a critical traffic and parking area shall provide for the issuance of parking permits subject to the following requirements:

- (1) The city engineer shall identify the location, hours and days to be regulated by the parking permit procedure.
- (2) An application for a permit shall be on a form prepared by the city engineer and shall contain the name and address of the owner, make, model and license number of the vehicle, and such other information as is reasonably necessary to enforce the provisions of this section. This application shall be presented with a valid driver's license and such other information as may be necessary to prove residency within the designated critical traffic and parking area. No person shall

furnish false information in an application for a vehicle permit. A false application shall be grounds for revocation of the permit and is punishable pursuant to section 1.30 of the Minneapolis City Code.

- (3) A nonrefundable permit application fee of ten dollars (\$10.00) shall accompany each initial application. An additional fee of ten dollars (\$10.00) shall be charged for each vehicle permit renewed annually or transferred (duplicate). A maximum of two (2) permits will be issued per licensed driver.
- (4) The permit decal shall be placed on the center of the vehicle's rear bumper or as close as possible to the rear license plate.
- (5) Permits shall be made available on a yearly, renewable basis within those areas recommended in the city engineer's report and authorized by the city council action and issued to the following individuals:
 - a. Residents;
 - b. An owner, manager, or their designee, of a business, institution, or recreational/entertainment facility located within the designated critical traffic and parking area.
Maximum of two (2) permits unless otherwise approved by City Council Member.
- (6) Temporary parking permits for bona fide visitors vehicles or service vehicles shall be available to residents of a critical traffic and parking area on the following basis:
 - Visitor permits--One transferable permit issued at a ~~one-time fee of five dollars (\$5.00)~~ three year fee of ten dollars (\$10.00) to each requesting dwelling unit. Additional permits available at a cost of one dollar (\$1.00) per permit for specific dates, not reusable.
 - Service vehicle permits--One transferable permit issued at a one-time fee of five dollars (\$5.00)

to each requesting dwelling unit. Additional permits issued to residents at a cost of one dollar (\$1.00) per permit for specific dates, not reusable.

- (7) The provisions of this chapter shall not abrogate the scope of parking privileges granted handicapped persons as defined in sections 478.520 through 478.560 of this Code or by statutes of the State of Minnesota, or the provisions of the snow emergency ordinance section 478.1000 relating to parking. In addition the provisions of this chapter shall not abrogate the authority of the city to post temporary or permanent parking restrictions for safety, traffic flow, construction or maintenance purposes.
- (8) Such permit shall permit parking in the designated area during the time specified by the city council action and posted on signs in the critical traffic and parking area. A parking permit shall not guarantee or reserve to the holder a parking space within a designated critical traffic and parking area.
- (9) The following vehicle types are not eligible for residential parking permits: recreational vehicles, trailers, buses, trucks with ICC or LCC license plates, taxicabs, commercial vehicles and commercial passenger vehicles as prohibited under ordinance 478.240.

(e) *Disestablishment or modification.* The city council may disestablish a critical traffic and parking area after ~~conducting a public hearing and finding that the circumstances that originally prompted the establishment of the area no longer pertain.~~ The city council may modify the ~~special traffic and parking restrictions~~ streets included in a critical traffic and parking area if it determines that a change of circumstances warrants such modification. The city council member and transportation and public works committee may amend time limits and hours of enforcement of a critical traffic and parking area if it determines

circumstances warrant such modification and the residents within the area support the change.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration a collaborative plan of the Public Works Department, the Minnesota Department of Transportation (MnDOT) and the Sumner Glenwood neighborhood whereby MnDOT will provide funding and materials for landscaping along the north side of T.H. 55 and Lyndale Av N, now recommends passage of the accompanying resolution directing the proper City officers to execute an agreement with MnDOT for said landscaping plan.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-218

By Mead

Directing the proper City officers to execute a landscape partnership permit and agreement with the Minnesota Department of Transportation (MnDOT) in the Sumner Glenwood Neighborhood.

Whereas, MnDOT and the City have prepared plans for landscape planting along T.H. 55 westerly of Lyndale Av N; and

Whereas, MnDOT has prepared a landscape partnership permit and agreement for the subject project detailing each party's responsibilities; and

Whereas, the Sumner Glenwood neighborhood supports this project;

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

That the proper City officers be directed to execute a landscape partnership permit and agreement with MnDOT for the Sumner Glenwood landscaping project.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends passage of the accompanying ordinance establishing a No Parking Anytime Zone on 21st Av S between E 28th and E 29th St, as part of the reconstruction of 21st Av S and as required under state design standards.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 98-Or-061

By Mead

1st & 2nd Readings: 6/26/98

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 Zones:

No. 6662 – Both sides of 21st Av S between the limits of E 28th St and E 29th St (No Parking Anytime).

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration the 21st Av S Paving Project and the need to acquire permanent and temporary easements over three parcels of land in order to make street improvements, now recommends passage of the accompanying resolution accepting permanent and temporary street easements from the Hennepin County Railroad Authority and a temporary street

easement from John A. Dalsin & Son, Inc. for the herein described real estate situated in the City of Minneapolis, County of Hennepin, State of Minnesota.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-219
By Mead**

Authorizing the acceptance of permanent and temporary street easements from the Hennepin County Railroad Authority and a temporary street easement from John A. Dalsin & Son, Inc. for the herein described real estate situated in the City of Minneapolis, County of Hennepin, State of Minnesota.

Resolved by The City Council of the City of Minneapolis:

That the City accepts permanent and temporary street easements from the Hennepin County Railroad Authority and a temporary street easement from John A. Dalsin & Son, Inc. for the following described real estate situated in the City of Minneapolis, County of Hennepin, State of Minnesota.

Description of Property

Parcel 1 (HCRRA). A temporary street easement over that part of vacated 20th Av S which lies S of the S r/w line of 28th St E and N of a line drawn from a point on the E line of Lot 2, Blk 2, Layman's Addn to Minneapolis, distant 31.21 ft N of the SE corner of said Lot 2 to a point on the W line of Lot 19, Blk 1, said plat, distant 34.02 ft N of the SW corner of said Lot 19.

Parcel 2 (Dalson). A temporary street easement over that part of vacated 20th Av S which lies Nly of the Ely extension of the N line of the S half of Lot 7, Blk 2, Layman's Addn to Minneapolis and Sly of a line drawn from a point on the E line of Lot 2, Blk 2, said plat, distant 31.21 ft N of the SE corner of said Lot 2 to a point on the W line of Lot 19, Blk 1, said plat, distant 34.02 ft N of the SW corner of said Lot 19.

Parcel 3 (HCRRA). A permanent street easement over that part of Lots 1, 2 and 3, Blk

4, Layman's Addn to Minneapolis described as follows: Beginning at a point 12.5 ft S of and 35.94 ft E of the NW corner of Lot 3, Blk 4, Layman's Addn to Minneapolis, thence N to the N line of Lot 1, Blk 4, said plat, being 35.94 ft E of the NW corner of said Lot 1, thence east along the north line of said lot 50.0 ft, thence S to a point 12.5 ft S of and 40.84 ft W of the NE corner of Lot 3, Blk 4, said plat, thence W to point of beginning.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration the Dinkytown Road, Bridge and Streetscape Project and the existing agreement with the Dinkytown Business Association (DBA) which provided for hiring of a consultant to provide organizational services for the project and area businesses, customers, residents and students who are impacted by the project, now recommends that the proper City officers be authorized to execute a supplemental agreement to existing Agreement #10137 with the DBA increasing the original agreement amount from \$40,200 to \$86,200. Funding for the increase is available within the existing project budget (4100-937-9372).

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that Patricia Brock, owner of the property at 622 Jackson St NE, who experienced expenses due to storm damaged tree removal, be reimbursed for her expenses and that said amount be charged to the property by special assessment to be collected over a five-year period, with interest. (Petn No 263891)

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that the proper City officers be authorized to execute an agreement with the City of Columbia Heights providing that the City will pay for a portion of the cost of improving the railroad crossing on 37th and McKinley St NE. The City’s share of the cost is estimated to be \$24,525, payable from the Street Maintenance and Repair Agency (010-607-6161).

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration street improvements related to the Calhoun Commons Project and the need to relocate W 31st St, now recommends passage of the accompanying Resolution authorizing execution of an agreement for the acceptance of a temporary street easement from the Hennepin County Railroad Authority for the realignment of W 31st St, between Chowen Av and Abbott Av South. Staff is directed to ensure that the easement is accepted only with the City receiving right of first refusal if the land is to be sold.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas – Herron, Minn, McDonald, Johnson, Ostrow, Campbell, Biernat, Niland, Goodman, Colvin Roy, Cherryhomes.

Nays – Mead.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-220

By Minn

Adopting a Resolution authorizing execution of an agreement for acceptance of a temporary street easement from the Hennepin County Railroad Authority for the realignment of 31st St W, between Chowen Av and Abbott Av S.

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

That the City hereby authorizes execution of an agreement providing for acceptance of a

temporary street easement from the Hennepin County Railroad Authority for the realignment of 31st St W, between Chowen Av and Abbott Av S.

Description of Property.

A Temporary Easement for Street purposes over, under and across that part of the W 150.46 ft of Lot 4, Auditors Subdivision Number 164, Hennepin County, Minnesota, said Easement being described as follows:

Commencing at the most Sly/NW corner of said Lot 4 (also the most Nly corner of Tract A, Registered Land Survey Number 1103); th S 0 degrees 36 minutes 37 second W on an assumed bearing, along the W line of said Lot 4, a distance of 96.15 ft to the point of beg of the described Easement; th N 89 degrees 50 minutes 37 seconds E, parallel with the N line of said Lot 4, a distance of 15.13 ft; th S 55 degrees 06 minutes 15 seconds E, a distance of 163.79 ft to the E line of the W 150.46 ft of said Lot 4; th S 0 degrees 36 minutes 37 seconds W, along said E line, a distance of 60.52 ft; th N 55 degrees 06 minutes 15 seconds W, tangent to said curve, a distance of 270.77 ft, more or less to the W line of said Lot 4; thence N 0 degrees 36 minutes 37 seconds E, along the west line of said Lot 4, a distance of 50.00 feet to the point of beginning.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas – Herron, Minn, McDonald, Johnson, Ostrow, Campbell, Biernat, Niland, Goodman, Colvin Roy, Cherryhomes.

Nays – Mead.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that the property at 4339 Oakland Av S be added to Phase I of the list of properties to be acquired for flood mitigation ponds, as outlined in Petn No 263890 on file in the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET**

Committee submitted the following report:

T&PW & W&M/Budget – Your Committee, having under consideration the Lyn/Lake Municipal Parking Lot Project approved by the Council on May 22, 1998, now recommends:

T&PW – Passage of the accompanying resolution appropriating \$2,282,000 to the PW – Transportation Capital Agency to provide funds for the approved Lyn/Lake Municipal Parking Lot Project.

W&M/Budget – Passage of the accompanying resolution appropriating \$2,282,000 to the PW – Transportation Capital Agency to provide funds for the approved Lyn/Lake Municipal Parking Lot Project.

Your Committee further recommends that the Minneapolis Community Development Agency (MCDA) process relating to the acquisition of property and related relocation requirements pursuant to the Minneapolis Code of Ordinances, Section 422.30 et. seq. be utilized for the Lyn/Lake Municipal Parking Lot Project. The City Engineer shall be authorized to approve the recommendations of the MCDA real estate/legal staff and that, upon approval by the City Engineer, the proper City officers shall be authorized to take all action necessary to perform acquisition and relocation activities to implement the construction of the Lyn/Lake Municipal Parking Lot Project at Aldrich and Garfield Aves S.

Mead moved to amend the report to approve the recommendation of the Ways & Means/Budget and delete the recommendation of the Transportation & Public Works Committee. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-221
By Mead and Campbell

Amending The 1998 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 Lyn/Lake Parking Fund (8P10-943-9464) by \$2,282,000 and increasing the revenue source (8P10-943-9464 – Source 3880) by \$2,282,000.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration the need to relocate the Public Works Street Maintenance Operations Division on a temporary basis pending their move to Phase II of the Public Works Facilities, now recommends that the proper City officers be authorized to enter into a purchase agreement with Monti Friedkin to acquire the property at 198 N Aldrich Av for a total price of \$750,000, minus relocation costs estimated at \$20,000, with the owner paying all outstanding assessments and 1998 property taxes pro-rated to the date of closing.

Your Committee further recommends that the proper City officers be authorized to draft and execute the necessary documents for said purchase.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration a request from the Public Works Department for modifications to the Building and Facility Improvement Capital Program (GM-1), now recommends:

a. Approval of the use of \$128,000 of the 1998 GM-1 capital appropriation to be used to supplement the 1997 Prospect Park Tower Restoration Project since bids for that project have exceeded the approved appropriation;

b. Approval of the use of \$87,000 of the 1998 GM-1 capital appropriation to fund the

newly identified Third Precinct Locker Room Expansion Project to address space needs at the Third Police Precinct; and

c. That the funds for the Prospect Park Tower Restoration Project and the Third Precinct Locker Room Expansion Project totaling \$215,000 will be made available through deferral of the 1998 Public Service Center HVAC Upgrade Project to 1999, pending the outcome of the 1999 Regulatory Services Consolidation capital request.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee, having received an update on the implementation of Light Rail Transit (LRT), now recommends passage of the accompanying resolution appropriating \$50,000 to the PW - Transportation Capital Agency for the purpose of retaining a consultant to assist the City as needed in responding to LRT issues.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-222

By Mead and Campbell

Amending The 1998 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 (410-943-9464) by \$50,000.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee recommends approval of the establishment of a Water Works Project Advisory Committee to review the following capital projects:

– Interconnection with the St. Paul water utility;

- Fridley Softening Plant Upgrades;

- Membrane Filtration (Fridley and Columbia Heights Plant Areas).

Your Committee further recommends that said advisory committee be comprised of a representative from each of the following disciplines:

– Minneapolis Water Works (Chair);

- Capital Long-Range Improvements Committee;

- Minneapolis Health Advisory Committee/ Minneapolis Health and Family Support Department (representative required to have technical expertise regarding persons with compromised immune systems);

- Minnesota Department of Health-Epidemiology;

- Minnesota AIDS Project (representative required to have technical expertise regarding persons with compromised immune systems);

- Suburban Contract Customers;

- Academia (Michael Semmens, Ph.D, University of Minnesota Professor);

- Environmental Groups.

It is further recommended that a representative from each of the following City departments be directed to monitor the advisory committee meetings:

- Mayor;

- City Council;

- Finance;

- City Attorney.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee recommends acceptance of low bid received on OP #4894 (Petn No 263895) submitted by Building Restoration Corporation, in the amount of \$148,235, for furnishing all labor, materials, equipment and incidentals necessary to accomplish concrete repair work at the Prospect Park Water Tower, all in accordance with City specifications.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project all in accordance with specifications prepared by Inspec, Inc.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee recommends passage of the accompanying resolution authorizing the sale of excess City property at 2429 Nicollet Av to James Lawrence Lamb.

Your Committee further recommends that the services of the Minneapolis Community Development Agency (MCDA) be utilized to market said property and the proceeds from the sale be deposited as indicated in the accompanying resolution.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved June 26, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published June 30, 1998)

**RESOLUTION 98R-223
By Mead and Campbell**

Authorizing the sale of certain City-owned property located at 2429 Nicollet Av.

Whereas, the City owns the property at 2429 Nicollet Av, having purchased it for use as the Fifth Precinct Police Station; and

Whereas, there is a new Fifth Precinct Police Station and the Police Department has no further use for 2429 Nicollet Av as a police station; and

Whereas, the City Engineer has determined that it has no public purpose for the property at 2429 Nicollet Av; and

Whereas, the City Assessor has reported the valuation of the property at 2429 Nicollet Av to the City Council; and

Whereas, James Lawrence Lamb has offered to purchase the property at 2429 Nicollet Av for \$475,000; and

Whereas, the price is the amount arrived at by an independent appraiser; and

Whereas, the Planning Commission approved the sale on June 22, 1998, as being in conformance with the Comprehensive Plan and a public hearing, notice of which was published in a newspaper of general circulation in Hennepin County at least ten days in advance of the hearing, was held by the Transportation and Public Works Committee on June 26, 1998, all in accordance with the Minneapolis Code of Ordinances, Section 14.120; and

Whereas, said sale will generate tax revenues in the future and dispose of unneeded City property;

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

That in the determination and judgment of the City Council, it is in the public's best interest to convey 2429 Nicollet Av by private sale to James Lawrence Lamb for a price of \$475,000.

Be It Further Resolved that the proper City officers be authorized to execute a purchase agreement and quit claim deed and related documents for the land legally described as Lot 8 and the South one-half of Lot 9, Block 2, Bellevue Addition. Also, Lot 12 and the North 41 ft of Lot 11, Block 2, Cochran's Addition, and more fully described in Petn No 263894 on file in the Office of the City Clerk.

Be It Further Resolved that the net proceeds of said sale, after costs of the sale are deducted, shall be deposited as follows:

a. \$203,000 to the PW – General Services Capital Agency in the Permanent Improvement Projects Fund (4100-923-9342); and

b. The balance of the proceeds to the General Revenues Agency in the Permanent Improvement Projects Fund (4100-126-1260).

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved June 26, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published June 30, 1998)

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

W&M/Budget – Your Committee, to whom was referred an Ordinance repealing a portion of Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to **Administration: Personnel, Article IV, Overtime Pay**, now recommends that said Ordinance be given its second reading for amendment and passage.

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

Adopted. Yeas, 10; Nays, 2 as follows:

Yeas – Herron, Mead, McDonald, Johnson, Ostrow, Campbell, Biernat, Niland, Goodman, Cherryhomes.

Nays – Minn, Colvin Roy.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-062, repealing a portion of Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, Article IV, Overtime Pay, repealing Section 20.260, relating to a general overtime standard for employees other than professionals, executives, administrators, firefighters, police officers and certain “blue collar” workers, as listed in the Code of Ordinances under 20.280; repealing Section 20.270, providing compensatory time to professionals, administrators and executives; repealing Section 20.290 relating to overtime pay for firefighters, as specified in the labor agreement between the City and International Association of Firefighters, Local 82; and repealing Section 20.295 relating to compensatory time off, overtime pay and standby compensation for sworn police employees, was passed June 26, 1998 by the City Council and approved July 1, 1998 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 98-Or-062
By Cherryhomes
Intro & 1st Reading: 5/8/98
Ref to: W&M/Budget
2nd Reading: 6/26/98

Repealing a portion of Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, Article IV, Overtime Pay.

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

Section 1. That Section 20.260 of the above-entitled ordinance be and is hereby repealed.

20.260. General overtime standard. For all employees in the classifications in all departments of the city government under the jurisdiction of the city council, except for classifications contained in the Code of Ordinances, sections 20.270, 20.280, 20.290 and 20.295, overtime pay or compensatory time shall be earned at the rate of one and one-half (1 1/2) times their straight-time hourly rate for all hours worked over eight (8) in a day or for forty (40) per week, except for voluntary compressed workweek arrangements. The normal workweek, regardless of shift arrangements, shall be an average of forty (40) hours of work. Provided, however, departmental policy shall determine whether compensatory time off or overtime pay shall be given to employees. Provided, further, that to be compensated for overtime, approval prior to working such overtime must be obtained.

Section 2. That Section 20.270 of the above-entitled ordinance be and is hereby repealed.

20.270. Professional, administrative and executive overtime. The following employees in classifications in all departments of the city government under the jurisdiction of the city council shall be granted compensatory time off for all time worked in excess of the normal workweek at a rate of one hour in compensatory time for each hour worked in excess of the normal workweek;

provided, however, that a maximum of fifty (50) hours of compensatory time may be accrued; provided, further, that the city council may authorize up to one hundred twenty (120) hours of compensatory time for an employee who is working on a special project or may authorize pay for compensatory time on a special project basis if funds are available; provided still further, that no overtime compensation shall be granted to employees listed in section 20.10.04 or in civil service Grades XII and above, except that Grade XIII employees in section 20.10.08 shall be compensated at a rate of one hour compensatory time for each hour worked in excess of the normal workweek; provided still further, that to be compensated for overtime, approval prior to working such overtime must be obtained: This ordinance to be effective July 1, 1990.

<i>Groups</i>	<i>Classifications</i>
Clerical service group VII (section 20.10.02)	Law clerk Supervisor, parking meter monitors Supervisor, bicycle center
Clerical service group VIII (section 20.10.02)	Program assistant, Finance assistant
Accounting and fiscal planning service groups I—VIII (section 20.10.03)	All
Staff assistant service groups II—IX (section 20.10.05)	All
Electronic data processing groups III—VII (section 20.10.05)	All
Legal service groups II—VI (section 20.10.07)	All
Professional public works groups I—IX (section 20.10.08)	All
Labor supervisory service group III (section 20.10.11)	Assistant supervisor, central garage
Labor supervisory service groups IV—VI (section 20.10.11)	All
Health and welfare service group (section 20.10.23)	All, except: Chemical dependency counselor Delivery worker Dental assistant Janitor Janitress Laboratory helper I Licensed practical nurse Medical laboratory assistant Nurse's aide Printing and building services clerk Sanitarian I Statistical aide II who shall be compensated pursuant to section 20.260

Section 3. That Section 20.290 of the above-entitled ordinance be and is hereby repealed.

20.290. Firefighter overtime. All employees in classifications covered by the labor agreement in force between the city and International Association of Firefighters Local 82 and the Minneapolis Association of Fire Chiefs, shall be compensated for overtime as specified by the labor agreement. The assistant fire chief shall not be eligible for overtime pay or compensatory

time. The normal work shift and normal workweek shall be that established by the labor agreement in force between the city and the International Association of Firefighters Local 82, and the Minneapolis Association of Fire Chiefs.

Section 4. That Section 20.295 of the above-entitled ordinance be and is hereby repealed.

20.295. Police overtime. All sworn police employees in the classifications contained in the Code of Ordinances, section 20.10.10, shall be compensated as follows:

(a) ~~[Normal work shift and workweek:]~~ The normal work shift and normal workweek shall be established by the labor agreement in force between the city and the police officers federation.

(b) ~~[Overtime:]~~ All overtime shall be compensated at the rate of one and one-half (1 1/2) times the employee's regular hourly rate in compensatory time off with a minimum of four (4) hours, whichever is greater; provided, however, that employees will be compensated at the rate of one and one-half (1 1/2) their regular hourly rate in cash for hours which exceed or change the employee's normal schedule of work in all "Phase III" emergency situations as declared by the chief of police and the mayor; provided, further, that an employee who is required to report in early for his normally assigned shift or who is held over on his regular shift shall be compensated one and one-half (1 1/2) times in compensatory time off for time actually worked and shall not receive the four (4) hours showup.

(c) ~~Standby:~~ Employees properly authorized to stand by for duty shall be compensated for such time at the rate of one times the regular hourly rate in compensatory time off. Time shall be calculated to the nearest half-hour.

(d) ~~Limitation:~~ Compensation shall not be paid more than once under any provision of this section. To be compensated for overtime, approval prior to working such overtime must be obtained.

(e) ~~Compensatory time payment:~~ The city will pay up to sixty (60) hours of accumulated compensatory time for those who have earned such time. For employees who have one hundred (100) or less hours of such compensatory time, payment will be made at the employee's option. For those employees who have more than one hundred (100) hours of such compensatory time, payment of sixty

(60) hours shall be mandatory. Any such payments will be made twice per year with up to thirty (30) hours payable on or about June 30th, and up to thirty (30) hours payable on or about December 1st.

Adopted. Yeas, 10; Nays, 2 as follows:

Yeas – Herron, Mead, McDonald, Johnson, Ostrow, Campbell, Biernat, Niland, Goodman, Cherryhomes.

Nays – Minn, Colvin Roy.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved. July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration the City's Shared Action Plan (a list of strategic planning issues/ initiatives for collaboration between the Mayor and the City Council over the next 1-4 years), now recommends approval to adopt the following Shared Action Plan:

1) Focus redevelopment dollars on commercial corridors; increase higher density housing choices in commercial corridors; build 300 more units of affordable and middle income in-fill housing per year.

2) Develop a light rail system from downtown to location "x" and a supportive bus system to serve City residents; and a downtown circulator.

3) Define an affordable housing strategy.

4) Reopen Nicollet Avenue at Lake Street.

5) Redevelop Grain Belt Brewery site.

6) Fund infrastructure improvements.

7) Examine Neighborhood Revitalization Program (NRP) to determine the next 10 years.

8) Clean up City lakes, including Hiawatha and Nokomis, and the Mississippi River via Clean Water Partnership and other partnerships.

9) Do a cultural festival of national and international stature, for example a theatre festival that puts City theatres on the map.

10) To support a 24-hour downtown, increase bar time to 3:00 a.m. in the Convention Center taxing district.

11) Improve public safety by effectively utilizing police resources and continuing to reform the criminal justice system.

Ostrow moved to amend the report to add the following language:

"12) To promote a comprehensive and coordinated approach to public services which enhances education, employment and health throughout the life cycle." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 11; Nays none.

Declining to Vote – Minn.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a joint contractual agreement with Hennepin and Ramsey Counties, the City of St. Paul and School District #625, relating to the development of a joint centralized certification process to ensure that only qualified businesses participate in the Small Business Enterprise Program functions and benefits, with the City's share not to exceed \$47,000 over a 2-year period, payable from the General Fund - Civil Rights (0100-300-3010).

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration tax increment financing as a development and redevelopment tool, now recommends that the Finance Director be directed to convene a staff work team to develop the following:

1) a written policy clarifying when and under what circumstances the City uses tax increment financing; and

2) a methodology to validate project subsidies.

Campbell moved to amend the report to delete the word, "staff," from the first paragraph. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with EMA Services, Inc, for professional services to plan and implement the Geographic Information System (GIS) Program, office and pilot projects, in an amount not to exceed \$550,000, payable from Permanent Improvement Projects – Strategic Information Systems Planning Project Fund (SISPP) (4100-972-A600).

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved. June 26, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published June 30, 1998)

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Compaq/GE Capital for the City to lease hardware, desktops and servers necessary for the infrastructure Strategic Information Systems Planning Project (SISPP), for a period of three years.

Your Committee further recommends passage of the accompanying Resolution increasing the Infrastructure SISPP Appropriation by \$1,900,000.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 98R-224 By Campbell

Amending The 1998 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 Strategic Information Systems Planning Projects (SISPP) in the

Permanent Improvement Projects Fund (4100-972) by \$1,900,000.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Philip Rickey, for design and production of the East Calhoun Community Organization (ECCO) Neighborhood Gateway Project, a triangular space on the Southeast corner of Lake Street and East Calhoun Boulevard, with said project to include a sculpture and landscaping, as proposed by the artist.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration the recommendation of the Northside Neighborhood Weed and Seed (NNW&S) Steering Committee to transfer NNW&S funding to the Minneapolis Employment and Training Program/ Neighborhood Services for the Citation Savers Program to implement a Summer Youth Initiative Project, in the amount of \$15,000, now recommends approval for said transfer.

Your Committee further recommends passage of the accompanying resolution transferring funds.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-225
By Campbell**

**Amending The 1998 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) decreasing the appropriation for the Non-Departmental Agency in the Grants – Other Fund (060-123-1230-5130) by \$15,000; and

b) increasing the appropriation for the Neighborhood Services Agency in the Grants – Other Fund (060-860-8600-4000) by \$15,000.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends acceptance of the low bid received on OP #4884, submitted by Sunrise Painting and Wallcovering, Inc, in the amount of \$46,000, for removal of existing wall fabric and for installation of new fabric at the Minneapolis Convention Center, all in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends acceptance of funds from the Phillips Neighborhood Revitalization Program (NRP) to develop and improve citizen participation relating to safety and crime prevention in the Phillips neighborhood, in the amount of \$10,000.

Your Committee further recommends that the proper City officers be authorized to execute an agreement with the Minneapolis Community Development Agency (MCDA) for receipt of said NRP funds, for the period from January 1, 1998 through December 31, 1998, in the amount of \$10,000.

Your Committee further recommends passage of the accompanying resolution

increasing the Neighborhood Services Agency Appropriation by \$10,000.

Adopted. Yeas, 12; Nays none.
Absent – Thurber.
Passed June 26, 1998.
Approved July 1, 1998. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-226
By Campbell**

Amending The 1998 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 Neighborhood Services Agency in the Grants – Other Fund (0600-860-8605) by \$10,000 and increasing the Neighborhood Services Agency revenue estimate in the Grants – Other Fund (0600-860-8605-Source-3840) by \$10,000.

Adopted. Yeas, 12; Nays none.
Absent – Thurber.
Passed June 26, 1998. J. Cherryhomes, President of Council.
Approved July 1, 1998. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute the Local Plan for Employment and Training agreement with the Minnesota Department of Economic Assistance to provide funding for the Job Training Partnership Act (JTPA) and the Economic Dislocation and Worker Adjustment Assistance Act (EDWAAA), for the period from July 1, 1998 through March 31, 2001.

Adopted. Yeas, 12; Nays none.
Absent – Thurber.
Passed June 26, 1998.
Approved July 1, 1998. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends amending the Council action of February 20, 1998 relating to the Juvenile Justice Title V Grant, to change the funding source from the Other Grants Fund to the Federal Grants Fund.

Your Committee further recommends acceptance of said funds, in the amount of \$30,000 to provide funds for operation of the Curfew Truancy Center.

Your Committee further recommends that the proper City officers be authorized to issue the following Fund Availability Notice (FAN) to the Minneapolis Urban League (MUL):

Fund	Agency	Master Contract	Purpose	Period	Amount	FAN #
0300-860-8605	MUL	10001	Curfew Truancy Center Operation	1/1/98-12/31/98	\$28,500	Z1-1

Your Committee further recommends passage of the accompanying Resolution increasing the Neighborhood Services Agency Appropriation by \$30,000.

Adopted. Yeas, 12; Nays none.
Absent – Thurber.
Passed June 26, 1998.
Approved July 1, 1998. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 98R-227

By Campbell

Amending The 1998 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 Neighborhood Services Agency in the Federal Grants Fund (0300-860-8605) by \$30,000 and increasing the Neighborhood Services Agency revenue estimate in the Federal Grants Fund (0300-860-8605-Source 3210) by \$30,000.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to modify the following Fund Availability Notice (FAN), issued to the Greater Minneapolis Day Care Association (GMDCA), to respond to the need of dislocated workers enrolled in day care programs, for the period from July 1, 1997 through June 30, 1998:

Fund	Agency	Master Contract	Purpose	Amount	FAN #	Amount of Increase
0600-860-8600	GMDCA	10017	State formula day care support services	\$26,788	41-1a	+\$3,000

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to extend the period of performance for the following Fund Availability Notice (FAN) which was issued to the Minneapolis Urban League (MUL) to develop skills for transition from high school to post secondary training and formal apprenticeship programs, with no increase in funds:

Fund	Agency	Master Contract	Purpose	Period	Amount	FAN #
0400-860-8600	MUL	10001	Youth skilled trades	11/1/95-9/30/98	No change	19-1a

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends approval to provide additional funds for fire cadet recruitment, in the amount of \$57,050 (for recruitment purposes) and \$86,250 (for testing requirements), for a total amount of \$143,300.

Your Committee further recommends that appropriation of funds be deferred for consideration during the Mid-Year Budget Review process.

Adopted. Yeas, 12; Nays none.
Absent – Thurber.
Passed June 26, 1998.
Approved July 1, 1998. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends approval of the Minneapolis Foremen’s Association labor agreement settlement, as more fully set forth in Petn No 263905 on file in the Office of the City Clerk, which summarizes the major proposed terms of said agreement.

Your Committee further recommends that the proper City officers be authorized to execute a 3-year contract to reflect the terms of said agreement, effective January 1, 1998 through December 31, 2000.

Your Committee further recommends passage of the accompanying amendments to the Salary Ordinance providing for implementation of salary adjustments, as set forth in said labor agreement.

Your Committee further recommends summary publication of the above-described Ordinance.
Adopted. Yeas, 12; Nays none.
Absent – Thurber.
Passed June 26, 1998.
Approved July 1, 1998. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

Ordinance 98-Or-063, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, amending Section 20.10.01, providing for salary adjustments based on the labor agreement settlement with the Minneapolis Foremen’s Association, was passed June 26, 1998 by the City Council and approved July 1, 1998 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 98-Or-063
1st & 2nd Readings: 6/26/98
By Campbell

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

Section 1. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective January 1, 1998:

20.10.01 Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective as of January 1, 1998, January 1, 1999, and January 1, 2000 except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service by voluntary resignation or through fault or delinquency on the part of such employee.

The rates stated herein shall be the biweekly salary rates unless stated otherwise.

MINNEAPOLIS FOREMEN'S ASSOCIATION

Effective January 1, 1998

FLSA	OTC	CODE	CLASSIFICATION	PTS	G	P	1st STEP	2nd STEP
N	2	887	Foreman, Bridge Maintenance	363	8	B	\$1,644	1,788
N	2	499	Foreman, Laborer	323	7	B	1,573	1,708
N	2	491	Foreman, Nicollet Mall	373	8	B	1,644	1,788
N	2	940	Foreman, Parking Meter Service	328	7	B	1,573	1,708
N	2	506	Foreman, Paving Construction	368	8	B	1,644	1,788
N	2	514	Foreman, Sewer Construction	363	8	B	1,644	1,788
N	2	515	Foreman, Sewer Maintenance	373	8	B	1,644	1,788
N	2	508	Foreman, Street Maint. & Repair	363	8	B	1,644	1,788
N	2	519	Foreman, Traffic Maintenance	308	7	B	1,573	1,708
E	2	521	Foreman, Water Main Construction	363	8	B	1,644	1,788
N	2	622	Foreman, Solid Waste/Recycling	365	8	B	1,644	1,788
N	2	072	Foreman, Ramp Repair and Restoration	368	8	B	1,644	1,788

Provided that when a "Foreman" is employed on a "Permanent-Intermittent" basis, he/she shall receive the 1st year rate until he/she has actually worked one (1) calendar year or 1,044 hours, whichever occurs later.

Provided that a Foreman employed for less than three (3) consecutive seasons of at least six (6) months each shall revert to his/her last previously held Civil Service classification or to a classification compatible with work effort of the associated crew when not assigned to a Foreman's duties.

Provided that a Construction or Maintenance Foreman shall be paid an additional \$.30 per hour for all hours worked in a tunnel or shaft.

Provided that Foremen supervising crews required to use equipment working with contaminated materials (according to OSHA and/or MPCA) shall be paid an additional \$.30 per hour when readings indicate 4 parts per million VCC's in soil for all hours worked in the environment.

Provided that Foremen supervising crews required to use special protective equipment (rubber gloves, rubber boots, coveralls, respirators with dust filter only) below 10 PPM VCC's in soil, shall be paid an additional \$.50 per hour for all hours worked in the environment.

Provided that Foremen supervising crews required to use equipment as required above, plus full face respirator with filters or supplied air, 10 or more PPM VCC's in soil or 1 PPM Benzene in breathing zone shall be paid an additional \$.75 per hour for all hours worked in the environment.

Provided that employees shall receive the following longevity. These payments shall be based on a maximum of 80 hours biweekly:

- .15 cents per hour additional at the beginning of the 10th year of service
- .22 cents per hour additional at the beginning of the 15th year of service
- .33 cents per hour additional at the beginning of the 20th year of service
- .39 cents per hour additional at the beginning of the 25th year of service

Section 2. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective January 1, 1999:

MINNEAPOLIS FOREMEN'S ASSOCIATION

Effective January 1, 1999

FLSA	OTC	CODE	CLASSIFICATION	PTS	G	P	1st STEP	2nd STEP
N	2	887	Foreman, Bridge Maintenance	363	8	B	\$1,685	1,833
N	2	499	Foreman, Laborer	323	7	B	1,612	1,751

N	2	491	Foreman, Nicollet Mall	373	8	B	1,685	1,833
N	2	940	Foreman, Parking Meter Service	328	7	B	1,612	1,751
N	2	506	Foreman, Paving Construction	368	8	B	1,685	1,833
N	2	514	Foreman, Sewer Construction	363	8	B	1,685	1,833
N	2	515	Foreman, Sewer Maintenance	373	8	B	1,685	1,833
N	2	508	Foreman, Street Maint. & Repair	363	8	B	1,685	1,833
N	2	519	Foreman, Traffic Maintenance	308	7	B	1,612	1,751
E	2	521	Foreman, Water Main Construction	363	8	B	1,685	1,833
N	2	622	Foreman, Solid Waste/Recycling	365	8	B	1,685	1,833
N	2	072	Foreman, Ramp Repair and Restoration	368	8	B	1,685	1,833

Provided that when a "Foreman" is employed on a "Permanent-Intermittent" basis, he/she shall receive the 1st year rate until he/she has actually worked one (1) calendar year or 1,044 hours, whichever occurs later.

Provided that a Foreman employed for less than three (3) consecutive seasons of at least six (6) months each shall revert to his/her last previously held Civil Service classification or to a classification compatible with work effort of the associated crew when not assigned to a Foreman's duties.

Provided that a Construction or Maintenance Foreman shall be paid an additional \$.31 per hour for all hours worked in a tunnel or shaft.

Provided that Foremen supervising crews required to use equipment working with contaminated materials (according to OSHA and/or MPCA) shall be paid an additional \$.31 per hour when readings indicate 4 parts per million VCC's in soil for all hours worked in the environment.

Provided that Foremen supervising crews required to use special protective equipment (rubber gloves, rubber boots, coveralls, respirators with dust filter only) below 10 PPM VCC's in soil, shall be paid an additional \$.51 per hour for all hours worked in the environment.

Provided that Foremen supervising crews required to use equipment as required above, plus full face respirator with filters or supplied air, 10 or more PPM VCC's in soil or 1 PPM Benzene in breathing zone shall be paid an additional \$.77 per hour for all hours worked in the environment.

Provided that employees shall receive the following longevity. These payments shall be based on a maximum of 80 hours biweekly:

- .15 cents per hour additional at the beginning of the 10th year of service
- .28 cents per hour additional at the beginning of the 15th year of service
- .34 cents per hour additional at the beginning of the 20th year of service
- .45 cents per hour additional at the beginning of the 25th year of service

Section 3. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective January 1, 2000:

MINNEAPOLIS FOREMEN'S ASSOCIATION

Effective January 1, 2000 (a)*

FLSA	OTC	CODE	CLASSIFICATION	PTS	G	P	1st STEP	2nd STEP
N	2	887	Foreman, Bridge Maintenance	363	8	B	\$1,727	1,879
N	2	499	Foreman, Laborer	323	7	B	1,652	1,795
N	2	491	Foreman, Nicollet Mall	373	8	B	1,727	1,879
N	2	940	Foreman, Parking Meter Service	328	7	B	1,652	1,795
N	2	506	Foreman, Paving Construction	368	8	B	1,727	1,879
N	2	514	Foreman, Sewer Construction	363	8	B	1,727	1,879
N	2	515	Foreman, Sewer Maintenance	373	8	B	1,727	1,879
N	2	508	Foreman, Street Maint. & Repair	363	8	B	1,727	1,879
N	2	519	Foreman, Traffic Maintenance	308	7	B	1,652	1,795

E	2	521	Foreman, Water Main Construction	363	8	B	1,727	1,879
N	2	622	Foreman, Solid Waste/Recycling	365	8	B	1,727	1,879
N	2	072	Foreman, Ramp Repair and Restoration	368	8	B	1,727	1,879

Schedule "a", above, shall be in effect should the City's general fund revenue increase 3% or less for the year 2000 over the 1999 general fund revenue.

Provided that when a "Foreman" is employed on a "Permanent-Intermittent" basis, he/she shall receive the 1st year rate until he/she has actually worked one (1) calendar year or 1,044 hours, whichever occurs later.

Provided that a Foreman employed for less than three (3) consecutive seasons of at least six (6) months each shall revert to his/her last previously held Civil Service classification or to a classification compatible with work effort of the associated crew when not assigned to a Foreman's duties.

Provided that a Construction or Maintenance Foreman shall be paid an additional \$.32 per hour for all hours worked in a tunnel or shaft.

Provided that Foremen supervising crews required to use equipment working with contaminated materials (according to OSHA and/or MPCA) shall be paid an additional \$.32 per hour when readings indicate 4 parts per million VCC's in soil for all hours worked in the environment.

Provided that Foremen supervising crews required to use special protective equipment (rubber gloves, rubber boots, coveralls, respirators with dust filter only) below 10 PPM VCC's in soil, shall be paid an additional \$.52 per hour for all hours worked in the environment.

Provided that Foremen supervising crews required to use equipment as required above, plus full face respirator with filters or supplied air, 10 or more PPM VCC's in soil or 1 PPM Benzene in breathing zone shall be paid an additional \$.79 per hour for all hours worked in the environment.

Provided that employees shall receive the following longevity. These payments shall be based on a maximum of 80 hours biweekly:

- .15 cents per hour additional at the beginning of the 10th year of service
- .29 cents per hour additional at the beginning of the 15th year of service
- .35 cents per hour additional at the beginning of the 20th year of service
- .46 cents per hour additional at the beginning of the 25th year of service

MINNEAPOLIS FOREMEN'S ASSOCIATION

Effective January 1, 2000 (b)*

FLSA	OTC	CODE	CLASSIFICATION	PTS	G	P	1st STEP	2nd STEP
N	2	887	Foreman, Bridge Maintenance	363	8	B	\$1,736	1,888
N	2	499	Foreman, Laborer	323	7	B	1,660	1,804
N	2	491	Foreman, Nicollet Mall	373	8	B	1,736	1,888
N	2	940	Foreman, Parking Meter Service	328	7	B	1,660	1,804
N	2	506	Foreman, Paving Construction	368	8	B	1,736	1,888
N	2	514	Foreman, Sewer Construction	363	8	B	1,736	1,888
N	2	515	Foreman, Sewer Maintenance	373	8	B	1,736	1,888
N	2	508	Foreman, Street Maint. & Repair	363	8	B	1,736	1,888
N	2	519	Foreman, Traffic Maintenance	308	7	B	1,660	1,804
E	2	521	Foreman, Water Main Construction	363	8	B	1,736	1,888
N	2	622	Foreman, Solid Waste/Recycling	365	8	B	1,736	1,888
N	2	072	Foreman, Ramp Repair and Restoration	368	8	B	1,736	1,888

* Schedule "b", above, shall be in effect should the City's general fund revenue increase more than 3% for the year 2000 over the 1999 general fund revenue.

Provided that when a "Foreman" is employed on a "Permanent-Intermittent" basis, he/she shall receive the 1st year rate until he/she has actually worked one (1) calendar year or 1,044 hours, whichever occurs later.

Provided that a Foreman employed for less than three (3) consecutive seasons of at least six (6) months each shall revert to his/her last previously held Civil Service classification or to a classification compatible with work effort of the associated crew when not assigned to a Foreman's duties.

Provided that a Construction or Maintenance Foreman shall be paid an additional \$.32 per hour for all hours worked in a tunnel or shaft.

Provided that Foremen supervising crews required to use equipment working with contaminated materials (according to OSHA and/or MPCA) shall be paid an additional \$.32 per hour when readings indicate 4 parts per million VCC's in soil for all hours worked in the environment

Provided that Foremen supervising crews required to use special protective equipment (rubber gloves, rubber boots, coveralls, respirators with dust filter only) below 10 PPM VCC's in soil, shall be paid an additional \$.52 per hour for all hours worked in the environment.

Provided that Foremen supervising crews required to use equipment as required above, plus full face respirator with filters or supplied air, 10 or more PPM VCC's in soil or 1 PPM Benzene in breathing zone shall be paid an additional \$.79 per hour for all hours worked in the environment.

Provided that employees shall receive the following longevity. These payments shall be based on a maximum of 80 hours biweekly:

.15 cents per hour additional at the beginning of the 10th year of service

.29 cents per hour additional at the beginning of the 15th year of service

.35 cents per hour additional at the beginning of the 20th year of service

.46 cents per hour additional at the beginning of the 25th year of service

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

W&M/Budget – Your Committee recommends approval of the International Association of Machinists and Aerospace Workers, Lodge #77, labor agreement settlement, as more fully set forth in Petn No 263905 on file in the Office of the City Clerk, which summarizes the major proposed terms of said agreement.

Your Committee further recommends that the proper City officers be authorized to execute a contract to reflect the terms of said agreement, to commence on March 16, 1998 and expire on June 20, 2000.

Your Committee further recommends passage of the accompanying amendments to the Salary Ordinance providing for implementation of salary adjustments, as set forth in said labor agreement.

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

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-064, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, amending Section 20.10.01, providing for salary adjustments based on the labor agreement settlement with the International Association of Machinists and Aerospace Workers, Lodge #77, was passed June 26, 1998 by the City Council and approved July 1, 1998 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 98-Or-064
1st & 2nd Readings: 6/26/98
By Campbell**

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

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

Section 1. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective March 16, 1998:

20.10.01 Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective as of March 16, 1998, March 16, 1999, except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service by voluntary resignation or through fault or delinquency on the part of such employee.

The rates stated herein shall be the biweekly salary rates unless stated otherwise.

MACHINISTS (1313)
Effective March 1, 1998

FLSA	OTC	CODE	CLASSIFICATION	P	1st	2nd	3rd	4th	5th	6th	7th
					STEP	STEP	STEP	STEP	STEP	STEP	STEP
N	2	06460C	Machinist	H	\$17.07	17.35	17.62	17.91	18.17	18.46	18.73

Provided that Machinists hired prior to July 1, 1992 shall be paid at the seventh step.

Provided further, that the Department Head, with the approval of the Director of Labor Relations, may hire new Machinists through the seventh step rate of pay.

Provided that employees in this section shall receive the following longevity. These payments shall be based on a maximum of 80 hours bi-weekly.

.10 cents per hour additional at the beginning of the 10th year of service.

.15 cents per hour additional at the beginning of the 15th year of service.

.21 cents per hour additional at the beginning of the 20th year of service.

.28 cents per hour additional at the beginning of the 25th year of service.

Section 2. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective March 16, 1999:

MACHINISTS (1313)
Effective March 16, 1999

FLSA	OTC	CODE	CLASSIFICATION	P	1st	2nd	3rd	4th	5th	6th	7th
					STEP	STEP	STEP	STEP	STEP	STEP	STEP
N	2	06460C	Machinist	H	\$17.50	17.78	18.06	18.36	18.62	18.92	19.20

Provided that Machinists hired prior to July 1, 1992 shall be paid at the seventh step. Provided further, that the Department Head, with the approval of the Director of Labor Relations, may hire new Machinists through the seventh step rate of pay.

Provided that employees in this section shall receive the following longevity. These payments shall be based on a maximum of 80 hours bi-weekly.

.15 cents per hour additional at the beginning of the 10th year of service.

.20 cents per hour additional at the beginning of the 15th year of service.

.27 cents per hour additional at the beginning of the 20th year of service.

.34 cents per hour additional at the beginning of the 25th year of service.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

W&M/Budget – Your Committee recommends acceptance of the low bid received on OP #4909, submitted by Veit and Company, Inc, in the amount of \$23,158.62, for furnishing all labor, materials, equipment, tools and incidentals necessary for the demolition of two buildings for the Convention Center Parking Ramp site for Public Works General Services, all in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

a) Patriece Eileen Franklin and her attorneys, \$2,000, payable from 6900-150-1500-4000;

b) Mary Spetzman and her attorney, Kathy Cima, \$13,000, payable from 6900-150-1500-6900);

c) Patti Marie Swanstrom and her attorney, John B. Vukelich, \$15,000, payable from 690-150-1500-6800); and

d) Davinder Padda and his attorney, Richard L. Tousignant, \$14,198.88, payable from 6900-150-1500-6900.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

Z&P – Your Committee, having under consideration the exteriors of the Theodore Wirth House, the Keyes House, the Woman's Club of Minneapolis, the Brooberg Residence, the Sharei Zedeck Synagogue and the Mikro Kodesh Synagogue for designation for local heritage preservation, pursuant to Title 2, Chapter 34 of the Minneapolis Code of Ordinances, and having held a public hearing thereon, now recommends passage of the accompanying resolutions designating said buildings for heritage preservation.

Your Committee further recommends that the design guidelines for the Woman's Club of Minneapolis, 410 Oak Grove, set forth in Petn No 263912 be adopted.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-228

By McDonald

Designating the Theodore Wirth House, 3954 Bryant Avenue South, for heritage preservation.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) has recommended to the City Council that the exterior of the Theodore Wirth House, 3954 Bryant Avenue South, be designated for local heritage preservation; and

Whereas, prior to such recommendation and in compliance with Title 2, Chapter 34 of the Minneapolis Code of Ordinances (MCO), the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made May 4, 1998; and further did refer the subject matter to the Minnesota Historical Society for review and comment, such favorable comment being made in a letter of

November 10, 1997 set forth in Petn No 263912; and

Whereas, the Standing Committee on Zoning and Planning held a public hearing on June 16, 1998, duly noticed pursuant to Section 34.50 of the MCO;

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

That the exterior of the Theodore Wirth House is hereby designated for local heritage preservation, and that the proper City officers and the HPC are directed to comply with the provisions of Sections 34.60 through 34.90 of the MCO.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-229

By McDonald

Designating the Keyes House, 2225 East Lake of the Isles Parkway, for heritage preservation.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) has recommended to the City Council that the exterior of the Keyes House, 2225 East Lake of the Isles Parkway, be designated for local heritage preservation; and

Whereas, prior to such recommendation and in compliance with Title 2, Chapter 34 of the Minneapolis Code of Ordinances (MCO), the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made May 4, 1998; and further did refer the subject matter to the Minnesota Historical Society for review and comment, such favorable comment being made in a letter of March 16, 1998 set forth in Petn No 263912; and

Whereas, the Standing Committee on Zoning and Planning held a public hearing on June 16, 1998, duly noticed pursuant to Section 34.50 of the MCO;

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

That the exterior of the Keyes House is hereby designated for local heritage preservation, and that the proper City officers and the HPC are directed to comply with the provisions of Sections 34.60 through 34.90 of the MCO.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-230

By McDonald

Designating the Woman's Club of Minneapolis, 410 Oak Grove Street, for local heritage preservation.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) has recommended to the City Council that the exterior of the Woman's Club of Minneapolis, 410 Oak Grove Street, be designated for local heritage preservation; and

Whereas, prior to such recommendation and in compliance with Title 2, Chapter 34 of the Minneapolis Code of Ordinances (MCO), the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made May 4, 1998; and further did refer the subject matter to the Minnesota Historical Society for review and comment, such favorable comment being made in a letter of November 10, 1997 set forth in Petn No 263912; and

Whereas, the Standing Committee on Zoning and Planning held a public hearing on June 16, 1998, duly noticed pursuant to Section 34.50 of the MCO;

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

That the exterior of the Woman's Club of Minneapolis is hereby designated for local heritage preservation, and that the proper City officers and the HPC are directed to comply with the provisions of Sections 34.60 through 34.90 of the MCO.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes,
President of Council.

Approved July 1, 1998. S. Sayles Belton,
Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-231

By McDonald

**Designating the Brooberg Residence,
727 East 24th Street, for local heritage
preservation.**

Whereas, the Minneapolis Heritage
Preservation Commission (HPC) has
recommended to the City Council that the
exterior of the Brooberg Residence, 727 East
24th Street, be designated for local heritage
preservation; and

Whereas, prior to such recommendation
and in compliance with Title 2, Chapter 34 of
the Minneapolis Code of Ordinances (MCO),
the HPC did refer the subject matter to the City
Planning Commission (CPC) for review and
recommendation, such CPC recommendation
being made May 4, 1998; and further did refer
the subject matter to the Minnesota Historical
Society for review and comment, such
favorable comment being made in a letter of
November 10, 1997 set forth in Petn No
263912; and

Whereas, the Standing Committee on
Zoning and Planning held a public hearing on
June 16, 1998, duly noticed pursuant to Section
34.50 of the MCO;

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

That the exterior of the Brooberg
Residence is hereby designated for local
heritage preservation, and that the proper City
officers and the HPC are directed to comply
with the provisions of Sections 34.60 through
34.90 of the MCO.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes,
President of Council.

Approved July 1, 1998. S. Sayles Belton,
Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-232

By McDonald

**Designating the Sharei Zedeck
Synagogue, 1119 Morgan Avenue North, for
local heritage preservation.**

Whereas, the Minneapolis Heritage
Preservation Commission (HPC) has
recommended to the City Council that the
exterior of the Sharei Zedeck Synagogue, 1119
Morgan Avenue North (also known as the St
John's Missionary Baptist Church), be
designated for local heritage preservation; and

Whereas, prior to such recommendation
and in compliance with Title 2, Chapter 34 of
the Minneapolis Code of Ordinances (MCO),
the HPC did refer the subject matter to the City
Planning Commission (CPC) for review and
recommendation, such CPC recommendation
being made May 4, 1998; and further did refer
the subject matter to the Minnesota Historical
Society for review and comment, such
favorable comment being made in a letter of
November 10, 1997 set forth in Petn No
263912; and

Whereas, the Standing Committee on
Zoning and Planning held a public hearing on
June 16, 1998, duly noticed pursuant to Section
34.50 of the MCO;

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

That the exterior of the Sharei Zedeck
Synagogue is hereby designated for local
heritage preservation, and that the proper City
officers and the HPC are directed to comply
with the provisions of Sections 34.60 through
34.90 of the MCO.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes,
President of Council.

Approved July 1, 1998. S. Sayles Belton,
Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-233

By McDonald

**Designating the Mikro Kodesh
Synagogue, 1000 Oliver Avenue North, for
local heritage preservation.**

Whereas, the Minneapolis Heritage
Preservation Commission (HPC) has
recommended to the City Council that the

exterior of the Mikro Kodesh Synagogue, 1000 Oliver Avenue North (also known as the Disciple's Ministry Church-Pastor Paul's Mission), be designated for local heritage preservation; and

Whereas, prior to such recommendation and in compliance with Title 2, Chapter 34 of the Minneapolis Code of Ordinances (MCO), the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made May 4, 1998; and further did refer the subject matter to the Minnesota Historical Society for review and comment, such favorable comment being made in a letter of November 10, 1997 set forth in Petn No 263912; and

Whereas, the Standing Committee on Zoning and Planning held a public hearing on June 16, 1998, duly noticed pursuant to Section 34.50 of the MCO;

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

That the exterior of the Mikro Kodesh Synagogue is hereby designated for local heritage preservation, and that the proper City officers and the HPC are directed to comply with the provisions of Sections 34.60 through 34.90 of the MCO.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

Z&P – Your Committee, having under consideration the petition of Kraus-Anderson Construction (Vac #1214) to vacate the east alley in the block bounded by Girard Av N, 21st Av N, Irving Av N and 22nd Av N so that it may be added to the fenced outdoor play area serving Broadway Community School, now concurs in the recommendation of the Planning Commission that the related findings set forth in Petn No 263914 be adopted and the petition be granted.

Your Committee further recommends passage of the accompanying resolution.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-234

By McDonald

Vacating East alley in block bounded by Girard Avenue North, 21st Avenue North, Irving Avenue North and 22nd Avenue North.

Resolved by The City Council of The City of Minneapolis:

That all of the public alley in Block 47, Bakers Amendment to Highland Park Addition lying between the north right-of-way line of 21st Avenue North and the south right-of-way line of 22nd Avenue North is hereby vacated.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

Z&P – Your Committee, to whom was referred an ordinance amending Title 21, Chapter 582 of the Minneapolis Code of Ordinances relating to Interim Ordinances: Providing for a moratorium on the establishment or expansion of surface parking lots in Elliot Park, which amendment adds a moratorium on demolition of buildings in Elliot Park and extends the moratorium for 18 months; and having conducted a public hearing thereon, now recommends that the related findings set forth in Petn No 263914 be adopted and that said ordinance be given its second reading for amendment and passage.

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

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

Ordinance 98-Or-065 amending Title 21, Chapter 582 of the Minneapolis Code of

Ordinances relating to Interim Ordinances: Providing for a moratorium on the establishment or expansion of surface parking lots in Elliot Park was passed June 26, 1998 by the City Council and approved July 1, 1998 by the Mayor.

The amendment adds a moratorium on the demolition of buildings and addresses the Council's concern that existing buildings which provide important contributions to the unique character and aesthetic and economic vitality of the Elliot Park area may be destroyed, often 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 amendment extends the moratorium for 18 months, to January 11, 2000.

The full text of the ordinance is available for inspection in the Office of the City Clerk.

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

ORDINANCE 98-Or-065
By Goodman and McDonald
Intro & 1st Reading: 5/8/98
Ref to: Z&P
2nd Reading: 6/26/98

Amending Title 21, Chapter 582 of the Minneapolis Code of Ordinances 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 title of Chapter 582 of the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 582. PROVIDING FOR A MORATORIUM ON THE DEMOLITION OF BUILDINGS AND THE ESTABLISHMENT OR EXPANSION OF SURFACE PARKING LOTS IN ELLIOT PARK

Section 2. That Section 582.20 of the above-entitled ordinance be amended to read as follows:

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 and to protect the unique character of city neighborhoods. 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, and the establishment or expansion of 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 unique character and aesthetic and economic vitality of the Elliot Park area may be destroyed, often 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 location, design and landscaping of surface parking lots are inadequate to protect and promote the unique character and 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 demolition of existing buildings, and 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.

Section 3. That Section 582.30 of the above-entitled ordinance be amended to read as follows:

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 demolition of existing buildings, and the establishment or expansion of surface parking lots. The planning department is directed to commence a study of the effects of the demolition of existing

buildings, and 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.

Section 4. That Section 582.40 of the above-entitled ordinance be amended to read as follows:

582.40. Restrictions. For a period of one year from the date of final approval of this chapter, no demolition permit for the destruction of any building, and no building, or construction, or demolition permit, zoning certificate or 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.

This chapter is hereby extended eighteen (18) months and shall expire on January 11, 2000.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

Z&P – Your Committee, to whom was referred an ordinance amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 587 relating to Interim Ordinances: Providing for a moratorium on the demolition of buildings and the establishment or expansion of surface parking lots in the Loring Park and North Loop Study Areas, and having conducted a public hearing thereon, now recommends that the related findings set forth in Petn No 263914 be adopted and that said ordinance be given its second reading for amendment and passage.

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

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

Ordinance 98-Or-066 amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 587 relating to Interim Ordinances: Providing for a Moratorium on the demolition of buildings and the establishment or expansion of surface parking lots in the Loring Park and North Loop Study Areas for one year, extendable for 18 months, was passed June 26, 1998 by the City Council and approved July 1, 1998 by the Mayor.

The ordinance addresses the Council's concern about the effects of destroying existing, useful buildings in residential and mixed-use neighborhoods near downtown and the establishment in their place of surface parking lots which may not contribute to the unique character and economic vitality of these neighborhoods in the same important ways as the existing buildings do.

The ordinance directs staff to begin a study of the effects of demolition and establishment or expansion of surface parking lots in the Loring Park and the North Loop areas, and to propose amendments to the Comprehensive Plan and zoning controls. The ordinance includes a hardship clause.

The full text of the ordinance is available for inspection in the Office of the City Clerk.

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

ORDINANCE 98-Or-066

By Cherryhomes, Goodman and McDonald

Intro & 1st Reading: 5/8/98

Ref to: Z&P

2nd Reading: 6/26/98

Amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances, by adding a new Chapter 587 relating to providing for a Moratorium on the demolition of buildings and the establishment or expansion of surface parking lots in the Loring Park and North Loop Study Areas.

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 587 to read as follows:

CHAPTER 587. PROVIDING FOR A MORATORIUM ON THE DEMOLITION OF BUILDINGS AND THE ESTABLISHMENT OR EXPANSION OF SURFACE PARKING LOTS IN THE LORING PARK AND NORTH LOOP STUDY AREAS

587.10. 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.

587.20. Findings and purpose. The City of Minneapolis is conducting a major revision of its comprehensive plan, zoning code and zoning map. One of the goals of the revision is to minimize land use conflicts and to protect the unique character of city neighborhoods. 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, and the establishment or expansion of surface parking lots in the unique residential and mixed-use neighborhoods and areas near downtown.

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

The city council is concerned that the regulations governing the location, design and landscaping of surface parking lots are inadequate to protect and promote the unique character and aesthetic quality of these areas.

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 demolition of existing buildings, and the establishment or expansion of surface parking lots in these unique residential and mixed-use areas near downtown. The city finds that this interim ordinance should be adopted to protect the planning process and the health, safety and welfare of the citizens.

587.30. Zoning study. The Loring Park Study Area, defined as the area bounded by Interstate 94, Interstate 394, Interstate 35W and 12th Street, and the North Loop Study Area, defined as the area bounded by 3rd Avenue North, the Mississippi River, Plymouth Avenue, and Washington Avenue, and as shown on the map contained in Petition Number 263914 on file in the office of the City Clerk, are hereby declared to be interim zoning study areas with respect to the demolition of existing buildings and the establishment or expansion of surface parking lots. The planning department is directed to commence a study of the effects of the demolition of existing buildings, and the establishment or expansion of surface parking lots within the study areas and to propose such amendments to the comprehensive plan or official zoning controls that the planning department deems necessary.

587.40. Restrictions. For a period of one year from the date of final approval of this chapter, no demolition permit for the destruction of any building, and no building or construction permit, zoning certificate or license for the establishment or expansion of any surface parking lot within the study areas 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.

587.50. 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 - Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

Z&P – Your Committee, having under consideration the draft Revision of the Final Alternative Urban Areawide Review for the 800 and 900 Blocks of the Nicollet Mall set forth in Petn No 263914, which addresses increased traffic, increased parking and transit demands, and increased intersection impacts at LaSalle Av at 10th and 11th Streets resulting from increased total square footage to the 800 block building, now forwards without recommendation.

Goodman moved that the report be amended by deleting the words “now forwards without recommendation” and inserting in lieu thereof “now recommends approval”.

Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas – Herron, Mead, McDonald, Johnson, Ostrow, Campbell, Biernat, Niland, Goodman, Colvin Roy, Cherryhomes.

Nays – Minn.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

Z&P – Your Committee, having under consideration the matter of making a final declaration and decision on the Environmental Assessment Worksheet for the Block E development, now recommends, pursuant to Minnesota Rules 4410.1700, Subp. 2a(B), that a decision be postponed upon grounds of needing additional information which is reasonably available and needed to make a final declaration.

Your Committee further recommends that staff be directed to provide additional information on the Light Rail Transit connection with Hiawatha Avenue.

Your Committee further recommends that the said matter be referred back to the Zoning & Planning Committee. (Petn No 263913)

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

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

a) Larry Herkal: Application to update 8 existing hard signs that inaccurately identify Montgomery Ward at City Center, 6th Street and Nicollet Mall, for permanent usage (#1998-102);

b) Allison Boisvert for Catholic Charities: Application to put up to 50 bunk beds (100 units) on the second floor of Secure Waiting Space shelter at 1000 Currie Av N for use by employed men, for permanent usage (1998-136).

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

Z&P – Your Committee, having under consideration the petitions of John A Dalsin & Son, Inc (V-1221 through V-1223) and the petitions of The Green Institute (V-1230 through V-1233) to vacate portions of streets and alleys in the area bounded by E 28th St, 22nd Av S, E 29th St, and 19th Av S to assemble a site for expanded storage facilities and a truck wash for Dalsin and an office and business incubator for the Green Institute, now concurs in the recommendation of the Planning Commission that the related findings set forth in Petn No 263914 be adopted and the petitions be granted.

Your Committee further recommends passage of the accompanying resolutions.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-235

By McDonald

Vacating part of the alley in the block bounded by 28th Street East, 29th Street East, 19th Avenue South and 20th Avenue South (Vac 1221).

Resolved by The City Council of The City of Minneapolis:

That all that part of the 14 foot alley as delineated in Block 2 and dedicated in the plat of Layman's addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the northeast corner of Lot 15, said Block 2, to the northwest corner of Lot 6, said Block 2 is hereby vacated except that such vacation shall not affect the existing easement right and authority of NSP, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

As to NSP: All of the to be vacated alley.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, 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 alley 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 – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-236

By McDonald

Vacating a part of 20th Avenue South between 28th Street East and 29th Street East (Vac 1222).

Resolved by The City Council of The City of Minneapolis:

That all that part of 20th Avenue South as dedicated in the plat of Layman's Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of the easterly extension of the north line of the south half of Lot 7, Block 2, said plat, and southerly of a line drawn from a point on the east line of Lot 2, said block 2, distance 31.21 feet north of the southeast corner of said Lot 2, to a point on the west line of Lot 19, Block 1, said plat, distant 34.02 feet north of the southwest corner of said Lot 19, and

That part of 20th Avenue South which lies southerly of the easterly extension of the north line of Lot 1, Block 2, Layman's Addition to Minneapolis and northerly of the easterly extension of the north line of the south one half of Lot 7, Block 2, Layman's Addition to Minneapolis.

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

As to the City of Minneapolis:

A storm drain and sanitary sewer easement over, under and through the entire vacated portion of the street

A watermain easement over under and through the westerly 30 feet of the vacated portion of the street, and

A surface drainage easement over the entire vacated portion of the street.

As to Minnegasco:

The east 30.00 feet of that part of 20th Avenue South as described in this proposal.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and 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 and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

Where the area described above in regard to any of the other corporation, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-237
By McDonald

Vacating the 14' alley in the block bounded by 28th and 29th Streets East and 20th and 21st Avenues South (Vac 1223).

Resolved by The City Council of The City of Minneapolis:

That all that part of the 14 foot alley as platted in Block 1 Layman's Addition to Minneapolis, is hereby vacated.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-238
By McDonald

Vacating 19th Avenue South between 28th and 29th Streets East and 29th Street East between 19th and 20th Avenues South (Vac 1224).

Resolved by The City Council of The City of Minneapolis:

That all that part of 19th Avenue South formerly known as 22nd Avenue South and that part of 29th Street East which lies west of the west line of 20th Avenue South, formerly known as 23rd Avenue South, as dedicated in the plat of Layman's Addition to Minneapolis is hereby vacated except that such vacation shall not affect the existing easement right and authority of Minnegasco, 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 Minnegasco:

Over all of the 30-foot wide 19th Avenue South lying immediately west of Block 2, Layman's Addition; and

All of the 30-foot wide "T" Street East lying immediately south of said Block 2, Layman's Addition, according to the plat thereof on file and of record, Hennepin County.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, 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 – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-239
By McDonald

Vacating part of 21st Avenue South between 28th and 29th Streets East (Vac 1230).

Resolved by The City Council of The City of Minneapolis:

That all that part lying Easterly and Northerly of the described line; beginning at a point on the Westerly extension of the Southerly line of Block 4, Barnes Addition to Minneapolis distant 7.00 feet Westerly of the Southwest corner of Lot 7, said Block 4; thence on an assumed bearing of South 89 degrees 55 minutes 23 seconds West, along the Westerly extension of the Southerly line of said Block 4, a distance of 7.40 feet; thence North 0 degrees 19 minutes 10 seconds East a distance of 24.94 feet; thence Northerly along a tangential

curve to the left, having a radius of 454.38 feet, a delta angle of 27 degrees 46 minutes 22 seconds and an arc length of 220.25 feet; thence Northerly on a reverse curve, having a radius of 404.38 feet, a delta angle of 1 degree 52 minutes 51 seconds, and arc lengths of 13.27 feet to the Westerly line of said 21st Avenue South, as platted, and there terminating is hereby vacated.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

(Republished September 11, 1998)

RESOLUTION 98R-240

By McDonald

Vacating Layman Avenue South between 28th and 29th Streets East (Vac 1231).

Resolved by The City Council of The City of Minneapolis:

That all that part of Layman Avenue South between 28th and 29th Streets East is hereby vacated except that such vacation shall not affect the existing easement right and authority of MNDOT, 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 MNDOT: That portion of Layman Avenue South lying north of the westerly extensions of the northerly lot line of Lot 14, Block 3, Barnes Addition.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, 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 – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-241

By McDonald

Vacating the 14' alley in the block bounded by 28th and 29th Streets East, Layman Avenue South and 22nd Avenue South (Vac 1232).

Resolved by The City Council of The City of Minneapolis:

That all that part of the 14' alley platted in Block 3 of Barnes Addition to Minneapolis is hereby vacated.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

RESOLUTION 98R-242

By McDonald

Vacating part of 22nd Avenue South between 28th and 29th Streets East (Vac 1233).

Resolved by The City Council of The City of Minneapolis:

That all that part 22nd Avenue South lying between 28th and 29th Streets East is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis and MNDOT, 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: A 30 foot sewer easement lying 15 feet east and 15 feet west of the centerline of 22nd Avenue South and extending from the westerly projection of the south line of Lot 7, Block 2, Barnes Addition to Minneapolis and the westerly projection of the north line of Lot 1, Block 2, said addition; also, that part of the west one half off 22nd Avenue South lying north of the easterly extension of the north line of Lot 2, Block 3, Barne's Addition to Minneapolis.

As to MNDOT: That part of 22nd Avenue South lying North of the westerly extension of northerly lot line of Lot 5, Block 2, Barnes Addition.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and 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 and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

Where the area described above in regard to any of the other corporation, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998. J. Cherryhomes, President of Council.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

Z&P – Your Committee, having under consideration the application of Steve Barcel for Top Line Advertising for a special permit to change faces in an existing ground sign, 12' long x 4' high, at 80 NE Broadway for Modern Roadway, now recommends approval (1998-006).

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

Z&P – Your Committee, having under consideration the application of David Botzler for a special permit to operate an armored car business at 3036 Minnehaha Av S, currently

zoned B3C-2, now recommends approval notwithstanding the Zoning Code (1998-122).

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas – Herron, Mead, Minn, McDonald, Johnson, Campbell, Biernat, Niland, Goodman, Colvin Roy, Cherryhomes.

Nays – Ostrow.

Absent – Thurber.

Passed June 26, 1998.

Approved June 26, 1998. S. Sayles Belton, Mayor.

Attest: M Keefe, City Clerk.

(Published June 30, 1998)

MOTIONS

Cherryhomes moved that a new standing committee of the City Council be created entitled "Health and Human Services" to consider subject matter to include the Health and Family Support Department, the Welfare to Work Program, the Minneapolis Employment and Training Program, etc, and to be chaired by Council Member Herron, with meeting dates, times, and membership to be considered at the next regular City Council meeting to be held July 17, 1998.

Campbell moved to postpone the above motion. Seconded.

Adopted upon a voice vote.

Biernat moved to discharge the Community Development and Public Safety & Regulatory Services Committees from further consideration of the Minneapolis Employment and Training Program location. Seconded.

Adopted upon a voice vote.

Biernat moved that the Minneapolis Employment and Training Program remain under the auspices of the Department of Health and Family Support and that the Director of the Minneapolis Employment and Training Program report directly to the Director of Health and Family Support. Seconded.

Adopted. Yeas, 12; Nays none.

Absent – Thurber.

Passed June 26, 1998.

Approved July 1, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell moved to introduce the subject matter of an ordinance or ordinances amending Title VII Civil Rights for 1st reading and referral

to the Ways & Means/Budget Committee for setting a public hearing. Seconded.
Adopted upon a voice vote.

UNFINISHED BUSINESS

Raze Building: 3044 10th Av South
(Postponed 3/27/98, PS&RS)
Herron moved to continue postponement.
Seconded.
Adopted upon a voice vote.

Z&P – Your Committee, having under consideration the petition of Robert Muir Company (Vac #1219) to vacate a portion of W 31st Street between Chowen and Abbott Aves S and a portion of Abbott Av S between 31st St and Excelsior Boulevard to permit a shopping center, now finds that said streets are no longer needed for public travel and can be vacated, and recommends concurrence in the recommendation of the Planning Commission to approve the vacation. (Petr No 263721)

Your Committee further recommends passage of the accompanying resolution vacating said streets.
Adopted. Yeas, 11; Nays none.
Declining to Vote – Niland.
Absent – Thurber.
Passed June 26, 1998.
Approved July 1, 1998. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-243
by McDonald**

Vacating a portion of West 31st Street between Chowen and Abbott Avenues South and a portion of Abbott Avenue South between 31st Street and Excelsior Boulevard.

Resolved by The City Council of The City of Minneapolis.
That all that part of W. 31st Street lying within Lot 4, AUDITORS SUBDIVISION NUMBER 164, Hennepin County, Minnesota, lying West of Abbott Avenue South and described in the 30 foot wide Street Acquisition Easement recorded as Doc. No. 976468; and described in the 20 foot wide Alley and Storm Sewer Easement recorded as Doc. No. 745289; and lying North of Abbott Avenue South and described in the Street and Storm

Sewer Easement recorded as Doc. No. 745289 (not previously Vacated by Doc. No. 1638278); and

All that part of Abbott Avenue So. lying within Tract J, REGISTERED LAND SURVEY NO. 967, Files of the Registrar of Titles, Hennepin County, Minnesota; and described in the Street Easement recorded as Doc. No. 745289,

Is hereby vacated.
Adopted. Yeas, 11; Nays none.
Declining to Vote – Niland.
Absent – Thurber.
Passed June 26, 1998. J. Cherryhomes, President of Council.
Approved July 1, 1998. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

Neighborhood Revitalization Program Policy: Rescind policy which restricts amount of NRP funds that can be dedicated for street lighting projects. (Postponed 6/12/98, CD)
Niland moved to delete from the agenda.
Seconded.
Adopted upon a voice vote.

NEW BUSINESS

Niland gave notice of intent to discharge the Community Development and Intergovernmental Relations Committees from further consideration of the Affordable Housing Policy at the next regular City Council Meeting.

Campbell moved to adjourn. Seconded.
Adopted. Yeas, 12; Nays none.
Absent – Thurber.
Adjourned.

Merry Keefe,
City Clerk.
98-5951