

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF OCTOBER 16, 1998

(Published October 24, 1998,  
in Finance and Commerce)

Council Chamber  
Minneapolis, Minnesota  
October 16, 1998 – 9:30 a.m.  
President Cherryhomes in the Chair.  
Present – Council Members Niland,  
Goodman, Colvin Roy, Herron, Mead, Minn,  
McDonald, Johnson, Ostrow, Thurber,  
Campbell, Biernat, President Cherryhomes.

Campbell moved acceptance of the minutes of the regular meeting of October 2, 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.

### PETITIONS AND COMMUNICATIONS

#### COMMUNITY DEVELOPMENT:

FINANCE DEPARTMENT (264190)

Living Wage Policy: Report on Impact of Living Wage Policy on Procurement.

#### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (264191)

Walker Methodist Senior Services

Obligated Group: Preliminary approval of a housing program to refund multifamily housing revenue bonds for Walker Place, 3701 Bryant Ave S & Walker Senior Housing V, 3535 Bryant Ave S projects.

Lot Divisions: 3604-28th Ave S; 2939 Portland Ave S.

St Andrew's Golf Academy (SAGA):  
Direction to City Coordinator, Public Works Dept & MCDA staff to work w/SAGA to select a feasible location & structure a development package for leisure-time & entertainment facility.

#### COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (264192)

CSM Lodging, LLC/Milwaukee Depot  
Project: Modification No 11 to Industry Square Redevelopment Plan & Modification No 56 to the Common Development & Redevelopment & Common Tax Increment Finance Plan to assist w/rehab & redevelopment of Milwaukee Depot bldg, Train Shed & adjacent property, w/Attachment.

#### PUBLIC SAFETY AND REGULATORY SERVICES:

LICENSES AND CONSUMER SERVICES  
(264193)

Grocery and Specialty Food Stores:  
Request direction from Committee regarding exemptions to restrictions contained in Chapter 203 of Minneapolis Code of Ordinances.

POLICE DEPARTMENT (264194)

State of the Precincts: Third Precinct.

Community Crime Prevention/SAFE:  
Report re mission and work of CCP/SAFE.

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

ATTORNEY (264195)

Kappa Chapter of Sigma Alpha Mu, 928 SE 5th St: Call-In Transcript relating to Lodging with Boarding License. \*(See rep of 7/31/98)

ATTORNEY (264196)

Portland Food Square, 3751 Portland Av S:  
Call-In Hearing Transcript relating to Grocery,  
Food Manufacturer, Tobacco Licenses. \*(See  
Rep of 8/28/98)

HEALTH AND FAMILY SUPPORT  
SERVICES (264197)

Health Needs Assessment of Students:  
Execute Confidentiality and Research  
Nondisclosure Agreement with Intermediate  
School District #287 to match birth certificates  
on selected teen parents in Minneapolis with  
school records and Hennepin County social  
service records.

INSPECTIONS DEPARTMENT (264198)

Rental Dwelling License at 1035 17th Av  
SE: Concur with recommendation of Rental  
Dwelling License Board of Appeals to revoke  
license held by Erik Johnson.

Raze Buildings: Authorize 751 Tyler St  
NE; 5841 28th Av S.

LICENSES AND CONSUMER SERVICES  
(264199)

Tax Delinquency: Revoke On-Sale Liquor  
and Tobacco Licenses held by Luckys on First,  
315 1st Av N.

Licenses: Applications.

SENIOR OMBUDSMAN (264200)

Special Assessment Deferral: Grant  
application of Josephine Stewart, 1501 Thomas  
Av N, for deferral of tree removal assessment,  
\$2,161.50.

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

FIRE DEPARTMENT (264201)

Fire Cadet Training: Execute contract with  
Hennepin Technical College for training five  
cadets that were placed on paid administrative  
leave in 1996; and Authorize waiver from  
Request for Proposals process; w/comments  
from Permanent Review Committee.

LICENSES AND CONSUMER SERVICES  
(264202)

Lead Based Paint Hazard Reduction  
Project: Execute amendment to agreement  
with Metropolitan Visiting Nurse Association to  
obtain translation services during performance  
of educational and outreach activities.

POLICE DEPARTMENT (264203)

Community Oriented Policing Grant  
Program: Accept grant award and execute  
grant agreement with Minnesota Department of

Safety for officer overtime; Identify proper City  
Officers empowered to sign agreements; and  
Appropriate funds to Police Department.

Police Education: Accept grant from  
Minnesota Board of Peace Officer Standards  
and Training as recognition of efforts to recruit  
and hire protected class officers; and  
Appropriate funds to Police Department.

PURCHASING (264204)

Bid: OP #4952, accept only bid of Ray  
Joseph Leasing and Sales for furnishing and  
delivering various leased vehicles for period  
ending 8/31/99.

**TRANSPORTATION AND PUBLIC WORKS:  
PUBLIC WORKS AND ENGINEERING  
(264205)**

Light Rail Transit: Update on Hiawatha  
corridor project.

**TRANSPORTATION AND PUBLIC WORKS  
(See Rep):**

ATTORNEY (264206)

Towing Contract: Findings of fact from  
technical advisory committee hearing regarding  
contract violations by Shorty's Heavy Duty  
Wrecker Service and agreement on payment of  
settlement.

PUBLIC WORKS AND ENGINEERING  
(264207)

Riverview Special Service District:  
Approval of special services & costs and  
ordering work to be done.

Stadium Village Special Service District:  
Approval of special services & costs, ordering  
work to be done and ordinance amendment  
changing year services began.

Water & Sewer Line Repairs/  
Replacements: Adopted and levy assessments  
and rolls for unpaid repair costs; Letters from  
property owners.

Special Service Districts: Consider 1999  
service costs and set hearing for Hennepin-  
Lake, Dinkytown and Central Av Special  
Service Districts.

50th & France Av S Parking Facility:  
Establish assessment proceedings for  
operation and maintenance with cost  
estimates.

Mann Theater Areaway: Execute contract  
with Clark Engineering for engineering services  
for abandonment of areaways around the  
theater; Recommendation of Permanent  
Review Committee to waive RFP policy.

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

**PUBLIC WORKS AND ENGINEERING  
(264208)**  
Alley Paving Project (Fillmore & Pierce Sts  
NE from Broadway to 13th Av NE): Project  
approval and public hearing.

Relocation of W 31st St: Petition  
requesting relocation on an assessment basis  
to facilitate Calhoun Commons development.

Municipal Parking System Software  
Maintenance Contract: Execute contract with  
Gatekeeper Systems for system maintenance  
and Year 2000 compliance assistance.

Hawthorne Transportation Center  
(Greyhound/Jefferson Bus Terminal) Project:  
Submit application for Intercity Bus Program  
grant funds.

No Parking Zone: Establish no parking on  
Diagonal Roadway.

Compensatory Time: Payment for Mary  
Ann Prescott, Supervisor of the Impound Lot.

**SOLID WASTE AND RECYCLING  
DIVISION (264209)**

Solid Waste Transfer Stations: Issue  
Request for Proposals seeking operator.

Recycling and Processing Contract:  
Authorize renegotiate existing contract with  
B.F.I.

**WATER DEPARTMENT (264210)**

34 Million Gallon Water Reservoir Project:  
Authorize use of Water Fund cash reserve to  
meet current project funding requirements.

**WAYS AND MEANS BUDGET:**

**INFORMATION & TECHNOLOGY  
SERVICES (264211)**

Status of Master Contracts: Quarterly  
Review.

**WAYS AND MEANS BUDGET (See Rep):**

**ATTORNEY (264212)**

Workers' Compensation Claim: Contract  
with Steven Kirsch & law firm of Murnane,  
Conlin, White & Brandt relating to Kenneth  
Peckels injury.

Settlement: Approve payment to Goytree  
Hakim and her attorney.

**CITY CLERK (264213)**

1999 Price Agreements: Establish  
agreements with U. S. Postal Service, Anchor

Paper and the successor Hennepin County  
contractor, and Special School District #1 Print  
Shop.

**COORDINATOR (264214)**

Disposal of Surplus Property: Approve  
procedure & ordinance.

**COORDINATOR (264215)**

Environmental Assistance Grant: Submit  
application to State.

**HEALTH AND FAMILY SUPPORT  
SERVICES (264216)**

Chemical Dependency & Family Violence  
Prevention/Intervention Services: Contract with  
Little Earth Resident Association.

Charitable Gambling Funds: Contract with  
Folwell Neighborhood Association.

Community Outreach Services:  
Agreement with Minnesota Age and  
Opportunity, Inc.

Community Safety Strategies: Fund  
Availability Notice to Elaine M. Stately  
Peacemaker Center.

**HUMAN RESOURCES (264217)**

Employee/Management Communications  
System: Agreement with Management  
Communications Systems, Inc.

**INSPECTIONS DEPARTMENT (264218)**

Settlement: Agreement with Michael  
Osmonson.

**MAYOR (264219)**

Priorities '99 Document: Adopt; Refer  
comments from City Council policy committees.

**MINNEAPOLIS PUBLIC LIBRARY  
(264220)**

Library Roof Replacement: Approve use of  
remaining balance from Central Library Roof  
Replacement Project for Nokomis Community  
Library Roof Project.

**PUBLIC WORKS AND ENGINEERING  
(264221)**

800 Megahertz Digital Trunked Radio  
Subsystem: Cooperative Agreement with  
Metropolitan Radio Board.

**REGULATORY SERVICES (264222)**

Convention Center Food Service: Contract  
with Kelber Catering, Inc.

**ZONING AND PLANNING (See Rep):**

**CITY CLERK/SPECIAL PERMITS  
(264223)**

Hawthorne Av, 1100 (Gregory A Finstad)  
interim Greyhound bus terminal.

COUNCIL MEMBER GOODMAN  
(264224)

Handicraft Guild Building (89-91 S 10th St & 1004 Marquette Av): Letters in support of Historic Preservation Designation from National Trust for Historic Preservation, Preservation Alliance of Minnesota, Women Historians of the Midwest, Barbara Stuhler, Katy M Podolinsky, Connie Swygman, June Madsen Burd, Bob Wenzel, Minnesota Historical Society, Richard L Kronick & Associates, Jennifer Komar Olivarez, & Lowery Hill History Committee, and form letters signed by Jeff & Gracie Hohman & 13 others. \* See Report of October 2, 1998.

COUNCIL MEMBER GOODMAN  
(264225)

Historic Preservation: News release of Congressman Sabo announcing funding for Dania Hall & Portland Place & extending notice period for Federal Mortgage prepayments.

INSPECTIONS/BOARD OF  
ADJUSTMENT (264226)

Karen Linder (5925 Oliver Av S): Appeal decision of Board of Adjustment denying variance which would permit porch, w/attached minutes, drawings, photos, news articles, neighbors' comments.

Patrick & Diane Hagner (4933 32nd Av S): Board of Adjustment: Appeal 2 decisions of Board of Adjustment (1) denying variance on north side yard to permit second garage & (2) denying application to appeal decision of Zoning Administrator that Zoning Office cannot accept application for variance to increase garage height to more than 60% of house height, w/attached minutes, drawings, photos, correspondence, neighbors' comments. Council Member Colvin Roy: Recommend grant appeal.

MAYOR (264227)

Planning Director: Mayor: nomination of Charles Ballentine w/attached resume.

Executive Committee: Approve nomination.

PLANNING COMMISSION/DEPARTMENT  
(264228)

Blades Towing (1000 E 24th St): Appeal of Planning Commission decision denying nonconforming use certificate, w/attached minutes, correspondence, maps, drawings, photos; People of Phillips comments; Planning Commission action.

Dinnaken Properties (327 Ontario St SE): Planning Dept: Appeal of Frank Zaragoza from

Planning Commission decision granting conditional use permit for accessory parking lot, w/attached minutes, correspondence, drawings.

Prospect Park & East River Road Improvement Association: Comments.

PLANNING COMMISSION/DEPARTMENT  
(264229)

Central Community Housing Trust (11th Av S & 8th St): Planning Dept: Appeal of Joni Babinski from Planning Commission decision granting conditional use permit, variance, vacation, site plan review & replat to permit a planned residential development (East Village Project) and parking, w/attached minutes, correspondence, photos, maps.

Biko Associates, Inc.: Memo re East Village Project neighborhood impact; Map.

Mike Nelson: Map of East Village Project Area.

Central Community Housing Trust: East Village Planning Update.

Joni Babinski: Petition signed by Kid Shaw & 108 others, expressing concern about impact of East Village Project on the neighborhood & asking developer to revise its plans in areas of parking, traffic, trash & snow removal, loading & unloading areas, & commercial delivery trucks.

**FILED:**

CITY CLERK/SPECIAL PERMITS  
(264230)

4th St N, 3320/22 (MPHA) move duplex; 10th Av S, 3905 (Tamara Haley) horse; 11th St between Nicollet Mall & Marquette, also Peavey Plaza (Design Group) tents; 12th St S, 333 (Charles E Crowley) temporarily house child care facility; 14th St E, 1000 (Elliot Park Neighborhood) petting zoo; 34th Av S, 3410 (Margaret M Hunt) move garage; Logan Av S, 1917 (St Paul's Episcopal Church) animals; Loring Park (Paula Carter) animals; Penn Av N, 4139 (Beverly F. Miller) move garage.

FINANCE DEPARTMENT (264232)  
Schedule of Self-supporting Revenue Bonds & Schedule of General Obligation Bonded Debt for 9/30/98.

MINNESOTA STATE OFFICES (264231)  
Park and Recreation Board Management and Compliance report for year ended 12/31/97.

**REPORTS OF  
STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT**

Committee submitted the following reports:

**Comm Dev** – Your Committee, having under consideration a housing program for Walker Senior Housing V located at 3535 Bryant Ave S, and Walker Place located at 3701 Bryant Ave S, as part of the preliminary approval for the issuance of up to \$80 million in tax-exempt revenue bonds for the Walker Methodist Senior Service Obligated Group project (approved on September 22, 1998), and having held a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary approval for the housing program for refunding bonds for the Walker Senior Housing V and Walker Place projects (Petn No 264191).

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

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-387, giving preliminary approval to a proposed Multifamily Housing Development Program under Minnesota Statutes, Chapter 462C on behalf of the Walker Methodist Senior Service Obligated Group project, specifically Walker Senior Housing V and Walker Place, was passed October 16, 1998 by the City Council and approved October 22, 1998 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 98R-387**

**By Niland**

**Giving preliminary approval to a proposed Multifamily Housing Development Program under Minnesota Statutes, Chapter 462C.**

**RECITALS:**

Whereas, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act") the City

of Minneapolis, Minnesota (the "City") has heretofore developed and adopted a housing plan (the "Housing Plan"); and

Whereas, the City is authorized by the Act to amend its Housing Plan to include a multifamily housing development program after holding a public hearing thereon, and is authorized to issue its revenue bonds to finance all or a part of the cost of such program; and

Whereas, the City received a proposal from Walker Methodist Health Center, Inc., Walker Care Corporation I, Walker Assisted Living Corporation I, Walker Senior Housing Corporation III, Walker Senior Housing Corporation V, Walker Senior Housing Corporation IX, Walker Senior Services, Inc., Walker Residence, Inc. and Walker Community Services, Inc. (collectively, the "Walker Methodist Senior Services Obligated Group") that the City adopt a multifamily housing development program (the "Program") pursuant to Act, for the benefit of the Walker Methodist Senior Services Obligated for the purpose of (i) refunding one or more bonds issued as a part of City of Minneapolis, Minnesota Multifamily Housing Revenue Bonds (Walker Senior Housing Corporation V Project) Series 1988, issued in the original principal amount of \$4,450,000 and City of Minneapolis, Minnesota Multifamily Housing Revenue Note (Walker Senior Housing Corporation V Project) Series 1988, issued in the original principal amount of \$300,000, proceeds of which were used to finance or refinance costs associated with a 107-unit rental apartment building located at 3535 Bryant Avenue South in the City, owned by Walker Senior Housing Corporation V; (ii) refunding City of Minneapolis, Minnesota Seven Year Adjustable Put Option Refunding Revenue Bonds (Walker Residence, Inc. Project) Series 1991A, issued in the original principal amount of \$11,400,000 and City of Minneapolis, Minnesota Taxable Revenue Bonds (Walker Residence, Inc. Project) Series 1991B, issued in the original principal amount of \$300,000, proceeds of which were used to finance or refinance costs associated with a 139-unit senior apartment facility known as Walker Place, located at 3701 Bryant Avenue South in the City, owned by Walker Residence, Inc., (iii) repairing, renovating, rehabilitating or otherwise improving one or more of the foregoing described facilities, (iv) funding any

debt service or other reserves and (v) paying transaction costs related to the foregoing; and

Whereas, the Community Development Committee of the City Council has reviewed the Program and finds it consistent with the City's housing policies; and

Whereas, the Program is in conformance with the provisions of the Act;

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

That based on the public hearing, such written comments (if any) and such other facts and circumstances as the City Council deems relevant, the City Council hereby finds that the Program is consistent with the Housing Plan and would further promote the public purposes and legislative objectives of the Act.

Be It Further Resolved that the City Council hereby finds, determines and declares that the Program is hereby approved and adopted by the City.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee, having under consideration the division of the lot at 3604 – 28th Ave S, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution approving the division, waiving the requirement of a subdivision plat and directing that a copy of the resolution be attached to the deeds conveying the subdivided parcels (Petn No 264191).

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

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 16, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 20, 1998)

**RESOLUTION 98R-388**  
**By Niland**

**Approving the subdivision of a lot at 3604 – 28th Avenue South.**

Whereas, the Minneapolis Community Development Agency (MCDA) has requested that a parcel of land located at 3604-28th Avenue South and legally described as the South 11.2 feet of Lot 1, and the North 27.8 feet of Lot 2, Block 1, Hull's Addition to Minneapolis, be subdivided as follows:

**Parcel A:** The South 11.2 feet of Lot 1 and the North 16.1 feet of Lot 2, Block 1, Hull's Addition to Minneapolis;

**Parcel B:** The Southerly 11.7 feet of the Northerly 27.3 feet of Lot 2, Block 1, Hull's Addition to Minneapolis; and

Whereas, the MCDA intends to convey the subdivided parcels listed above to the owners of adjacent properties with the following parcels:

**Parcel A:** (3600-28th Avenue South) – The North 37 7/10 feet of Lot 1, Block 1, Hull's Addition to Minneapolis;

**Parcel B:** (3606-28th Avenue South) – The South 21 7/10 feet of Lot 2 and the North 18 3/10 feet of Lot 3, Hull's Addition to Minneapolis; and

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 25, 1998, a public hearing on said subdivision and proposed sale was duly held in a joint meeting of the Community Development Committee of the City Council and the Operating Committee of the MCDA at 9:30 a.m., October 5, 1998, in Room 319, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the division of the above-described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J.Cherryhomes, President of Council.

Approved October 16, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 20, 1998)

**Comm Dev** – Your Committee, having under consideration the division of the lot at 2939 Portland Ave S, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution approving the division, waiving the requirement of a subdivision plat and directing that a copy of the resolution be attached to the deeds conveying the subdivided parcels (Petn No 264191).

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

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-389**

**By Niland**

**Approving the subdivision of a lot at 2939 Portland Avenue South.**

Whereas, the Minneapolis Community Development Agency (MCDA) has requested that a parcel of land located at 2939 Portland Avenue South and legally described as Lot 12, Block 2, Wood and Smith's Subdivision of Lot 1, Emerson's Addition to Minneapolis, be subdivided as follows:

**Parcel A:** The South one-half of Lot 12, Block 2, Wood and Smith's Subdivision of Lot 1, Emerson's Addition to Minneapolis;

**Parcel B:** All of Lot 12 except the South one-half thereof, Block 2, Wood and Smith's Subdivision of Lot 1, Emerson's Addition to Minneapolis; and

Whereas, the MCDA intends to convey the subdivided parcels listed above to the owners of adjacent properties with the following parcels:

**Parcel A:** (2943 Portland Avenue South) – Lot 11, Block 2, Wood and Smith's Subdivision of Lot 1, Emerson's Addition to Minneapolis;

**Parcel B:** (2935 Portland Avenue South) – Lot 13, Block 2, Wood and Smith's Subdivision of Lot 1, Emerson's Addition to Minneapolis; and

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations

adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 25, 1998, a public hearing on said subdivision and proposed sale was duly held in a joint meeting of the Community Development Committee of the City Council and the Operating Committee of the MCDA at 9:30 a.m., October 5, 1998, in Room 319, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the division of the above-described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee, having under consideration a potential development proposal by Saint Andrew's Golf Academy (SAGA) for a destination leisure-time and entertainment facility in downtown Minneapolis, now recommends that the City Coordinator, Department of Public Works and Minneapolis Community Development Agency staff be directed to work with the SAGA developers for selection of a downtown site as a valuable component of downtown entertainment and leisure time uses.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 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 Modification No 11 to the Industry Square Redevelopment Plan and Modification No. 56

to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan, both related to the CSM Lodging, L.L.C. development project for the Milwaukee Depot property which includes most of the two block area bounded by Washington Ave S, 3rd Ave S, 2nd St S and 5th Ave S, as set forth in Petn No 264192, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution adopting said Modifications.

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

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-390**  
**By Niland and Campbell**

**Adopting Modification No 11 to the Industry Square Redevelopment Plan, and Modification No 56 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan in order to authorize public redevelopment activities and expenditures to assist the Milwaukee Depot/CSM Project.**

Resolved by The City Council of The City of Minneapolis:

Section 1. **Recitals.**

1.1. Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis Code of Ordinances, Chapter 422, as amended (the "Agency Laws") the Housing and Redevelopment Authority in and for the City of Minneapolis has been reorganized, granted additional powers, and designated the Minneapolis Community Development Agency (the "Agency") with the authority to propose and implement city development districts, redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179 as amended; and Laws of Minnesota 1971, Chapter 677 (the "Project Laws").

1.2. By Resolution duly adopted on August 31, 1973 and subsequent resolutions, the City approved the creation of the Industry Square Redevelopment Project and the adoption of the Industry Square Redevelopment Plan, as modified. The Industry Square Redevelopment Project is included within the Common Project Area.

1.3. That by Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City of Minneapolis has approved the creation by the Minneapolis Community Development Agency of the Common Development and Redevelopment Project (the "Common Project Area") and the adoption of the Common Development and Redevelopment Plan and the Common Tax Increment Financing Plan (the "Common Plans") relating thereto, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179 as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 422, as amended.

It has been proposed that the Agency modify the Industry Square Redevelopment Plan and further modify the Common Plans to authorize public redevelopment activity to assist the Milwaukee Depot/CSM Development Project to reflect the identification of property that may be acquired and increased project costs, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended.

The Agency has prepared, and this Council has investigated the facts with respect to a proposed Modification No 11 to the Industry Square Redevelopment Plan, and Modification No 56 to the Common Plan (together, the "Plans"), describing more precisely the activities to be undertaken, public costs, the designation of property that may be acquired, and the identification of a budget for expenditures for this project. Anticipated public redevelopment activities include site acquisition and disposition, pollution remediation, rehabilitation of the vacant and deteriorating historic structures, and public and related improvements necessary to support adjacent developments within the Common Project Area, all pursuant to and in accordance with

Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179 as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 422, as amended.

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 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

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

2.1 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 Common Project Area and TIF District by private enterprise as the proposed development or redevelopment eliminates the blighting influences of vacant, obsolete, blighted, and deteriorating substandard structures requiring substantial renovation or rehabilitation, exhibiting deficiencies in other categories, facilitates clean up of a polluted site, and redevelops the area by renovation and restoration of the historic Milwaukee Depot building and new construction of two hotels adjacent to the Depot, development of a skating facility and development of surface and underground parking.

2.2. 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. 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.

2.3. 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 due to the high cost of pollution cleanup, site preparation, and historic rehabilitation for the existing blighted properties and the impact of these costs upon the feasibility of new private development or rehabilitation. Therefore, additional public subsidy is necessary; 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 District permitted by the Plans.

The Council further finds, determines and declares that the property to be redeveloped is blighted and that the buildings are substandard, as defined in Minnesota Statutes, Section 469.002, Subdivision 11 and Section 469.174, Subdivision 10; and that the reasons and supporting facts for these determinations are retained and available from the Agency.

The Council further finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and Sections 469.174 through 469.179, as amended.

The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve Modification No 11 to the Industry Square Redevelopment Plan, and Modification No 56 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan.

**Section 3. Approval of the Plans.**

3.1. Based upon the findings set forth in Section 2 hereof, the Plans 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.**

4.1. 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, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**PS&RS** – Your Committee, to whom was referred an ordinance amending Title 15 of the Minneapolis Code of Ordinances, adding a new Chapter 387 relating to **Offenses—Miscellaneous: Gambling**, setting forth sections relating to definitions, betting prohibited, gambling place, participation in gambling place, and possession of gambling device prohibited, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-114**

**By Biernat**

**Intro & 1st Reading: 8/14/98**

**Ref to: PS&RS**

**2nd Reading: 10/16/98**

**Amending Title 15 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous by adding a new Chapter 387 relating to Gambling.**

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 387 to read as follows:

**CHAPTER 387. GAMBLING**

**387.10. Definitions.** Whenever used in this section, the following terms shall have the indicated meaning:

*Bet.* A bet is a bargain whereby the parties mutually agree to a gain or loss by one to the other of specified money, property or benefit dependent upon chance although the chance is accompanied by some skill. A bet does not include:

(a) Bona fide business transactions which are valid under the law of contracts including without limitation:

(1) Contracts to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends on chance.

(2) A contract for the purchase or sale at a future date of securities or other commodities.

(b) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, endurance, or quality or to the bona fide owner(s) of vehicles or other property (excluding animals) entered in such contest.

(c) Notwithstanding Minnesota Statutes Sections 609.755 and 609.76, a person may bet in gambling operations where permitted by Minnesota Statutes Section 609.761.

*Gambling place.* A gambling place is a location, structure, or vehicle, stationary or movable, or any part thereof, wherein as one of its uses, betting is permitted or promoted, a lottery is conducted or assisted or a gambling device is operated.

*Gambling device.* A gambling device is a contrivance which for a consideration affords the player an opportunity to obtain something of value, other than free plays, automatically from the machine or otherwise, the award of which is determined principally by chance. A gambling device includes, without limitation, a video game of chance as defined by Minnesota Statutes Section 609.75, Subd. 8, roulette tables, faro or pharo banks, gaming tables, and dice.

**387.20. Betting prohibited.** No person, in any public place, shall engage in or assist or attempt to assist another to engage in the begging, wagering or risking of any money or other property on any sporting event, game, pool, lottery, contest, election, equipment, machine or other gambling device, or upon the outcome of any event.

**387.30. Gambling place.** Except for the purposes of lawful gambling, no person shall own, or permit any building, dwelling, establishment, premise, vehicle, boat, plane,

tent, concession, place or location, stationary or movable, or any part thereof, with the knowledge that it, will be or may be used for the purpose set forth in section 387.10. If the dwelling, establishment, or premise is a multi-unit dwelling or residence, hotel or motel, or commercial office building, this ordinance shall only apply to the dwelling, establishment, premise, unit, room, or suite of rooms in a hotel or motel, office or suite, or store in which the prohibited conduct occurs.

**387.40. Participation in gambling place.**

No person shall knowingly enter, attempt to enter or remain in any place, location, house, room, tent or vehicle used, occupied, or in any way designed for gambling purposes set forth in section 387.10. Notwithstanding Minnesota Statutes Sections 609.755 and 609.76, a person may enter a place to participate in gambling operations where permitted by Minnesota Statutes Section 609.761.

**387.50. Possession of gambling device prohibited.** Except where authorized by statute, no person shall possess a gambling device. This clause does not prohibit the possession of a gambling device in a person's dwelling for the amusement purposes in a manner that does not afford players an opportunity to obtain anything of value.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the application of Aquavit Minnesota, LLC, dba Aquavit Minnesota, 80 S 8th St, Suite 124, IDS Crystal Court, for an On-Sale Liquor Class C-2 with Sunday Sales License (new business) to expire October 1, 1999, along with Special Late Night Entertainment, All Night Special Food, and Sidewalk Café Licenses, and having held a public hearing thereon, now recommends that the licenses for On-Sale Liquor Class C-2 with Sunday Sales, All Night Special Food, and Sidewalk Café be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Your Committee further recommends that the application for a Special Late Night Entertainment License be postponed for a period of six months.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the application of Nath Midwest Lodging LLC, dba Regency Plaza Hotel, 41 N 10th St, for an On-Sale Liquor Class A with Sunday Sales License (new proprietor from bankruptcy) to expire October 1, 1999, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances, and in accordance with the following conditions:

a. the applicant shall make corrections to the food preparation and service areas as are necessary to prevent health hazards to patrons, to be completed no later than October 15, 1998.

b. existing defects that do not present immediate hazards to hotel patrons, the repair of which will be negated by planned renovations, shall be deferred until April 1, 1999. Failure to complete renovations by said date shall be cause for immediate suspension of the on-sale liquor license, pending a due process hearing for revocation of said license.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 16, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 20, 1998)

**PS&RS** – Your Committee, having under consideration the application of Roshan Corporation, dba Puerta Azul, 231 Cedar Av, for an On-Sale Wine Class E with Strong Beer License (change in ownership from Habana Veija Inc) to expire April 1, 1999, now recommends that said license be granted, notwithstanding the requirement of Section 364.110 of the Minneapolis Code of Ordinances regarding floor drain and urinal installations, and subject to final inspection and compliance with all provisions of other applicable codes and ordinances.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the application of A & B Pizza Billiards Inc, dba Sub Zero Pizza & Billiards, 412 1/2 14th Av SE, for an On-Sale Beer Class E License (new business) to expire April 1, 1999, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 16, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 20, 1998)

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

**Off-Sale Liquor, to expire October 1, 1999**

Dinkytown Wine & Spirits Inc, dba Dinkytown Wine & Spirits, 1412 SE 5th St;

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

International Catering Inc, dba Atrium Café, 275 Market St (temporary expansion of premises, October 3, 1998, 6:30 p.m. to 1:00 a.m.);

City Center Hotel Ltd Partnership, dba Marriott City Center Mpls, 30 S 7th St;

Mintahoe, Inc, dba Perfect Host Catering, 219 Main St SE;

Fine Line Music Ventures Inc, dba Fine Line Music Café, 318-22 1st Av N;

Ogden Food Service Corporation, dba Target Center, 600 1st Av N;

Lee Consultants Ltd, dba Sticks, 708-16 N 1st St;

**On-Sale Liquor Class A, to expire October 1, 1999**

Wild Entertainment Ltd, dba Ground Zero, 15 NE 4th St;

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

Local – An Epicurean Café & Pub, dba Local – An Epicurean Café and Pub, 931 Nicollet Mall;

Mirviss Israel, dba Sunny's, 2944 Chicago Av;

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

Associated Food Services Inc, dba Oceanaire, 1200 Nicollet Mall (expansion of premises and change in dba);

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

Restaurant Entertainment Group Inc, dba Urban Refuge, 430 1st Av N (change in ownership from B & B Mpls LLC);

Peanuts Pub & Chili Unlimited Inc, dba Porter's Bar & Grill, 2647 Nicollet Av (internal transfer of shares);

Zou Zou Inc, dba Café Un Deux Trois, 114 S 9th St, Foshay Tower;

Loon Café Inc, dba Loon Café, 500 1st Av N;

Fanagle Enterprises Inc, dba Eli's Bar & Grill, 1225 Hennepin Av;

Dusty's Inc, dba Dusty's Bar, 1319 Marshall St;

Glenda Corporation, dba Mortimer's Bar & Restaurant, 2001-09 Lyndale Av S;

Original Broadway Station Inc, dba Broadway Station, 2025 W River Rd N;

T M M S Inc, dba C C Club, 2600-02 Lyndale Av S;

**On-Sale Liquor Class E, to expire October 1, 1999**

Stand Up Frank's Inc, dba Stand Up Frank's, 2027 N 2nd St, 1st Floor;

**Temporary On-Sale Liquor**

Minnesota Liquor Retailers Inc, 2353 Rice St #139, St Paul at Minneapolis Convention Center, September 27, 1998 from 11:00 a.m. to 8:00 p.m. and September 28, 1998 from 8:00 a.m. to 7:00 p.m. (licensed facilitator: Kelber Catering);

Alliance Francaise De Mpls-St Paul, 113 N 1st St, October 25, 1998 from 5:00 p.m. to 9:00 p.m. (licensed facilitator: Sumick Inc, dba Lyle's, with temporary entertainment).

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 16, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 20, 1998)

**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 October 16, 1998, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 264199):

Place of Amusement Class B-1; Place of Amusement Class B-2; Place of Amusement Class C; Building Contractor Class A; Building Contractor Class B; Car Wash; Cement

Finisher; Contractor/Masonry Class A; Dancing School; Dry Cleaning Pickup Station; Place of Entertainment; Fire Extinguisher Class A; Fire Extinguisher Class B; Caterers; Confectionery; Grocery; Food Manufacturer; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food Establishment; Sidewalk Café Permit; Fuel Dealer; Bulk Gas & Oil Storage; Gasoline Filling Station; Lodging House; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Access Use; Oil Burner Installer; Commercial Parking Lot Class A; Commercial Parking Lot Class B-Contract; Pet Shop; Plumber; Exhibition Operator; Solid Waste Hauler; Suntanning Facilities; Tattooing; Taxicab Vehicle; Theater Zone I; Theater Zone III; Tobacco Dealers; Tree Servicing; and Wrecker of Buildings Class B.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 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 Class B**

West Suburban Junior Kodiaks Hockey, 1433 E Franklin Av #5, at Lee's Liquor Bar, 103 Glenwood Av;

**Gambling Lawful Exempt**

Church of the Holy Cross, 1621 University Av NE (bingo, raffle & pulltabs November 22, 1998 at Kolbe Center, 1630 4th St NE);

St Olaf Catholic Church, 215 S 8th St (raffle November 8, 1998).

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the On-Sale Liquor and Tobacco Licenses held by First Avenue Group Inc, dba Luckys on First, 315 1st Av N, and having received notification from the State of Minnesota Department of Revenue that Luckys on First has an outstanding tax liability, now recommends that said licenses be revoked and the licensee immediately discontinue business

within the City of Minneapolis until a tax clearance certificate is obtained from the State.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having received an application for deferment of special assessment for tree removal, in the amount of \$2,161.50, submitted by Josephine Stewart, 1501 Thomas Av N (PID #17-029-24-43-0161), now recommends that said application be approved as provided for in Minnesota Statutes, Section 435.193.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 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 Intermediate School District 287 which will allow the Department of Health & Family Support to obtain certain data related to health needs of students as part of a needs assessment being conducted to provide information for program planning at the District. Said agreement shall be effective February 2, 1998 through December 31, 1998, and will match birth certificates on selected teen parents in Minneapolis with school records and Hennepin County social service records. (Petn No 264197)

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the Rental Dwelling License held by Erik Johnson for the property located at 1035 17th Av SE, and having received Findings of Fact, Conclusions and Recommendations arising from a Rental Dwelling License Board of Appeals hearing held on July 14, 1998, now recommends concurrence with the recommendation of the Board of Appeals that said license be revoked as a result of conduct

on the licensed premises, pursuant to Section 244.2020 of the Minneapolis Code of Ordinances, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Ostrow moved to postpone. Seconded.  
Adopted upon a voice vote.

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

a. 751 Tyler St NE, Lot 3, Block B, except the North 3 feet thereof Ramsey, Lockwood and Others to St Anthony (PID #13-029-24-32-0111)

b. 5841 28th Av S, Lot 20, Block 4, Morris Park 4th Addition (PID #24-028-24-41-0005).

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 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 execute an amendment to the agreement with the Metropolitan Visiting Nurse Association, in the amount of \$10,000, to provide for the use of translation services during the performance of educational and outreach activities as described in the workplan of the Lead Based Paint Hazard Reduction Project, payable from Licenses & Consumer Services (030-835-8393)

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** – Your Committee recommends acceptance of only bid received on OP #4952 (Petr No 264204) submitted by Ray Joseph Leasing and Sales, for an estimated expenditure of \$40,000, for furnishing and delivering various vehicles on a lease basis to the Minneapolis Police Department for the period ending August 31, 1999, all in accordance with City specifications.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 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 execute an agreement with Hennepin Technical College, in the amount of \$40,000, to provide training for five firefighter cadets who were placed on paid administrative leave in 1996 and who are resuming training following the successful completion of the psychological exam. (Petr No 264201)

Your Committee further recommends concurrence with the recommendation of the Permanent Review Committee that said contract be entered into notwithstanding the City's requirement for a Request for Proposals process.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 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 grant award, in the amount of \$155,000, from the Minnesota Department of Safety, Community Oriented Policing (COPS) Grant Program, for officer overtime (buyback) for the City to provide supplemental police services to communities in high crime areas, and that the proper City Officers be authorized to execute a grant agreement to receive said funds and designate the proper City Officers empowered to sign the agreement.

Your Committee further recommends passage of the accompanying Resolution appropriating \$155,000 to the Police

Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-391**  
**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 \$155,000.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes,  
President of Council.

Approved October 22, 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 grant award, in the amount of \$10,900, from the State of Minnesota, Minnesota Board of Peace Officers Standards and Training, in recognition of the City's efforts to recruit, train and hire minority and protected class officers.

Your Committee further recommends passage of the accompanying Resolution appropriating \$10,900 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-392**  
**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 General Fund (010-400-B111) by \$10,900, and increasing the revenue source (010-400-B111 – Source 3455) by \$10,900.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes,  
President of Council.

Approved October 22, 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 approving special services for the remainder of 1998 and all of 1999, the cost estimate, service charges and the list of service charges for 1999 in the Riverview Special Service District and directing the City Engineer to proceed with the work.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-393**  
**By Mead**

**Riverview Special  
Service District**

**Approving special services for the remainder of 1998 and all of 1999, the cost estimate, service charges and the list of service charges for 1999 in the Riverview Special Service District and directing the City Engineer to proceed with the work.**

Whereas, Resolution 98R-333 passed September 18, 1998 designated the services, locations and costs for the remainder of 1998 and all of 1999 in the Riverview Special Service District; and

Whereas, a public hearing was held on October 8, 1998 in accordance with Laws of Minnesota, 1985, Chapter 302; Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38; Laws of Minnesota,

1995, Chapter 264, Article 3, Section 28; Laws of Minnesota, 1996, Chapter 471, Article 8, Section 44 and Chapter 453 of the Minneapolis Code of Ordinances to consider the proposed special services, to consider the proposed service charges and the proposed list of service charges 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 proposed special services for the remainder of 1998 and all of 1999, the proposed cost estimate in the total amount of \$10,400 and the proposed service charges and the proposed list of service charges for 1999 in the total amount of \$10,400 (any adjustments based on actual expenditures to be made in accordance with the provisions of Section 453.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved.

Be It Further Resolved that the service charges be collected in one (1) installment on the 1999 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit a certified copy of said list of service charges to the Hennepin County Auditor.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration the Stadium Village Special Service District, now recommends

a) Passage of the accompanying Resolution approving special services for the remainder of 1998 and all of 1999, the cost estimate, service charges and the list of service charges for 1999 in the Stadium Village Special Service District and directing the City Engineer to proceed with the work; and

b) Passage of the accompanying Ordinance amending Title 17, Chapter 450 of

the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Stadium Village Special Service District, by changing the year when services in the district were commenced from 1997 to 1998.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-394  
By Mead**

**Stadium Village  
Special Service District**

**Approving special services for the remainder of 1998 and all of 1999, the cost estimate, service charges and the list of service charges for 1999 in the Stadium Village Special Service District and directing the City Engineer to proceed with the work.**

Whereas, Resolution 98R-334 passed September 18, 1998 designated the services, locations and costs for the remainder of 1998 and all of 1999 in the Stadium Village Special Service District; and

Whereas, a public hearing was held on October 8, 1998 in accordance with Laws of Minnesota, 1985, Chapter 302; Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38; Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28; Laws of Minnesota, 1996, Chapter 471, Article 8, Section 44 and Chapter 450 of the Minneapolis Code of Ordinances to consider the proposed special services, to consider the proposed service charges and the proposed list of service charges 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 proposed special services for the remainder of 1998 and all of 1999, the proposed cost estimate in the total amount of \$52,500 and the proposed service charges and the proposed list of service charges for 1999 in the total amount of \$52,500 (any adjustments based on actual expenditures to be made in accordance with the provisions of Section

450.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved.

Be It Further Resolved that the service charges be collected in one (1) installment on the 1999 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit a certified copy of said list of service charges to the Hennepin County Auditor.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-115**

**By Campbell**

**Intro: 9/18/98**

**Ref to: T&PW**

**1st Reading: 10/8/98**

**2nd Reading: 10/16/98**

**Amending Title 17, Chapter 450 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Stadium Village Special Service District.**

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

Section 1. That Section 450.40 of the above-entitled ordinance be amended to read as follows:

**450.40. Imposition of service charge; levy.** The service charges shall be levied annually prior to November thirtieth, upon properties within the district, in an aggregate sum, which, combined with any property tax levied under section 450.60 hereof, will equal the estimated total costs of the city in providing the services referred to in section 450.20 for the next ensuing calendar year; provided, however, that service charges may be levied in the year 1998 for services rendered or to be rendered during the calendar years 1998 and 1999. Prior to imposing the service charges, a public hearing shall be held with respect thereto at which all interested persons may

appear and be heard. Notice of the public hearing shall be given in two (2) separate publications of the city's official newspaper one week apart and the public hearing shall not be held less than three (3) days after the later publication. Not less than ten (10) days prior to the hearing, notice shall be mailed to the owner of each parcel of real estate within the district. For the purpose of giving such mailed notice, owners shall be those shown on the records of the county auditor. For properties which are tax exempt or subject to taxation on a gross earnings basis in lieu of property tax and are not listed on the records of the county auditor, the owners shall be ascertained by any practical means, and mailed notice given them. The notice of public hearing shall include:

(a) A statement that all interested persons will be given an opportunity to be heard at the hearing regarding the proposed service charge.

(b) The proposed rate or amount of the proposed service charge to be imposed in the district during the calendar year and the nature and character of special services to be rendered in the district during the calendar year.

(c) A statement that an owner may appeal an assessment of the service charge to district court including the procedure for appeal.

The service charge may be levied at any time not later than six (6) months after the public hearing by a vote of a majority of all of the members of the city council.

Section 2. That Section 450.60 of the above-entitled ordinance be amended to read as follows:

**450.60. Ad valorem property tax.** The city may, in each calendar year, levy a tax on taxable property in the district based upon the assessed value of the property and such tax shall be assessed and collected in the same manner as other property taxes on property located within the district. The tax shall be levied at a rate that will raise an aggregate sum, which, when combined with any service charges levied in the district, will equal the total costs of the city in providing the services specified in this ordinance for the next ensuing calendar year; provided, however, that taxes may be levied in the year 1998 for services rendered and to be rendered in the calendar years 1998 and 1999. Prior to the levy of such a tax, a public hearing shall be held. The requirements for the public hearing and the

notice of public hearing shall be the same as specified in section 450.40 with respect to the levy of special service charges, and the tax may be levied not later than six (6) months after the public hearing by a majority vote of all of the members of the city council.

For purposes of determining the appropriate tax rate, taxable property or value shall be determined under Minnesota Statute. Property exempt from taxation by Minnesota Statute shall be exempt from tax.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends passage of the accompanying Resolution adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 264207.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-395**

**By Mead**

**Adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 264207.**

Whereas, a public hearing was held on October 8, 1998 in accordance with Section 509.465 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed assessment rolls 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 proposed assessments against the affected properties on the lists dated

September 21, 1998 set forth in Petn No 264207 in the total amount of \$393,515.10 for water service lines and \$16,610.00 for sewer service lines and as shown on the proposed assessment rolls on file in the Office of the City Clerk be and hereby are adopted and levied.

Be It Further Resolved that the assessments be collected in five (5) successive equal annual principal installments beginning on the 1999 real estate tax statements with interest charged at the rate of 8%.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends passage of the accompanying Resolution designating the services, locations and costs for the Hennepin-Lake Special Service District for 1999.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-396**

**By Mead**

**Hennepin-Lake  
Special Service District**

**Designating the services, locations and costs for the Hennepin-Lake Special Service District for 1999.**

Whereas, Laws of Minnesota, 1985, Chapter 302; Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38; Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28 and Chapter 438 of the Minneapolis Code of Ordinances allow that special maintenance related and promotional services may be provided in the Hennepin-Lake area; and

Whereas, the Hennepin and Lake Special Service District Advisory Board, established in accordance with said Chapter 438, has recommended the services to be provided during 1999; and

Whereas, the total estimated cost of these services, which includes \$1,500 for City Administration costs, is \$66,500;

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

That the following streets will receive additional Sidewalk Snow Shoveling, Sidewalk Ice Melt Application and Snow Removal (\$65,000):

Emerson Av S (W side) from Lagoon Av to Lake St W;

Fremont Av S (both sides) from Lagoon Av to Lake St W;

Girard Av S (both sides) from Lagoon Av to Lake St W;

Hennepin Av S (E side) from 28th to 31st Sts W;

Hennepin Av S (W side) from N Line of HCRRA r/w to 31st St W;

Humboldt Av S (E side) from Lagoon Av to Lake St W;

Lagoon Av (both sides) from Emerson to Hennepin Avs S;

Lake St W (N side) from Emerson to James Avs S;

Lake St W (S side) from Dupont to Knox Avs S; and

31st St W (N side) from centerline of vac N-S alley E of Hennepin Av S to N-S alley W of Hennepin Av S.

Be It Further Resolved that the total cost estimate of \$66,500 for 1999 services be approved and that it be funded by \$66,500 through service charges and \$0 as City portion with any adjustments based on actual expenditures to be made in accordance with the provisions of Section 438.70 of the Minneapolis Code of Ordinances.

Be It Further Resolved that the actual adjusted amount of proposed service charges for 1999 be \$95,762 (amount remaining after adjusting the 1999 cost estimate of \$66,500 for previous years' unexpended balances and additional costs as provided for in Section 438.70 of the Minneapolis Code of Ordinances).

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends passage of the accompanying Resolution designating the services, locations and costs for the Dinkytown Special Service District for 1999.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-397  
By Mead**

**Dinkytown  
Special Service District  
Designating the services, locations and costs for the Dinkytown Special Service District for 1999.**

Whereas, Laws of Minnesota, 1985, Chapter 302; Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38; Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28 and Chapter 444 of the Minneapolis Code of Ordinances allow that special maintenance related and promotional services may be provided in the Dinkytown area; and

Whereas, the Dinkytown Special Service District Advisory Board, established in accordance with said Chapter 444, has recommended the services to be provided during 1999; and

Whereas, the total estimated cost of these services, which includes \$5,000 for Dinkytown Area Promotional Services, \$6,500 for Lights for the trees, \$5,225 for Maintenance and Operation related to lights on the trees (\$3,325 for maintaining the tree mounted electrical receptacles and associated electrical items and \$1,900 for electrical service), \$2,000 for Banners and \$1,500 for City Administration costs, is \$57,225;

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

That the following streets will receive additional Sidewalk Snow Shoveling, Sidewalk

Ice Melt Application, Snow Removal, Sweeping, Cleaning and Poster Removal (\$37,000):

University Av SE (NEly side) from 13th to 14th Avs SE and from 15th Av SE to approx 135 ft SEly of 15th Av SE;

4th St SE (both sides) from 13th to 15th Avs SE;

4th St SE (SWly side) from 15th Av SE to approx 70 ft SEly of 15th Av SE;

5th St SE (SWly side) from 13th to 15th Avs SE;

13th Av SE (SEly side) from University Av SE to 5th St SE;

14th Av SE (both sides) from University Av SE to 5th St SE;

15th Av SE (NWly side) from SEly r/w line of BNSF Ry Co to 5th St SE; and

15th Av SE (SEly side) from University Av SE to 4th St SE.

Be It Further Resolved that the total cost estimate of \$57,225 for 1999 services be approved and that it be funded by \$57,225 through service charges and \$0 as City portion with any adjustments based on actual expenditures to be made in accordance with the provisions of Section 444.70 of the Minneapolis Code of Ordinances.

Be It Further Resolved that the actual adjusted amount of proposed service charges for 1999 be \$64,900 (amount remaining after adjusting the 1999 cost estimate of \$57,225 for previous years' unexpended balances and additional costs as provided for in Section 444.70 of the Minneapolis Code of Ordinances).

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends passage of the accompanying Resolution designating the services, locations and costs for the Central Avenue Special Service District for 1999.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-398**

**By Mead**

**Central Avenue  
Special Service District**

**Designating the services, locations and costs for the Central Avenue Special Service District for 1999.**

Whereas, Laws of Minnesota, 1985, Chapter 302; Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38; Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28 and Chapter 446 of the Minneapolis Code of Ordinances allow that special maintenance related and promotional services may be provided in the Central Avenue area; and

Whereas, the Central Avenue Special Service District Advisory Board, established in accordance with said Chapter 446, has recommended the services to be provided during 1999; and

Whereas, the total estimated cost of these services, which includes \$1,500 for City Administration costs, is \$38,500;

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

That the following streets will receive additional Sidewalk Snow Shoveling, Sidewalk Ice Melt Application, Snow Removal, Sweeping, Cleaning and Poster Removal (\$37,000):

Central Av (both sides) from 19th to 26th Avs NE.

Be It Further Resolved that the total cost estimate of \$38,500 for 1999 services be approved and that it be funded by \$38,500 through service charges and \$0 as City portion with any adjustments based on actual expenditures to be made in accordance with the provisions of Section 446.70 of the Minneapolis Code of Ordinances.

Be It Further Resolved that the actual adjusted amount of proposed service charges for 1999 be \$42,887 (amount remaining after adjusting the 1999 cost estimate of \$38,500 for previous years' unexpended balances and additional costs as provided for in Section 446.70 of the Minneapolis Code of Ordinances).

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes,  
President of Council.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends  
passage of the accompanying Resolution  
describing the operation and maintenance  
activities for the 50th St W and France Av S  
Parking Facility, approving the cost estimates  
for 1998 and 1999 and establishing the public  
hearing for assessment of said costs.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-399**

**By Mead**

**Describing the operation and  
maintenance activities for the 50th St W and  
France Av S Parking Facility, approving the  
cost estimates for 1998 and 1999 and  
establishing the public hearing for  
assessment of these costs.**

Whereas, a public parking facility has been  
constructed on the W side of Ewing Av S  
between 50th and 51st Sts W; and

Whereas, the construction cost of this  
parking facility and landscaping improvements  
to this parking facility were assessed to  
benefited properties in the 50th and France  
commercial area within the City of Minneapolis;  
and

Whereas, Minnesota Statutes, Section  
459.14 (Automobile Parking Facilities)  
authorizes the City of Minneapolis to recover all  
the costs of operation and maintenance  
through special assessments; and

Whereas, the operation and maintenance  
includes electric and water service,  
snowplowing, sidewalk snow and ice removal,  
sweeping, litter pickup, trash collection, grass  
mowing, tree and shrub trimming and  
replacement, striping of the parking stalls,  
signage and traffic control, patching of the  
surface and maintaining the lighting and  
irrigation systems; and

Whereas, the City Engineer has estimated  
the above operation and maintenance to cost

\$5,100 in 1998 and \$5,235 in 1999; and  
Whereas, there is an under-assessment of  
operation and maintenance costs for the period  
through December 31, 1997 in the amount of  
\$165; and

Whereas, the construction costs,  
landscaping improvement costs and previous  
years' operation and maintenance costs were  
assessed to the benefited properties based on  
the land area of the benefited properties, with  
the assessment rate for those benefited  
properties N of 50th St W being one-half the  
rate for those benefited properties S of 50th St  
W;

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

That the areas deemed benefited and  
proposed to be assessed for all the operation  
and maintenance costs are those parcels  
located along the following streets:

France Av S (E side) from approx 305 ft  
Nly of 50th St W to 51st St W;

Ewing Av S (W side) from approx 220 ft Nly  
of 50th St W to approx 150 ft Sly of 50th St W;

Ewing Av S (E side) from approx 95 ft Nly  
of 50th St W to approx 150 ft Sly of 50th St W;

50th St W (both sides) from E lines of  
France Av S to centerlines of alleys located E  
of Ewing Av S; and

51st St W (N side) from E line of France Av  
S to centerline of alley located E of France Av  
S.

Be It Further Resolved that the cost  
estimates of \$5,100 for 1998 and \$5,235 for  
1999 be approved.

Be It Further Resolved that the amount to  
be assessed be adjusted for over-assessment  
or under-assessment from previous years.

Be It Further Resolved that the City  
Engineer is hereby directed to prepare a  
proposed assessment roll in the amount of  
\$10,500 (\$5,100 for 1998 + \$5,235 for 1999 +  
\$165 for under-assessment through December  
31, 1997) and to file the roll with the City Clerk.

Be It Further Resolved that the roll be open  
to public inspection and that the City Clerk is  
hereby directed to give notice of a public  
hearing to be held by the Transportation and  
Public Works Committee on November 5,  
1998, in accordance with the provisions of  
Minnesota Statutes, Chapter 429, to consider  
the operation and maintenance activities and  
the proposed special assessments.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes,  
President of Council.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration construction of a new street, Diagonal Roadway in the Second Ward, and the need to restrict parking on said street, now recommends passage of the accompanying Ordinance establishing No Parking Zones on Diagonal Roadway.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-116**

**By Mead**

**1st & 2nd Readings: 10/16/98**

**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. 6691 – Diagonal Roadway, both sides from Elm St SE to 750 meters W of 24th Av SE (No Parking Anytime);

No. 6692 – Diagonal Roadway, both sides beginning 750 meters Wly of 24th Av SE and thence extending to Kasota Av SE (No Parking Anytime).

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes,  
President of Council.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration the Mann Theater and the need to abandon the areaway around the property, now recommends that the proper City officers be authorized to execute a contract with Clark Engineering Corporation for engineering services related to the abandonment of the areaways around the Mann Theater property at

Hennepin Av and 7th St, in the amount of \$44,200 payable from the General Services Agency (4100-923-9242).

Your Committee further recommends concurrence with the recommendation of the Permanent Review Committee that said contract be entered into notwithstanding the City's requirement for a Request for Proposals process, based on public safety issues and the need to expedite the work.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, to whom was referred back a report regarding the City's response to possible contract violations by City towing contractor, Shorty's Heavy Duty Wrecker Service ("Shorty's"), now recommends approval of an agreement whereby Shorty's will pay \$20,000 to the City, with said amount to be paid by a ten percent reduction in each settlement check paid by the City for towing services during 1998 and 1999.

Your Committee further recommends that the City shall retain its right to seek cancellation of its towing contract with Shorty's upon any criminal conviction.

Mead moved that the report be referred back to the Transportation & Public Works Committee with direction to staff to negotiate a substantially higher penalty with Shorty's Heavy Duty Wrecker Service, including an immediate cash payment equivalent to similar penalties with other towing companies and the balance of the penalty payable through substantially reduced towing fees. Seconded.

Adopted upon a voice vote.

**T&PW** – Your Committee, having under consideration the City's contract with B.F.I. Recycling Systems providing for the receipt, processing and marketing of materials collected in the City's curbside recycling program which expires on June 1, 1999, now recommends that the proper City officers be authorized to enter into negotiations with B.F.I. Recycling Systems of Minnesota, Inc. regarding extension of the term of the existing contract and other changes as may be beneficial. By November 15, 1998, the Director of Solid Waste and Recycling shall report back

to the Transportation & Public Works Committee regarding the results of said negotiations or with a recommendation on the issuance of a Request for Proposals for said services.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**T&PW & W&M/Budget** – Your Committee recommends passage of the accompanying Resolution ordering the work to proceed for the improvement of a portion of the North-South alley in the block between Fillmore and Pierce Sts NE from Broadway St NE to 13th Av NE, Special Improvement of Existing Street No 2981.

Your Committee further recommends passage of the accompanying Resolution appropriating \$44,500 to the PW – Streets and Malls Capital Agency to provide funds for said project, all to be reimbursed through assessment to the benefited property owners.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 16, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 20, 1998)

**RESOLUTION 98R-400**  
**By Mead and Campell**

**SPECIAL IMPROVEMENT**  
**OF EXISTING**  
**STREET NO 2981**

**Ordering the work to proceed for the improvement of a portion of the N-S alley in the block between Fillmore and Pierce Sts NE from Broadway St NE to 13th Av NE.**

Whereas, a public hearing was held on October 8, 1998 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 98R-335 passed September 18, 1998 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 City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 98R-335 passed September 18, 1998.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes,  
President of Council.

Approved October 16, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 20, 1998)

**RESOLUTION 98R-401**  
**By Mead & 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 – Streets & Malls Capital Agency in the Permanent Improvement Projects Fund (4100-937-9372) by \$44,500 and increasing the revenue source (4100-937-9372 – Source 3880) by \$44,500, for the special assessments for the new N-S alley between Fillmore and Pierce Sts NE from Broadway St NE to 13th Av NE.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes,  
President of Council.

Approved October 16, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 20, 1998)

**T&PW & W&M/Budget** – Your Committee, having under consideration a Request for Proposals issued for software maintenance and Year 2000 compliance assistance for the City's Municipal Parking system, now recommends acceptance of the proposal of Gatekeeper Systems, Inc. and that the proper City officers be authorized to enter into a contract with said company to provide consultant services for three years, in an amount not to exceed \$150,000 per year.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.  
Approved October 22, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the Hawthorne Transportation Center (Greyhound/Jefferson Bus Terminal) and Municipal Parking Ramp Project, now recommends that the proper City officers be authorized to submit an application seeking grant funds through the Intercity Bus Program (Section 5311) to assist with the bus terminal portion of the project.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the recommendation of the Director of Solid Waste and Recycling for review of the contracted operations of the City's Solid Waste Transfer Stations, now recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for operation of said stations. The proper City officers are further authorized to enter into negotiations with respondents on said RFP and shall report back to the Transportation and Public Works and Ways & Means/Budget Committees on the results of the RFP.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the funding plan for the Water Works' 34 Million Gallon Finished Water Reservoir Project at the Hilltop site in New Brighton, now recommends passage of the accompanying resolution appropriating \$1,020,000 to the Water Capital Agency (950). Said funds are being provided from the Water Fund cash account.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-402**  
**By Mead & 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 – Water Capital Agency in the Water Revenue Fund (7400-950-9515) by \$1,020,000 for the Water Works' 34 Million Gallon Finished Water Reservoir Project.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes,  
President of Council.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration a report from the Transportation Engineer regarding compensation for Mary Ann Prescott, Supervisor of the Minneapolis Impound Lot, for hours worked past her normal schedule, now recommends:

**T&PW** – That Ms. Prescott be paid for 402 hours of compensatory time, at her current hour for hour rate of pay, payable from the Transportation Division (7500-685-6898);

**W&M/Budget** – That Ms. Prescott be paid for 130 hours of compensatory time, at her current hour for hour rate of pay, payable from the Transportation Division (7500-685-6898).

Mead moved to amend the report to approve the Ways & Means/Budget Committee recommendation and to delete the recommendation of the Transportation & Public Works Committee. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration a request for relocation of W 31st St in conjunction with the

Calhoun Commons development, now recommends:

a) Passage of the accompanying Resolution designating the improvement of and ordering the work to proceed for relocating 31st St W between Abbott and Chowen Aves S, Special Street Acquisition and Improvement No 2979; and

b) Passage of the accompanying Resolution appropriating \$78,000 to the PW – Streets & Malls Capital Agency for said street relocation project, to be funded by special assessments levied against the benefited properties identified in Petn No 264208.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 16, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 20, 1998)

**RESOLUTION 98R-403  
By Mead & Campbell**

**SPECIAL STREET  
ACQUISITION AND  
IMPROVEMENT NO 2979**

**Designating the improving of and ordering the work to proceed for relocated 31st St W between Abbott and Chowen Aves S.**

Resolved by The City Council of The City of Minneapolis:

That the following street within the City of Minneapolis is hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by street paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

Relocated 31st St W from Abbott to Chowen Aves S (as more particularly described and shown on the plans and specifications on file in the Office of the City Engineer).

Be It Further Resolved that the cost estimate of \$78,000 for the improvements be received.

Be It Further Resolved that the petition submitted by Robert Muir Co, Calhoun Commons Shopping Center Limited Partnership and First Bank identifying the

benefited properties to be specially assessed for the improvements, on file in the Office of the City Clerk (Petn No 264208), be received.

Be It Further Resolved that the City Engineer is hereby ordered to proceed and do the work.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 16, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 20, 1998)

**RESOLUTION 98R-404  
By Mead & 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 – Streets & Malls Capital Agency in the Permanent Improvement Projects Fund (4100-937-9372) by \$78,000 and increasing the revenue source (4100-937-9372 – Source 3880) by \$78,000.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 16, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 20, 1998)

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

**W&M/Budget** – Your Committee recommends approval of the following *Procedure for Disposal of Surplus Equipment:*  
1) **Initial Process**

Each department will send an E-Mail to the Action Center stating they have equipment that is available. They should give a time, date, contact person and location where interested City staff can view and retrieve useable equipment. The Action Center will format an E-Mail and send it to responsible department staff at the City, Park Board, Library Board, School Board and all other Boards and Commissions.

**2) Equipment Valued at over \$500**

If the equipment had a value of over \$500 when purchased, it must be taken off the Fixed Asset Inventory. This would entail one FISCOL document, an FS (Fixed Asset Internal Sale) or an FT (Fixed Asset Transfer) document. Contact the Fixed Asset Manager for further clarification, if needed, regarding this matter.

**3) Surplus Equipment Evaluation**

The Procurement Division will evaluate all equipment determining if there is a monetary value and a market for the equipment. If no inter-departmental need exists and there is a monetary value and a market exists, Procurement staff will determine the most beneficial way to dispose of the equipment. All machinery leaving the City either by donation, sale or disposal will have their fixed drives reformatted by City Information and Technology Services staff.

**4) Donations to Non-Profits**

Procurement staff will post an announcement informing City non-profit agencies that surplus equipment is available. This equipment will be donated to those responding to the availability announcement in a fair and equitable manner.

**5) Junk**

If equipment has no monetary value, there is no market, and it cannot be given away, the item can be junked and designated as junk, on the Fixed Asset Inventory, as appropriate. In order to dispose of the asset as junk from the Fixed Asset Inventory, a FD (Fixed Asset Disposition) document must be created and processed. NOTE: If a salvage value is assigned to the asset in the system, the department must eliminate the salvage value on the Fixed Asset System prior to disposal. An FC (Fixed Asset Change) document must be created and processed before the FD is processed. The department from which the items originated is responsible for all costs associated with disposal, including transportation.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, to whom was referred an Ordinance amending Title 2, Chapter 18 of the Minneapolis Code of

Ordinances relating to **Administration: Purchasing**, 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, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-117, amending Title 2, Chapter 18 of the Minneapolis Code of Ordinances relating to *Administration: Purchasing*, amending Section 18.160 relating to Disposal of Surplus Property, was passed October 16, 1998, by the City Council and approved October 22, 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-117**

**By Campbell**

**Intro & 1<sup>st</sup> Reading: 10/2/98**

**Ref to: W&M/Budget**

**2<sup>nd</sup> Reading: 10/16/98**

**Amending Title 2, Chapter 18 of the Minneapolis Code of Ordinances relating to Administration: Purchasing.**

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

Section 1. That Section 18.160 of the above-entitled ordinance be amended to read as follows:

**18.160. Sales of city property.** ~~The purchasing agent, with the consent of the city council or board interested, as the case may be, may sell or dispose of, by exchange, any personal property belonging to the city or board, as the case may be. He shall make such sales upon terms most advantageous to the city. Whenever the amount of material to be sold will probably exceed in value five hundred dollars (\$500.00), he shall advertise for bids. All proceeds of such sales shall be paid into the city treasury and shall be credited to the proper city or board funds.~~ **Disposal of Surplus Property.** A city department may sell or

dispose of any personal property belonging to the city or board, as the case may be. Whenever the amount of material to be sold will probably exceed in value five hundred dollars (\$500.00), the property shall be delivered to the procurement director for sale by bid. All proceeds of those sales shall be paid into the city treasury. For all property that was given to the city by the federal government or State of Minnesota, the property shall be disposed of in accordance with Minnesota Statutes Annotated, Section 471.64. In all other cases for disposal of surplus property, a city department will follow the procedures set out herein:

(1) The department will prepare a listing of surplus property and circulate the list and availability to all city departments, boards, and commissions.

(2) The list of surplus property still available after step 1 will be submitted to the procurement director.

(3) The procurement director, along with the department staff, will determine whether the property has a monetary value and if there is a market for the property.

(4) If the property is determined to have a monetary value and if a market exists, the Procurement Department will arrange for its sale or exchange by bid or auction, with terms most advantageous to the city.

(5) If the property is determined to have no monetary value and no market exists, the property will be disposed of in the following order:

a. Offered first to the Minneapolis School District.

b. Donated to non-profit agencies working with the city.

c. Scrapped/junked as the final alternative.

(6) The originating department is responsible for all costs associated with the transportation, storing, and any other direct costs associated with disposition of the surplus property. Some property that contains hazardous materials cannot be disposed of as junk or scrap and must be handled in accordance with federal and state laws and regulations.

(7) The finance officer is authorized to establish detailed procedures for implementation of the related ordinance, including time limits and definitions required, exercising the various disposal options.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, to whom was referred an Ordinance amending Title 16 of the Minneapolis Code of Ordinances relating to **Planning and Development**, adding a new Chapter 417 relating to **Port Authority**, now recommends that said Ordinance be given its second reading for amendment and passage.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-118**

**By Campbell**

**Intro & 1st Reading: 10/2/98**

**Refer to: W&M/Budget**

**2nd Reading: 10/16/98**

**Amending Title 16 of the Minneapolis Code of Ordinances relating to Planning and Development by adding thereto a new Chapter 417 relating to Port Authority.**

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 417 to read as follows:

**CHAPTER 417.**

**PORT AUTHORITY**

**417.10. Exercise of port authority powers.** Pursuant to Minnesota Statutes, Section 469.078; Minnesota Laws of 1980, Chapter 595; and Section 422.110 of the Minneapolis Code of Ordinances, the city is authorized to exercise the powers of a port authority under Minnesota Statutes, Sections 469.048 to 469.068 (the port authority law). Any exercise of port authority powers shall be by ordinance or resolution of the city approving the exercise of port authority powers for a specific project.

**417.20. Issuance of bonds.** Pursuant to the above authority, the city by resolution may authorize the issuance of bonds for the respective project described as follows:

(1) Greyhound/Jefferson parking ramp. The city may issue general obligation bonds as authorized by Minnesota Statutes, Section 469.060, in a principal amount not exceeding twenty-five million dollars (\$25,000,000.00) for acquisition and construction of an addition to the 7th Street parking ramp and construction of a new bus terminal, which project is described as the Greyhound/Jefferson parking ramp.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 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 Steven J. Kirsch and the law firm of Murnane, Conlin, White & Brandt to represent the City in a malpractice claim against Dr. Steven Kuslich, in accordance with the terms and conditions set forth in a letter from the City Attorney's Office to Council Member Campbell, dated October 5, 1998 (Petn No 264212).

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 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 Management Communications Systems, Inc., to provide an employee/management communications system known as, *In Touch*, which will allow employees to anonymously leave messages relating to issues including but not limited to, employee safety, organizational concerns, work efficiency, and security, for the period of one year, at no cost to the City.

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

Yeas – Niland, Goodman, Colvin Roy, Herron, Mead, McDonald, Johnson, Thurber, Ostrow, Campbell, Biernat, Cherryhomes.

Nays – Minn.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval of the following institutions for City of Minneapolis depository designation, for the period from October 1, 1998 through September 30, 2000:

a) Bank Windsor; b) First National Bank of the Lakes; c) Firststar Bank; d) Franklin National Bank; e) Marquette Bank NA; f) National City Bank; g) Northeast State Bank; h) Norwest Bank; i) Riverside Bank; j) Twin City Federal Bank; k) US Bank; l) Western Bank; and m) Federal Home Loan Bank of Des Moines, Iowa.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to establish the following 1999 price agreements, payable from the Intergovernmental Service Fund – City Clerk Agency:

a) United States Postal Service, in an amount not to exceed \$550,000, payable from the 6400-260-2620;

b) Anchor Paper and the successor Hennepin County contractor, in an amount not to exceed \$200,000, payable from 6400-260-2630; and

c) Special School District #1 Print Shop, in an amount not to exceed \$75,000, payable from 6400-260-2630.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to submit an application to the Minnesota Office of Environmental Assistance for the Environmental Assistance Grant, in the amount of \$75,000, to be used for the Urban Village Project.

Your Committee further recommends that the proper City officers be authorized to execute the required grant agreement(s).

Your Committee further recommends passage of the accompanying Resolution supporting the City's commitment to implementing the Urban Village Project.

Adopted. Yeas, 13; Nays none.  
Passed October 16, 1998.  
Approved October 22, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-405  
By Campbell**

**Supporting the City's commitment to  
implementing the Urban Village Project.**

Whereas, the City of Minneapolis has applied for a grant from the Minnesota State Office of Environmental Assistance (OEA), under its Environmental Assistance Grant Program; and

Whereas, the City of Minneapolis is committed to implementing the proposed project, as described in the grant application, if OEA funding is received; and

Whereas, OEA requires that the City of Minneapolis execute a grant agreement with OEA that identifies the terms and conditions of the funding award;

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

That the City Council authorizes and directs the proper City officers, on behalf of the City of Minneapolis, to execute a grant agreement with the OEA to carry out the project specified therein and to comply with all of the terms, conditions, and matching provisions contained therein.

Be It Further Resolved that the City of Minneapolis authorizes the proper City officers to sign the agreement on its behalf.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes,  
President of Council.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to negotiate and execute a contract with Kelber Catering, Inc., to provide Food Services and Concessions at the Minneapolis Convention Center, with implementation of a new 10-year contract, including a 5-year renewal option at the City's discretion, said contract to commence on January 1, 2002 (the anticipated opening of the Convention Center expansion area).

Adopted. Yeas, 13; Nays none.  
Passed October 16, 1998.  
Approved October 22, 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 Amendment #2 to Agreement #11007 with the Little Earth Resident Association to provide chemical dependency and family violence prevention/intervention services, as part of the Phillips American Indian Neighborhood Revitalization Program Action Plan, extending said contract from August 1, 1998 through July 31, 1999 and increasing the amount by \$37,187, for a new contract total of \$191,563, payable from the Grants – Other Fund – Neighborhood Services Agency (0600-860-8605).

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 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 the Folwell Neighborhood Association to provide for the use of funds from the Charitable Gambling Family Fund to support the 3400 Newton Oliver Block Club's "Back to School" event, in the amount of \$500, payable from the Grants – Other Fund – Neighborhood Services Agency (0600-860-8605).

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 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 Amendment #5 to Agreement #8870 with Minnesota Age and Opportunity, Inc., to provide one-time funding for support of community outreach services to seniors, for the period from June 1, 1998 through May 31, 1999, increasing the amount by \$50,000 from Community Health Services (to be used in 1998), for a new contract total of \$187,475, with said increase to be payable from the Grants – Other Fund – Health Department Agency (0600-440-4413) and the

remainder of the contract, in the amount of \$137,475, to be payable from the Community Development Block Grant/Urban Development Action Grant Fund – Health Department Agency (0400-440-4413).

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration a request for the proper City officers to be authorized to issue Fund Availability Notice (FAN) #08-1B to the Elaine M. Stately Peacemaker Center, under Master Contract #11012, for continuation of funding for the AIM Patrol and youth safety strategies, for the period from August 1, 1998 through July 31, 1999, in the amount of \$45,439, payable from the Grants – Other Fund – Neighborhood Services Agency (0600-860-8605), now recommends that said request be **sent forward without recommendation.**

Campbell moved to amend the report by deleting the language, “sent forward without recommendation,” and inserting in lieu thereof the word, “approved.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to negotiate and execute a settlement agreement with Michael Osmonson to work approximately four days per year at his regular rate of pay, for a period to commence as soon as possible and to expire in the month of January, 2001, at a total amount not to exceed \$4,000.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval to use the remaining balance from the Central Library Roof Project,

which is estimated to be \$64,622, to fund a roof replacement project at the Nokomis Community Library, at a cost of approximately \$65,000.

Your Committee further recommends passage of the accompanying Resolution requesting that the Board of Estimate and Taxation concur in the permanent transfer of bond funds requested.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

### **RESOLUTION 98R-406**

**By Campbell**

**Requesting that the Board of Estimate and Taxation concur in the permanent transfer of bond funds requested.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to concur in the permanent transfer of bond funds from the Central Library Roof Project, in the amount of \$64,622, to be used to fund a roof replacement project at the Nokomis Community Library, at a cost of approximately \$65,000 and that said project whose funding is to be decreased has been completed.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that a lawsuit filed against the City be settled and be payable to Goytree Hakim and Wilbur W. Fleugel, her attorney, in the amount of \$2,000, payable from 690-150-1500-8650.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 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 Amendment #1 to

Cooperative Agreement #10949 with the Metropolitan Radio Board to provide for the design, procurement, construction and operation of an 800 megahertz digital trunked radio subsystem, said agreement more fully set forth in Petn No 264221 on file in the Office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M Budget** – Your Committee, having reviewed the *Priorities '99* document (Petn No 264219), and having received comments from the City Council Policy Committees relating to the Mayor's listed priorities, now recommends adoption of said document, with referral of related comments to the Mayor.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 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 appeal of Frank Zaragoza from the decision of the Planning Commission approving the application of Dinnaken Properties (C-1931) for a conditional use permit for an accessory parking lot at 327 Ontario St SE, and having conducted a public hearing thereon, now recommends that said appeal be granted in accordance with the Findings of Fact on file in the Office of the City Clerk and made a part of this report by reference.

Campbell moved that the report be amended by deleting the language after "and having conducted a public hearing thereon" and inserting in lieu thereof the following language: "now recommends that said appeal be denied based on the findings of the Planning Commission which were forwarded to the Zoning & Planning Committee and are set forth in Petn No 264228." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 11; Nays none.

Declining to Vote – McDonald, Ostrow.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the appeal of Joni M Babinski from the decision of the Planning Commission approving the applications of Central Community Housing Trust (CCHT) for a conditional use permit, variance, vacation, site plan review, and replat (respectively, C-1915, VAR-4329, V-1210, PR-464 and PL-35) to permit a planned residential development and parking at 11th Av S and 8th St, and having conducted a public hearing thereon, now recommends that said appeal be denied and the decision of the Planning Commission be upheld.

Your Committee further recommends that CCHT be encouraged to address the contended issues raised in the public hearing that it is possible for them to address.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the appeal of Joel Johnston from the decision of the Planning Commission denying the application of Blades Towing (O-847) for a non conforming use certificate for 1000 24th St E, and having held a public hearing thereon, now recommends that the appeal be granted, notwithstanding the decision of the Planning Commission.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the appeal of Patrick and Diane Hagner from the decision of the Board of Adjustment denying their application (V-4366) for a variance of the north side yard at 4932 32nd Av S from 5 ft to 1.5 ft to permit a second garage in the rear 55.5 feet of the lot, and having conducted a public hearing thereon, now recommends that the appeal be granted upon condition that the garage be located in the

rear 50 feet, that it be constructed as set forth in drawings in V-4366 with the addition of windows on the north to match those on the south, and that the City Council approve the variation of height in accordance with the Findings of Fact on file in the Office of the City Clerk and made a part of this report by reference.

Your Committee, further having under consideration the appeal of the Hagners from the decision of the Board of Adjustment denying their application to appeal the decision of the Zoning Administrator that the Zoning Office cannot accept an application for variation to increase the height of the garage to more than 60% of the height of the house, and having held a public hearing thereon, now recommends that the Zoning Administrator be directed to accept their application for garage height variance.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the appeal of Karen I. Linder from the decision of the Board of Adjustment denying her application (V-4369) for variation of the front yard at 5925 Oliver Av S from 37 ft. 4 in. to 30 ft. 4 in. to permit a 7 ft. x 30 ft. roofed, open front porch, and having conducted a public hearing thereon, now recommends that said appeal be granted in accordance with the Findings of Fact on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee recommends passage of the accompanying resolution establishing a Study Group to determine the costs and benefits of implementing Local Financial Incentives for the Preservation and Rehabilitation of Historic Properties.

Goodman moved that the following resolution be substituted for the above-mentioned resolution. Seconded.

Adopted upon a voice vote.

The report, with substituted resolution, was adopted.

Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-407**  
**By Council Members**  
**Goodman, McDonald, Niland,**  
**Mead, Ostrow, Colvin Roy,**  
**Cherryhomes, Biernat,**  
**Campbell, Thurber, Herron,**  
**Johnson and Minn**

**Establishing a Study Group to**  
**determine the costs and benefits of**  
**implementing Local Financial Incentives for**  
**the Preservation and Rehabilitation of**  
**Historic Properties.**

Whereas, Minneapolis has a long and rich history of its industry and people represented in the city's historic buildings; and

Whereas, the continued use, restoration or adaptive reuse of historic buildings is a public benefit; and

Whereas, the Tax Reform Act of 1986 altered most of the factors that made investment in historic rehabilitation economically attractive to private ownership; and

Whereas, the availability of traditional resources for assistance of historic preservation programs has declined substantially; and

Whereas, the city is dedicated to the preservation of our physical heritage where it can be found financially feasible;

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

The City Council hereby directs the formation of a working group composed of the City Assessor, City Finance Officer, Executive Director of the MCDA and City Planning Director, or their designees, and representatives from the Preservation Alliance, Minnesota Historical Society, State Historic Preservation Office, the Minneapolis Heritage Preservation Commission, the National Trust for Historic Preservation, Artspace, and the

Historic Warehouse District, and four members of the public — Sylvia Kaplan, 4200 Dupont Ave S; David Kelliher, 229 Sheridan Av S; Virginia Housum, 3515 Cedar Lake Av; and Judy Neiswander, 2258 Knapp St, St Paul — for the purpose of:

1. Analysis of the various municipally assisted methods for encouraging redevelopment and re-use of historic properties and the feasibility of local implementation;

2. Analysis of various zoning and planning policies adopted in other municipalities which encourage the incorporation of historic structures into possible redevelopment projects;

3. Identification of the public costs and benefits associated with the alternative methods and a statement of the City objective in proposing an incentive program for historic preservation;

4. Identification of current disincentives to preservation at the State level and possible incentives for historic preservation; and

5. Recommendation to the City Council by March 30, 1999, as to whether the City should proceed with implementation and any legislative authority required.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee recommends granting the application of the Public Works Department, Transportation Division, for a special permit to construct and operate an interim Greyhound Bus Terminal at 1100 Hawthorne Av, for temporary usage, during construction of the new Hawthorne Transportation Center and a 975 space municipal parking ramp, notwithstanding the Zoning Code (#1998-205).

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee concurs in the recommendation of the Mayor and the Executive Committee that Charles D Ballentine

be appointed to the position of Director of Planning Department for a term to expire January 3, 2000. Your Committee conducted a public hearing on this appointment. (Petn No 264227)

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

### MOTIONS

Campbell, Chair of the Ways & Means/ Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of November 1998 be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

McDonald moved to introduce the subject matter of an Ordinance amending Title 17, Chapter 438 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Hennepin-Lake Special Service District*, which was given its first reading and referred to the Transportation & Public Works Committee for a public hearing to be held November 5, 1998, at 10 a.m. (Changing the name of the special service district from Hennepin-Lake to Uptown).

Biernat moved that the Council resolve itself into a Committee of the Whole to meet on Friday, November 13, 1998, at 9:15 a.m. for the 1998 Nicollet Mall assessment public hearing. Seconded.

Adopted upon a voice vote.

McDonald moved to introduce the subject matter of an Ordinance amending Title 20, Chapter 540 of the Minneapolis Code of Ordinances relating to *Zoning Code: Business Districts*, which was given its first reading and referred to the Zoning & Planning Committee (Housekeeping change re downtown theaters).

Cherryhomes moved to introduce the subject matter of an ordinance amending Title 16, Chapter 422 of the Minneapolis Code of

Ordinances relating to *Planning and Development: Minneapolis Community Development Agency*, which was given its first reading and referred to the Community Development Committee and the Minneapolis Community Development Agency Operating Committee for setting a public hearing (Providing for adoption of administrative guidelines to implement development policies of the City of Board of Commissioners).

Biernat moved to introduce the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, which was given its first reading and referred to the Zoning & Planning Committee (Prohibiting the establishment, reestablishment or expansion of billboards in the general billboard districts A & B).

Motion by Colvin Roy to introduce the subject matter of an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, which was given its first reading and referred to the Zoning & Planning Committee and Minneapolis Planning Commission (Increasing the allowable variance for accessory building height to more than 60 percent of the height of the structure to which it is accessory).

#### **UNFINISHED BUSINESS**

Cherryhomes moved that City Council Rule 11 be amended by adding a new standing committee of the City Council entitled "Health and Human Services" and consisting of six members including Council Member Herron, as Chair, and Council Members Cherryhomes, Campbell, Niland, Biernat and Johnson. This committee will become effective the first Council cycle in January of 1999. Seconded.

Adopted upon a voice vote.

Cherryhomes offers a Resolution relating to reuse of Old Federal Courts Building for referral to the Intergovernmental Relations Committee. (Postponed 10/2/98)

Thurber moved to delete the above resolution from the agenda. Seconded.

Adopted upon a voice vote.

#### **NEW BUSINESS**

McDonald was granted unanimous consent to introduce the following Ordinances amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, to repeal expired interim ordinances, which were given their first and second readings for amendment and passage.

#### **ORDINANCE 98-Or-119**

**By McDonald**

**1st & 2nd Readings: 10/16/98**

**Repealing Chapter 575 of Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances: Interim Ordinance Providing for a Moratorium on the Establishment or Expansion of Movie Theaters in the Uptown Area from West 28th Street to West 36th Street and Lyndale Avenue South to James Avenue South, and Directing the Planning Department to Commence a Study.**

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

Section 1. That Chapter 575 of the above-entitled ordinance be and is hereby repealed.

Adopted. Yeas, 13; Nays none.

Passed October 16, 1998. J. Cherryhomes, President of Council.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **ORDINANCE 98-Or-120**

**By McDonald**

**1st & 2nd Readings: 10/16/98**

**Repealing Chapter 583 of Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances: Providing for a Moratorium on the Establishment or Expansion of Underground Facilities for Utilities and Other Operations Including Pipes, Conduits, Wires and Cables in the Public Streets Located in the Central Business District Bounded by Fifth Avenue, Twelfth Street, Third Avenue North and the Mississippi River.**

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

Section 1. That Chapter 583 of the above-entitled ordinance be and is hereby repealed.  
Adopted. Yeas, 13; Nays none.  
Passed October 16, 1998. J. Cherryhomes, President of Council.  
Approved October 22, 1998. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-121**  
**By McDonald**  
**1st & 2nd Readings: 10/16/98**

**Repealing Chapter 590 of Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances: Moratorium on the Establishment and Licensing of Pawnshops in the B3S and B3C Zoning Districts.**

The City Council of The City of Minneapolis do ordain as follows:  
Section 1. That Chapter 590 of the above-entitled ordinance be and is hereby repealed.  
Adopted. Yeas, 13; Nays none.  
Passed October 16, 1998. J. Cherryhomes, President of Council.  
Approved October 22, 1998. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-122**  
**By McDonald**  
**1st & 2nd Readings: 10/16/98**

**Repealing Chapter 592 of Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances: Providing for a Moratorium on the Establishment or Expansion of Auto Service and Sales Uses from East 29th Street to East 31st Street and from Nicollet Avenue East to the Mississippi River and Directing the Planning Department to Commence a Study.**

The City Council of The City of Minneapolis do ordain as follows:  
Section 1. That Chapter 592 of the above-entitled ordinance be and is hereby repealed.  
Adopted. Yeas, 13; Nays none.  
Passed October 16, 1998. J. Cherryhomes, President of Council.  
Approved October 22, 1998. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-123**  
**By McDonald**  
**1st & 2nd Readings: 10/16/98**

**Repealing Chapter 593 of Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances: Providing for a Moratorium on the Provision of Off-Site Commercial Parking Spaces, Not Owned by the Affected Business, To Satisfy Parking Requirements for New or Changed Uses in the B2S Zoning Districts Within One Block of 43rd Street and Upton Avenue South (Linden Hills Commercial District), and Directing the Planning Department to Commence a Study.**

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

Section 1. That Chapter 593 of the above-entitled ordinance be and is hereby repealed.  
Adopted. Yeas, 13; Nays none.  
Passed October 16, 1998. J. Cherryhomes, President of Council.  
Approved October 22, 1998. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

Mead offered an Ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, which was given its first reading and referred to the Transportation & Public Works Committee for a public hearing to be held November 5, 1998 at 10:30 a.m. (Prohibiting parking places, specifically near driveways or alleys).

Cherryhomes adjourned the meeting to an adjourned session in Room 315 City Hall, to be held immediately after the Minneapolis Community Development Agency Board of Commissioners meeting, to discuss litigation in the Denise and Donte Keel vs Kimberly Heyda and the City of Minneapolis lawsuit.

**ADJOURNED**  
**SESSION OF THE**  
**REGULAR MEETING OF**  
**OCTOBER 16, 1998,**  
**HELD OCTOBER 16, 1998**

Room 315 City Hall  
Minneapolis, Minnesota  
October 16, 1998 – 10:22 a.m.

The Council met pursuant to adjournment.

President Cherryhomes in the Chair.

Present – Council Members Niland, Goodman, Colvin Roy (In at 10:31), Herron, Mead (In at 10:29), Minn (In at 10:41), McDonald, Johnson, Thurber, Ostrow, Campbell, Biernat, Cherryhomes.

Also present – Jay Heffern, City Attorney; Mike Norton, Deputy City Attorney; Ed Backstrom, Assistant City Attorney; Merry Keefe, City Clerk; Pat Kelly, Campbell's Assistant; Jan Hrcncir, City Clerk's office.

Campbell moved that the meeting be adjourned to Friday, October 23, 1998, at 9:30 a.m. for an adjourned City Council session regarding the *Drain vs. Barrigan and Madison vs. City of Minneapolis* lawsuits and to conduct any other business deemed necessary at that time. Seconded.

Adopted upon a voice vote.

Adjourned.

MERRY KEEFE,  
City Clerk.  
98-9161

Campbell moved that the meeting be closed for the purpose of considering the Denise and Donte Keel vs Kimberly Heyda and the City of Minneapolis lawsuit. Seconded.

Adopted upon a voice vote.

The Denise and Donte Keel vs Kimberly Heyda and the City of Minneapolis lawsuit was discussed.

Campbell moved that the meeting be opened for the purpose of considering settlement of the above lawsuit. Seconded.

Adopted upon a voice vote.

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

President Cherryhomes in the Chair.

Campbell moved that the lawsuit of *Denise and Donte Keel vs. Kimberly Heyda and the City of Minneapolis* be settled under the following terms: that Officer Kimberly Heyda be dismissed as a party from the lawsuit, and that settlement shall be payable to Denise Keel, and William Maddix, her attorney, in the amount of \$5,000; Donte Keel, a minor, and Denise Keel, as parent and natural guardian, and William Maddix, their attorney, in the amount of \$45,000, payable from Self Insurance Fund 6900-150-1500-7140-4000. Seconded.

Adopted. Yeas, 12; Nays none.

Declining to Vote – Minn.

Passed October 16, 1998.

Approved October 22, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.