

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

OCTOBER 29, 1999

(Published November 6, 1999,
in Finance and Commerce)

Council Chamber

Minneapolis, Minnesota

October 29, 1999 - 9:30 a.m.

Vice President of Council and President pro tem Biernat in the Chair.

Present - Council Members Colvin Roy, Herron, Mead, McDonald, Johnson, Thurber, Ostrow, Campbell, Niland, Goodman, Vice President of Council and President pro tem Biernat.

Absent - President Cherryhomes.

Campbell moved acceptance of the minutes of the regular meeting of October 15, 1999. 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:

ROBBINS, KENT (265298)

FY2000 Department of Housing & Urban Development Allocations update report.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (265299)

St Ann's Residential Services, Inc: Resolution giving approval to issue tax-exempt revenue bonds to refinance health care facilities & acquire new existing facilities & authorize joint powers agreement on behalf of the City.

Symphony Place Project: Resolution authorizing replacement of credit enhancement

for Series 1988 Housing Revenue Bonds. Findley Place Townhomes (3051 Pillsbury Ave S): Approval of \$450,000 from Multi-family Affordable Housing Trust Funds to cover emergency stabilization.

Federal Low Income Housing Tax Credits: Approval to preliminarily reserve Year 2000 tax credits for East Village Project, Near Northside Project & Park Plaza Project.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (265300)

Cedar-Riverside Urban Renewal Plan: Resolution adopting Modification No. 7 to Cedar Riverside Urban Renewal Plan & Modification No. 64 to Common Plan.

East Village Project: Resolution giving final approval to issue Tax-exempt Multi-family Housing Revenue Bonds for East Village South, East Village Housing Development Project & TIF Plan, Modification No. 63 to Common Plan & Modification No. 6 to Elliot Park Redevelopment Plan & other project approvals, w/Attachment.

Ninth & Hennepin: Appropriation increase in Fund CBE0 to correct budget oversight.

LaSalle Plaza Project: Appropriation increase in Fund CPM to cover costs incurred in defending fraudulent claim as part of acquisition undertaken for LaSalle Plaza project.

Contamination Cleanup Grants: Authorization to apply to Metropolitan Council for Metropolitan Livable Communities Fund Tax Base Revitalization Account Grants for Washburn Crosby Complex, Dania Hall & Parcel A of Milwaukee Depot & application to MN Dept of Trade & Economic Development for Parcel A of Milwaukee Depot & Penn-Lowry Project.

HEALTH AND HUMAN SERVICES:

LONGFELLOW/SEWARD/NOKOMIS/
SOUTHEAST SENIORS (265301)

Living at Home/Block Nurse Programs:
Overview.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT
SERVICES (265302)

Healthy Start Project: Execute agreement
with Ramsey County Department of Public Health
for public health nursing services to address
infant mortality rates in African American and
American Indian communities of Minneapolis/St.
Paul.

MAYOR/COUNCIL PRESIDENT (265303)

Advisory Committee on People with
Disabilities: Appoint Kenneth Brown, for term to
expire December 31, 2000.

INTERGOVERNMENTAL RELATIONS:

HUMAN RESOURCES (265304)

Charter: Proposed amendment to Chapter
19 relating to Civil Service, removing requirements
for promotional lines, removing specific
requirements for advertising and timelines to
establish eligible lists, removing requirement for
City Departments to provide specific employee
information to Human Resources Dept, eliminate
specific language regarding temporary
employment, eliminating obsolete "Rule of One"
language, and adding provision for evaluation of
candidates based on competencies and removing
specifics about content of evaluations.

MINNEAPOLIS DOWNTOWN COUNCIL
(265305)

Legislative agenda for 2000 Session.

**PUBLIC SAFETY AND REGULATORY
SERVICES:**

INSPECTIONS DEPARTMENT (265306)

294 Process: Overview.

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

INSPECTIONS DEPARTMENT (265307)

1999 Special Assessment Levies: Approve
levies for Removal of Offensive Matter (rubbish,
weeds, hazardous trees, and brush and plant
growth), Removal of Hazardous Nuisance
Condition Buildings, and Securing Abandoned
Buildings; Direct Director of Hennepin County
Taxation Department to place assessments

against certain properties to defray cost of abating
nuisance conditions.

LICENSES AND CONSUMER SERVICES
(265308)

Licenses: Applications.

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

POLICE DEPARTMENT (265309)

Police Employee Assistance Program:
Execute amendment to renew contract with
Rebehn & Associates to provide counseling
services for Police Department employees for
calendar year 2000.

Liaison and Crime Prevention for Hispanic
Community: Submit grant application to Minnesota
Department of Family, Children and Learning to
build partnerships with the Latino Community.

DrugFire/National Integrated Ballistics
Identification Network: Accept grant award and
execute grant agreement with Minnesota Office
of Drug Policy and Violence Prevention to
purchase equipment to increase efficiency to
Police Identification Unit; and Appropriate grant
funds to Police Department.

Canine Unit: Accept anonymous donation to
purchase dogs, bulletproof vests for dogs and
dog equipment; and Appropriate funds to Police
Department.

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

FINANCE DEPARTMENT- MANAGEMENT
ANALYSIS DIVISION (265310)

Bus Shelter Franchise: Report on advertising
industry, market rates & comparison with other
cities; Transportation Division recommendation
on renewal of franchise agreement and ordinance
amendments.

PUBLIC WORKS AND ENGINEERING
(265311)

Lyn-Lake Municipal Parking Lots: Special
assessments for payable year 2000.

Water Management Organizations Boundary
Change: Redesignate certain northside land to
the Middle Mississippi River Watershed District.

Clean Water Grant: Support Park Board
application for Minnesota Pollution Control Agency
grant for project at Powderhorn Lake.

Hiawatha Corridor Light Rail Transit (LRT):
Revised alignment and station location to serve
Cedar Riverside area.

Capital Improvement Budget: Report on budget requests for 2000-2004.

Flood Mitigation Program: Annual update and proposed amendments to adjust cost estimates and add new flood areas.

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

MAYOR (265312)

Policy Work Group on Minneapolis Park and Recreation Board/Public Works Service Overlaps: Report and recommendations.

PUBLIC WORKS AND ENGINEERING (265313)

Alley Paving Project (block bounded by Washington Ave N & 3rd St from 5th to 6th Aves N): Assessment approval.

Grass Lake Bank Restoration Project: Appropriation increase to fund design and restoration services.

Public Works Facilities Project: Adjustments to 1999-2003 Capital Program to accommodate accelerated construction schedule for Currie Maintenance Facility; change orders with Knutson Construction Services (Currie) and Architectural Alliance (Royalston).

Temporary Relocation of Public Service Center Offices: Lease agreement with Hennepin County for space at 110 4th St S for third floor office relocation during remodeling project.

PURCHASING (265314)

Bid: OP #5241, accept low bid meeting specifications of Kumar Mechanical for HVAC system at the Public Service Center.

WATER DEPARTMENT (265315)

SCADA System: Amend contract with EMA Services expanding scope of services to include change management plan.

34 Million Gallon Hilltop Reservoir Project: Amend contract with STS Consultants for construction inspection.

WAYS AND MEANS BUDGET:

CONVENTION CENTER (265316)

Convention Center Expansion Proj: Receive & File Construction Schedule & Budget; Receive & File Change Management Actions.

WAYS AND MEANS BUDGET (See Rep):

ARTS COMMISSION (265317)

Donations: Accept various donations to the Arts Commission.

ASSESSOR (265318)

Assessor III Position: Start Kris Poulson at Step 5.

ATTORNEY (265319)

Settlement: Authorize payment to Russell Swart. Settlement: Authorize payment to Leonard Walton.

CITY CLERK (265320)

Professional Codifying Services for Code of Ordinances: Issue RFP.

CONVENTION CENTER (265321)

Convention Center Expansion Proj: Change Order #2 w/The Builders, Inc.; Change Order #3 w/Tri-Tech Electrical Co.; Change Order #2 w/Kellington Construction, Inc.; Change Order #3 w/Veit and Company, Inc.

FINANCE DEPARTMENT (265322)

Banking Services: Negotiate lower price for services & execute contract w/Norwest, and if Norwest will not lower price, contract w/US Bank.

Investment Management Services: Contract w/various investment management firms.

Delinquent Utility Bills: Adopt 1999 Tax Assessments.

FIRE DEPARTMENT (265323)

Central Library Fire Code Issues: Expand scope of Capital Project HD09, w/conditions.

HUMAN RESOURCES (265324)

Supervisor, Identification Division Position: Salary Ordinance.

Employee Group Health Insurance: Sent forward without recommendation changes in plan design and funding formulas.

ZONING AND PLANNING (See Rep):

CITY CLERK/SPECIAL PERMITS (265325)

3rd St N, 206 (MCDA) surface parking; 58th St W, 11 and Nicollet, 5800 (Engfer Automotive) concrete work.

INSPECTIONS/BOARD OF ADJUSTMENT (265326)

Anne Jones & Daniel Bohnen, 3441 47th Ave S: Deny appeal from Board of Adjustment decision denying variations to permit 8' x 12' garden shed to be relocated, Notice, Planning staff report, findings & recommendation, maps, photos, drawings, applicant's statement, correspondence, survey of neighbors.

Daniel Piepho, 3508 W 22nd St: Board of Adjustment: Deny appeal from decision denying variance to allow existing basketball court to remain, Notice, Planning staff report, findings & recommendation, Minutes, maps, photos, correspondence. Daniel Piepho: Statement from

contractor, Kevin Kahmann. David Hohts: Petition opposing the variance signed by Hohts & 6 others. Erwin & Doris Marquit: Statement opposing the variance, map, summary of building permits, photos.

INSPECTIONS/ZONING ADMINISTRATOR (265327)

Shiv Nath Tandon, 1227 Central Av NE: Notice of hearing to review Site Plan Review Permit PR-460 to determine whether terms have been violated.

Peter Bernhagen, 5750 Lyndale Av S: Notice of hearing to review Site Plan Review Permit PR-498 to determine whether terms have been violated.

PLANNING COMMISSION/DEPARTMENT (265328)

Alexander's Import Auto Repair: Planning Dept: Grant application for waiver from moratorium (Interim Ordinance 99-Or-016) on auto-related uses near proposed LRT stations, Staff background report, findings & recommendation, maps, drawings, letter of support from Longfellow Community Council. Council Member Thurber: Recommend approve.

City of Lakes Waldorf School, 2344 Nicollet Ave S: Grant alley vacation in block bounded by W 22nd & 24th Sts & Nicollet & Blaisdell Aves S, Staff background report, findings & recommendation, drawings, Applicant's statement that it will pay for certain construction.

Green Institute: Planning Dept: Deny application to vacate E 29th St between 21st Ave S & Hiawatha Av S, Staff background report, findings & recommendation, drawings, Letters from Public Works Dept & MNDOT opposing. Council Member Thurber: Statement opposing. Planning Commission: Summary of actions of 10/12/99.

PLANNING COMMISSION:

SELA ARMOR PROPERTIES (265329)

Permission to vacate portion of alley in block bounded by 21st & 22nd Aves N, 1st & 2nd Sts N.

FILED:

CITY CLERK/SPECIAL PERMITS (265330)

1st Ave N, 600 (Target Center) circus animals; 3rd Ave S, 2915/17 (Robert W Lilligren) move 2-unit building; Cedar Ave S, 309 (Midwest Mountaineering) tents; Chicago Ave S, 4628 (Anna C Mulfinger) move garage; Penn Ave S, 2128 (Scott Latterell) horse; Washington Ave S parking lots (ABC Radio) tent.

MAYOR (265331)

Letter appointing Richard Gaskins to the Minneapolis Private Industry/Workforce Council (MPI/WC).

**REPORTS OF
STANDING COMMITTEES**

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

Comm Dev - Your Committee, having under consideration the matter of consenting to the issuance of tax-exempt revenue bonds by the City of Roseville for a project by St. Ann's Residential Services, Inc., a non-profit organization which provides programs and facilities for persons with mental illness and other disabilities, to allow consolidation of their debt, refinance debt on eight of their health care facilities, and finance acquisition of eight new existing facilities, all for locations in Minneapolis, St. Paul, Maplewood, Richfield and Roseville, now recommends passage of the accompanying resolution giving approval to the issuance of tax-exempt revenue bonds for said project by St. Ann's Residential Services, Inc., and the authorization to enter into a Joint Powers Agreement on behalf of the City of Minneapolis, as set forth in Petn No 265299.

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

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-367, giving Host City approval to the issuance of Health Facilities Revenue Obligations for a Project by St. Ann's Residential Services, Inc. located in the City of Minneapolis, under Minnesota Statutes, Sections 469.152 through 469.165; Referring the proposal to the Minnesota Department of Trade and Economic Development for approval, and approving a Joint Powers Agreement was passed October 29, 1999 by the City Council and approved November 4, 1999 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 99R-367
By Niland**

Giving Host City approval to the issuance of Health Facilities Revenue Obligations for a Project by St. Ann’s Residential Services, Inc. located in the City of Minneapolis, under Minnesota Statutes, Sections 469.152 through 469.165; Referring the proposal to the Minnesota Department of Trade and Economic Development for approval, and approving a Joint Powers Agreement.

Resolved By The City Council of the City of Minneapolis:

Section 1. General Recitals.

a. The purpose of Minnesota Statutes, Sections 469.152 through 469.165 as amended, relating to municipal industrial development (the “Act”), as found and determined by the legislature, is to promote the welfare of the State of Minnesota (the “State”) by the active promotion, attraction, encouragement and development of economically sound industry and commerce through governmental action to prevent, so far as possible, the emergence of blighted and marginal lands and areas of chronic unemployment.

b. Factors necessitating the active promotion and development of economically sound industry and commerce are the increasing concentration of population in the metropolitan areas and the rapidly rising increase in the amount and cost of governmental services required to meet the needs of the increased population and the need for development of land uses which will provide an adequate tax base to finance these increased costs and access to employment opportunities for such population.

Section 2. Description of the Project.

a. St. Ann’s Residential Services, Inc., a Minnesota nonprofit corporation and organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Corporation”) has proposed the issuance of revenue obligations under the Act, in one or more series, in an amount not to exceed \$2,100,000 (the “Obligations”) to finance the costs of a project (the “Project”) consisting of (a) the acquisition of facilities described below, and (b) refinancing debt incurred by the Corporation with respect to the acquisition of facilities, all with respect to the following, a portion of which is located in the City, as described under the heading Minneapolis Portion:

Location	Facility Description	Refinancing (Facility)	Max. Amount Acquisition to be issued
Maplewood Portion			
1755 Atlantic S Maplewood, MN 55109	4-bed supervised living services for the developmentally disabled	88,564	
MAPLEWOOD TOTAL			89,000
Minneapolis Portion			
4737 16th Ave S Minneapolis, MN 55419	4-bed supervised living services for the developmentally disabled	120,763	
6116 Logan Ave S Minneapolis, MN 55419	4-bed supervised living services for the developmentally disabled	94,835	
6100 Oliver Ave S Minneapolis, MN 55419	4-bed supervised living services for the developmentally disabled	124,559	
3736 Blaisdell Ave S Minneapolis, MN 55409	4-bed intermediate care facility for the developmentally disabled	55,586	

6160 Colfax Lane Minneapolis, MN 55419	4-bed supervised living services for the developmentally disabled		181,767	
MINNEAPOLIS TOTAL				580,000
Richfield Portion				
6241 Thomas Ave S Richfield, MN 55423	4-bed supervised living services for the developmentally disabled		175,693	
6729 Oakland Ave S Richfield, MN 55423	4-bed supervised living services for the developmentally disabled		159,648	
7227 Wentworth Ave S Richfield, MN 55423	4-bed supervised living services for the developmentally disabled		163,000	
RICHFIELD TOTAL				500,000
Roseville Portion				
2949 Woodbridge Ave Roseville, MN 55113	4-bed supervised living services for the developmentally disabled	105,520		
ROSEVILLE TOTAL				110,000
St. Paul Portion				
2949 Sherburne Ave St. Paul, MN 55104	4-bed supervised living services for the developmentally disabled	57,094		
1749 Rowe Pl St. Paul, MN 55106	4-bed supervised living services for the developmentally disabled	42,759		
2040 Bordner Ave St. Paul, MN 55116	4-bed supervised living services for the developmentally disabled		160,700	
1005 McLean Ave St. Paul, MN 55106	4-bed supervised living services for the developmentally disabled		103,000	
1250 Hoyt Ave W St. Paul, MN	4-bed supervised living services for the developmentally disabled		200,000 (max)	
SAINT PAUL TOTAL				570,000
Subtotal (rounded)		689,680	1,143,808	1,833,488
Issuance costs				40,669
TOTAL				2,100,000
				(rounded)

b. The Project will be owned by the Corporation.

c. As more fully described above, portions of the Project are located in the City, the City of Roseville (the "Issuer"), and the Minnesota Cities of Maplewood, Richfield and Saint Paul, Minnesota (the "Host Cities").

Section 3. Recitals Relating to Joint Exercise of Powers.

a. Under the Act, the City, the Issuer and the Host Cities are each authorized and empowered to issue revenue bonds or a revenue note to finance or refinance all or any part of the costs of a project consisting of the refinancing of debt incurred with respect to, or acquisition and betterment of, health care facilities or revenue-producing facilities of organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code") and to refund bonds previously issued under the Act.

b. The Corporation has requested that the City, the Issuer, and the Host Cities cooperate (as permitted by Minnesota Statutes, Section 471.59) through a joint powers agreement in authorizing the financing of the Project through the issuance of the Obligations by the Issuer, or one of the other Host Cities, pursuant to the Act.

c. A draft copy of the Joint Powers Agreement among the City, the Issuer and the Host Cities (the "Joint Powers Agreement") has been submitted to the Council and is on file in the office of the Minneapolis Community Development Agency.

Section 4. Recital of Representations Made by the Corporation.

a. The City has been advised by representatives of the Corporation that: (i) conventional financing is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced; (ii) on the basis of information submitted to the Corporation and their discussions with representatives of area financial institutions and potential buyers of tax-exempt bonds, the Obligations could be issued and sold upon favorable rates and terms to finance the Project; (iii) the Corporation will experience a significant debt service cost savings as a result of the Project; and (iv) the Project would not be undertaken but for the availability of financing under the Act.

b. The Corporation has agreed to pay any and all costs incurred by the City in connection with the issuance of the Obligations, whether or not such issuance is carried to completion.

c. The Corporation has represented to the City that no public official of the City has either a direct or indirect financial interest in the Project nor will any public official either directly or indirectly benefit financially from the Project.

Section 5. Public Hearing.

a. As required by the Act and Section 147(f) of the Code a Notice of Public Hearing was published in *Finance & Commerce*, the City's official newspaper, and the *Minneapolis Star Tribune*, a newspaper of general circulation, calling a public hearing on the proposed issuance of the Obligations and the proposal to undertake and finance the Project.

b. As required by the Act and Section 147(f) of the Code:

i. the Issuer has held or will hold a public hearing on the issuance of the Obligations and the proposal to undertake and finance the Project;

ii. the Host Cities have held or will hold a public hearing on the issuance of the Obligations and the proposal to undertake and finance the portion of the Project located within the jurisdictional limits of the Host Cities; and

iii. the Community Development Committee of this Council has on October 18, 1999, held a public hearing on the issuance of the Obligations and the proposal to undertake and finance the portion of the Project located within the jurisdictional limits of the City, at which all those appearing who desired to speak were heard and written comments were accepted.

Section 6. Findings.

It is hereby found, determined, and declared as follows:

a. The welfare of the State and the City requires the provision of necessary health care facilities so that adequate health care services are available to residents of the State and the City at reasonable cost.

b. The City desires to facilitate the selective development of the community, retain and improve the tax base and help to provide the range of services and employment opportunities required by the population. The portion of the Project located in the City will assist the City in achieving those objectives; help to stabilize market valuation of the City; help maintain a positive relationship between assessed valuation and debt; and enhance the image and reputation of the community.

c. On the basis of information made available to this Council by the Corporation it appears, and this Council hereby finds, that: (1) the Project constitutes properties, real and personal, used or useful in connection with a revenue producing enterprise engaged in providing health care services within the meaning of Subdivision 2(d) of Section 469.153 of the Act; (2) the Project furthers the purposes stated in Section 469.152 of the Act; (3) the Project would not be undertaken but for the availability of financing under the Act and the willingness of the Issuer to furnish such financing; and (4) the effect of the Project, if undertaken, will be to: (i) encourage the development of economically sound industry and commerce, (ii) assist in the prevention of the emergence of blighted and marginal land, (iii) help prevent chronic unemployment, (iv) help the City retain and improve the tax base, (v) provide the range of service and employment opportunities required by the population, (vi) help prevent the movement of talented and educated persons out of the State

and to areas within the State where their services may not be as effectively used, (vii) promote more intensive development and appropriate use of land within the City, eventually to increase the tax base of the community, and (viii) provide adequate health care services to residents of the City at a reasonable cost.

d. The City acknowledges, finds, determines and declares that the provision of necessary health care facilities so that adequate health care services are available to residents of the State at a reasonable cost is a public purpose.

Section 7. State Approval a Precondition.

a. The proposal to undertake and finance that portion of the Project located in the City but outside of the jurisdictional limits of the Issuer and the Host Cities, and the issuance of the Obligations, are hereby given approval by the City subject to the approval of the Project by the Department of Trade and Economic Development of the State ("DTED").

b. In accordance with Subdivision 3 of Section 469.154 of the Act, the officers of the City or their designees, are authorized and directed to cooperate with the Issuer in submitting the proposal for the Project to DTED requesting approval, and other officers, employees and agents of the City are hereby authorized to provide DTED with such information as it may require.

Section 8. Limited Obligations.

a. The Obligations, when and if issued for the Project, shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, the Issuer or the Host Cities. (There will, however, be a charge, lien or encumbrance on the Project, which is not an asset of the City, the Issuer or the Host Cities.) The Obligations, when and if issued, shall recite in substance that the Obligations and the interest thereon, are payable solely from revenues received from the Project and property pledged for payment thereof, and shall not constitute a debt of the City, the Issuer or the Host Cities.

Section 9. Approval and Execution of Joint Powers Agreement.

a. The Joint Powers Agreement is hereby made a part of this Resolution as though fully set forth herein and is hereby approved in substantially the form presented to the City Council. The Mayor, the Clerk and the Finance Officer, or the authorized designee of any of the foregoing, are authorized and directed to execute, acknowledge, and/or deliver the Joint Powers Agreement on behalf of the City with such changes, insertions,

and omissions therein as the City Attorney may hereafter deem appropriate, such execution to be conclusive evidence of approval of such document in accordance with the terms hereof.

b. The Mayor, the Clerk and the Finance Officer, or the authorized designee of any of the foregoing, are authorized and directed to execute and deliver such other documents or certificates needed from the City for the sale of the Obligations.

c. The approvals in this Section are specifically subject to approval of the Joint Powers Agreement by the Issuer and the Host Cities and approval of the Project by DTED.

Section 10. Ratification.

a. The actions of the Clerk taken with respect to causing the Notice of Public Hearing to be published in the official newspaper of the City and a newspaper of general circulation in the City not less than 14 days prior to the hearing are ratified and confirmed in all respects.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the execution of various agreements in connection with the replacement of the credit enhancement for the Series 1988 Housing Revenue Bonds assumed by Oakwood Minneapolis LLC for the Symphony Place project, contingent upon an opinion by bond counsel that the substitution will not constitute a re-issuance of the bonds.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-368
By Niland**

Authorizing the replacement of the letter of credit securing the Housing Development Revenue Refunding Bonds for Symphony Place Project, Series 1988, issued by the City in the original aggregate principal amount of

\$19,660,000, and authorizing the execution and delivery of the Third Supplemental Indenture of Trust; authorizing the execution and delivery of Amendment No. 3 to Loan Agreement; authorizing the execution and delivery of the Amended and Restated Remarketing Agreement; authorizing the designated representatives of the City to execute or to consent to the execution of such other documents and to take such other actions as are necessary or proper for removing the Remarketing Agent; appointing Newman & Associates, Inc. as the Remarketing Agent; carrying out the transactions contemplated hereby; and providing an effective date.

Whereas, the City of Minneapolis, Minnesota (the "City") is a home rule city organized and existing under its Charter and the Constitution and laws of the State of Minnesota and is authorized to issue its revenue bonds under Minnesota Statutes, Chapter 462C, as amended (the "Act"), to finance the acquisition and construction of housing development projects (as defined in the Act) and to refund revenue bonds previously issued by the City for such purposes; and

Whereas, the City issued its Housing Development Revenue Refunding Bonds (Symphony Place Project), Series 1988 (the "Bonds"), in the original aggregate principal amount of \$19,660,000, to refund certain outstanding prior revenue bonds of the City which were issued to finance the construction of Symphony Place Apartments, a multifamily rental housing development located at 1117 Marquette Avenue in the City (the "Project"); and

Whereas, the Project is comprised of a single building of twenty-six stories containing 250 residential dwelling units and 11,000 square feet of commercial space, and includes a 285-space parking ramp adjacent to and inter-connected with the Orchestra Hall Municipal Parking Ramp; and

Whereas, the Project is owned by Oakwood Minneapolis LLC (the "Company") and is intended for occupancy in substantial part by persons of low and moderate income, as defined in the Act and applicable provisions of the Internal Revenue Code; and

Whereas, the Bonds were issued pursuant to an authorizing resolution of the City Council of the City and an Indenture of Trust, dated as of

December 1, 1987, by and between the City and First Trust Company, Inc., as trustee, as amended by the First Supplemental Indenture of Trust, dated as of September 1, 1988, between the City and First Trust National Association, as trustee, and as further amended by the Second Supplemental Indenture of Trust, dated as of February 13, 1997 (collectively, the "Indenture"), between the City and First Trust National Association, as trustee (First Trust National Association was the successor to First Trust Company, Inc. and is now known as U.S. Bank Trust National Association and is hereinafter referred to as the "Trustee"); and

Whereas, the payment of principal and interest on the Bonds is secured by amounts available to be drawn under Irrevocable Letter of Credit No. 60718833, dated February 13, 1997 (the "Letter of Credit"), issued by American National Bank and Trust Company of Chicago (the "Bank"); and

Whereas, the Company desires to substitute the Letter of Credit with a Direct-Pay Credit Enhancement Agreement (the "Credit Enhancement Agreement") to be issued by the Federal Home Loan Mortgage Corporation; and

Whereas, the Company has requested that the City amend the Indenture and the Loan Agreement, dated as of December 1, 1987 by and between the City, the Trustee and Orchestra Hall Associates, a Minnesota limited partnership (the "Developer"), as amended by Amendment No. 1 to Loan Agreement, dated as of September 1, 1988, and Amendment No. 2 to Loan Agreement, dated as of February 13, 1997 (collectively, the "Loan Agreement"), and execute and deliver the Amended and Restated Remarketing Agreement (the "Remarketing Agreement"), among the City, the Trustee, and the Company, to facilitate and give effect to the delivery of the Credit Enhancement Agreement; and

Whereas, the Indenture permits the delivery by the Company to the Trustee of the Credit Enhancement Agreement in replacement of the existing Letter of Credit, upon the satisfaction by the Company of certain conditions specified in the Indenture; and

Whereas, upon the satisfaction of certain conditions specified in the Indenture, the Indenture permits amendments to the Indenture and Loan Agreement, the execution and delivery of the Remarketing Agreement by the City, and, if requested by the Company and the Federal Home Loan Mortgage Corporation, the acceptance by the City of a mortgage lien on the Project granted

by the Company and the execution and delivery by the City of an assignment of the mortgage lien to the Trustee; and

Whereas, the Indenture provides that the Remarketing Agent may be removed under the Indenture at the request of the City and the Company, and that the City and Company shall immediately appoint a successor Remarketing Agent;

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

1. The Third Supplemental Indenture. The Third Supplemental Indenture of Trust is hereby approved substantially in the form heretofore delivered to the City. The Mayor, the Finance Officer, and the Clerk of the City, or their respective designees, are hereby authorized and directed to execute and deliver the Third Supplemental Indenture of Trust in substantially the form herein approved with such additions, deletions and modifications thereto as may be approved by them, the execution of the Third Supplemental Indenture of Trust being conclusive evidence of such approval and of the approval of the City.

2. Amendment No. 3 to Loan Agreement. The Amendment No. 3 to Loan Agreement is hereby approved substantially in the form heretofore delivered to the City. The Mayor, the Finance Officer, and the Clerk of the City, or their respective designees, are hereby authorized and directed to execute and deliver the Amendment No. 3 to Loan Agreement in substantially the form herein approved with such additions, deletions and modifications thereto as may be approved by them, the execution of the Amendment No. 3 to Loan Agreement being conclusive evidence of such approval and of the approval of the City.

3. The Amendment and Restated Remarketing Agreement. The Amended and Restated Remarketing Agreement is hereby approved substantially in the form heretofore delivered to the City. The Mayor, the Finance Officer, and the Clerk of the City, or their respective designees, are hereby authorized and directed to execute and deliver the Amended and Restated Remarketing Agreement in substantially the form herein approved with such additions, deletions and modifications thereto as may be approved by them, the execution of the Amended and Restated Remarketing Agreement being conclusive evidence of such approval and of the approval of the City.

4. Consent to Amendment to Mortgages and Assignments. All amendments and supplements

to the documents that previously granted mortgage liens on the Project to the Trustee or the Bank, or assigned leases and rents to the Trustee and the Bank, are hereby approved. If requested by the Company and the Federal Home Loan Mortgage Corporation, the City is hereby authorized to accept a mortgage lien on the Project and an assignment of leases and rents of the Project granted by the Company and to execute and deliver an assignment of such mortgage lien and an assignment of the assignment of leases of rents to the Trustee or the Federal Home Loan Mortgage Corporation to secure the holders of the Bonds or to secure the obligations of the Company to the Federal Home Loan Mortgage Corporation under the Credit Enhancement Agreement or related documents.

5. Remarketing Agent. The City hereby appoints Newman & Associates, Inc. as Remarketing Agent.

6. Other Action. The Mayor, Finance Officer, and Clerk, and other officers and employees of the City are hereby authorized and directed, individually and collectively, to furnish certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, and the right and authority of the City to take the actions set forth in this resolution, and all such certified copies and certifications shall be deemed representations of fact on the part of the City. Such officers, employees, and agents of the City are hereby authorized to execute and deliver, on behalf of the City, upon the review and approval of bond counsel and the City Attorney, all other certificates, instruments, and other written documents that may be requested by the Remarketing Agent, the Federal Home Loan Mortgage Corporation, the Trustee, or other persons or entities in conjunction with the Bonds. Without imposing any limitations on the scope of the preceding sentence, such officers and employees are specifically authorized to execute and deliver one or more UCC-1 financing statements, a certificate relating to federal tax matters including matters relating to arbitrage and arbitrage rebate, a receipt for documents, an order to the Trustee, and a general certificate of the City.

7. Agreements Binding. All agreements, covenants, and obligations of the City contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all

such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, nor any officer executing such documents shall be liable personally on the Bonds or with respect to any other such document, or be subject to any personal liability or accountability by reason of the approval or execution and delivery of such documents.

8. Rights Conferred. Nothing in this resolution or in the above-referenced documents is intended or shall be construed to confer upon any person (other than as provided in the Indenture and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution.

9. Validity. If for any reason the Mayor, Finance Officer, Clerk, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Mayor, Finance Officer, Clerk, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

10. Severability. If any provision of this resolution shall be held or deemed to be illegal, inoperative or unenforceable, the same shall not affect any other provision or cause any other provisions to be invalid, inoperative or unenforceable to any extent whatsoever.

11. Effective Date. This resolution shall take effect and be in force from and after its approval and publication.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee, having under consideration a request of the Minneapolis Community Development Agency for approval of a \$450,000 loan from Multi-family Affordable Housing-Community Development Block Grants to provide immediate funding to the Community Housing Development Corporation for the emergency rehabilitation of Findley Place Townhomes at 3051 Pillsbury Ave S, now recommends approval of said request, as set forth in Petn No 265299.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee, having under consideration the administration of the allocation of Year 2000 Federal Low Income Housing Tax Credits by the Minneapolis Community Development Agency, acting on behalf of the Minneapolis/St. Paul Housing Finance Board, now recommends approval to preliminarily reserve the Year 2000 Federal Low Income Housing Tax Credits in the amount of \$90,000 for the East Village Project, \$62,648 for the Near Northside Project, and \$386,640 for the Park Plaza Project, as set forth in Petn No 265299.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration Modification No. 7 to the Cedar Riverside Urban Renewal Plan (Riverside Homes Limited Partnership Bonds) and Modification No. 64 to the Common Development and Redevelopment

and Common Tax Increment Finance Plan, both related to the West Bank CDC/Riverside Homes Limited Partnership project for West Bank Homes I, West Bank Homes II, West Bank Homes III, West Bank Homes VI and Riverbluff Townhomes, in order to provide credit enhancement and receive a Standard and Poors "A" rating for the bond issue (Petrn No 265300), 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, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-369
By Niland and Campbell

Adopting Modification No. 64 to the Common Development and Redevelopment Plan and Modification No. 7 to Cedar-Riverside Urban Renewal Plan (Riverside Homes Limited Partnership Bonds).

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 June 6, 1968, and subsequent resolutions, the City approved the creation of the Cedar-Riverside Urban Renewal Plan. By Resolution duly adopted

on December 30, 1971, tax increment financing was adopted as a method of financing for the project.

1.3. By Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City Council of the City approved the creation by the 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 Finance Plan (the "Common Plan") relating thereto, all pursuant to the Agency Laws and the Project Laws. The Cedar-Riverside Urban Renewal Plan is included within the Common Project Area.

1.4. That by Resolutions No. 99-2020M and No. 99-2021M on June 25, 1999, and approved by the Mayor of the City of Minneapolis on June 28, 1999, the MCDA Commissioners authorized the financing of a housing program under Minnesota Statutes, chapter 462C, authorizing the issuance of Multifamily Housing Revenue Bonds (Riverside Homes Project), Series 1999, in an aggregate principal amount not to exceed \$8,200,000 to finance the housing program, and approving and authorizing the execution of various documents in connection therewith, and further, approved the expenditure of \$650,000 of tax increment funds from revenues generated by the Cedar-Riverside TIF District as a premium payment required for the City to provide a \$1,200,000 pledge of the city's taxing power as a credit enhancement guaranteeing the payment of principal and interest of \$8,200,000 in Housing Revenue Bonds issued by the City to Riverside Homes Limited Partnership.

1.5. On July 30, 1999, the City Council of the City of Minneapolis approved an increase in the City-backed financial guarantee for the Riverside Homes Limited Partnership Multi-Family Housing Revenue Bonds from \$1,200,000 to an amount not to exceed \$4,120,000, with the understanding that the draw against the City's financial guarantee would be unlikely, that by the end of the Year 2000, the City would have received funds from the MCDA that would provide a reserve of \$650,000 to assist in backing said guarantee, and that the MCDA would be responsible for a reimbursement to the City for any draw against the City's financial guarantee between \$650,000 and \$1.2 million.

1.6. It has been proposed that the Agency modify the Common Plans and the Cedar-Riverside Urban Renewal Plan to amend the finance plan authorizing expenditures as stated

above, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended.

1.7. The Agency has caused to be prepared, and this Council has investigated the facts with respect thereto, a proposed Modification No 64 to the Common Plans ("Modification No 64"), and Modification No 7 to the Cedar-Riverside Urban Renewal Plan. These plans describe more precisely the costs to be undertaken within the Common Project Area and the Cedar-Riverside Urban Renewal Project Area.

1.8. The Agency and the City have performed all actions required by law to be performed prior to the adoption of the Modifications including, but not limited to, a review of the proposed Modifications by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Modifications at least thirty days prior to a public hearing of the proposed Modifications 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 upon published and mailed notice as required by law.

Section 2. Findings for the Adoption of the Modifications.

2.1. The Council hereby determines that it is necessary and in the best interest of the City at this time to approve the Modifications to reflect the specification of the project costs to be undertaken within the Common Project Area and the Cedar-Riverside Urban Renewal Project Area.

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 and are incorporated herein by reference, and are on file in the office of the City Clerk as a Petition.

2.3. The Council further finds, determines, and declares that the Modifications authorize expenditures of tax increment funds generated by the Cedar-Riverside Redevelopment Project Area Tax Increment Financing District as a premium payment required for the City of Minneapolis to provide a \$1,200,000 pledge of the City's taxing power as a credit enhancement guaranteeing the payment of principal and interest of \$8,200,000 in Housing Revenue Bonds issued by the City to Riverside Homes Limited Partnership.

2.4. The Council further finds, determines and declares that the actions authorized by these

Modifications are all pursuant to and in accordance with the Project Laws.

2.5. The Council further reconfirms and redeclares that the Cedar-Riverside Urban Renewal Project is a tax increment financing district established prior to the Tax Increment Financing Act of 1979. The boundaries of the District are not being altered and no additional land or other property is being added to the District.

2.6. The Council hereby finds, determines, and declares that: (i) the public notice required by Minnesota Statutes, Section 469.175, subd. 3, was published in a newspaper of general circulation in the City at least ten days but not more than thirty days prior to the date of the public hearing required by Minnesota Statutes, Section 469.175, subd. 3; (ii) the public hearing required by Minnesota Statutes, Section 469.175, subd. 3, was held on the date and at the place set forth in the public notice; and (iii) all procedural requirements imposed by applicable statute, ordinance, resolution, or policy with respect to the Modifications have been complied with by the Agency and the City.

Section 3. Approval of the Modifications.

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

4.1. The consultants, counsel, officers and staff of the City and the Agency are authorized and directed to proceed with the implementation of the Modifications 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.

4.2. The staff of the City and the Agency is hereby directed to incorporate the Modifications into the Common Plans. The staff of the City and the Agency are hereby authorized and directed to file a copy of the Modifications (together with any necessary or appropriate additional documents or information) with the Department of Revenue of the State of Minnesota.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the East Village Project, a proposed new urban village project on a 2.9 acre site located on a triangular block bounded by S 8th St, 11th Ave S, E 15th St (S 9th St), to contain 179 units of housing in two separate new construction multi-family rental apartment complexes integrated by a coordinated site plan and design (East Village North and East Village South), 358 parking spaces in a two-level underground parking garage and 6,183 square feet of neighborhood storefront retail and office space, as set forth in Petn No 265300, now recommends:

a) Passage of the accompanying resolution granting final approval to issue up to \$13,000,000 in 501(c)(3) bonds for East Village South, and that summary publication be approved;

b) Creation of a new fund EHD-FHLB Housing Loan Program and authorizing the Minneapolis Community Development Agency (MCDA) to borrow up to \$2,800,000 from the FHLB; that the City cash manager commit the collateral necessary to borrow funds from the FHLB; and approval to appropriate up to \$425,000 in fund EHD for interest expenses and transaction costs;

c) Passage of the accompanying resolution adopting the East Village Housing Development Project and Tax Increment Finance Plan (dated 10/2/98, revised 7/16/99 and 10/18/99); Modification No. 6 to the Elliot Park Redevelopment Plan (dated 7/16/99, revised 10/18/99); and Modification No. 63 to the Common Development and Redevelopment and Common Tax Plan (dated 7/16/99, revised 10/18/99);

d) Passage of the accompanying resolution increasing the appropriation in Fund FNA0 (MCDA Neighborhood Development Account) by \$550,000 from the Leveraged Investment set-aside fund balance; increasing the appropriation in Fund SMN0 (MCDA State Grants & Loans) by \$60,000; increasing the appropriation in Fund CBF0 (North Loop) by \$800,000; increasing the appropriation in Fund CAZ0 (Common Project Uncertified) by \$800,000 and increasing the 1999 revenue estimate by \$800,000; increasing the appropriation in Fund CAD0 (Tax Increment Administration) by \$24,000; and

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

Adopted. Yeas, 12; Nays none.
Absent - Cherryhomes.
Passed October 29, 1999.
Approved November 4, 1999. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

Resolution 99R-370, authorizing the financing of a housing program under Minnesota Statutes, Chapter 462C, authorizing the issuance of Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan - East Village South), in an aggregate principal amount not to exceed \$13,000,000 to finance the program, and approving and authorizing the execution of various documents in connection therewith, was passed October 29, 1999 by the City Council and approved November 4, 1999 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 99R-370
By Niland and Campbell

Authorizing the financing of a housing program under Minnesota Statutes, Chapter 462C, authorizing the issuance of Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan - East Village South), in an aggregate principal amount not to exceed \$13,000,000 to finance the program, and approving and authorizing the execution of various documents in connection therewith.

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes Chapter 462C (the "Act"), a city is authorized to carry out programs for the financing of multifamily housing for persons of low and moderate income, and to authorize its housing and redevelopment authority to act on its behalf; and

Whereas, on October 4, 1999, the Community Development Committee of this City Council held a public hearing with respect to a program (the "Program") for the issuance of bonds to make a loan to finance the acquisition and construction of 109 units of multifamily rental housing (the "Project") to be located at 1401 through 1431 11th Avenue South and 1110 East 15th Street in the City, by East Village Housing Corporation, a Minnesota nonprofit corporation (the "Company"); and

Whereas, the Program is to be financed from the proceeds of Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan - East Village South), Series 1999 (the "Bonds"), in an aggregate principal amount not to exceed \$13,000,000, to be issued by the City, and the revenues from the Project (as defined below) shall be pledged for the security of and payment for the Bonds (except as may be otherwise set forth in the Indenture hereinafter referred to); and

Whereas, the Bond proceeds will be used by the City to provide for funding of a loan (the "Loan") to the Company to finance the acquisition and construction of the Project; and

Whereas, the Bonds will be issued under an Indenture of Trust (the "Indenture"), and said Bonds and the interest on said Bonds shall be payable solely from the revenues pledged therefor and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation nor give rise to a pecuniary liability of the City or a charge against its general credit or assets and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in said Project; and

Whereas, forms of the following documents (including the exhibits referred to therein) have been submitted to the City:

a. The Indenture to be made and entered into among the City and the trustee named therein (the "Trustee"), providing for the issuance of the Bonds, prescribing the form thereof, pledging the trust estate described therein for the security of the Bonds, and setting forth proposed recitals, covenants and agreements by the parties with respect thereto;

b. The Financing Agreement to be executed by the City, the Company, the Trustee and the lender named therein (the "Financing Agreement"), pursuant to which the proceeds of the Bonds are applied to make a mortgage loan to the Company;

c. The Arbitrage Compliance Agreement to be executed by the City, the Company and the Trustee, relating to the tax-exempt status of the Bonds;

d. A Bond Purchase Agreement, to be dated as of the date of execution thereof (the "Bond Purchase Agreement"), by and among the City, the Company and U.S. Bancorp Piper Jaffray Inc. (the "Underwriter"), providing for the purchase of the Bonds by the Underwriter; and

e. A Preliminary Official Statement relating to

the offer of the Bonds (the "Preliminary Official Statement").

The agreements described and referred to in paragraphs a through d above shall hereinafter sometimes be referred to collectively as the "Agreements;"

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

That it is hereby found, determined and declared that:

a. The preservation of the quality of life in the City is dependent upon the construction, maintenance, provision, and preservation of an adequate housing stock which is affordable to persons and families of low or moderate income, that accomplishing this is a public purpose, and that many would-be providers of housing units in the City are either unable to afford mortgage credit at present market rates of interest or are unable to obtain mortgage credit because the mortgage credit market is severely restricted.

b. The development and implementation of the Program, and the issuance and sale of the Bonds by the City, and the execution and delivery of the Agreements and the performance of all covenants and agreements of the City contained therein and of all other acts and things required under the Constitution and Laws of the State of Minnesota to make the Agreements and the Bonds valid and binding obligations of the City in accordance with their terms, are authorized by the Act.

c. The implementation of the Program for the purposes and in the manner contemplated by the Agreements conforms or will conform to all pertinent statutes, regulations and ordinances of the State of Minnesota and the City.

d. It is desirable that the Bonds in the principal amount not to exceed \$13,000,000 be issued by the City, on the terms set forth in the Indenture, the Financing Agreement and the Bond Purchase Agreement.

e. The payments required or provided for by the Agreements are intended to produce income and revenues sufficient to provide for the payment when due of principal of and interest on all Bonds issued under the Indenture, and payments are required to be made for such expenses of, among other things, administration of the Program, as will be necessary to protect the interests of the City and the Trustee.

f. Pursuant to the provisions of the Act, and as provided in the Agreements, the Bonds shall be retired solely from the revenues of the Project

and other revenues specifically pledged therefor.

Be It Further Resolved that the Program and the Agreements in substantially the forms submitted to the City at this meeting are hereby approved. Such of the documents as require the execution of the City are hereby authorized and directed to be executed or accepted, as the case may be, and delivered in the name and on behalf of the City by its Mayor, City Clerk (or Assistant City Clerk) and Finance Officer (or Assistant Finance Officer) upon execution thereof by the parties thereto as appropriate. The Bonds and the Agreements shall be executed and delivered as provided therein. Copies of all the documents necessary for the consummation of the transactions described herein and in the Agreements shall be delivered, filed and recorded as provided herein and in the Agreements.

Be It Further Resolved that the form and terms of the Agreements may be varied prior to execution and delivery by the parties thereto, provided that any such variance shall not be, in the opinion of the City's legal counsel, materially adverse to the interests of the City. The execution and delivery of the Agreements as provided above shall be conclusive evidence of the determination that any such variance was not materially adverse to the interests of the City.

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Bonds, in an aggregate principal amount not to exceed \$13,000,000, which issuance is approved, substantially in the form and upon the terms set forth in the Indenture, the terms of which are for this purpose incorporated in this resolution and made a part hereof as if fully set forth herein. The Bonds shall be dated as of the date and shall mature on the dates (subject to redemption on such earlier dates as provided in the Indenture), bear interest and be payable at the rates, all determined as set forth in the Indenture, provided that such rates shall result in an average coupon rate not greater than 7.0%, and provided further that the Bonds shall mature within 43 years of the date of issuance thereof. The City may at its option issue additional bonds at a later date to be used to pay or reimburse costs of the Project not paid from the proceeds of the Bonds, in a principal amount not to exceed the amount set forth in the Program.

Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the Program are hereby approved, ratified and confirmed.

Be It Further Resolved that the sale of said Bonds to the Underwriter is hereby approved, and the Bonds are hereby directed to be sold to the Underwriter, upon the terms and conditions set forth in the Bond Purchase Agreement. The Mayor, City Clerk (or Assistant City Clerk) and Finance Officer (or Assistant Finance Officer) of the City are hereby authorized and directed to prepare and execute by manual or facsimile signature the Bonds as described in the Indenture and to deliver them to the Trustee (which is herein designated as the authenticating agent under Minnesota Statutes, Section 475.55) for authentication and delivery to or as instructed by the Underwriter, together with a certified copy of this resolution, and the other documents required by the Indenture.

Be It Further Resolved that the Mayor, City Clerk (or Assistant City Clerk), Finance Officer (or Assistant Finance Officer) and other officers of the City are authorized and directed to prepare and furnish when the Bonds are issued, certified copies of all proceedings and records of the City relating to the Bonds and such other affidavits and certificates (including but not limited to those required by bond counsel) as may be required to show the facts relating to the legality, tax exemption and marketability of the Bonds as such facts appear from the books and records in said officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements made by the City and contained therein. Said officers are further authorized to execute such additional documents as shall be determined by the Mayor to be necessary and desirable to provide for the issuance of the Bonds.

Be It Further Resolved that the Mayor, City Clerk (or Assistant City Clerk), Finance Officer (or Assistant Finance Officer) and other officers of the City consent to the distribution of the Preliminary Official Statement relating to the Bonds, substantially in the form on file with the City. Said officers further consent to the use by the Underwriter in connection with the sale of the Bonds of a final Official Statement, substantially in the form of the Preliminary Official Statement described above. The Preliminary Official Statement and the Official Statement are the sole materials consented to by said officers for use in connection with the offer and sale of the Bonds. Said officers have not participated in the

preparation thereof, have not made any independent investigation of the information contained therein and shall have no liability in connection with the contents of or use of such offering materials.

Be It Further Resolved that all covenants, stipulations, obligations and agreements of the City contained in this resolution and the aforementioned documents shall be deemed to be the covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the City. Except as otherwise provided in this resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

Be It Further Resolved that no covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council nor any officer or employee executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Bonds or in any other document related to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Project or the proceeds of the Bonds which are to be applied to the payment of the Bonds, as provided therein and in the Indenture. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability

thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Bonds or the interest thereon, or to enforce payment thereof against any property of the City. The Bonds shall recite in substance that the Bonds, including the interest thereon, are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied is intended or shall be construed to confer upon any person or firm or corporation, other than the City or any holder of the Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provision hereof, this resolution, the aforementioned documents and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and any holder from time to time of the Bonds issued under the provisions of this resolution.

Be It Further Resolved that in case any one or more of the provisions of this resolution, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Be It Further Resolved that the Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Bonds and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that in the event any of the officers of the City authorized to execute

documents on behalf of the City under this resolution shall have resigned or shall for any reason be unable to do so, any member of the City, or officer of the City, is hereby directed and authorized to do so on behalf of the City, with the same effect as if executed by the officer authorized to do so in this resolution.

Be It Further Resolved that each Bond is hereby designated as a "Program Bond" and is determined to be within the "Housing Program" and the "Program" all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Be It Further Resolved that this Resolution shall take effect upon publication.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-371
By Niland and Campbell

Adopting the East Village Housing Development Project and Tax Increment Finance Plan; Modification No. 6 to the Elliot Park Redevelopment Plan; and Modification No. 63 to the Common Development and Redevelopment and Common Tax Increment Finance Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals.

1.01. That the Minneapolis Community Development Agency (the "Agency") has the authority to propose and implement housing development and 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; 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 (collectively, the "Laws").

1.02. That by Resolution No 78R-181 duly adopted on June 9, 1978 and subsequent resolutions, the City approved the creation of the Elliot Park Redevelopment Project and the

adoption of the Elliot Park Redevelopment Plan, as modified.

1.03. 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 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 the Laws. The Elliot Park Redevelopment Project is included within the Common Project Area.

1.04. It has been proposed that the Agency modify the Elliot Park Redevelopment Plan and further modify the Common Plans (collectively, the "Modifications") to authorize the expenditure of poolable tax increment revenue from the Common Project on certain eligible property acquisition and site preparation costs, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended.

1.05. It has been proposed that the Agency prepare the East Village Housing Development Project and the Tax Increment Finance Plan (the "Plan") to reflect project activities and costs, the designation of property that may be acquired, and the establishment of the East Village Tax Increment Finance District; all pursuant to and in accordance with the Laws.

1.06. The Agency has caused to be prepared, and this Council has investigated the facts with respect to the proposed Plan and Modifications, describing more precisely the activities to be undertaken, establishment of eligibility, public costs, the designation of property that may be acquired, and the identification of a budget for expenditures, within the area bounded by the project (the "Project Area"), all pursuant to and in accordance with the Laws.

1.07. The Agency and the City have performed all actions required by law to be performed prior to the adoption of the Plan and Modifications, including, but not limited to, a review of the proposed Plan and Modifications by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Plan and Modifications 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.

1.08. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plan and Modifications to reflect project activities and costs in the Project Area.

Section 2. Findings for the Adoption of the East Village Housing Development Plan.

2.01. The Council hereby finds, determines and declares that the East Village Housing Development Project (“the Project”) is necessary to alleviate a shortage of decent, safe and sanitary housing for persons of low or moderate income and their families as such income is determined by the Agency, pursuant to Minnesota Statutes, Section 469.017.

2.02. That the Council adopted by Resolution 98R-281 an Affordable Housing Policy for the City of Minneapolis documenting the growing shortage of decent, safe and affordable housing for low and moderate income families and individuals in the City.

2.03. That moderate income housing is hereby defined as housing affordable to families with incomes between 80 percent and 120 percent of the Metropolitan median income, adjusted for family size; and low income housing is hereby defined as housing affordable to families with incomes below 80 percent of the Metropolitan median income, adjusted for family size.

2.04. That this Plan authorizes acquisition of property, including the use of eminent domain as necessary to achieve the goals and objectives of this housing development project.

2.05. That the land in the Project Area would not be made available for redevelopment without the financial aid to be sought.

2.06. That the Plan will afford maximum opportunity, consistent with the needs of the City as a whole, for the redevelopment of the Project Area by private enterprise.

2.07. That the Project Plan conforms to a general plan for the development of the City as a whole.

Section 3. Findings for the Adoption of the East Village Tax Increment Finance Plan.

3.01. The Council hereby finds, determines and declares that the East Village Tax Increment Finance District (the “TIF District”) is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11.

3.02. The Council further finds, determines and declares that the Plan affords maximum opportunity, consistent with the sound needs of the City as a whole, for the development of the TIF

District by private enterprise as the proposed development is necessary in order to finance a portion of the public redevelopment activities necessary to implement the development program of the Project, and relieves the current shortage of decent, safe, and sanitary housing for persons of moderate or low income and their families in Minneapolis.

3.03. The Council further finds the creation of this TIF District is in the public interest because it will facilitate the development of a mixed-income housing project which will provide needed housing for moderate and low income persons and families.

3.04. The Council further finds additional public benefits will include blight remediation, tax base enhancement, economic integration, increased neighborhood livability, and community economic development.

3.05. The Council further finds the TIF District is located in a census tract that qualifies as a “targeted area” as defined by Minnesota Statutes, Section 462C.02, Subdivision 9(e), and because the TIF District is located in a targeted area, the specified standards and set-aside requirements in Minnesota Statutes, Section 469.1761, for rental housing projects do not apply to the Project and TIF District.

3.06. The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the Plan. The proposed project site is already developed with improvements and the property is blighted. There must be a land write-down to leverage new private development, inasmuch as both the existing physical condition and current legal parcelization and ownership constitute an impediment to redevelopment. Therefore, the fair market value of the assembled and cleared site is significantly less than the costs of property acquisition, demolition, site preparation, and relocation of existing residential and commercial tenants. Also, there is a construction-financing gap created by the difference between the cost to develop the new

housing units and the capital costs that can be supported by project rents. This gap exists for both the subsidized rent and income restricted low-income units and the moderate-income market rate units. Therefore tax increment financing is being used in conjunction with the commitment of other public funds to the development, and is essential to closing the remaining financing gap in the project. Without the use of tax increment financing and other public funds, the East Village housing project could not reasonably be expected to occur solely through private investment within the reasonably foreseeable future.

3.07. It is further found that 89.9% of the Estimated Market Value of the completed development will be attributable to the low and moderate income housing components of the development and the appurtenant parking and site amenities, and therefore exceeds the 80% threshold required by Minnesota Statutes, Section 469.174, Subd. 11. The calculations and documentation for this finding is provided in a September 1, 1998 memo from the City Assessor attached as Exhibit 4 to the Plan.

3.08. The Council further finds, determines and declares that the Plan conforms 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 Plan were issued and are incorporated herein by reference, and are on file in the office of the City Clerk in the form of a petition.

3.09. The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this TIF District be taken from outside the TIF District. The election provided in Minnesota Statutes, Section 469.177, Subdivision 3, Paragraph (a) is elected.

3.10. The Council further finds, determines and declares that the City elects to make the required qualifying local contribution to Project costs pursuant to Minnesota Statutes, Section 273.1399, thereby exempting the City from the State Aid Offset (LGA/HACA penalty) on the TIF District.

3.11. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plan.

Section 4. Findings for the Adoption of the Modifications.

4.01. The Council finds, determines and declares that the Modifications authorize acquisition of property, including the use of eminent domain as necessary to achieve the goals and objectives of this housing development project.

4.02. That the land in the Project Area would not be made available for redevelopment without the financial aid to be sought.

4.03. That the Project Plans as modified will afford maximum opportunity, consistent with the needs of the City as a whole, for the redevelopment of the Project Area by private enterprise.

4.04. That the Project Plans as modified conform to a general plan for the development of the City as a whole.

Section 5. Approval of the Plan and Modifications.

5.01. Based upon the findings set forth in Section 2, Section 3, and Section 4 hereof, the East Village Housing Development Project and Tax Increment Finance Plan, Modification No 6 to the Elliot Park Redevelopment Plan, and Modification No 63 to the Common Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

5.02. Based on the findings set forth in Section 2, Section 3, and Section 4 hereof, the Project is hereby created and established and the Agency is authorized to use the power of eminent domain to acquire property necessary to achieve the objectives of the Project.

5.03. Based on the findings set forth in Section 2, Section 3 and Section 4 hereof, the TIF District is hereby created and established.

Section 6. Implementation of the Plan and Modifications.

6.01. The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Plan and Modifications, 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, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-372
By Niland and Campbell

Amending The 1999 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation in Fund FNA0 - MCDA Neighborhood by \$550,000 from the Leveraged Investment set-aside fund balance;

b) Increasing the appropriation in Fund SMN0 - State Grants & Loans by \$60,000 from available fund balance;

c) Increasing the appropriation in Fund CBF0 - North Loop by \$800,000 from available fund balance;

d) Increasing the appropriation in Fund CAZ0 - Common Project by \$800,000 and increasing the Fund CAZ0 revenue estimate by \$800,000 (3845-01);

e) Increasing the appropriation in Fund CAD0 - Tax Increment by \$24,000.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution increasing the 1999 Minneapolis Community Development Agency appropriation in Fund CBE0 (Ninth & Hennepin) by \$45,900 to correct an oversight in the preparation of the 1999 budget related to the Hey City Theater project, specifically relating to the correlating contract for deed payments.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-373
By Niland and Campbell

Amending The 1999 Minneapolis Community Development Agency 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 in Fund CBE0 - Ninth & Hennepin by \$45,900 from available fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution increasing the 1999 Minneapolis Community Development Agency appropriation in Fund CPM0 (LaSalle Place) by \$150,300 to cover legal fees and costs in defending a fraudulent claim for loss of going concern brought by a defunct corporation named Golden Spike as part of the acquisition undertaken for the LaSalle Plaza project.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-374
By Niland and Campbell

Amending The 1999 Minneapolis Community Development Agency 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 in Fund CPM0 - LaSalle Place by \$150,300 from available fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Tax Base Revitalization Program, which provides

grants to clean up contaminated land for subsequent redevelopment, job retention and job growth in areas that have lost some of their commercial/industrial base, now recommends that the Minneapolis Community Development Agency (MCDA) be authorized to apply to the Metropolitan Council for Metropolitan Livable Communities Act Fund Tax Base Revitalization Account Grants for the Washburn Crosby Complex, 730 - 2nd St S, in an amount up to \$300,000, Dania Hall, 427 Cedar Ave, in an amount up to \$86,000 and Parcel A of the Milwaukee Depot site, located on the southerly one-half of the block between 3rd Ave S, 2nd St S, 5th Ave S and 1st St S, in an amount up to \$500,000.

Your Committee further recommends that the MCDA be authorized to apply to the Minnesota Department of Trade and Economic Development for Contamination Clean Up and Investigation Grant Program funds for Parcel A of the Milwaukee Depot site in an amount up to \$500,000 and for the Penn/Lowry project, in an amount up to approximately \$350,000.

Your Committee further recommends that this action be referred to the Board of Commissioners of the MCDA.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee recommends that the proper City Officers be authorized to execute an agreement with Ramsey County, through its St. Paul Ramsey County Department of Public Health, in the amount of \$136,000, for public health nursing services as part of the Healthy Start Project to address the disproportionate rates of infant mortality in the African American and American Indian communities of Minneapolis and St. Paul. Said contract shall be for the period January 1 through June 30, 2000, payable from Neighborhood Services (030-860-8624).

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee recommends concurrence with the recommendation of the Mayor to appoint Kenneth Brown, 3529 Cedar Av, to serve on the Advisory Committee on People with Disabilities, for a term to expire December 31, 2000.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **PUBLIC SAFETY & REGULATORY SERVICES** Committees submitted the following report:

H&HS & PS&RS - Your Committee, to whom was referred back ordinances amending Title 10 of the Minneapolis Code of Ordinances relating to *Food and Food Handlers* to adopt the Minnesota State Food Code by reference, and add new provisions as described in Petn No 265258 on file in the Office of the City Clerk, and having held a public hearing thereon, now recommends that the following ordinances be given their second reading for amendment and passage:

a. Repealing Chapter 186 relating to *In General*;

b. Repealing Chapter 188 relating to *Establishments Generally*;

c. Amending Title 10 to change the Title name to *Food Code*;

d. Adding a new Chapter 186 relating to *In General*; and

e. Adding a new Chapter 188 relating to *Administration and Licensing*.

Your Committee further recommends passage of the accompanying Resolution delegating authority from the Commissioner of Health and Family Support to the Director of Regulatory Services pertaining to licensing, inspection and enforcement of the Food Code.

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

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinances 99-Or-115 repealing Chapter 186 relating to *Food and Food Handlers: In General* and 99-Or-116 repealing Chapter 188 relating to *Food and Food Handlers: Establishments Generally* of Title 10 of the Minneapolis Code of Ordinances and Ordinances 99-Or-117, 99-Or-118, and 99-Or-119 amending Title 10 of the Minneapolis Code of Ordinances relating to *Food Code*, were revised to provide for the regulation and licensing of food and beverage establishments, described as follows:

<i>Section</i>	<i>Revision</i>
186.10	Title.
186.20	Provides that the Minnesota Food Code, Minnesota Rules, Chapter 4626 is adopted by reference.
186.30	Provides that the more restrictive standard applies when the Minnesota Food Code and the Ordinances differ.
186.40	The regulatory authority is the environmental health division.
186.50	Definitions.
188.10	Authority.
188.20	Provides that the manager of environmental health shall enforce the food code.
188.30	Office of environmental health specialist/sanitarian established.
188.40	Provides for the conduct required of licensees and their staff regarding unwholesome food.
188.50	Provides for removal or destruction of unwholesome food.
188.60	Provides for the written notice of embargo or detention of food, clothing, or equipment.
188.70	Provides that the manager of environmental health has the authority to enter all businesses possessing or required to possess a food license for the purpose of inspection.
188.80	Provides that the manager of environmental health has the authority to inspect all businesses possessing or required to possess a food license; licensees have 10 hours to remedy any violations.
188.90	Provides that the manager of environmental health may inspect certain food establishments within a 50 mile radius outside of the city; that such an inspection fee is the inspector's hourly salary plus mileage; that exceptions are waived for those establishments that are subject to comparable ordinance and inspection services or that are subject to inspection by certain federal agencies.

188.100 Provides for the inspection of food and food products and the condemnation of unhealthy, unwholesome or deleterious food products so intended for sale or other disposition as human food.

188.110 Provides that selling and sorting of food products is prohibited on the sidewalks, streets and alleys; that sorting of fruit and berries is prohibited on sidewalks, streets, alleys and public places; that exceptions exist for licensed peddlers, licensees under chapter 295; and that butcher's type game, fish, poultry and meat are prohibited from consumer sale on streets, alleys and sidewalks.

188.120 Defines established routes; prohibits customer or consumer deliveries between 12:00 midnight and 4:00 a.m.

188.130 Provides that the sanitary condition of vehicles used for the transportation of foods is required; that other uses of said vehicles are prohibited; that the manager of environmental health shall inspect said vehicles.

188.140 Provides that the presence of food indicates the intent to sell.

188.150 Provides that the presence of utensils and equipment indicates evidence of their intended use.

188.160 Provides that no food establishment or food vending machine operator may operate without a license; that licenses are not transferable.

188.170 Provides that the fee for short-term permit of less than 14 days is \$65.00; that the fee for a seasonal-short-term-food-establishment license is \$172.00; that proper application is required; that 2 food stands per a short-term permit or a seasonal-short-term-food-establishment license are permitted; that applications are due 14 days prior to the event; that late fees equal to 50% of the application fee; that a short-term-food permit with more than 10 vendors may request a permit based upon the cost of inspection; that the director of licenses and consumer services shall review applications for short-term food permits or seasonal-short-term-food-establishment licenses; that notice of the review decision is given to the council member of the affected ward.

188.180 Provides that license application shall be by written application.

188.190 Provides that the license application shall be presented to the city council, referred to the manager of environmental health for an investigation, report and recommendation;

and that the report and recommendation is due within 14 days of the application's receipt by the council; that the council may grant, postpone or deny such application.

188.200 Provides that vending machine license application shall be by written application.

188.210 Provides that a licensed vending machine operator may, upon written application and payment of fees receive licenses for additional vending machines.

188.220 Provides that a removal or change of vending machine location shall be reported in writing within 30 days.

188.230 Every vending machine should be labeled with the expiration date of the license and the registration number of the license and the owners current telephone number.

188.240 Provides that vending machines without the proper license tags shall be impounded by the department of licenses and consumer services; that such vending machines may be reclaimed within 30 days upon payment of costs; and that vending machines not reclaimed within 30 days may be disposed of or destroyed.

188.250 Lists the annual license fees based upon the area occupied licensed purpose.

188.260 Provides that a food licensee is limited to the operation of 2 approved vending machines without paying an additional fee; and that additional vending machines may be operated upon payment of fees.

188.270 Sets for the sanitary conditions required for vending machine locations and the requirements for the floors in the immediate area of the vending machine.

188.280 Defines the determination of the area occupied for the purpose of fixing the license fee to be paid.

188.290 Provides that the license fee for an out-of-town manufacturer or distributor is \$46.00.

188.300 Provides that only one license is required for a food manufacturer and distributor having only one place of business and manufacturing and distributing the same product(s).

188.310 Provides that food establishment licensees must pay an annual fee of \$26.00 for the inspection of vehicles used in the transportation of perishable and readily perishable foods.

188.320 Provides that a food manufacturer or distributor license shall authorize the licensee to conduct wholesale or retail business at the same establishment and for the same product(s).

188.330 Provides for the refund of an

application fee if license is not granted, less \$33 for processing.

188.340. Provides that licenses expire on April first of each year.

188.350 Provides for revocation of a license.

188.360 Provides that licensees must comply with the requirements of Article III, License Holder Requirements, in addition to all other requirements.

188.370 Provides that food establishments must submit plans detailing compliance with Chapter 188; and that plan review are based upon the square footage of the establishment.

188.380 Provides for maximum and minimum temperature for hand washing lavatory.

188.390 Provides that licenses must be prominently posted or readily available for inspection upon the premises.

188.400 Provides that music is prohibited between the hours of 1:00 a.m. and 8:00 a.m.; and that violation constitutes grounds for license revocation.

188.410 Provides that retail food stores open longer than 16 hours per day must provide a non-coin operated telephone within 10 feet of the cash register.

188.420 Sets forth the requirements of flooring.

188.430 Sets forth the requirements of walls and ceilings.

188.440 Sets forth ventilation requirements.

188.450 Provides that water flush toilet facilities convenient to employees must be provided; that separate toilets required when five or more employees of opposite sex are on duty at any one time; that ten changes of air per hour are required for new or remodeled facilities; that doors must be self-closing; that hand-washing signs must be posted; that patron facilities meeting the requirements set forth in Chapter 188 must be provided at all food establishments selling hot drinks or hot foods.

188.460 Sets forth the requirements for garbage and refuse storage and disposal.

188.470 Provides that itinerant food establishments must comply with the provisions of Chapter 188; and that such operations may be further restricted in the interest of public health.

188.480 Provides that mobile food vending and mobile food manufacturing must be licensed and must operate under the conditions set forth in Chapter 188.

188.490 Provides that vehicles used in transporting perishable and readily perishable

food must have the licensee's name and post office address on each side of the vehicle.

188.500 Provides that unpackaged processed food may be displayed and sold in bulk; that the manager of environmental health must file, with the city clerk, all policy statements and guidelines related to distribution of bulk food; and that a public hearing may be requested.

188.510 Provides that no sidewalk cart vendors may operate without a license; that sidewalk cart vendors must operate under the conditions set forth in Chapter 188; that a license must be obtained for each authorized sidewalk cart; that license application shall be made on forms provided by the department; that licenses expire on April first of each year; that licenses not renewed by April 15 of each year are available to other applicants by lottery; that failure to operate the food cart for 30 consecutive days between May first and October first constitutes forfeiture of the license which is then available by lottery; that all food cart licensees must provide proof of liability insurance to the director of licenses and consumer services prior to license issuance in the amount of \$100,000 for individuals, \$300,000 for any single incident and \$10,000 for property damage; that the City must be named as an additional insured; that a fee not to exceed \$250.00 to defray the cost of cleanup, maintenance and other policing; and that licensed sidewalk cart vendors may operate at an indoor location under the restrictions set forth in Chapter 188.

188.520 Provides that no indoor food cart vendors may operate without a license; that indoor food cart vendors must operate under the conditions set forth in Chapter 188; that licensees must have the written consent of the property owner; that a license must be obtained for each authorized indoor food cart; that license application shall be made on forms provided by the department; that licenses expire on April first of each year; that all food cart licensees must provide proof of liability insurance to the director of licenses and consumer services prior to license issuance in the amount of \$100,000 for individuals, \$300,000 for any single incident and \$10,000 for property damage; that the City must be named as an additional insured; that licensed sidewalk cart vendors operating at an indoor location under the restrictions set forth in Chapter 188 are exempt from the indoor license fee; and that the license fee is \$330.00.

188.530 Provides that no kiosk food cart vendors may operate without a license; that a

license must be obtained for each authorized kiosk; that license application shall be made on forms provided by the department; that licensees must have the written consent of the property owner; that vendors must operate under the conditions set forth in Chapter 188; that licenses expire on April first of each year; that kiosk food carts must comply with site plan review standards of 530.10; and that the license fee is \$330.00.

188.540 Provides that outdoor areas in retail food establishments must be approved as part of the license; that outdoor entertainment must be authorized by the city council; that restrictions enumerated in 188.520 may apply; that a temporary entertainment permit may be obtained for \$114.00; that license application shall be made on forms provided by the department of licenses and consumer services; and that new and remodeled outdoor areas shall be handicap accessible.

188.550 Provides for the establishment of the Minneapolis Food Manager Certification; and sets forth related definitions.

188.560 Sets forth Minneapolis Food Manager Certification requirements.

188.570 Provides that notification and approval of the Manager of Environmental Health is required prior to a licensee's implementation of the provisions of Minnesota Rule 4626.0410.

188.580 Provides that the Manager of Environmental Health may summarily close a licensed food establishment for the reasons enumerated in Chapter 188; sets forth the procedure for an emergency closure; and sets forth the violations constituting criminal misdemeanors.

These Ordinances were passed October 29, 1999 by the City Council and approved November 4, 1999 by the Mayor. Complete copies are available for public inspection in the office of the City Clerk.

The following is the completed text of the unpublished summarized ordinances.

**ORDINANCE 99-Or-115
By Herron and Biernat**

Intro & 1st Reading: 7/30/99

Ref to: PS&RS

2nd Reading: 10/29/99

Repealing Chapter 186 of Title 10 of the Minneapolis Code of Ordinances relating to Food and Food Handlers: In General.

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

Section 1. That Chapter 186 of the Minneapolis Code of Ordinances be and is hereby repealed.

CHAPTER 186. IN GENERAL

186.10. Office of inspector established; appointment, supervision. There shall be an office of inspector of meats and provisions. The inspector of meats and provisions shall perform the duties of the office under the direction, supervision and control of the department of health.

186.20. Inspection, condemnation of food and food products. Said inspector shall visit at frequent intervals every public and private market, stall, shop, store, warehouse and storehouse and all carts, wagons, sleighs or other vehicles of vendors or street hawkers in, at or about which any meat, fish, oysters, birds or fowls, vegetables, fruit, milk or other food products are kept, held or carried for sale or other disposition as human food, and shall examine and carefully inspect all such food products. If any unhealthy, unwholesome or deleterious food products so intended for sale or other disposition as human food are found in or about any such place or vehicle, the inspector shall at once give the person in charge thereof notice to at once remove the same out of the city or to such place as the inspector shall direct, or to destroy the same; whereupon said person in charge shall remove the same out of the city or to such place as the inspector shall direct, or destroy the same as may be directed by the inspector.

186.30. Inspection of premises. The inspector shall inspect and examine every public and private market, stall, shop, store, warehouse, storehouse, cart, wagon, sleigh or other vehicle in, on or about which any such meat, fish, oysters, birds or fowls, vegetables, fruit, market or other provisions are kept, held or offered for sale as human food, as to the sanitary condition, cleanliness and wholesomeness of such places and vehicles for keeping human food for sale or other disposition or storage, and shall see to it that they are constantly maintained in a clean, wholesome and thoroughly sanitary condition. In case the inspector shall find any such place or vehicle to be in an unclean or unwholesome condition, the inspector shall notify the person in charge thereof to put it in a clean, wholesome and sanitary condition within ten (10) hours from the time of such notice.

186.40. Selling, sorting on streets. (a) *Selling.* No person shall place, exhibit, display, offer for sale or sell, or cause to be placed, exhibited, displayed, offered for sale or sold, any fruits, vegetables or other food products of any kind upon or above any sidewalk, street or alley.

(b) *Sorting.* No person shall sort or pick over any fruit or berries of any kind upon any sidewalk, street, alley or other public place.

(c) *Exception.* Nothing in this section shall prevent duly licensed peddlers from selling from vehicles in the streets, nor shall prevent the operation of any groceries or portable store licensed under Chapter 295 of this Code; except that no game, fish, poultry or butcher's meat shall be offered for sale or sold to consumers in streets or alleys or on sidewalks.

186.50. Early morning deliveries. (a) *Established route defined.* As used in this section, the phrase "established route" means a route usually and regularly traveled for the purpose of delivering any of the products herein named to consumers usually purchasing any thereof.

(b) *Hours prohibited.* Between 12:00 midnight and 7:30 a.m., no person shall deliver or cause or permit to be delivered, to consumers or customers on regularly established routes in the city any milk, cream or other dairy products, or bread or other bakery products, or groceries or other food or drink for human consumption, and between said hours no person shall drive, use or permit any vehicle owned, operated or controlled by such person to be driven or used upon any street, avenue or alley of the city for the purpose of delivering to consumers on established routes any such products.

186.60. Vehicles for peddling food. (a) *Sanitation.* All vehicles used for transporting or peddling fruits, vegetables, milk, meat, poultry or other like produce or provisions shall at all times be kept free from dirt, dust, grease and other hurtful and contaminating substances and in a clean and sanitary condition.

(b) *Other use of vehicles.* No peddler doing business in the city and using a vehicle for the transporting or peddling of fruits, vegetables, produce or other provisions shall use or permit or cause to be used such vehicle for the hauling or conveyance of junk, junk materials, scrap, garbage, refuse or any decayed animal or vegetable matter or other unclean and unwholesome substance or thing whatever.

(c) *Inspection by health department.* The commissioner of health and the inspectors of the

health department shall inspect all vehicles used for transporting or peddling fruit, vegetables, milk, meat, poultry or other like produce or provisions, and shall condemn and destroy any food found thereon to be unsound, unwholesome or unfit for human consumption:

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 99-Or-116
By Herron and Biernat**

Intro & 1st Reading: 7/30/99

Ref to: PS&RS

2nd Reading: 10/29/99

Repealing Chapter 188 of Title 10 of the Minneapolis Code of Ordinances relating to Food and Food Handlers: Establishments Generally.

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

Section 1. That Chapter 188 of the Minneapolis Code of Ordinances be and is hereby repealed.

**CHAPTER 188. ESTABLISHMENTS
GENERALLY***

188.10. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

Adulterated food is any food which consists in whole or in part of any filthy, putrid, decayed or decomposed substance, or consists in whole or in part of the product of a diseased animal which has died by accident, disease, or otherwise than by slaughter; or if the food or drink is in contact with a container which is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; or if it contains or bears any added poisonous or deleterious substance for which no safe tolerance has been established by any federal, state or local law or regulation, or is in excess of such tolerance if one has been established; or if it has been processed, prepared, packed or held under unsanitary conditions whereby it may have been rendered injurious to health.

Approved shall mean acceptable to the

commissioner of health following his determination as to conformance with the provisions of this chapter.

Boardinghouse means an eating place where meals are furnished regularly to five (5) or more persons other than members of the family.

Clean shall mean the absence of dirt, grease, filth, rubbish, garbage, insects, vermin and other unsightly, offensive or extraneous matter.

Closed shall mean fitted together snugly, leaving no opening large enough to permit the entrance of vermin.

Corrosion-resistant material shall mean a material which maintains its original surface characteristics under prolonged and repeated influence of the food, cleaning compounds and other sanitizing solutions with which it may come in contact.

Easily cleanable shall mean readily accessible and of such material and finish, and so fabricated and placed that residue which may accumulate can be completely removed by normal cleaning methods.

Equipment shall mean stoves, ranges, hoods, meat blocks, tables, counters, sinks, refrigerators, dishwashing machines, slicers, mixers, steam tables and similar items other than pots, pans and similar food storage containers and food service utensils.

Family means an individual or two (2) or more persons related by blood, marriage or adoption, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit, living together as a single housekeeping unit in a dwelling unit and also including roomers, provided that the family plus the roomers shall not exceed a total of five (5) persons, provided further that the limit of five (5) persons shall not apply where the entire group living in the dwelling unit consists of persons related by blood, marriage or adoption, including foster children and domestic servants.

Food shall mean any raw, cooked or processed edible substance, beverage or ingredient used or intended for use in whole or in part for human consumption.

Food caterer and catering. As used herein the term "food caterer" shall mean any person, firm, partnership or corporation who prepares or provides food or drink of any kind or nature whatsoever at an established place of business in the City of Minneapolis for consumption at any place except the place of preparation. The term "catering" shall mean engaging in the business of

a food caterer as herein defined.

Food contact surfaces are those surfaces of equipment and utensils with which food normally comes in contact and those surfaces with which food may come in contact or which drain onto surfaces normally in contact with food.

Food distributor is any person engaged in distributing food manufactured by others or by himself.

Food establishment shall mean any building, room, stand, enclosure, vehicle, space, area or other place wherein food is stored, prepared, manufactured, processed, wrapped, canned, packed, bottled, distributed or offered for sale with or without charge.

Food manufacturer is any person engaged in the manufacturing, compounding, intermixing or preparing of food for human consumption.

Food shelf shall mean a food establishment operated by a nonprofit organization where food is collected, stored, or packaged for free distribution to individuals who qualify for food according to need.

Food stand shall mean a temporary food establishment operated in one contiguous space by a single licensee and which complies with the guidelines for dispensing food under a short-term permit.

Misbranded shall mean the presence or absence of any written, printed or graphic matter, upon or accompanying food for resale, which violates any applicable federal, state or local labeling requirement.

Perishable food is fresh fruit and fresh vegetables, such as, but not limited to, apples, bananas, oranges and grapefruit, lettuce, carrots, radishes, onions and potatoes.

pH shall mean the numerical value of any substance indicating the acidity or alkalinity of such substance in relation to a neutrality of seven (7). A value above seven (7) indicates alkalinity, below seven (7) indicates acidity.

Prepackaged food is clean, unadulterated, wholesome food packaged in a substantial, clean container or wrapper.

Processed food means any food chemically or physically altered from a raw agricultural commodity by chemical, thermal or other processes.

Readily perishable food is any food or beverage or ingredients consisting in whole or in part of milk, milk products, eggs, meat, fish, seafood, poultry or other food capable of supporting rapid and progressive growth of

microorganisms which can cause food infections or food intoxication. Packaged food in hermetically sealed containers processed by heat to prevent spoilage, packaged pickles, jellies and condiments in sealed containers, dehydrated packaged food, and dry or powdered packaged food so low in moisture content as to preclude development of microorganisms are excluded from the terms of this definition.

Restricted operation shall mean the sanitary handling, transportation, storage, preparation or serving of foods limited to prepackaged food or drink which is obtained from a city licensed business.

Sanitize means effective bactericidal treatment to clean surfaces of equipment and multi-use utensils by a process which has been approved by the commissioner of health as being (1) effective in destroying microorganisms, including pathogens, (2) not injurious to the surfaces, and (3) not hazardous to the health of the food consumer, or to the user of the sanitizing agent.

Sealed shall mean free of cracked or other openings which permit the entry or passage of moisture.

Seasonal short-term food establishment is a person or sponsor who pays an annual fee to operate at multiple, approved short-term food events, such as fairs, carnivals, and community celebrations, and is an approved participant under the auspices and control of each such event. The seasonal short-term food establishment may sponsor multiple events within the area listed in section 188.590(e)(1) of this Code notwithstanding Minneapolis Park Board as a seasonal short-term permit holder.

Sell or sale is any transaction of a mercantile character.

Short-term food establishment is a food establishment operating for a period of fourteen (14) days or less at fairs, community celebrations, carnivals, circuses, promotional food product events, sports events and the like.

Sidewalk cart food vendor [shall mean] a food establishment authorized and operated according to the standards and conditions set forth in section 188.590.

Single service articles include cups, containers, lids or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping material and all other similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil,

wood, plastic, synthetic or other readily destructible materials and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

Special boardinghouse.—Special boardinghouse is an apartment house type multiple dwelling containing not less than fifteen (15) dwelling units and a central dining room wherein meals are furnished regularly to five (5) or more tenants of said multiple dwelling. (See section 538.1020 or 540.450 of this Code.)

Tableware shall mean all multi-use eating and drinking utensils, including knives, forks and spoons.

Unpackaged processed food means any processed food offered for sale from containers that permit a customer to dispense the food directly into packages, except produce offered for sale or food which is intended to be shelled.

Unrestricted operation shall mean the sanitary handling, transportation, storage, preparation or serving of any wholesome food or drink without limitation as to kind of food or drink.

Vending machine. The term "vending machine" shall mean any self-service device offered for public use which, upon insertion of a coin, coins or token or by other similar means, dispenses or permits removal of unit servings of food or beverage either in bulk or package form without the necessity of replenishing the machine between each vending operation. This applies only to vending machines operated by any coin of more than twenty-five cents (\$0.25) in value.

Wholesome shall mean sound, healthful, clean, free from adulteration and in all ways fit for human food.

188.20. Presence of food indicates intent to sell. The presence of any food on the licensed premises is prima facie evidence of its intended sale.

188.30. Health commissioner to enforce. This chapter shall be enforced by the commissioner of health of the city.

188.40. Unwholesome food generally. No person licensed under the terms of this chapter shall sell, offer for sale or have or keep in his possession with intent to sell, barter or give away, any meat, fish, oysters, birds, fowl, vegetables, fruits or other provisions or article of food or drink for human use or consumption that consists in whole or in part of any adulterated, filthy, decomposed or putrid animal or vegetable substance or which are decayed or unfit or unsafe for use as food or drink for human consumption.

188.50. Embargo and detention. The commissioner of health may attach a tag or issue a written notice of embargo or detention and thereby embargo any food, clothing, equipment, utensil or thing which by reason of origin, dirt, filth, extraneous matter, insects, temperature, corrosion, open seams, chipped or cracked surfaces is unfit for use. Such tag shall be printed as follows:

MINNEAPOLIS HEALTH DEPARTMENT
HELD FOR INVESTIGATION
DATE _____
SANITARIAN _____

It shall be unlawful for any person to remove such tag from any food, utensil and the like or to remove or use such food, equipment, clothing and the like to which a tag has been attached or to remove, sell, give away, or otherwise dispose of any food covered by written notice of embargo or detention except by direction of the Commissioner of Health.

188.60. Notice to remove or destroy unwholesome food. The commissioner of health, upon discovering and determining that any food as herein defined which is offered or held for sale within the city is adulterated, decayed, diseased, unwholesome or for any cause unfit for human food, shall at once give the person in charge thereof notice to at once remove the same out of the city or to such place in the city as the commissioner of health may designate or destroy the same as directed by the commissioner of health.

188.70. Authority to inspect. The commissioner of health or the commissioner's authorized representatives, after proper identification, shall, at all reasonable times, have the right to enter into and upon premises and inspect any food establishment, vehicle, food manufacturing establishment or other business required to have or possessing a food license as set forth by this chapter, and it shall be unlawful for any person in any way to obstruct or hinder or refuse to permit the commissioner of health or the commissioner's authorized representatives to inspect such premises.

188.80. Inspection outside city. (a) The commissioner of health of the city or the commissioner's duly authorized representatives may inspect food establishments situated outside the city which sell or offer for sale or distribute any food within the city to determine if such food establishments conform to the provisions of this chapter. In addition to the license fee as

established by this chapter a fee for such inspection service shall consist of the city salary for such health representative for the number of hours necessarily spent for such inspection and the cost of travel from the public health center to the inspection site and return to the public health center at the current rate of reimbursement for car allowance mileage established by the city. Any food establishment located more than fifty (50) miles from the city will not be inspected unless authorized by the city council.

(b) The commissioner of health may permit the sale of food from food establishments outside the city without requiring an inspection by a representative of the health department if local ordinances and reports from local or other responsible health authorities who have jurisdiction where such food establishments are located indicate comparable ordinance and inspection services to those in the city.

(c) Food shipped interstate and subject to federal inspection by the Federal Food and Drug Administration, United States Public Health Service, or other federal agencies may likewise be sold within the city without an inspection of the place of origin by the commissioner of health. Food from such sources shall be protected from contamination and spoilage during subsequent handling, packaging and storage, and while in transit.

188.90. Submission, approval of plans. When a food establishment is hereafter constructed or an existing food establishment is altered detailed plans or suitable drawings and specifications shall be submitted to the health department and such plans and specifications approved before such work is begun. Plans and specifications shall be in sufficient detail so that an accurate and complete appraisal can be made as to compliance with the provisions of this chapter.

188.100. License required. It shall be unlawful for any person to conduct or operate a food establishment without obtaining a license therefor. The license issued under this chapter shall be known as a food license. No person shall engage in the business of selling food by vending machines without a license.

188.110. Short-term permits. Permits for the sale of food and drink for a period of less than fourteen (14) days at community celebrations, circuses, and other like and similar occasions, may be issued upon proper application and the payment of a sixty-five dollar (\$65.00) fee. A seasonal short-term food establishment license

may be issued upon proper application and payment of a one hundred seventy-two dollar (\$172.00) fee. In the case of a short-term permit or a seasonal short-term food establishment, no more than two (2) food stands shall be allowed to operate per permit. The operation of short-term food establishments and seasonal short-term food establishments must be in conformity with the provisions of this chapter. The application for a short-term food permit will be considered late if not received by the department of licenses and consumer services fourteen (14) or more days prior to the date of the event. A late fee equal to fifty (50) percent of the application fee will be charged to the applicant and must be received by the department of licenses and consumer services before the short-term permit is granted. Notwithstanding any other ordinance provision, the short-term food permit application and the seasonal short-term food establishment application shall be reviewed by the department of licenses and consumer services and approved or denied by the director of licenses and consumer services, or his/her designee, with notice of the decision given to the council member representing the affected ward.

188.120. License application. Any person desiring a food license shall file with the department of licenses and consumer services a written application to the city council for such license, giving in such application the full name, place, date of birth and address of the owner or proprietor of the building, shop, stall, vehicle, stand or place where such food establishment is to be conducted and for which a license is desired, the location of the building or buildings, and the part or portion thereof intended to be used in the conduct of such business and under such license. If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime. Such application shall also indicate the source of funds used to begin operation of the food establishment and all documentary proof and evidence thereof including leases, contracts, purchase agreements, and financial statements. Such application shall also contain the kind, name, and location of every business

or occupation applicant has been engaged in during the preceding ten (10) years, and the street address at which the applicant has lived during the preceding ten (10) years. The applicant shall state in such application the nature of the business to be conducted. If the applicant proposes to operate more than one of such businesses, the applicant shall so state in the application and shall describe the part or portion of the building or place wherein the applicant proposes to conduct each of such businesses. If a license is granted, the part or portion of said building used as a food establishment shall conform to and the equipment and operation be in accordance with the provisions of this chapter.

188.130. Application for vending machine license. The applicant for a license to sell food by vending machines shall, in addition to the above requirements, furnish a list of the addresses wherein the applicant proposes to install and operate any vending machine, the kind and number thereof and the kind and general description of food to be vended.

188.140. Application for additional vending machines. After a vending machine license has been issued by the city council, upon a written application to the department of licenses and consumer services and payment of the fee provided in section 188.190 for each additional machine, the licensee may receive licenses for additional machines over and above the number stated in the original application. The application for such license shall state the desired additional number, the date and number of the original license, the street address of the property or place wherein the additional machines are intended to be installed and shall be signed in the manner required for an original application.

188.150. Change of vending machine location. In case a licensee changes or removes a vending machine from the location in which it is authorized by the license or permit to be located, and installs the same in a new location, such new location shall be reported in writing to the department of licenses and consumer services within thirty (30) days after such change or removal.

188.160. Labeling of vending machines. Every vending machine licensed hereunder shall bear an emblem or tag securely fastened to the front surface of the machine in a conspicuous place, bearing the expiration date of the license and the registration number assigned to such

licensee. No person shall install, use or operate a greater number of vending machines than that for which the person has been granted a license and paid the fees. The department of licenses and consumer services and the department of health shall have the right to inspect the licensee's books and records to determine compliance with this section. Each owner shall clearly identify each vending machine or bank of interconnected vending machines operated by the owner with the owner's current telephone number in such a manner that the information can be easily read without moving the machine or machines. The absence of such an owner's label will constitute a violation of this chapter

188.170. Impounding nonconforming machines. Any vending machine found without the proper license tag or emblem or owner's label thereon shall be impounded by the department of licenses and consumer services and any such impounded machine may be reclaimed by the owner thereof within thirty (30) days from the date of impounding and upon the payment to the city of costs sufficient to defray the expense of impounding and storage, and any reclaimed machine shall not be used except upon compliance with the terms of this chapter. If such machine is not reclaimed within the thirty (30) days above specified, it may be destroyed or disposed of by the police department according to law.

188.180. Health inspection, recommendation required; license issuance or denial. Upon the filing of the application for a license hereunder it shall be presented to the city council and referred to the commissioner of health for investigation, report and recommendation, which shall be returned to the city council within fourteen (14) days after receipt of application for license. After the report and recommendation of the commissioner of health have been received by the city council it may then grant or deny such application and, if granted notwithstanding the disapproval of the commissioner of health, the minutes of the city council shall so state.

188.190. License fees generally. The annual license fee to be paid hereunder shall be based upon the area occupied and used for the licensed purpose as follows:

Confectionery stores and soft drinks:
 1,000 square feet or less . . . 72.00
 More than 1,000 square feet but not more than 5,000 square feet . . . 138.00
 More than 5,000 square feet but not more than 7,500 square feet . . . 171.00

More than 7,500 square feet but not more than 10,000 square feet . . .	235.00
More than 10,000 square feet but not more than 15,000 square feet . . .	268.00
More than 15,000 square feet . . .	308.00
<i>Drive-in restaurants:</i>	
Full-service . . .	308.00
Popcorn/ice cream without indoor seating . . .	65.00
<i>Food manufacturers and distributors:</i>	
1,000 square feet or less . . .	138.00
1,001 square feet to 4,000 square feet . . .	171.00
4,001 square feet to 7,000 square feet . . .	204.00
7,001 square feet to 8,500 square feet . . .	235.00
8,501 square feet to 10,000 square feet . . .	268.00
10,001 square feet to 15,000 square feet . . .	303.00
More than 15,000 square feet . . .	340.00
Food shelf . . .	1.00
<i>Grocery stores and specialty stores:</i>	
1,000 square feet or less . . .	105.00
More than 1,000 square feet but not more than 5,000 square feet . . .	138.00
More than 5,000 square feet but not more than 7,500 square feet . . .	204.00
More than 7,500 square feet but not more than 10,000 square feet . . .	268.00
More than 10,000 square feet but not more than 15,000 square feet . . .	340.00
More than 15,000 square feet . . .	406.00
Kiosk food cart vendors . . .	330.00
<i>Meat markets and butcher shops:</i>	
1,000 square feet or less . . .	105.00
More than 1,000 square feet but not more than 2,500 square feet . . .	171.00
More than 2,500 square feet but not more than 5,000 square feet . . .	235.00
More than 5,000 square feet . . .	308.00
<i>Mobile food vendors:</i>	
Per vehicle . . .	86.00
Prepackaged perishable food . . .	149.00
<i>Restaurants, cafes, dining rooms, caterers and boardinghouses:</i>	
1,000 square feet or less . . .	171.00
More than 1,000 square feet but not more than 2,500 square feet . . .	268.00
More than 2,500 square feet but not more than 5,000 square feet . . .	340.00
More than 5,000 square feet . . .	438.00
<i>Sidewalk cart food vendor:</i>	
Per cart . . .	668.00
Per fixed site cart servicing location: That fee specified for a food manufacturer or distributor:	
Per midseason cart location transfer . . .	105.00
For seasonal short-term food establishment . . .	156.00
<i>For indoor food carts:</i>	
Per cart . . .	300.00
Per fixed site cart servicing location: The fee specified for a food manufacturer or distributor	
<i>Vending machines:</i>	
Each machine (except nut vending) . . .	15.00
Each machine (nut vending) . . .	5.00
In addition to the fee specified above, an additional sixty-five-dollar (\$65.00) fee shall be paid by an applicant; except a food shelf applicant:	
(1) Upon initial application for the licenses specified in this section; and	
(2) Upon application for the licenses specified in this section after failing to renew the licenses within one year of the expiration date of the previously held licenses. The fifty-nine-dollar (\$59.00) fee shall not be refunded whether or not the license is granted. If a machine is replaced or vandalized, a replacement decal may be issued at a cost of two dollars (\$2.00) per decal.	

188.200. Entitlement to vending machines without additional fee. The holder of a food license granted under the provisions of this chapter may dispense food from not more than two (2) approved vending machines located on the premises for which such licensee holds a food license without the payment of any additional fees, provided such licensee is the owner of such machine or machines and is fully responsible for the cleaning, operation and food products being vended, and provided further that the food establishment under license is a type required to have equipment and facilities to properly wash and sanitize such machines and their component parts; any machines in excess of two (2) shall be paid for at the rate provided in section 188.190.

188.210. Vending machine location. (a) Each vending machine shall be located in a room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage, or from condensation from water, waste, or sewer piping. The immediate area in which the machine is located shall be well lighted. Each vending machine shall be so located that the space around the machine can be easily cleaned and maintained, and so that insect and rodent harborage is not created.

(b) The floor area where vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing. The space and the immediate surroundings of each vending machine shall be maintained in a clean condition.

188.220. Determination of area for fee purposes. In determining the area for the purpose of fixing the license fee to be paid, all areas used for sales, processing, packaging, serving, cold storage, and all area actually used for storage of products and merchandise used or dispensed in connection with the business carried on at the premises shall be computed.

188.230. Fee for out-of-town manufacturer or distributor. Every food manufacturer or distributor having a place of business outside of the city and desiring to sell or distribute food in the city shall pay an annual fee of forty-six dollars (\$46.00).

188.240. Single fee for manufacturer and distributor. If the applicant is both a food manufacturer and distributor having one place of business and manufacturing and distributing the same product or products, such applicant may have one license for both types of business and

pay one fee therefor.

188.250. Fee for trucks for perishable foods. The licensee of a food establishment shall pay an annual license fee of twenty-six dollars (\$26.00) to cover the cost of inspection for every vehicle used in transporting perishable and readily perishable foods as defined in section 188.10.

188.260. Manufacturer or distributor includes wholesale and retail. A duly issued license for a food manufacturer or distributor shall authorize the licensee to conduct either a wholesale or retail business at the same establishment and for the sale of the same product or products.

188.270. Posting of license. Each licensee shall keep his license prominently posted or readily available for inspection upon the premises.

188.280. Refund of fee. If the application for a license is not granted, the applicant shall be refunded the fees paid by him, less thirty-three dollars (\$33.00) for processing the application.

188.290. When licenses expire. Each license granted under this chapter shall expire on April first of each year.

188.300. Revocation of license. Any license granted under this chapter may be revoked by the mayor or the city council as in the city charter provided.

188.310. Music restricted at certain hours. (a) No cafe, restaurant or other public eating place or any place furnishing food to the public, shall have in the licensed premises any music between 1:00 a.m. and 8:00 a.m. This shall not prevent radio, television, jukebox or any other prerecorded music, provided it does not constitute a nuisance.

(b) Any violation of this section shall be grounds for revocation of all licenses held by the licensee of the premises where the violation occurs.

188.315. Telephone required. All retail food stores which are open longer than sixteen (16) hours on any day of the week must have a telephone for the use of its employees which can be operated without a coin and which is located within ten (10) feet of any cash register then in use.

188.320. Requirements for floors. The floors in all rooms in which food or drink is stored or prepared, in which multiuse utensils are washed, and in walk-in refrigerators, dressing or locker rooms and toilet rooms shall be constructed of smooth, nonabsorbent, easily cleanable, light-colored material, such as, but not limited to,

terrazzo, ceramic tile, durable grades of linoleum, or plastic or plastic coating over tight wood or concrete floors. The floor covering must be grease resistant in all areas where grease or fatty substances are normally used and may drip or spill on the floor. In areas, such as nonrefrigerated dry food storage areas, the floor shall be of easily cleanable construction. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor. Carpeting, rugs or natural stone may be used on floors of interior dining areas and retail sales areas of off-sale liquor establishments if kept clean and in good repair. Abrasive safety strips may be used whenever deemed necessary to prevent accidents. In every new or remodeled food establishment a coved juncture of at least one-quarter-inch radius between the floor and the wall, except in serving areas, shall be constructed or installed. All exterior areas where food is served shall be kept clean and properly drained, and such areas shall be finished so as to facilitate maintenance and minimize dust.

188.330. — Requirements for walls and ceilings. The walls and ceilings of all rooms shall be kept clean and in good repair. The walls of all rooms or areas in which food is normally prepared or multi-use utensils are washed or hands are washed shall be easily cleanable, smooth, light colored, and shall have washable surfaces up to the highest level reached by splash or spray. Washable acoustical materials which are easily cleanable may be used on the ceiling, provided ventilation is adequate to minimize grease and moisture absorption. Wall covering material shall be securely sealed to the wall to prevent accumulations of grease or insect harborage. Studs, joists, rafters, latticework and other decorative materials in dining or access areas shall be smooth or suitably finished and shall be kept clean. Light fixtures, fans, hoods, filters and windowsills shall be kept clean.

188.340. — Screening required. All food preparation and service areas accessible to flies during fly season shall have outside openings such as doors or windows effectively screened and all doors opening to the outside shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

188.350. — Lighting required. All areas in which food is normally prepared or stored or multi-use utensils are washed, hand-washing

areas, dressing or locker rooms, toilet rooms, vestibules, and garbage and rubbish storage areas shall be well lighted. All work surfaces shall be illuminated with at least twenty (20) footcandles of light. At least ten (10) footcandles shall be provided on all other surfaces and equipment, and in dressing and toilet rooms. In storage areas a minimum of five (5) footcandles of light at thirty (30) inches from the floor shall be provided. Subdued lighting in dining areas and public access areas is acceptable; provided that lighting of ten (10) footcandles is available and used during the cleanup period.

188.360. Ventilation required. All rooms or areas in which food or drink is normally prepared or stored after preparation or in which utensils are washed, toilet, dressing and locker rooms and garbage and refuse storage rooms shall be well ventilated. Ventilation hoods or canopies shall be installed over equipment where grease vapors or smoke are produced in the preparation of food. Such hoods or canopies shall be designed to prevent grease or condensation from dripping into the food or onto food preparation surfaces. The ventilation systems shall be installed in strict conformity to existing city ordinances. Well ventilated shall mean that odors, fumes, vapors, smoke, heat or condensation is reduced to a negligible level. Air replacement vents shall be designed to permit the entrance of an equal volume of displaced air and to prevent the entrance of insects, rodents, dust or other contaminating materials.

188.370. Dressing room facilities required. Where employees routinely change outer garments within the establishment, facilities shall be provided and used for the orderly storage of employees' clothing and personal belongings. Such facilities shall be located outside the food preparation, storage and serving areas, and multi-use utensil washing area, provided that the commissioner of health may permit dressing rooms in food storage rooms where only bottled or completely packaged food is stored, and such facilities shall be kept neat and clean.

188.380. Housekeeping. All parts of the establishment and its premises shall be kept neat, clean and free from litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food-contact surfaces. It shall be unlawful to conduct any of the operations connected with a food establishment in any room used as living or sleeping quarters, and no food

establishment may have direct access to any sleeping quarters unless there is a solid partition separating such food establishment from the living or sleeping quarters and connected only by a full-sized, self-closing walk-in door, and provided further that only the licensee and his immediate family shall occupy such living or sleeping quarters. Soiled linens, coats and aprons shall be kept in metal, plastic or other nonabsorbent, easily cleanable containers until removed. However, cloth bags which are routinely laundered may be used for the storage of soiled linens. No live birds or animals shall be allowed in any area used for the conduct of good service establishment operations. Guide dogs accompanying a blind person may be permitted in the serving area.

188.390. Toilet facilities required. Each food establishment shall be provided with water flush toilet facilities that are completely enclosed and which are connected to a sewerage system for use of its employees. Such water flush toilets must be convenient to employees, must be under the licensee's control and must be on the premises for which the license is granted. Separate toilets must be furnished for each sex when five (5) or more employees of opposite sex are on duty at any one time. In every new or remodeled toilet room mechanical ventilation must be installed and used in a manner as to provide at least ten (10) changes of air per hour. Toilet seats and fixtures shall be of sanitary design, shall be kept clean and in good repair. The doors of all toilet rooms shall be self-closing. If vestibules are provided, they must be well lighted and kept clean. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this section. Hand-washing signs shall be posted in the employees' toilet room, directing them to wash their hands before returning to work. Toilet facilities must be provided for patrons in all food establishments which sell hot drinks and other prepared hot foods for consumption on the premises.

188.400. Hand-washing facilities required. Every food establishment shall be provided with adequate, conveniently located hand-washing basins which have hot and cold water under pressure piped to them and which are sewer connected. Soap or detergent and approved sanitary towels or other approved hand drying devices shall be provided. In all new or remodeled food establishments, conveniently located hand-washing facilities must be provided in areas where

food is prepared. The washbasins, faucets, towel racks or cabinets and hand-drying equipment must be kept clean and in good repair and the soap and towels in sufficient supply. It shall be unlawful to use utensil washing, food washing, or food preparation sinks as facilities for hand washing.

188.410. Garbage and refuse storage and disposal. All garbage and rubbish containing food waste shall, prior to disposal, be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use, provided that such containers need not be covered when stored in a special verminproof room or enclosure or in a food-waste refrigerator. All other rubbish shall be stored in containers, rooms or areas in a manner approved by the commissioner of health. The rooms, enclosures, areas and containers used, shall be adequate for the storage of all food-waste and rubbish accumulating on the premises between normal removal intervals. Adequate cleaning facilities shall be provided and each container, room or area shall be thoroughly cleaned after the emptying or removal of garbage and refuse. Food-waste grinders, if used, shall be installed in compliance with city ordinances. Garbage and refuse shall be disposed of with sufficient frequency and in a manner so as to prevent a nuisance.

188.420. Insect and rodent control. Effective measures must be taken to prevent the entrance, breeding or presence within the food establishment or on the premises of insects, rodents and other vermin.

188.430. Plumbing. Plumbing shall be so sized, installed and maintained so as to carry adequate quantities of water to required locations throughout the establishment; to prevent contamination of the water supply; to properly convey sewage and liquid wastes from the establishment to the sewerage system; and so that it does not constitute a source of contamination of food, equipment or multi-use utensils, or create an unsanitary condition or nuisance.

188.440. Water supply. Water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed and the water supply shall be adequate and of a safe, sanitary quality.

188.450. Sewage and waste disposal. All sewage and waste water shall be disposed of into the public sewerage system.

188.460. Toxic materials. No poisonous or

toxic substances which are necessary to maintain sanitary conditions or for sanitization purposes may be stored in a food storage or preparation area. Poisonous and toxic substances shall be identified and shall be used only in such a manner and under such conditions as shall not contaminate food or constitute a hazard to patrons or employees. Poisonous insecticides and rodenticides, in powder form, shall have a distinctive color.

188.470. Health and disease control. No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores or an acute respiratory infection, shall work in any area of a food establishment in any capacity in which there is a likelihood of such person transmitting disease and no licensee of a food establishment shall permit an employee known or suspected of being affected with any such disease to work in such area. If the licensee or the manager of the food establishment has reason to suspect that an employee has contracted any disease in a communicable form, or has become a carrier of such disease, such licensee or manager shall notify the commissioner of health immediately.

188.480. Procedure when infection is suspected. When the commissioner of health has reasonable cause to suspect possibility of disease transmission from any food-service establishment employee, the commissioner of health shall secure an illness or morbidity history of the suspected employee or make such other investigation as may be indicated and take appropriate action. The commissioner of health may require any or all of the following measures:

- (a) The immediate exclusion of the employee from all food-service establishments;
- (b) The immediate closure of the food-service establishment concerned until, in the opinion of the commissioner of health, no further danger of disease outbreak exists;
- (c) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and
- (d) Adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

188.490. Cleanliness of personnel. Every person who handles, stores, fills or replenishes food items in a vending machine, cold storage cabinet or refrigerator or display counter or who cleans or sanitizes such equipment shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved handwashing facility before starting work, and as often as necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his hands. All employees engaged in food preparation or service shall wear hairnets, head bands, caps or other effective devices designed to keep hair from food and food-contact surfaces.

188.500. Spitting, using tobacco. No person shall expectorate or use tobacco in any form while engaged in food preparation or service or while cleaning utensils and equipment, provided that designated areas may be approved by the commissioner of health for smoking.

188.510. Requirements for equipment and multi-use utensils. All equipment and multi-use utensils shall be so designed and of such material and workmanship as to be smooth and easily cleanable; resistant to wear, denting, buckling, pitting, chipping, and crazing; and capable of withstanding repeated scrubbing, scouring and the abrasive and corrosive action of cleaning and sanitizing agents, food and other normal conditions of use. Food-contact surfaces shall be nontoxic and shall be accessible for cleaning and inspection. All equipment shall be so installed and maintained as to facilitate cleaning thereof, and all adjacent areas, and shall be kept clean. All equipment and utensils newly installed or used shall comply with or be equal to the requirements of the National Sanitation Foundation Standards, as amended, certified copies of which are on file in the offices of the city clerk and commissioner of health.

N.S.F. Standard	Date of Passage	Date Amended
1	January 1952	June 1984
2	October 1952	June 1982
3	May 1953	June 1982
4	January 1958	June 1975
5	July 1970	December 1980

6	January 1959	January 1975
7	April 1966	November 1985
8	June 1971	May 1980
12	June 1964	November 1977
18	April 1966	June 1981
20	April 1966	July 1980
25	August 1968	December 1980
26	June 1970	December 1980
29	September 1969	June 1982
35	July 1970	November 1979
36	July 1970	March 1981
37	June 1970	July 1980
51	May 1978	
52	November 1978	
59	June 1986	
C-2	July 1960	July 1972

Equipment and utensils in use in a food establishment licensed by the city and doing business at the time of the adoption of the ordinance from which this chapter is derived, which do not fully meet the requirements of this section, may be continued in use at the present location or any other lawful location, if maintained in good repair, capable of being maintained in a sanitary condition and if food-contact surfaces are nontoxic. Equipment and utensils in storage in the city may be installed and used if approved by the health department. Equipment and utensils stored outside of the city limits may be used after inspection and approval by the health department, and if such inspection is made outside of the city limits, the cost shall be borne by the owner thereof. Such owner shall have the option of bringing the equipment and utensils into the city for inspection, and when brought into the city for inspection, no additional inspection fee shall be charged.

Every glass-filling device shall be constructed so as to prevent any contact of the upper one-third of the glass with the device, and, in addition, so that no portion of the device extends into the glass. Single-service utensils or articles such as, but not limited to, spoons, forks, knives, cups, straws and bottle caps shall be made from nontoxic materials and shall have been manufactured, packaged, transported, stored and handled in a sanitary manner and shall be discarded after use. Only equipment and utensils necessary in the conduct of the food business under license shall be stored in the food establishment. The presence of utensils and equipment on the premises shall be prima facie evidence of intended use.

188.520. Cleaning and bactericidal treatment. (a) Generally. All multi-use eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage. All kitchenware and food-contact surfaces of equipment used in the preparation or serving of food or drink, and all multi-use food storage utensils, exclusive of cooking surfaces of equipment, shall be thoroughly cleaned and sanitized after each use. Cooking surfaces of equipment shall be cleaned at least once each day. Utensils, pans, casseroles and the like which are used routinely for oven baking and for no other purpose shall not be required to be given bactericidal treatment but such utensils must be clean. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean, sanitary condition.

(b) Manual cleaning and sanitizing. For manual washing, rinsing and sanitizing of utensils and equipment, a sink with not fewer than three (3) compartments shall be provided and used. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure spray methods.

(c) [Drain boards and tables.] Drain boards or easily movable dish tables of adequate size shall be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with the proper use of the dishwashing facilities.

(d) [Presoaking, etc.] Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

(e) [Sequence for manual washing, etc.] Except for fixed equipment and utensils too large to be

cleaned in sink compartments, manual washing, rinsing and sanitizing shall be conducted in the following sequence:

- (1) Sinks shall be cleaned prior to use.
 - (2) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.
 - (3) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.
 - (4) Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in subsection (f)(1) through (4) of this section.
- (f) [Sanitizing food contact surfaces.] The food-contact surfaces of all equipment and utensils shall be sanitized by:
- (1) Immersion for at least one-half (1/2) minute in clean, hot water at a temperature of at least one hundred seventy (170) degrees Fahrenheit; or
 - (2) Immersion for at least one minute in a clean solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite and at a temperature of at least seventy-five (75) degrees Fahrenheit; or
 - (3) Immersion for at least one minute in a clean solution containing at least twelve and five-tenths (12.5) parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least seventy-five (75) degrees Fahrenheit; or
 - (4) Immersion in a clean solution containing any other chemical sanitizing agent approved by the commissioner of health that will provide the equivalent bactericidal effect of a solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite at a temperature of at least seventy-five (75) degrees Fahrenheit for one minute; or
 - (5) Treatment with steam free from materials or additives other than those approved by the commissioner of health in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
 - (6) Rinsing, spraying, or swabbing with a chemical sanitizing solution of at

least twice the strength required for that particular sanitizing solution under subsection (e)(4) of this section in the case of equipment too large to sanitize by immersion.

(g) [Hot water sanitizing.] When hot water is used for sanitizing, the following facilities shall be provided and used:

- (1) An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least one hundred seventy (170) degrees Fahrenheit; and
- (2) A numerically scaled indicating thermometer, accurate to three (3) degrees Fahrenheit, more or less, convenient to the sink for frequent checks of water temperature; and
- (3) Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

(h) [Chemical sanitizing.] When chemicals are used for sanitization, they shall not have concentrations higher than twice the minimum strength required for the particular sanitizing solution when used for immersion sanitation and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

(i) Mechanical spray-type washing and bactericidal treatment. All multi-use utensils and equipment washed by machine shall be racked or placed on conveyor belts in such a way that all food-contact surfaces shall be thoroughly covered by wash or rinse water sprays. Effective detergent concentrations shall be used at all times. Wash water temperatures shall be at least one hundred forty (140) degrees Fahrenheit except in single tank conveyor type machines in which the wash water temperature shall be at one hundred sixty (160) degrees Fahrenheit. Flow pressure of rinse water shall be maintained at all times at not less than fifteen (15) or more than twenty-five (25) pounds per square inch on the water line at the machine, and not less than ten (10) pounds per square inch at the rinse nozzles. A control valve and pressure gauge shall be installed immediately upstream from the final rinse sprays to permit adjustment of the flow pressure. The temperature of the final rinse water shall be at least one hundred eighty (180) degrees Fahrenheit at the entrance to the rinse

spray arms of all machines while dishes are being washed. A recirculating line and accessory equipment shall be provided between the hot water heater and the automatic dishwasher if by appropriate tests the required water temperatures are not attained at the rinse nozzle. Thermometers which accurately indicate both rinse and wash water temperatures shall be installed on all machines.

Where a dishwashing machine is used to wash and sanitize multi-use utensils, equipment or equipment components, a two-compartment pot and pan sink with a drainboard on both ends may be used.

(j) Mechanical spray-type washing and chemical sanitizing treatment. Machines using chemicals for sanitization may be used provided that the following conditions are met:

- (1) The temperature of the wash water shall be not less than one hundred forty (140) degrees Fahrenheit.
- (2) The wash water shall be kept clean.
- (3) Chemicals added for sanitization purposes shall be automatically dispensed.
- (4) Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturer's specifications for time and concentration for that particular machine.
- (5) The chemical sanitizing rinse water temperature shall be not less than one hundred forty (140) degrees Fahrenheit if hypochlorite-type sanitizers are used and shall be not less than seventy-five (75) degrees Fahrenheit if iodophor-type sanitizers are used.
- (6) All chemical sanitizing solutions used shall meet the requirements of 21 Code of Federal Regulations, Section 178.1010(1979).
- (7) A test kit or other device that accurately measures the parts-per-million concentration of the solution shall be available and used on an hourly basis to check the chemical concentration of the

chemical sanitizing rinse.

188.530. Bar glass cleaning. All newly constructed or remodeled "on sale" beer and "on sale" intoxicating liquor establishments may provide and use a mechanical spray-type hot water or chemical glass-washing and sanitizing device for the cleaning of bar glasses. Each such glass-washing machine must meet National Sanitation Foundation standards.

188.540. Storage and handling of utensils and equipment. After bactericidal treatment, utensils and portable equipment shall be stored in a clean, dry place, protected from flies, dust, splash and other contamination and shall be handled so as to prevent contamination. Wet cold storage of glasses or similar utensils is prohibited.

All undercounter utensil storage compartments less than eighteen (18) inches from the floor shall be enclosed and doors shall be kept closed except during times of meal service. Enclosed automatic utensil elevators are acceptable. Facilities for the storage of silverware shall be provided and shall be designed and maintained to present the handle to the employee or customer. Shelving shall be protected by easily cleanable, nonabsorbent paint, varnish or equivalent.

188.550. Itinerant food establishments. An itinerant food establishment conducting an unrestricted operation shall comply fully with the provisions of this chapter. When restricted operations are conducted the commissioner of health may accept modified physical facilities, may prohibit the sale of certain potentially hazardous foods and may augment requirements when in the opinion of the commissioner such action is necessary in the interest of public health.

188.560. Operation as home industry; mobile operation. It shall be unlawful, except as to businesses licensed on October 1, 1973, to open, operate or conduct a food establishment in any home or to operate any mobile food vending or mobile food manufacturing vehicle in the city, unless it is licensed, operated and conducted in accordance with the following conditions:

(a) The licensee must sell only prepackaged, nonperishable or self-limiting packaged confections as approved by the commissioner of health, except there may be issued up to fifteen (15) food licenses for operation of mobile food manufacturing vehicles for the sale of popcorn and soft drinks;

(b) Licensee shall not park his vehicle within thirty (30) feet of an intersection;

(c) Licensee shall not park in such a manner so as to create a traffic hazard;

(d) Sales by licensee shall be made on the curbside only and the vehicle shall be parked within one foot of the curb;

(e) No waste liquids, garbage, litter or refuse shall be dumped on city sidewalks, streets, or lawn areas, or in city gutters or drains. When leaving a sales area, licensee or employees shall pick up all litter resulting from the business sales and shall deposit such litter in a city health department approved covered garbage receptacle located on the vehicle. The receptacle shall be easily accessible for customer use. Licensee shall be responsible for all litter and garbage left by customers;

(f) Hours of operation for such vehicles shall be limited to the hours between 9:00 a.m. and 10:00 p.m.;

(g) Licensee shall be in conformance with applicable city ordinances regarding noise control and vehicle identification;

(h) Licensee shall not be allowed to operate on and within the area bounded by the following streets: Commencing at the intersection of Second Avenue North and Washington Avenue; thence southwesterly along Second Avenue North to Ninth Street North; thence southerly and southeasterly along Ninth Street North to LaSalle Avenue; thence southwesterly and southerly along LaSalle Avenue to Grant Street; thence easterly along Grant Street to Portland Avenue; thence northeasterly along Portland Avenue to Ninth Street South; thence southeasterly along Ninth Street South to Chicago Avenue; thence northeasterly along Chicago Avenue to Washington Avenue; thence northwesterly along Washington Avenue to the point of beginning;

(i) Licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for individuals or three hundred thousand dollars (\$300,000.00) for any single incident. Certificate of insurance shall be delivered to appropriate city officials prior to issuance of a license.

(j) Licensee shall not operate any such business within two thousand (2,000) feet of any city, county, or state fair, carnival, circus, festival or civic event that is licensed or sanctioned by the city council except when licensee has obtained a temporary food permit from the director of licensing and consumer services as being a participant under the auspices and control of such event;

(k) Notwithstanding the limitations in

subsection (a), the city council may issue licenses under this section for the sale of prepackaged perishable foods from nonmotorized carts operating exclusively on park board property with the approval of the park board. Each applicant for a license under this subsection shall include in the application a proposed operating location or route. The construction and dimensions of each cart, and all food and beverage items sold from such carts, shall be subject to the approval of the commissioner of health. Each mobile food cart shall meet National Sanitation Foundation (NSF) standards for food storage preparation and dispensing. Each cart shall be stored, cleaned and serviced on a daily basis at a permanent location in the City of Minneapolis licensed as a food distributor or manufacturer. All other provisions of this section, except subsection (a), shall apply to a license issued under this subsection.

This shall not be interpreted to prohibit food catering.

188.570. Vehicles to be identified. Each vehicle, used for transporting perishable and readily perishable food, shall have printed on each side of said vehicle in plain letters not less than one inch in height, the name and post office address of the licensee.

188.580. Food protection. (a) All food while being stored, prepared, displayed, served or sold, or being transported shall be protected against contamination by dust, flies, rodents and other vermin; unclean utensils and surfaces; unnecessary handling; flooding; drainage and overhead leakage or any other contamination. All perishable food shall be kept at temperatures as will protect against spoilage. The temperature of readily perishable food, during storage and transportation, shall be forty (40) degrees Fahrenheit or lower, or one hundred fifty (150) degrees Fahrenheit or higher, except that this provision shall not apply to trucks used in the delivery of foodstuffs for retail grocers and retail meat dealers to homes of their customers. Such foods being displayed for service shall be prechilled to fifty-five (55) degrees Fahrenheit or lower and refrigerated at a temperature of forty-five (45) degrees Fahrenheit or lower, or kept heated to a temperature of one hundred fifty (150) degrees Fahrenheit or higher. A temperature variation of five (5) degrees Fahrenheit in service refrigerators is permitted during times of meal service. Frozen foods in storage and not displayed for service shall be kept at or below zero (0)

degrees Fahrenheit. All readily perishable frozen food shall be thawed at refrigerator temperatures, or under cold running tap water; or quick thawed as a part of the cooking process. Stuffing, poultry and stuffed meats and poultry shall be heated throughout to a minimum temperature of one hundred sixty-five (165) degrees Fahrenheit with no interruption of the initial cooking process. Pork and pork products shall be thoroughly cooked to heat all parts of the meat to at least one hundred fifty (150) degrees Fahrenheit. Raw fruits and vegetables shall be thoroughly washed before use. Individual portions of food once served shall not be served again except that wrapped food which has not been unwrapped and which is wholesome may be reserved. The requirements for temperature and protection from contamination shall apply during the transportation from one location to another by truck or catering service as the case may be, except that this provision shall not apply to trucks used in the delivery of foodstuffs for retail grocers and retail meat dealers to homes of their customers. Dispensing scoops for frozen desserts shall be stored, between uses, in an approved running water dipper well. Sugar for table, booth or counter use shall be provided only in closed dispensers or in individual packages. All food shall be handled in a sanitary manner.

(b) Every food establishment that deals in hind, front, halves or whole animal carcasses or other primal cuts commonly known to the trade as "butcher's meat" shall have a walk-in refrigerator of sufficient capacity to hang or store such meat as to assure circulation of cold air around such meat, but in no case shall such refrigerator be less than forty (40) square feet inside measurement. Such refrigerator shall have a full length walk-in door, a minimum inside clearance of six (6) feet and shall maintain a temperature of forty (40) degrees Fahrenheit or less. Such meats, except when being cut and processed, shall be kept in such walk-in refrigerator. Such walk-in refrigerator may be used for the storage of other food if such food does not contaminate fresh meat or come in contact with fresh meat surfaces.

(c) Such other food establishments which sell fresh meats, fish and poultry may do so without providing and installing a walk-in refrigerator only when such fresh meats are obtained from a city licensed source of supply in an original package or carton bearing the stamp of inspection of the United States Department of Agriculture or the supplier's name and address, and such meats are received and sold in consumer

size cuts or packages without the addition of any substance thereto; are stored or displayed in refrigerated display cases or reach-in refrigerators which maintain such meat at a temperature of forty (40) degrees Fahrenheit or lower.

(d) The quantity of fresh meat, or "butcher's meat" as it is known in the trade, shall not exceed the refrigerated storage and display capacity in the establishment.

188.581. Unpackaged processed food. (A)

Unpackaged processed food, except readily perishable food as defined in section 188.10, may be displayed and sold in bulk in self-service containers if all of the following conditions are satisfied:

- (1) Each self-service container has a tight-fitting lid which is kept in a closed position at all times except during customer service.
- (2) Each self-service container has a utensil with a handle for dispensing the product.
- (3) Self-service containers, lids and utensils are constructed of nontoxic materials and provide for easy cleaning and proper repair.
- (4) Self-service containers, lids and utensils are maintained in a sanitary condition and in a manner that prevents spoilage and infestation.

(B) Unpackaged processed food may be displayed and sold in bulk in other than self-service containers if all the following conditions are satisfied:

- (1) The food is served by an employee of the food establishment directly to a consumer.
- (2) The food is displayed in clean, sanitary and covered or otherwise protected containers.

(C) All policy statements or guidelines relating to the distribution of bulk foods shall be filed by the commissioner of health with the city clerk prior to its effective date. A public hearing before the appropriate committee of the city council shall be held if requested by an interested party.

188.590. Sidewalk cart food vendors.

Notwithstanding the provisions of sections 186.40, 188.560(h), 427.110 and 427.130, the city council may issue licenses for sidewalk cart food vendors for the sale of specified food and beverage items

from mobile pushcarts on the public sidewalks, which shall be operated and conducted in accordance with the following conditions:

(a) Each sidewalk cart shall be separately licensed and may operate only at the location specified in the license, except as permitted in subsection (t). However, in the event a licensee holds licenses for more than one location, the licensee may place any of his/her licensed carts at any location for which he/she holds a license. No licensee may trade carts or locations with another licensee; however, should a licensee apply for and be granted a different location for a cart during the licensing year and chooses to surrender the original location for that cart, the fee for such midseason cart location transfer shall be the fee indicated in section 188.190 of this Code for transfer alone.

(b) Application procedure:

(1) Each applicant shall file an application with the department of licenses and consumer services on forms provided by the department. In addition to the requirements of section 188.120, the director of licenses and consumer services may require such information on the application as the director considers reasonable and necessary.

(2) No application for a single license or for the first of several licenses shall be accepted for filing unless the applicant files therewith plans and specifications for the cart which have been approved by the commissioner of health. Provided, however, that if the cart is not ready and available for inspection sixty (60) days after the application is filed, the applicant's proposed operating location shall be available to other applicants, and the applicant shall be required to select a new location.

No application from a single applicant for licenses beyond a first license shall be accepted for filing unless the applicant possesses sidewalk carts ready and available for inspection for each location beyond the first location. A single applicant, for the purposes of this section, shall mean an individual person, or any member of that person's immediate family and shall also include a corporation and any corporation with substantially the same ownership or ownership by persons of the immediate family of the stockholders of that corporation or partnership.

(3) Each applicant shall include in the application a proposed operating location. The proposed location shall be referred to the director of public works for the approval or disapproval. The director of public works shall not approve a

location where a sidewalk cart would substantially impair the movement of pedestrians or vehicles, or pose a hazard to public safety. Further, the director of public works shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within fifty (50) feet of an intersection, within three (3) feet of a curb, or directly in front of a commercial entryway. If the applicant's proposed location is disapproved, the applicant shall be so notified, and the applicant may select an alternate location, which shall also be referred to the director of public works for approval or disapproval. A holder of a valid license for the previous license year may renew that license and thereby reserve that location for another license year. Any license not renewed by April fifteenth shall cause that location to become available to other applicants. Licenses may be renewed between April first and April fifteenth by the payment of a late fee in addition to the license fee. All licensees shall be notified of the availability of locations which have been vacated or for which licenses have not been renewed. The notification shall include a due date for applicants for these locations and a date upon which a lottery will be held to choose among multiple applicants.

(4) The director of public works shall refer the subject of sidewalk cart food vendors on the Nicollet Mall to the advisory board provided for in Minnesota Statutes, Section 430.101, subdivision 3. The advisory board shall report its recommendations concerning the number and location of sidewalk cart sites on the Nicollet Mall to the director of public works on or before April 30, 1982. The director of public works shall review the board's report and prepare a list of approved locations on the Nicollet Mall. The list shall be available in the department of licenses and consumer services to any applicant or interested person.

(5) No location which has been chosen in a previous application shall be available for selection.

(e) All sidewalk cart food vendor licenses shall expire on April first of each year subject to renewal year to year thereafter.

(d) No sidewalk cart shall have dimensions exceeding four (4) feet in width, eight (8) feet in length and eight (8) feet in height. However, a cart may be equipped with an awning which overhangs by not more than twelve (12) inches in any direction. Each sidewalk cart shall be self-propelled and capable of being moved and kept under control by one person traveling on foot. The

city council may grant a special license to a handicapped person to operate a sidewalk cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license:

(e) Location restrictions:

(1) Sidewalk cart food vendors may operate only within the area bounded by the following: Commencing at the intersection of Third Avenue North and the Mississippi River, thence southeasterly along the Mississippi River to Interstate 35 West, thence southerly along Interstate 35 West to Interstate 94, thence westerly and northerly along Interstate 94 to Glenwood Avenue, thence easterly to Tenth Street, thence northerly to Third Avenue North, thence northeasterly to the point of beginning or the sidewalk abutting the south side of Vineland Place between Lyndale Avenue South and Bryant Avenue South.

(2) A sidewalk cart food vendor licensed under this section may operate on privately or publicly owned property, within the boundaries described in subparagraph (1) above, with the express written consent of the property owner, and the approval of the director of public works.

(f) A sidewalk cart food vendor license shall not be transferable from person to person nor from place to place without approval of the city council.

(g) Every licensee shall maintain a permanent location within the City of Minneapolis for the storage and preparation of food and beverages carried by the licensee's sidewalk carts, and for the cleaning and servicing of those carts. Such permanent location shall comply in all respects with the requirements of the Minneapolis food and beverage ordinances, and shall be separately licensed as a food distributor. Each sidewalk cart shall return to the permanent location at least once daily for cleaning and servicing.

(h) Each sidewalk cart shall meet National Sanitation Foundation (NSF) standards for food storage, preparation and dispensing. Toilet facilities shall be required at the permanent location but not on each cart.

(i) Each cart shall carry adequate hand-washing facilities for the employees of the licensee. A waste retention tank with fifteen (15) percent larger capacity than water supply tank shall be provided.

(j) All waste liquids, garbage, litter and refuse shall be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids

and properly disposed of at the permanent location. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles or any other place except at the permanent location. When leaving the sales area the licensee or his employees shall pick up all litter resulting from his business and shall deposit such litter in an approved container located on his cart.

(k) The commissioner of health shall publish, and may from time to time amend, a list of approved food and beverage items which may be sold by sidewalk cart food vendors. No items of any kind, other than approved food and beverage items, shall be sold or dispensed from sidewalk carts.

(l) There shall be issued to each licensee a suitable decal for each licensed pushcart. Every pushcart licensed under this chapter shall at all times have the decal permanently and prominently fastened on the pushcart.

(m) Affixed permanently and prominently to each pushcart shall be a sign no smaller than twelve (12) inches by twelve (12) inches displaying the name, address and telephone number of the pushcart owner.

(n) Each licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for individuals, three hundred thousand dollars (\$300,000.00) for any single incident and ten thousand dollars (\$10,000.00) for property damage. A certificate of insurance shall be delivered to the director of licenses and consumer services prior to issuance of a license. The city shall be named an additional insured.

(o) No sidewalk cart operator shall use lights or noisemakers, such as bells, horns or whistles, to attract customers. A sidewalk cart operator may use battery-operated lights with protective shielding for the purpose of illuminating food and utensils.

(p) No sidewalk cart shall operate before 7:00 a.m. or after 11:00 p.m. on any day.

(q) No sidewalk cart shall operate, park, stand or stop in any street or alley except to cross at designated street crossings.

(r) The city council shall establish a reasonable fee, not to exceed two hundred fifty dollars (\$250.00) per year, to be charged to each sidewalk cart food vendor not located on a specially assessed mall, to defray the cost of cleanup and maintenance and other policing in connection with the operation of the food cart.

(s) Any sidewalk cart operator who shall fail

to operate at any licensed location for thirty (30) consecutive days between May first and October first shall forfeit that location. The department of licenses and consumer services shall notify all licensees of the vacation of said location and shall set a date for a lottery, if necessary, to choose among multiple applicants.

(t) Notwithstanding other provisions of this section, a licensed sidewalk cart may operate at an indoor location other than its normal sidewalk location, with the approval of the department of health and the consent of the property owner, during the following times:

- (i) Between October first and April thirtieth;
- (ii) Between May first and October first only during periods of inclement weather.

All other conditions and restrictions of this section shall continue to apply to a sidewalk cart operated at an indoor location under this subsection:

188.595. Indoor food cart vendors. (a) The city council may issue a food license for the operation of a food cart on indoor private property in accordance with the provisions of this section.

(b) Application for an indoor food cart license shall be made upon forms provided by the division of licenses and consumer services and shall require information necessary to verify that the terms and conditions of this section have been met.

(c) Each food cart shall be separately licensed and may operate only at the location specified in the license. A license may allow for reasonable movement within a designated area of a building, provided that the food cart is at all times readily observable by city inspectors in the course of their inspection duties. Every location for an indoor food cart shall comply with all applicable provisions of building and fire codes, including those relating to ingress, egress, and passageway clearance.

(d) Each food cart license holder shall have the written consent of the property owner to its operation at the licensed location.

(e) All indoor food cart licenses shall expire on April first of each year subject to renewal year to year thereafter.

(f) The provisions of subsections 188.590 (d), (f), (g), (h), (i), (j), (k), (l), (m), (o), and (q) relating to sidewalk food carts shall also apply to indoor food carts, and such provisions are incorporated herein as though fully set forth in writing. However, the commissioner of health

may adopt regulations authorizing dimension limitations for indoor food carts which exceed the limitations in subsection 188.590(d) for sidewalk food carts.

(g) No license shall be issued for an indoor food cart in a skyway.

(h) A sidewalk food cart operating indoors pursuant to subsection 188.590(t) shall pay only the license fee for sidewalk food carts and shall be exempt from the license fee for indoor food carts.

(i) No application for a license shall be accepted for filing unless applicant files therewith plans and specifications for the cart which have been approved by the commissioner of health.

(j) The license fee for indoor food carts shall be three hundred thirty dollars (\$330.00).

188.596. Kiosk food cart vendors. (a) Notwithstanding the provision of sections 188.390, 188.440, 188.450 and 188.590(g), the city council may issue a food license for the operation of a food cart in a kiosk on private property in accordance with the provisions of this section.

(b) Application for a kiosk food cart license shall be made upon forms provided by the department of licenses and consumer services and shall require information necessary to verify that the terms and conditions of this section have been met.

(c) Each food cart shall be separately licensed and may operate only at the location specified in the license. The food cart must at all times be readily observable by city inspectors in the course of their inspection duties. Every location for an indoor food cart shall comply with all applicable provisions of building and fire codes, including those relating to ingress, egress and passageway clearance.

(d) Each food cart license holder shall have the written consent of the property owner to its operation at the licensed location.

(e) All kiosk food cart licenses shall expire on April first of each year subject to renewal year to year thereafter.

(f) The provisions of subsections 188.590(d), (f), (h), (i), (j), (k), and (l), relating to sidewalk food carts shall also apply to kiosk food carts, and such provisions are incorporated herein as though fully set forth in writing. However, the commissioner of health may adopt regulations authorizing dimension limitations for kiosk food carts which exceed the limitations in subsection 188.590(d) for sidewalk food carts.

(g) The menu for kiosk food cart vendor shall be limited to espresso-type drinks and other non-

potentially hazardous foods as determined by the commissioner of health.

(h) Fully operational and stocked toilet facilities and lavatory must be convenient to employees and be available at all hours of operation of the kiosk.

(i) The commissioner of health shall publish and may amend from time to time a set of guidelines relative to the servicing and maintenance of a kiosk food cart vendor.

(j) No application for a license shall be accepted for filing unless applicant files therewith plans and specifications for the cart which have been approved by the commissioner of health.

(k) The annual license fee for each kiosk cart food vendors license shall be those fees described in section 188.190 of this code.

(l) Each application for a kiosk cart food vendors license shall comply with the site plan review standards as described in section 530.10 of this code.

(m) All kiosks licensed under this chapter shall be designed to be directly accessible from a motor vehicle so that items sold are passed directly from a service window to the driver of the waiting motor vehicle.

188.600. Regulations of outdoor areas in retail food establishments. The following regulations shall apply to all outdoor areas in retail food establishments which do not hold on-sale liquor, wine, or beer licenses, including establishments holding sidewalk cafe permits:

(a) Every outdoor area must be approved as part of the original licensed premises or by the granting of an application for expansion of the licensed premises.

(b) Entertainment:

(1) No food establishment shall conduct entertainment, including nonlive entertainment such as radio, taped music, and television, in an outdoor area without approval of the city council.

(2) In the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve any forms of entertainment unless otherwise prohibited by law.

(3) Outside the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may

approve only those forms of entertainment which would be authorized under a class E on-sale liquor, wine, or beer license.

(4) Regardless of the forms of entertainment authorized for an outdoor area, the city council may further restrict the days, hours, nature, volume, and other aspects of entertainment in any outdoor area, including a prohibition against all forms of nonlive music, radio, television, and other entertainment, to protect the safety, repose, and welfare of residents, businesses and other uses near the establishment.

(5) The city council may authorize an establishment to conduct entertainment not otherwise allowed under its license in an outdoor area by permit temporarily for special events. Application for such permit shall be filed with the department of licenses and consumer services on a form prescribed by the director. The fee for a temporary entertainment permit shall be one hundred fourteen dollars (\$114.00).

(c) All new and remodeled outdoor areas shall be handicap accessible. All existing outdoor areas shall comply with building codes relating to handicap accessibility. No outdoor area shall reduce existing handicap accessibility.

(d) The city council may restrict the hours of operation of an outdoor area based upon proximity of the area to residential dwelling units, and upon considerations relating to the safety, repose, and welfare of residents, businesses, and other uses near the establishment.

(e) The city council may require that access to and egress from an outdoor area only be through the door connecting it to the remainder of the premises, or to property controlled by the licensee.

(f) The licensee shall be responsible for picking up trash and litter generated by the operation of the outdoor area within a reasonable distance from the area.

(g) The city council may review the operation of any outdoor area in connection with the renewal

of the license for the establishment, or at any other time for good cause. Violation of the terms and conditions of this section shall be grounds for revocation, suspension, or refusal to renew the license for that portion of the licensed premises pertaining to the outside area.

(h) All special restrictions relating to the hours of operation and types of entertainment in an outdoor area shall be endorsed on an addendum to the license certificate and posted in the establishment with the license certificate.

188.650. — Minneapolis Food Manager Certification. The manager certification program is established to ensure each food establishment has an individual in a supervisory capacity who has demonstrated, by passing an examination and obtaining a Minneapolis Food Manager Certificate, that he or she has knowledge and proficiency in the prevention of food borne illnesses, in the preparation and handling of food products in a clean and sanitary manner, and in approved sanitation practices and techniques for food establishments.

188.660. — Definitions. *Approved food manager's certification course.* An approved food manager's certification course shall mean a course covering the material contained in the U.S. Department of Health and Human Services, Food and Drug Administration's (F.D.A.) 1976 recommended food service ordinance. The following courses are pre-approved: Applied Food Service Sanitation by the Educational Foundation of the National Restaurant Association; Food Safety Through Quality Assurance Management by the Hospitality Institute of Technology and Management Incorporated, and Food Manager's Certification Courses conducted by Hennepin County Community Health Service.

Organizations seeking approval for their food manager's certification course must apply to the Department of Health and Family Support's Division of Environmental Health.

Approved shall mean acceptable to the commissioner of the department of health and family support. The commissioner shall determine conformance with this ordinance and the applicable rules.

Food establishment shall mean any building, room, stand, enclosure, vehicle, space, area, boardinghouse, or other place wherein food is stored, prepared, manufactured, processed, wrapped, canned, packaged, bottled, distributed, offered for sale, or served with or without charge.

Food manager certification examination. A

certification examination shall mean an examination administered by an approved agency authorized to conduct a food manager certification course in the preparation and handling of food products in a clean and sanitary manner, and approved sanitation practices and techniques for food establishments. Examples of an approved examination would be one given by the Education Foundation of the National Restaurant Association, Hospitality Institute of Technology and Management Incorporated, or Hennepin County Community Health Service.

Minneapolis Food Managers Certificate. The document issued by the Division of Environmental Health that certifies a person has satisfactory current knowledge of food service sanitation.

Short term food permit is defined in Chapter 188.10.

188.670. — Minneapolis Food Manager Certification Requirements. All persons licensed to operate a food establishment under this chapter (except short term food establishments) shall at all times employ at least one full time person with supervisory responsibilities (which may be the licensee) who (1) spends a substantial amount of his/her work week at that food establishment, and (2) who has a current Minneapolis Food Manager Certificate. A large establishment with more than one food preparation and service location under one license, shall have a certified manager for each location.

Effective April 1, 1995, a food establishment shall have at least one person holding a Minneapolis Food Manager's Certificate. Effective January 1, 1994, new licensees shall employ a certified person within ninety (90) days of opening.

The licensee shall notify the city when the certified person leaves or terminates employment with the food establishment. A food establishment that no longer employs a certified manager shall employ a certified manager within ninety (90) days.

All establishments (except short term food establishments and those exempted pursuant to rules adopted under the authority of the ordinance) shall maintain up-to-date written policies and guidelines on the premises. These policies and guidelines shall have been approved by the commissioner of health and shall govern food handling and preparation, sanitation practices and techniques, personal hygiene including handwashing techniques, the prevention of food borne illness through proper receiving, storage, preparation, cooling and reheating of foods, and

other related matters:

The commissioner of health shall adopt rules to implement this ordinance. A copy of rules so adopted shall be forwarded to an appropriate committee for receipt and filing by the city council. The rules shall become effective thirty (30) days following receipt and filing unless disapproved by the city council or withdrawn by the commissioner.

188.700. Emergency closure of licensed food establishments. (A) Summary closure conditions. The commissioner of health may summarily close any licensed food establishment for the following reasons:

(1) Any one of the following conditions exist on, or result from, the operation of the licensed premises:

- (a) Evidence of a sewage backup in a food establishment to such an extent that the floor in food preparation, storage or warewashing areas has been flooded;
- (b) No potable hot or cold water under pressure to a food establishment to such an extent that handwashing, warewashing, food preparation, or toilet facilities are not operational;
- (c) A lack of electricity or gas service to a food establishment to such an extent that handwashing, warewashing, food preparation, or toilet facilities are not operational;
- (d) Where there is an ongoing food-borne illness caused by the operation of the establishment;
- (e) More than one violation within thirty (30) days of holding readily perishable foods between fifty (50) degrees Fahrenheit and one hundred thirty (130) degrees Fahrenheit;
- (f) Lack of an accessible, previously approved handwashing facility in the food preparation area, or three (3) violations within thirty (30) days for improper maintenance of approved

handwashing facilities, such as lack of soap or single-service hand towels.

(2) Any two (2) of the following conditions exist on, or result from, the operation of the licensed premises; and following notice of not less than twenty-four (24) hours of each violation;

- (a) Lack of an approved and presently operable dishwashing system on premises, where food preparation utensils and/or reusable eating utensils are used as part of the business;
- (b) An infestation of cockroaches in the premises to such an extent that six (6) or more live cockroaches are observed in the food preparation area, six (6) or more cockroaches are trapped within a twenty-four-hour period in the food preparation area, or there is the presence of one cockroach in food caused by the operation of the food establishment;
- (c) An infestation of rodents to such an extent that one live mouse or rat is observed within the premises of the food establishment or there is the accumulation of fresh mouse droppings in more than one location in either the food preparation or storage areas, or the presence of fresh rat droppings in one location in the food storage or preparation areas;
- (d) The presence of gnawed or rodent contaminated (urine stained) food product;
- (e) There are flies breeding in the licensed food establishment as shown by the presence of eggs or maggots;
- (f) The licensed food establishment scores fifty-five (55) or less on a rated inspection as measured by

the rating system approved by the Minnesota Department of Health:

~~(B) Procedure for emergency closure.~~

~~(1) Order to be issued. If the commissioner of health or the commissioner's agent, following an on-site inspection determines that any of the grounds for emergency closure exist in a licensed food establishment, an order for emergency closure may be summarily issued on such form as the commissioner shall promulgate. Such order shall: Identify the licensed food establishment; describe the specific grounds upon which the closure is based; state by what time the patrons must vacate; state that a hearing on the emergency closure can be requested by owner or manager by informing the commissioner of health or the commissioner's agent. Such order shall be served on the owner, manager or apparent person in charge of the premises who shall thereupon close the premises, which shall remain closed pending either approval of the commissioner of the abatement of the condition(s) giving rise to the emergency closure, or final order of the commissioner after hearing as provided in subsection (2) below.~~

~~(2) Hearing. Upon written request, a hearing to consider whether the establishment may reopen, and the conditions, if any, to be imposed for such reopening, shall be commenced no later than three (3) business days after receipt of the written request. The commissioner, or the commissioner's agent, shall render a written decision within two (2) business days after conclusion of the hearing.~~

~~(C) Violation. Any of the following is punishable as a misdemeanor:~~

- ~~(1) Failure of the owner, manager or apparent person in charge to close a licensed food establishment and/or vacate the patrons from the establishment after service of an order for emergency closure;~~
- ~~(2) Failure of any person to leave a licensed food establishment subject to an order for emergency closure upon being ordered to leave by the commissioner of health or the commissioner's agent;~~
- ~~(3) Any violation of section 188.700(A)(1) or (2) by the owner, manager or apparent person in charge of a licensed food establishment.~~

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 99-Or-117
By Herron and Biernat**

**Intro & 1st Reading: 7/30/99
Ref to: PS&RS
2nd Reading: 10/29/99**

Amending Title 10 of the Minneapolis Code of Ordinances relating to Food and Food Handlers.

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

Section 1. That the title of Title 10 of the Minneapolis Code of Ordinances be amended to read as follows:

Title 10. Food and Food Handlers Code.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 99-Or-118
By Herron and Biernat

Intro & 1st Reading: 7/30/99
Ref to: PS&RS
2nd Reading: 10/29/99

Amending Title 10 of the Minneapolis Code of Ordinances relating to Food Code by adding a new Chapter 186 relating to In General.

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 186 to read as follows:

CHAPTER 186. IN GENERAL

186.10. Title. This title shall be known and cited as the food code.

186.20. State code incorporated. The Minnesota Food Code, Minnesota Rules, Chapter 4626, and amendments thereto, is hereby adopted by reference and is incorporated in this title as fully as if set forth herein, subject to and including such portions as are supplemented by chapter 188 of this Code.

186.30. More restrictive standards to apply. Where the conditions imposed by any provision of the food code are either more restrictive or less restrictive than comparable conditions imposed by the Minnesota Food Code, or any other law, statute, rule, resolution, ordinance, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

186.40. "Regulatory authority" defined for the code. Wherever the term "regulatory authority" is used in the Minnesota Food Code, it shall be held to mean the environmental health division of the city department of regulatory services.

186.50. Definitions. All terms used in this title, unless expressly defined in this section, shall be interpreted as defined in the Minnesota Food Code, part 4626.0020. The following terms shall have the following meanings:

Boardinghouse means an eating place where meals are furnished regularly to five (5) or more persons other than members of the family.

Food establishment shall be defined including Minnesota Rules 4626.0020 subpart 35 (c), in addition to those facilities listed in Minnesota Rules 4626.0020 subpart 35 (a) and (b).

Food shelf shall mean a food establishment operated by a nonprofit organization where food is collected, stored, or packaged for free distribution to individuals who qualify for food according to need.

Food stand shall mean a temporary food establishment operated in one contiguous space by a single licensee and which complies with the guidelines for dispensing food under a short-term permit.

Perishable food is fresh fruit and fresh vegetables, such as, but not limited to, apples, bananas, oranges and grapefruit, lettuce, carrots, radishes, onions and potatoes.

Seasonal short-term food establishment is a person or sponsor who pays an annual fee to operate at multiple, approved short-term food events, such as fairs, carnivals, and community celebrations, and is an approved participant under the auspices and control of each such event. The seasonal short-term food establishment may sponsor multiple events within the area listed in section 188.480 (e) (1) of this Code notwithstanding Minneapolis Park Board as a seasonal short-term permit holder.

Sell or sale is any transaction of a mercantile character.

Short-term food establishment is a food establishment operating for a period of fourteen (14) days or less at fairs, community celebrations, carnivals, circuses, promotional food product events, sports events and the like.

Sidewalk cart food vendor shall mean a food establishment authorized and operated according to the standards and conditions set forth in section 188.480 of this Code.

Unpackaged processed food means any processed food offered for sale from containers that permit a customer to dispense the food directly into packages, except produce offered for sale or food which is intended to be shelled.

Wholesome shall mean sound, healthful, clean, free from adulteration and in all ways fit for human food.

186.60. Severability. If any part or provision of this title or the application thereof to any person, entity, or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or the application thereof to other persons, entities, or circumstances.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 99-Or-119
By Herron and Biernat**

**Intro & 1st Reading: 7/30/99
Ref to: PS&RS
2nd Reading: 10/29/99**

Amending Title 10 of the Minneapolis Code of Ordinances relating to Food Code by adding a new Chapter 188 relating to Administration and Licensing.

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 188 to read as follows:

CHAPTER 188. ADMINISTRATION AND LICENSING

ARTICLE I. GENERALLY

188.10. Authority. This chapter is adopted pursuant to Minnesota Statutes 1998, Chapter 144, 145, 145A, and 157, and related rules; and a delegation agreement authorized by Minnesota Statute 145A.07 between the Minnesota Department of Health and the City of Minneapolis authorizing the Environmental Health Division to inspect and regulate food, beverage and lodging establishments.

188.20. Manager of the environmental health division to enforce. This title shall be enforced by the manager of the city's environmental health division of the department of regulatory services or the manager's authorized representatives.

188.30. Office of Environmental Health Specialist/Sanitarian established; appointment, supervision. There shall be an office of Environmental Health Specialist/Sanitarian of food and sanitation. The Environmental Health Specialist/Sanitarian of food and sanitation shall perform the duties of the office under the direction, supervision and control of the environmental health division.

188.40. Unwholesome food generally. No person licensed under the terms of this chapter shall sell, offer for sale or have or keep in their possession with intent to sell, barter or give away, any meat, fish, oysters, birds, fowl, vegetables, fruits or other provisions or article of food or drink for human use or consumption that consists in whole or in part of any adulterated, filthy, decomposed or putrid animal or vegetable substance or which are decayed or unfit or unsafe for use as food or drink for human consumption.

188.50. Notice to remove or destroy unwholesome food. The manager of environmental health, upon discovering and determining that any food as herein defined which is offered or held for sale within the city is adulterated, decayed, diseased, unwholesome or for any cause unfit for human food, shall at once give the person in charge thereof notice to at once remove the same out of the city or to such place in the city as the manager of environmental health may designate or destroy the same as directed by the manager of environmental health.

188.60. Embargo and detention. The manager of environmental health may attach a tag or issue a written notice of embargo or detention and thereby embargo any food, clothing, equipment, utensil or thing which by reason of origin, dirt, filth, extraneous matter, insects, temperature, corrosion, open seams, chipped or cracked surfaces is unfit for use. Such tag shall be printed as follows:

MINNEAPOLIS ENVIRONMENTAL HEALTH
DIVISION HELD FOR INVESTIGATION

DATE _____
SANITARIAN _____

It shall be unlawful for any person to remove such tag from any food, utensil and the like or to remove or use such food, equipment, clothing and the like to which a tag has been attached or to remove, sell, give away, or otherwise dispose of any food covered by written notice of embargo or detention except by direction of the manager of environmental health.

188.70. Authority to inspect. The manager of environmental health, or agent or designee of, after proper identification, shall, at all reasonable times, have the right to enter into and upon premises and inspect any food establishment, vehicle, food manufacturing establishment or other business required to have or possessing a food license as set forth by this chapter, and it shall be unlawful for any person in any way to obstruct or hinder or refuse to permit the manager of environmental health or the manager's authorized representatives to inspect such premises.

188.80. Inspection of premises. The Environmental Health Specialist/Sanitarian shall inspect and examine every public and private market, stall, shop, store, warehouse, storehouse, cart, wagon, sleigh or other vehicle in, on or about which any such meat, fish, oysters, birds or fowls, vegetables, fruit, market or other provisions are kept, held or offered for sale as human food, as to the sanitary condition, cleanliness and wholesomeness of such places and vehicles for keeping human food for sale or other disposition or storage, and shall see to it that they are constantly maintained in a clean, wholesome and thoroughly sanitary condition. In case the inspector shall find any such place or vehicle to be in an unclean or unwholesome condition, the inspector shall notify the person in charge thereof to put it in a clean, wholesome and sanitary condition within ten (10) hours from the time of such notice.

188.90. Inspection outside city. (a) The manager of environmental health may inspect food establishments situated outside the city which sell or offer for sale or distribute any food within the city to determine if such food establishments conform to the provisions of this chapter. In addition to the license fee as established by this chapter a fee for such inspection service shall consist of the city salary for such environmental health representative for the number of hours necessarily spent for such inspection and the cost of travel from the office to the inspection site and return to the office at the current rate of reimbursement for car allowance mileage established by the city. Any food establishment located more than fifty

(50) miles from the city will not be inspected unless authorized by the city council.

b) The manager of environmental health may permit the sale of food from food establishments outside the city without requiring an inspection by a representative of the environmental health division if local ordinances and reports from local or other responsible health authorities who have jurisdiction where such food establishments are located indicate comparable ordinance and inspection services to those in the city.

(c) Food shipped interstate and subject to federal inspection by the Federal Food and Drug Administration, United States Public Health Service, or other federal agencies may likewise be sold within the city without an inspection of the place of origin by the manager of environmental health. Food from such sources shall be protected from contamination and spoilage during subsequent handling, packaging and storage, and while in transit.

188.100. Inspection, condemnation of food and food products. Said Environmental Health Specialist/Sanitarian shall visit at frequent intervals every public and private market, stall, shop, store, warehouse and storehouse and all carts, wagons, sleighs or other vehicles of vendors or street hawkers in, at or about which any meat, fish, oysters, birds or fowls, vegetables, fruit, milk or other food products are kept, held or carried for sale or other disposition as human food, and shall examine and carefully inspect all such food products. If any unhealthy, unwholesome or deleterious food products so intended for sale or other disposition as human food are found in or about any such place or vehicle, the Environmental Health Specialist/Sanitarian shall at once give the person in charge thereof notice to at once remove the same out of the city or to such place as the inspector shall direct, or to destroy the same; whereupon said person in charge shall remove the same out of the city or to such place as the Environmental Health Specialist/Sanitarian shall direct, or destroy the same as may be directed by the Environmental Health Specialist/Sanitarian.

188.110. Selling, sorting on streets. (a) *Selling.* No person shall place, exhibit, display, offer for sale or sell, or cause to be placed, exhibited, displayed, offered for sale or sold, any fruits, vegetables or other food products of any kind upon or above any sidewalk, street or alley.

(b) *Sorting.* No person shall sort or pick over any fruit or berries of any kind upon any sidewalk, street, alley or other public place.

(c) *Exception.* Nothing in this section shall prevent duly licensed peddlers from selling from vehicles in the streets, nor shall prevent the operation of any groceteria or portable store licensed under Chapter 295 of this Code; except that no butcher's type game, fish, poultry or meat shall be offered for sale or sold to consumers in streets or alleys or on sidewalks.

188.120. Early morning deliveries. (a) *Established route defined.* As used in this section, the phrase "established route" means a route usually and regularly traveled for the purpose of delivering any of the products herein named to consumers usually purchasing any thereof.

(b) *Hours prohibited.* Between 12:00 midnight and 4:00 a.m., no person shall deliver or cause or permit to be delivered, to consumers or customers on regularly established routes in the city any milk, cream or other dairy products, or bread or other bakery products, or groceries or other food or drink for human consumption, and between said hours no person shall drive, use or permit any vehicle owned, operated or controlled by such person to be driven or used upon any street, avenue or alley of the city for the purpose of delivering to consumers on established routes any such products.

188.130. Vehicles for peddling food. (a) *Sanitation.* All vehicles used for transporting or peddling fruits, vegetables, milk, meat, poultry or other like produce or provisions shall at all times be kept free from dirt, dust, grease and other hurtful and contaminating substances and in a clean and sanitary condition.

(b) *Other use of vehicles.* No peddler doing business in the city and using a vehicle for the transporting or peddling of fruits, vegetables, produce or other provisions shall use or permit or cause to be used such vehicle for the hauling or conveyance of junk, junk materials, scrap, garbage, refuse or any decayed animal or vegetable matter or other unclean and unwholesome substance or thing whatever.

(c) *Inspection by environmental health division.* The manager of environmental health division, or agent thereof; shall inspect all vehicles used for transporting or peddling fruit, vegetables, milk, meat, poultry or other like produce or provisions, and shall condemn and destroy any food found thereon to be unsound, unwholesome or unfit for human consumption.

188.140. Presence of food indicates intent to sell. The presence of any food on the licensed

premises is prima facie evidence of its intended sale.

188.150. Presence of utensils and equipment. The presence of utensils or equipment on the premises shall be prima facie evidence of their intended use.

ARTICLE II. LICENSING PROCEDURES

188.160. License required. It shall be unlawful for any person to conduct or operate a food establishment without obtaining a license therefor. The license issued under this chapter shall be known as a food license. No person shall engage in the business of selling food by vending machines without a license. Licenses are not transferable to other locations and individuals unless permitted in other sections of the ordinance.

188.170. Short-term permits. Permits for the sale of food and drink for a period of less than fourteen (14) days at community celebrations, circuses, and other like and similar occasions, may be issued upon proper application and the payment of a sixty-five dollar (\$65.00) fee. A seasonal short-term food establishment license may be issued upon proper application and payment of a one hundred seventy-two dollar (\$172.00) fee. In the case of a short-term permit or a seasonal short-term food establishment, no more than two (2) food stands shall be allowed to operate per permit. The operation of short-term food establishments and seasonal short-term food establishments must be in conformity with the provisions of this chapter. The application for a short-term food permit will be considered late if not received by the department of licenses and consumer services fourteen (14) or more days prior to the date of the event. A late fee equal to fifty (50) percent of the application fee will be charged to the applicant and must be received by the department of licenses and consumer services before the short-term permit is granted. A short-term food permit with more than ten (10) food vendors at an event may request a permit based on cost of inspection as determined by the manager of environmental health. Notwithstanding any other ordinance provision, the short-term food permit application and the seasonal short-term food establishment application shall be reviewed by the department of licenses and consumer services and approved or denied by the director of licenses and consumer services, or the director of licenses and consumer services'

designee, with notice of the decision given to the council member representing the affected ward.

188.180. License application. Any person desiring a food license shall file with the department of licenses and consumer services a written application to the city council for such license, giving in such application the full name, place, date of birth and address of the owner or proprietor of the building, shop, stall, vehicle, stand or place where such food establishment is to be conducted and for which a license is desired, the location of the building or buildings, and the part or portion thereof intended to be used in the conduct of such business and under such license. If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime. Such application shall also indicate the source of funds used to begin operation of the food establishment and all documentary proof and evidence thereof including leases, contracts, purchase agreements, and financial statements. Such application shall also contain the kind, name, and location of every business or occupation applicant has been engaged in during the preceding ten (10) years, and the street address at which the applicant has lived during the preceding ten (10) years. The applicant shall state in such application the nature of the business to be conducted. If the applicant proposes to operate more than one of such businesses, the applicant shall so state in the application and shall describe the part or portion of the building or place wherein the applicant proposes to conduct each of such businesses. If a license is granted, the part or portion of said building used as a food establishment shall conform to and the equipment and operation be in accordance with the provisions of this chapter.

188.190. Health inspection, recommendation required; license issuance or denial. Upon the filing of the application for a license hereunder it shall be presented to the city council and referred to the manager of environmental health for investigation, report and recommendation, which shall be returned to the city council within fourteen (14) days after receipt of application for license. After the report and

recommendation of the manager of environmental health have been received by the city council it may then grant, postpone or deny such application and, if granted notwithstanding the disapproval of the manager of environmental health, the minutes of the city council shall so state.

188.200. Application for vending machine license. The applicant for a license to sell food by vending machines shall, in addition to the above requirements, furnish a list of the addresses wherein the applicant proposes to install and operate any vending machine, the kind and number thereof and the kind and general description of food to be vended.

188.210. Application for additional vending machines. After a vending machine license has been issued by the city council, upon a written application to the department of licenses and consumer services and payment of the fee provided in section 188.240 of this Code for each additional machine, the licensee may receive licenses for additional machines over and above the number stated in the original application. The application for such license shall state the desired additional number, the date and number of the original license, the street address of the property or place wherein the additional machines are intended to be installed and shall be signed in the manner required for an original application.

188.220. Change of vending machine location. In case a licensee changes or removes a vending machine from the location in which it is authorized by the license or permit to be located, and installs the same in a new location, such new location shall be reported in writing to the department of licenses and consumer services within thirty (30) days after such change or removal.

188.230. Labeling of vending machines. Every vending machine licensed hereunder shall bear an emblem or tag securely fastened to the front surface of the machine in a conspicuous place, bearing the expiration date of the license and the registration number assigned to such licensee. No person shall install, use or operate a greater number of vending machines than that for which the person has been granted a license and paid the fees. The department of licenses and consumer services and the environmental health division shall have the right to inspect the licensee's books and records to determine compliance with this section. Each owner shall clearly identify each vending machine or bank of interconnected

vending machines operated by the owner with the owner's current telephone number in such a manner that the information can be easily read without moving the machine or machines. The absence of such an owner's label will constitute a violation of this chapter.

188.240. Impounding nonconforming machines. Any vending machine found without the proper license tag or emblem or owner's label thereon shall be impounded by the department of licenses and consumer services and any such impounded machine may be reclaimed by the owner thereof within thirty (30) days from the date of impounding and upon the payment to the city of costs sufficient to defray the expense of impounding and storage, and any reclaimed machine shall not be used except upon compliance with the terms of this chapter. If such machine is not reclaimed within the thirty (30) days above specified, it may be destroyed or disposed of by the police department according to law.

188.250. License fees generally. The annual license fee to be paid hereunder shall be based upon the area occupied and used for the licensed purpose as follows:

Confectionery stores and soft drinks:

1,000 square feet or less	72.00
More than 1,000 square feet but not more than 5,000 square feet	138.00
More than 5,000 square feet but not more than 7,500 square feet	171.00
More than 7,500 square feet but not more than 10,000 square feet	235.00
More than 10,000 square feet but not more than 15,000 square feet	268.00
More than 15,000 square feet	308.00

Drive-in restaurants:

Full-service	308.00
Popcorn/ice cream without indoor seating	65.00

Food manufacturers and distributors:

1,000 square feet or less	138.00
1,001 square feet to 4,000 square feet	171.00
4,001 square feet to 7,000 square feet	204.00
7,001 square feet to 8,500 square feet	235.00
8,501 square feet to 10,000 square feet	268.00
10,001 square feet to 15,000 square feet	303.00
More than 15,000 square feet	340.00

Food shelf

1.00

Grocery stores and specialty stores:

1,000 square feet or less	105.00
More than 1,000 square feet but not more than 5,000 square feet	138.00
More than 5,000 square feet but not more than 7,500 square feet	204.00
More than 7,500 square feet but not more than 10,000 square feet	268.00
More than 10,000 square feet but not more than 15,000 square feet	340.00
More than 15,000 square feet	406.00

Kiosk food cart vendors

330.00

Meat markets and butcher shops:

1,000 square feet or less	105.00
More than 1,000 square feet but not more than 2,500 square feet	171.00
More than 2,500 square feet but not more than 5,000 square feet	235.00
More than 5,000 square feet	308.00

<i>Mobile food vendors:</i>	
Per vehicle	86.00
Prepackaged perishable food	149.00

<i>Restaurants, cafes, dining rooms, caterers and boardinghouses:</i>	
1,000 square feet or less	171.00
More than 1,000 square feet but not more than 2,500 square feet	268.00
More than 2,500 square feet but not more than 5,000 square feet	340.00
More than 5,000 square feet	438.00

<i>Sidewalk cart food vendor:</i>	
Per cart	668.00
Per fixed site cart servicing location: That fee specified for a food manufacturer or distributor.	
Per midseason cart location transfer	105.00
For seasonal short-term food establishment	156.00

<i>For indoor food carts:</i>	
Per cart	330.00
Per fixed site cart servicing location: The fee specified for a food manufacturer or distributor	

<i>Vending machines:</i>	
Each machine (except nut vending)	15.00
Each machine (nut vending)	5.00

In addition to the fee specified above, an additional sixty-five dollar (\$65.00) fee shall be paid by an applicant; except a food shelf applicant:

- (1) Upon initial application for the licenses specified in this section; and
- (2) Upon application for the licenses specified in this section after failing to renew the licenses within one year of the expiration date of the previously held licenses. The fifty-nine dollar (\$59.00) fee shall not be refunded whether or not the license is granted. If a machine is replaced or vandalized, a replacement decal may be issued at a cost of two dollars (\$2.00) per decal.

188.260. Entitlement to vending machines without additional fee. The holder of a food license granted under the provisions of this chapter may dispense food from not more than two (2) approved vending machines located on the premises for which such licensee holds a food license without the payment of any additional fees, provided such licensee is the owner of such machine or machines and is fully responsible for the cleaning, operation and food products being vended, and provided further that the food establishment under license is a type required to have equipment and facilities to properly wash and sanitize such machines and their component parts; any machines in excess of two (2) shall be paid for at the rate provided in section 188.240.

188.270. Vending machine location. (a) Each vending machine shall be located in a room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage, or from condensation from water, waste, or sewer piping. The immediate area in which the machine is located shall be well lighted. Each vending machine shall be so located that the space around the machine can be easily cleaned and maintained, and so that insect and rodent harborage is not created.

(b) The floor area where vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing. The space and the immediate surroundings of each vending machine shall be maintained in a clean condition.

188.280. Determination of area for fee purposes. In determining the area for the purpose of fixing the license fee to be paid, all areas used for sales, processing, packaging, serving, cold storage, and all area actually used for storage of products and merchandise used or dispensed in connection with the business carried on at the premises shall be computed.

188.290. Fee for out-of-town manufacturer or distributor. Every food manufacturer or distributor having a place of business outside of the city and desiring to sell or distribute food in the city, who does not have a state license under Minnesota Statute 28A, shall pay an annual fee of forty-six dollars (\$46.00).

188.300. Single fee for manufacturer and distributor. If the applicant is both a food manufacturer and distributor having one place of business and manufacturing and distributing the same product or products, such applicant may have one license for both types of business and pay one fee therefor.

188.310. Fee for trucks for perishable foods. The licensee of a food establishment shall pay an annual license fee of twenty-six dollars (\$26.00) to cover the cost of inspection for every vehicle used in transporting perishable and readily perishable foods as defined in section 186.50 of this Code.

188.320. Manufacturer or distributor includes wholesale and retail. A duly-issued license for a food manufacturer or distributor shall authorize the licensee to conduct either a wholesale or retail business at the same establishment and for the sale of the same product or products.

188.330. Refund of fee. If the application for a license is not granted, the applicant shall be refunded the fees paid by him, less thirty-three dollars (\$33.00) for processing the application.

188.340. When licenses expire. Each license granted under this chapter shall expire on April first of each year.

188.350. Revocation of license. Any license granted under this chapter may be revoked by the mayor or the city council as in the city charter provided.

ARTICLE III. LICENSE HOLDER REQUIREMENTS

188.360. Additional requirements. In addition to any requirements found in the Minnesota Food Code, or any other law, statute, rule, resolution, ordinance, or regulation of any kind, a license holder must comply with all requirements contained in this article.

188.370. Submission, approval of plans. When a food establishment is altered or newly constructed, plans or suitable drawings and specifications shall be submitted to the manager of environmental health and such plans and specifications must be approved before such work is begun. Plans and specifications shall be

in sufficient detail so that an accurate and complete appraisal can be made as to compliance with the provisions of this chapter. Failure to submit plans for approval may result in the closing down of operations until plans have been approved. Limited or restricted food operations as determined by the manager of environmental health with less than one hundred (100) square feet of operating space will pay only the new business surcharge fee. The plan review fee will be based on the square footage of the establishment as follows:

- 0 to 1000 square feet \$100.00
- 1001 to 5000 square feet \$150.00
- 5001 and greater square feet \$200.00

Failure to pay the fee at the time of submitting the plans will result in a delay of the plan review approval process.

188.380. Handwashing lavatory required.

A hand washing lavatory shall be equipped to provide water to the user at a temperature of at least one hundred ten (110) degrees Fahrenheit (forty-three (43) degrees Celsius), but not more than one hundred thirty (130) degrees Fahrenheit (fifty-four (54) degrees Celsius), in a food establishment and not more than one hundred twenty (120) degrees Fahrenheit (forty-eight (48) degrees Celsius), in a sink that is used by children such as a school, day care or preschool, through a mixing valve or combination faucet.

188.390. Posting of license. Each licensee shall keep his license prominently posted or readily available for inspection upon the premises.

188.400. Music restricted at certain hours.

(a) No cafe, restaurant or other public eating place or any place furnishing food to the public, shall have in the licensed premises any music between 1:00 a.m. and 8:00 a.m. This shall not prevent radio, television, jukebox or any other prerecorded music, provided it does not constitute a nuisance.

(b) Any violation of this section shall be grounds for revocation of all licenses held by the licensee of the premises where the violation occurs.

188.410. Telephone required. All retail food stores which are open longer than sixteen (16) hours on any day of the week must have a telephone for the use of its employees which can be operated without a coin and which is located within ten (10) feet of any cash register then in use.

188.420. Requirements for floors. In addition to floor requirements found in the Minnesota Food Code, floors in all rooms in which

food or drink is stored or prepared, in which multiuse utensils are washed, and in walk-in refrigerators, dressing or locker rooms and toilet rooms shall be a smooth, durable, easily cleanable, non absorbent, light-colored material. Permissible materials include, but are not limited to, terrazzo, ceramic tile, quarry tile, or plastic or plastic coating over tight wood or concrete floors or equivalent. The floor covering must be grease resistant in all areas where grease or fatty substances are normally used and may drip or spill on the floor. In every new or remodeled food establishment a coved juncture of at least one-quarter-inch radius between the floor and the wall, except in serving areas, shall be constructed or installed. All exterior areas where food is served shall be kept properly drained.

188.430. Requirements for walls and ceilings. In addition to wall and ceiling requirements found in the Minnesota Food Code, walls of all rooms or areas in which food is normally prepared or multi-use utensils are washed or hands are washed shall be light colored and shall have washable surfaces up to the highest level reached by splash or spray. Washable acoustical materials which are easily cleanable may be used on the ceiling, provided ventilation is adequate to minimize grease and moisture absorption. Wall covering material shall be securely sealed to the wall to prevent accumulations of grease or insect harborage. Studs, joists, rafters, latticework and other decorative materials in dining or access areas shall be suitably finished and shall be kept clean.

188.440. Ventilation required. In addition to ventilation requirements found in the Minnesota Food Code, ventilation hoods or canopies shall be installed over equipment where grease vapors, smoke, steam, odor, and heat are produced in the preparation of food. The ventilation systems shall be installed in strict conformity to existing city ordinances.

188.450. Toilet facilities required. Each food establishment shall provide water flush toilet facilities that are completely enclosed and which are connected to a sewerage system for use of its employees. Separate toilets must be furnished for each sex when five (5) or more employees of opposite sex are on duty at any one time. In every new or remodeled toilet room mechanical ventilation must be installed and used in a manner as to provide at least ten (10) changes of air per hour. Toilet seats and fixtures shall be of sanitary design, shall be kept clean and in good repair.

The doors of all toilet rooms shall be self-closing. If vestibules are provided, they must be well lighted and kept clean. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this section. Hand-washing signs shall be posted in the employees' toilet room, directing them to wash their hands before returning to work. Conveniently located toilet facilities must be provided for patrons of all food establishments which sell hot drinks and other prepared hot foods for consumption on the premises.

188.460. Garbage and refuse storage and disposal. In addition to garbage and refuse storage and disposal requirements found in the Minnesota Food Code, each container, room or area shall be thoroughly cleaned after the emptying or removal of garbage and refuse. Food-waste grinders, if used, shall be installed in compliance with city ordinances. Garbage and refuse shall be disposed of with sufficient frequency and in a manner so as to prevent a nuisance. Indoor garbage rooms shall be equipped with a floor drain, hot and cold running water and ventilation to the exterior.

188.470. Itinerant food establishments. An itinerant food establishment conducting an unrestricted operation shall comply fully with the provisions of this chapter. When restricted operations are conducted the manager of environmental health may accept modified physical facilities, may prohibit the sale of certain potentially hazardous foods and may augment requirements when in the opinion of the manager such action is necessary in the interest of public health.

188.480. Mobile operation. It shall be unlawful to open, to operate any mobile food vending or mobile food manufacturing vehicle in the city, unless it is licensed, operated and conducted in accordance with the following conditions:

- (1) The licensee must sell only prepackaged, nonperishable or self-limiting packaged confections as approved by the manager of environmental health, except there may be issued up to fifteen (15) food licenses for operation of mobile food manufacturing vehicles for the sale of popcorn and soft drinks.
- (2) Licensee shall not park his vehicle within thirty (30) feet of an intersection.
- (3) Licensee shall not park in such a manner so as to create a traffic hazard.

- (4) Sales by licensee shall be made on the curbside only and the vehicle shall be parked within one (1) foot of the curb.
- (5) No waste liquids, garbage, litter or refuse shall be dumped on city sidewalks, streets, or lawn areas, or in city gutters or drains. When leaving a sales area, licensee or employees shall pick up all litter resulting from the business sales and shall deposit such litter in a city environmental health division approved covered garbage receptacle located on the vehicle. The receptacle shall be easily accessible for customer use. Licensee shall be responsible for all litter and garbage left by customers.
- (6) Hours of operation for such vehicles shall be limited to the hours between 9:00 a.m. and 10:00 p.m..
- (7) Licensee shall be in conformance with applicable city ordinances regarding noise control and vehicle identification.
- (8) Licensee shall not be allowed to operate on and within the area bounded by the following streets: Commencing at the intersection of Second Avenue North and Washington Avenue; thence southwesterly along Second Avenue North to Ninth Street North; thence southerly and southeasterly along Ninth Street North to LaSalle Avenue; thence southwesterly and southerly along LaSalle Avenue to Grant Street; thence easterly along Grant Street to Portland Avenue; thence northeasterly along Portland Avenue to Ninth Street South; thence southeasterly along Ninth Street South to Chicago Avenue; thence northeasterly along Chicago Avenue to Washington Avenue; thence northwesterly along Washington Avenue to the point of beginning.
- (9) Licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for individuals or three hundred thousand dollars (\$300,000.00) for any single incident. Certificate of insurance shall be delivered to appropriate city officials prior to issuance of a license.
- (10) Licensee shall not operate any such business within two thousand (2,000) feet of any city, county, or state fair,

carnival, circus, festival or civic event that is licensed or sanctioned by the city council except when licensee has obtained a temporary food permit from the director of licensing and consumer services as being a participant under the auspices and control of such event.

- (11) Notwithstanding the limitations in subsection (1), the city council may issue licenses under this section for the sale of prepackaged perishable foods from nonmotorized carts operating exclusively on park board property with the approval of the park board. Each applicant for a license under this subsection shall include in the application a proposed operating location or route. The construction and dimensions of each cart, and all food and beverage items sold from such carts, shall be subject to the approval of the manager of environmental health. Each mobile food cart shall meet National Sanitation Foundation (NSF) standards for food storage preparation and dispensing. Each cart shall be stored, cleaned and serviced on a daily basis at a permanent location in the City of Minneapolis licensed as a food distributor or manufacturer. All other provisions of this section, except subsection (1), shall apply to a license issued under this subsection.

This shall not be interpreted to prohibit food catering.

188.490. Vehicles to be identified. Each vehicle, used for transporting perishable and readily perishable food, shall have printed on each side of said vehicle in plain letters not less than one (1) inch in height, the name and post office address of the licensee.

188.500. Unpackaged processed food. (a) Unpackaged processed food, except readily perishable food as defined in section 186.50 of this Code, may be displayed and sold in bulk in self-service containers if all of the following conditions are satisfied:

- (1) Each self-service container has a tight-fitting lid which is kept in a closed position at all times except during customer service.
- (2) Each self-service container has a utensil with a handle for dispensing the product.

- (3) Self-service containers, lids and utensils are constructed of nontoxic materials and provide for easy cleaning and proper repair.
- (4) Self-service containers, lids and utensils are maintained in a sanitary condition and in a manner that prevents spoilage and infestation.

(b) Unpackaged processed food may be displayed and sold in bulk in other than self-service containers if all the following conditions are satisfied:

- (1) The food is served by an employee of the food establishment directly to a consumer.
- (2) The food is displayed in clean, sanitary and covered or otherwise protected containers.

(c) All policy statements or guidelines relating to the distribution of bulk foods shall be filed by the manager of environmental health with the city clerk prior to its effective date. A public hearing before the appropriate committee of the city council shall be held if requested by an interested party.

188.510. Sidewalk cart food vendors.

Notwithstanding the provisions of sections 188.100, 188.460(8), 427.110 and 427.130 of this Code, the city council may issue licenses for sidewalk cart food vendors for the sale of specified food and beverage items from mobile pushcarts on the public sidewalks, which shall be operated and conducted in accordance with the following conditions:

- (1) Each sidewalk cart shall be separately licensed and may operate only at the location specified in the license, except as permitted in subsection (20). However, in the event a licensee holds licenses for more than one location, the licensee may place any of the licensee's licensed carts at any location for which the licensee holds a license. No licensee may trade carts or locations with another licensee; however, should a licensee apply for and be granted a different location for a cart during the licensing year and chooses to surrender the original location for that cart, the fee for such midseason cart location

transfer shall be the fee indicated in section 188.240 of this Code for transfer alone.

- (2) Application procedure:
 - a. Each applicant shall file an application with the department of licenses and consumer services on forms provided by the department. In addition to the requirements of section 188.120 of this Code, the director of licenses and consumer services may require such information on the application as the director considers reasonable and necessary.
 - b. No application for a single license or for the first of several licenses shall be accepted for filing unless the applicant files therewith plans and specifications for the cart which have been approved by the manager of environmental health. Provided, however, that if the cart is not ready and available for inspection sixty (60) days after the application is filed, the applicant's proposed operating location shall be available to other applicants, and the applicant shall be required to select a new location.
No application from a single applicant for licenses beyond a first license shall be accepted for filing unless the applicant possesses sidewalk carts ready and available for inspection for each location beyond the first location. A single applicant, for the purposes of this section, shall mean an individual person, or any member of that person's immediate family and shall also include a corporation and any corporation with substantially the same ownership or ownership by persons of the immediate family of the stockholders of that corporation or partnership.
 - c. Each applicant shall include in the application a proposed operating location. The proposed location

shall be referred to the director of public works for the approval or disapproval. The director of public works shall not approve a location where a sidewalk cart would substantially impair the movement of pedestrians or vehicles, or pose a hazard to public safety. Further, the director of public works shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within fifty (50) feet of an intersection, within three (3) feet of a curb, or directly in front of a commercial entryway. If the applicant's proposed location is disapproved, the applicant shall be so notified, and the applicant may select an alternate location, which shall also be referred to the director of public works for approval or disapproval. A holder of a valid license for the previous license year may renew that license and thereby reserve that location for another license year. Any license not renewed by April fifteenth shall cause that location to become available to other applicants. Licenses may be renewed between April first and April fifteenth by the payment of a late fee in addition to the license fee. All licensees shall be notified of the availability of locations which have been vacated or for which licenses have not been renewed. The notification shall include a due date for applicants for these locations and a date upon which a lottery will be held to choose among multiple applicants.

d. The director of public works shall refer the subject of sidewalk cart food vendors on the Nicollet Mall to the advisory board provided for in Minnesota Statutes, Section 430.101, subdivision 3. The advisory board shall report its recommendations concerning the number and location of

sidewalk cart sites on the Nicollet Mall to the director of public works. The director of public works shall review the board's report and prepare a list of approved locations on the Nicollet Mall. The list shall be available in the department of licenses and consumer services to any applicant or interested person.

e. No location which has been chosen in a previous application shall be available for selection.

(3) All sidewalk cart food vendor licenses shall expire on April first of each year subject to renewal year to year thereafter.

(4) No sidewalk cart shall have dimensions exceeding four (4) feet in width, eight (8) feet in length and eight (8) feet in height. However, a cart may be equipped with an awning which overhangs by not more than twelve (12) inches in any direction. Each sidewalk cart shall be self-propelled and capable of being moved and kept under control by one person traveling on foot. The city council may grant a special license to a handicapped person to operate a sidewalk cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license.

(5) Location restrictions:

a. Sidewalk cart food vendors may operate only within the area bounded by the following: Commencing at the intersection of Third Avenue North and the Mississippi River, thence southeasterly along the Mississippi River to Interstate 35 West, thence southerly along Interstate 35 West to Interstate 94, thence westerly and northerly along Interstate 94 to Glenwood Avenue, thence easterly to Tenth Street, thence northerly to Third Avenue North, thence northeasterly to the point of beginning or the sidewalk abutting the south side of Vineland Place

between Lyndale Avenue South and Bryant Avenue South.

- b. A sidewalk cart food vendor licensed under this section may operate on privately or publicly owned property, within the boundaries described in subparagraph (1) above, with the express written consent of the property owner, and the approval of the director of public works.
- (6) A sidewalk cart food vendor license shall not be transferable from person to person nor from place to place without approval of the city council.
- (7) Every licensee shall maintain a permanent location within the City of Minneapolis for the storage and preparation of food and beverages carried by the licensee's sidewalk carts, and for the cleaning and servicing of those carts. Such permanent location shall comply in all respects with the requirements of the Minneapolis food and beverage ordinances, and shall be separately licensed as a food distributor. Each sidewalk cart shall return to the permanent location at least once daily for cleaning and servicing.
- (8) Each sidewalk cart shall meet National Sanitation Foundation (NSF) standards for food storage, preparation and dispensing. Toilet facilities shall be required at the permanent location but not on each cart.
- (9) Each cart shall carry adequate hand-washing facilities for the employees of the licensee. A waste retention tank with fifteen (15) percent larger capacity than water supply tank shall be provided.
- (10) All waste liquids, garbage, litter and refuse shall be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the permanent location. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles or any other place except at the permanent location. When leaving the sales area the licensee or his employees shall pick up all litter resulting from his business and shall deposit such litter in an approved container located on his cart.
- (11) The manager of environmental health shall publish, and may from time to time amend, a list of approved food and beverage items which may be sold by sidewalk cart food vendors. No items of any kind, other than approved food and beverage items, shall be sold or dispensed from sidewalk carts.
- (12) There shall be issued to each licensee a suitable decal for each licensed pushcart. Every pushcart licensed under this chapter shall at all times have the decal permanently and prominently fastened on the pushcart.
- (13) Affixed permanently and prominently to each pushcart shall be a sign no smaller than twelve (12) inches by twelve (12) inches displaying the name, address and telephone number of the pushcart owner.
- (14) Each licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for individuals, three hundred thousand dollars (\$300,000.00) for any single incident and ten thousand dollars (\$10,000.00) for property damage. A certificate of insurance shall be delivered to the director of licenses and consumer services prior to issuance of a license. The city shall be named an additional insured.
- (15) No sidewalk cart operator shall use lights or noisemakers, such as bells, horns or whistles, to attract customers. A sidewalk cart operator may use battery-operated lights with protective shielding for the purpose of illuminating food and utensils.
- (16) No sidewalk cart shall operate before 7:00 a.m. or after 11:00 p.m. on any day.
- (17) No sidewalk cart shall operate, park, stand or stop in any street or alley except to cross at designated street crossings.

- (18) The city council shall establish a reasonable fee, not to exceed two hundred fifty dollars (\$250.00) per year, to be charged to each sidewalk cart food vendor not located on a specially assessed mall, to defray the cost of cleanup and maintenance and other policing in connection with the operation of the food cart.
- (19) Any sidewalk cart operator who shall fail to operate at any licensed location for thirty (30) consecutive days between May first and October first shall forfeit that location. The department of licenses and consumer services shall notify all licensees of the vacation of said location and shall set a date for a lottery, if necessary, to choose among multiple applicants.
- (20) Notwithstanding other provisions of this section, a licensed sidewalk cart may operate at an indoor location other than its normal sidewalk location, with the approval of the environmental health division and the consent of the property owner, during the following times:
- Between October first and April thirtieth.
 - Between May first and October first only during periods of inclement weather.

All other conditions and restrictions of this section shall continue to apply to a sidewalk cart operated at an indoor location under this subsection.

188.520. Indoor food cart vendors. (a) The city council may issue a food license for the operation of a food cart on indoor private property in accordance with the provisions of this section.

(b) Application for an indoor food cart license shall be made upon forms provided by the division of licenses and consumer services and shall require information necessary to verify that the terms and conditions of this section have been met.

(c) Each food cart shall be separately licensed and may operate only at the location specified in the license. A license may allow for reasonable movement within a designated area of a building, provided that the food cart is at all times readily observable by city inspectors in the course of their inspection duties. Every location for an indoor food cart shall comply with all applicable provisions

of building and fire codes, including those relating to ingress, egress, and passageway clearance.

(d) Each food cart license holder shall have the written consent of the property owner to its operation at the licensed location.

(e) All indoor food cart licenses shall expire on April first of each year subject to renewal year to year thereafter.

(f) The provisions of subsections 188.490 (4), (6), (7), (8), (9), (10), (11), (12), (13), (15), and (17) relating to sidewalk food carts shall also apply to indoor food carts, and such provisions are incorporated herein as though fully set forth in writing. However, the manager of environmental health may adopt regulations authorizing dimension limitations for indoor food carts which exceed the limitations in subsection 188.480(4) for sidewalk food carts.

(g) No license shall be issued for an indoor food cart in a skyway.

(h) A sidewalk food cart operating indoors pursuant to subsection 188.480(20) shall pay only the license fee for sidewalk food carts and shall be exempt from the license fee for indoor food carts.

(i) No application for a license shall be accepted for filing unless applicant files therewith plans and specifications for the cart which have been approved by the manager of environmental health.

(j) The license fee for indoor food carts shall be three hundred thirty dollars (\$330.00).

188.530. Kiosk food cart vendors. (a) Notwithstanding the provision of sections 188.420 and 188.490(7), the city council may issue a food license for the operation of a food cart in a kiosk on private property in accordance with the provisions of this section.

(b) Application for a kiosk food cart license shall be made upon forms provided by the department of licenses and consumer services and shall require information necessary to verify that the terms and conditions of this section have been met.

(c) Each food cart shall be separately licensed and may operate only at the location specified in the license. The food cart must at all times be readily observable by city inspectors in the course of their inspection duties. Every location for an indoor food cart shall comply with all applicable provisions of building and fire codes, including those relating to ingress, egress and passageway clearance.

(d) Each food cart license holder shall have the written consent of the property owner to its

operation at the licensed location.

(e) All kiosk food cart licenses shall expire on April first of each year subject to renewal year to year thereafter.

(f) The provisions of subsections 188.490(4), (6), (8), (9), (10), (11), and (12) of this Code, relating to sidewalk food carts shall also apply to kiosk food carts, and such provisions are incorporated herein as though fully set forth in writing. However, the manager of environmental health may adopt regulations authorizing dimension limitations for kiosk food carts which exceed the limitations in subsection 188.590(4) for sidewalk food carts.

(g) The menu for kiosk food cart vendor shall be limited to espresso-type drinks and other non-potentially-hazardous foods as determined by the manager of environmental health.

(h) Fully operational and stocked toilet facilities and lavatory must be convenient to employees and be available at all hours of operation of the kiosk.

(i) The manager of environmental health shall publish and may amend from time to time a set of guidelines relative to the servicing and maintenance of a kiosk food cart vendor.

(j) No application for a license shall be accepted for filing unless applicant files therewith plans and specifications for the cart which have been approved by the manager of environmental health.

(k) The annual license fee for each kiosk cart food vendors license shall be those fees described in section 188.250 of this code.

(l) Each application for a kiosk cart food vendors license shall comply with the site plan review standards as described in section 530.10 of this Code.

(m) All kiosks licensed under this chapter shall be designed to be directly accessible from a motor vehicle so that items sold are passed directly from a service window to the driver of the waiting motor vehicle.

188.540. Regulations of outdoor areas in retail food establishments. The following regulations shall apply to all outdoor areas in retail food establishments which do not hold on-sale liquor, wine, or beer licenses, including establishments holding sidewalk cafe permits:

- (1) Every outdoor area must be approved as part of the original licensed premises or by the granting of an application for expansion of the licensed premises.

(2) Entertainment:

- a. No food establishment shall conduct entertainment, including nonlive entertainment such as radio, taped music, and television, in an outdoor area without approval of the city council.
- b. In the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve any forms of entertainment unless otherwise prohibited by law.
- c. Outside the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve only those forms of entertainment which would be authorized under a class E on-sale liquor, wine, or beer license.
- d. Regardless of the forms of entertainment authorized for an outdoor area, the city council may further restrict the days, hours, nature, volume, and other aspects of entertainment in any outdoor area, including a prohibition against all forms of nonlive music, radio, television, and other entertainment, to protect the safety, repose, and welfare of residents, businesses and other uses near the establishment.
- e. The city council may authorize an establishment to conduct entertainment not otherwise allowed under its license in an outdoor area by permit temporarily for special events. Application for such permit shall be filed with the department of licenses and consumer services on a form prescribed by the director. The fee for a temporary entertainment permit shall be one hundred fourteen dollars (\$114.00).

- (3) All new and remodeled outdoor areas shall be handicap accessible. All existing outdoor areas shall comply with building codes relating to

handicap accessibility. No outdoor area shall reduce existing handicap accessibility.

- (4) The city council may restrict the hours of operation of an outdoor area based upon proximity of the area to residential dwelling units, and upon considerations relating to the safety, repose, and welfare of residents, businesses, and other uses near the establishment.
- (5) The city council may require that access to and egress from an outdoor area only be through the door connecting it to the remainder of the premises, or to property controlled by the licensee.
- (6) The licensee shall be responsible for picking up trash and litter generated by the operation of the outdoor area within a reasonable distance from the area.
- (7) The city council may review the operation of any outdoor area in connection with the renewal of the license for the establishment, or at any other time for good cause. Violation of the terms and conditions of this section shall be grounds for revocation, suspension, or refusal to renew the license for that portion of the licensed premises pertaining to the outside area.
- (8) All special restrictions relating to the hours of operation and types of entertainment in an outdoor area shall be endorsed on an addendum to the license certificate and posted in the establishment with the license certificate.

188.550. Minneapolis food manager certification program. The manager certification program is established to ensure each food establishment has an individual in a supervisory capacity who has demonstrated, by passing an examination and obtaining a Minneapolis Food Manager Certificate, that he or she has knowledge and proficiency in the prevention of food borne illnesses, in the preparation and handling of food products in a clean and sanitary manner, and in approved sanitation practices and techniques for food establishments.

Approved food manager's certification course shall mean a course covering the material

contained in the U.S. Environmental Health Division and Human Services, Food and Drug Administration's (F.D.A.) 1976 recommended food service ordinance. The following courses are pre-approved: Applied Food Service Sanitation by the Educational Foundation of the National Restaurant Association; Food Safety Through Quality Assurance Management by the Hospitality Institute of Technology and Management Incorporated, and food manager's certification courses conducted by Hennepin County Community Health Service. Organizations seeking approval for their food manager's certification course must apply to the Environmental Health Division and Family Support's Division of Environmental Health.

Food manager certification examinations shall mean an examination administered by an approved agency authorized to conduct a food manager certification course in the preparation and handling of food products in a clean and sanitary manner, and approved sanitation practices and techniques for food establishments. Examples of an approved examination would be one given by the Education Foundation of the National Restaurant Association, Hospitality Institute of Technology and Management Incorporated, or Hennepin County Community Health Service.

Minneapolis Food Managers Certificates shall be the document issued by the Division of Environmental Health that certifies a person has satisfactory current knowledge of food service sanitation.

188.560. Minneapolis food manager certification requirements. All persons licensed to operate a food establishment under this chapter (except short term food establishments) shall at all times employ at least one full time person with supervisory responsibilities (which may be the licensee) who (1) spends a substantial amount of his/her work week at that food establishment, and (2) who has a current Minneapolis Food Manager Certificate. A large establishment with more than one food preparation and service location under one license, shall have a certified manager for each location.

The licensee shall notify the city when the certified person leaves or terminates employment with the food establishment. A food establishment that no longer employs a certified manager shall employ a certified manager within ninety (90) days.

All establishments (except short term food

establishments and those exempted pursuant to rules adopted under the authority of the ordinance) shall maintain up-to-date written policies and guidelines on the premises. These policies and guidelines shall have been approved by the manager of environmental health and shall govern food handling and preparation, sanitation practices and techniques, personal hygiene including handwashing techniques, the prevention of food borne illness through proper receiving, storage, preparation, cooling and reheating of foods, and other related matters.

The manager of environmental health shall adopt rules to implement this ordinance. A copy of rules so adopted shall be forwarded to an appropriate committee for receipt and filing by the city council. The rules shall become effective thirty (30) days following receipt and filing unless disapproved by the city council or withdrawn by the manager.

188.570. Notification requirements for implementation of Minnesota Rules 4626.0410, Time As Public Health Control. A food establishment intending to use the procedures provided under Minnesota Rules 4626.0410 must submit written notification of its intention to use said procedures, and receive approval from the manager of environmental health prior to implementing the provisions of Minnesota Rules 4626.0410.

188.580. Emergency closure of licensed food establishments. (a) *Summary closure conditions.* The manager of environmental health may summarily close any licensed food establishment for the following reasons:

- (1) Any one of the following conditions exist on, or result from, the operation of the licensed premises:
 - a. Evidence of a sewage backup in a food establishment to such an extent that the floor in food preparation, storage or warewashing areas has been flooded.
 - b. No potable hot or cold water under pressure to a food establishment to such an extent that handwashing, warewashing, food preparation, or toilet facilities are not operational.
 - c. A lack of electricity or gas service to a food establishment to such an extent that handwashing,

warewashing, food preparation, or toilet facilities are not operational.

- d. Where there is an ongoing food-borne illness caused by the operation of the establishment.
 - e. More than one violation within thirty (30) days of holding potentially hazardous foods between fifty (50) degrees Fahrenheit and one hundred thirty (130) degrees Fahrenheit.
 - f. Lack of an accessible, previously approved handwashing facility in the food preparation area, or three (3) violations within thirty (30) days for improper maintenance of approved handwashing facilities, such as lack of soap or single-service hand towels.
- (2) Any two (2) of the following conditions exist on, or result from, the operation of the licensed premises; and following notice of not less than twenty-four (24) hours of each violation:
- a. Lack of an approved and presently operable dishwashing system on-premises, where food preparation utensils and/or reusable eating utensils are used as part of the business.
 - b. An infestation of cockroaches in the premises to such an extent that six (6) or more live cockroaches are observed in the food preparation area, six (6) or more cockroaches are trapped within a twenty-four (24) hour period in the food preparation area, or there is the presence of one cockroach in food caused by the operation of the food establishment.
 - c. An infestation of rodents to such an extent that one live mouse or rat is observed within the premises of the food establishment or there is the accumulation of fresh mouse droppings in more than one location in either the food

preparation or storage areas, or the presence of fresh rat droppings in one location in the food storage or preparation areas.

- d. The presence of gnawed or rodent contaminated (urine stained) food product.
- e. There are flies breeding in the licensed food establishment as shown by the presence of eggs or maggots.
- f. The licensed food establishment with ten (10) or more critical violations on a full inspection as approved by the Minnesota Environmental Health Division.

(b) *Procedure for emergency closure.*

(1) *Order to be issued.* If the manager of environmental health or the manager's agent, following an on-site inspection determines that any of the grounds for emergency closure exist in a licensed food establishment, an order for emergency closure may be summarily issued on such form as the manager shall promulgate. Such order shall: Identify the licensed food establishment; describe the specific grounds upon which the closure is based; state by what time the patrons must vacate; state that a hearing on the emergency closure can be requested by owner or manager by informing the manager of environmental health or the manager's agent. Such order shall be served on the owner, manager or apparent person in charge of the premises who shall thereupon close the premises, which shall remain closed pending either approval of the manager of the abatement of the condition(s) giving rise to the emergency closure, or final order of the manager after hearing as provided in subsection (2) below.

(2) *Hearing.* Upon written request, a hearing to consider whether the establishment may reopen, and the conditions, if any, to be imposed for such reopening, shall be commenced no later than three (3) business days after receipt of the written request.

The manager, or the manager's agent, shall render a written decision within two (2) business days after conclusion of the hearing.

(c) *Violation.* Any of the following is punishable as a misdemeanor:

- (1) Failure of the owner, manager or apparent person in charge to close a licensed food establishment and/or vacate the patrons from the establishment after service of an order for emergency closure.
- (2) Failure of any person to leave a licensed food establishment subject to an order for emergency closure upon being ordered to leave by the manager of environmental health or the manager's agent.
- (3) Any violation of section 188.550(a)(1) or (2) of this Code by the owner, manager or apparent person in charge of a licensed food establishment.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-375
By Herron and Biernat**

Delegating authority from the Commissioner of Health and Family Support to the Director of Regulatory Services pertaining to licensing, inspection and enforcement of the Food Code.

Resolved by The City Council of the City of Minneapolis:

That the Commissioner of Health and Family Support is hereby authorized to enter into an agreement with the Director of Regulatory Services to delegate authority as given to the Commissioner in the City of Minneapolis Charter, Chapter 14, Section 8, to the Director of Regulatory Services over all matters pertaining to the licensing, inspection and enforcement of the Food Code, Title 10, Chapters 186 and 188, of the Minneapolis Code of Ordinances.

Be It Further Resolved that the Director of

Regulatory Services is authorized to negotiate on behalf of the Minneapolis Board of Health with the Minnesota State Commissioner of Health to amend the August 1, 1987, delegation agreement between the State and the City of Minneapolis to reflect that the Director of Regulatory Services has authority over all matters pertaining to the licensing, inspection and enforcement of the Food Code, Title 10, Chapters 186 and 188, of the Minneapolis Code of Ordinances.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

The proposed amendment to Chapter 19 of the Minneapolis City Charter relating to *Civil Service*, amending various provisions governing the Classified Service, was referred to the Charter Commission. See New Business.

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

PS&RS - Your Committee, having under consideration the application of Uptown Brewing Company LLC, dba Bowery Pub & Brewery, 2922 Lyndale Av S for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire October 1, 2000, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved October 29, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 2, 1999)

PS&RS - Your Committee, having under consideration the application of Medich Enterprises Inc, dba The Library Bar and Grill, 1301 SE 4th St, for an On-Sale Liquor Class B with Sunday Sales License (change in ownership from Michael Yacoub, dba Fowl Play), to expire

October 1, 2000, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved October 29, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 2, 1999)

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

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

International Catering Inc, dba Atrium Cafe/Atrium Catering International, 275 Market St (temporary expansion of premises, October 14, 1999, 5:00 p.m. to 10:15 p.m.; October 15, 1999, 5:00 p.m. to 10:00 p.m. at the Minneapolis Institute of Art, Antique Show);

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2000

Lake & Hennepin BBQ & Blues Inc, dba Famous Dave's BBQ & Blues, 3001 Hennepin Av (new corporate officer);

On-Sale Wine Class E with Strong Beer, to expire April 1, 2000

D & D of MN Inc, dba Famous Dave's BBQ, 4264 Upton Av S (new corporate officer).

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of October 29, 1999, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 265308):

Place of Amusement Class A; 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; Cement Finisher; Contractor/Masonry Class A; Dry Cleaning Pickup Station; Dry Wall Contractor; Place of Entertainment; Fire Extinguisher Class

A; Fire Extinguisher Class B; Food Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food Establishment; Sidewalk Cafe Permit; Vending Machines; Lodging House; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Access Use; Motor Vehicle Servicing Class A (Towing); Motor Vehicle Servicing Class B (Towing); Motor Vehicle Servicing Class C (Towing); Motor Vehicle Servicing Class D (Towing); Commercial Parking Lot Class A; Commercial Parking Lot Class B (Contract); Plumber; Exhibition Operator A; Skating Rink - Roller & Ice; Solid Waste Hauler; Suntanning Facilities; Tattooing; Taxicab - Limited; Taxicab Vehicle; Theater - Zone I; Theater - Zone III; Tobacco Dealers; Tradesman-Combination.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. 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

Lions Club of Northeast Minneapolis, 2338 Central Av NE (Site: Vegas Lounge, 965 Central Av NE);

Metropolis Rugby Football Club, 2742 Lincoln St (Site: Terminal Bar, 409 E Hennepin Av);

Metropolis Rugby Football Club, 2742 Lincoln St (Site: Grumpy's Bar, 1111 Washington Av S);

Minneapolis Jaycees Charitable Foundation, 251 Portland Av (Site: Whiskey Found, 901 Cedar Av).

Gambling Lawful Exempt

Children's Hospitals & Clinics, 2525 Chicago Av (Raffle, November 4, 1999 at Women's Club, 410 Oak Grove St);

Church of Christ the King, 5029 Zenith Av S; Life's Missing Link Inc, 2344 Nicollet Av #240 (Raffle, October 9, 1999 at Bar Abilene Restaurant, 1300 Lagoon Av);

Metropolitan Boys Choir, PO Box 19348 (Raffle, May 5, 2000 at 4842 Nicollet Av);

Metropolitan Boys Choir, PO Box 19348 (Raffle, December 11, 1999 at 4842 Nicollet Av);

St Olaf Catholic Church, 215 S 8th St (Raffle, November 14, 1999).

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends that the following levies be approved and that the Director of the Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under authorization of the Inspections Division to correct nuisance or hazardous conditions on these properties (Petn No 265307):

Levy 1080 - Removal of Offensive Matter (rubbish), payable in one year, \$418,429.91.

Levy 1081 - Removal of Offensive Matter (weeds), payable in one year, \$126,928.50.

Levy 1084 - Removal of Offensive Matter (hazardous trees), payable in five years, \$191,476.11.

Levy 1085 - Removal of Offensive Matter (brush and plant growth), payable in one year, \$1,425.52.

Levy 1092 - Removal of Hazardous/Nuisance Condition Buildings, lump sum, payable in one year, \$215,915.43.

Levy 1099 - Securing Abandoned Buildings, payable in one year, \$49,069.79.

Your Committee further recommends passage of the accompanying Resolutions, all in accordance with Chapter 227 of the Minneapolis Code of Ordinances:

a) Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions (Levies 1080, 1081, 1084 and 1085);

b) Directing the Director of Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing buildings determined to constitute a nuisance condition, in accordance with Chapter 249 of the Minneapolis Code of Ordinances (Levy 1092);

c) Directing the Director of Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing dangerous buildings determined to constitute a nuisance condition, in accordance with Chapter 87 of the Minneapolis Code of Ordinances (Levy 1092);

d) Directing the Director of Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings, as authorized in Minnesota Statutes, Chapter 463 (Levy 1099).

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-376
By Biernat**

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, the Director of Inspections is authorized under Chapter 227 of the Minneapolis Code of Ordinances to abate nuisances relating to offensive matter on private premises including rubbish, long grass and weeds, brush and plant growth and dead trees; and

Whereas, the City Charter of the City of Minneapolis provides that costs incurred in the removal of nuisance conditions shall be levied and collected as a special assessment against the properties;

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

That the costs incurred in the removal of offensive matter are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Numbers 1080 (Rubbish Removal), 1081 (Weed Removal), 1084 (Offensive Tree Removal) and 1085 (Shrub, Brush Removal) be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed under authorization of the Inspections Division to abate nuisances on private properties.

Be It Further Resolved that Levy Numbers 1080, 1081 and 1085 be payable in a single installment with interest thereon at eight percent (8%) and that Levy Number 1084 be paid in five

(5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 265307 on file in the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-377
By Biernat**

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing buildings determined to constitute a nuisance condition in accordance with Chapter 249 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings constituted a nuisance condition in accordance with Chapter 249 of the Minneapolis Code of Ordinances and the Director of Inspections was empowered to abate the nuisance by having the buildings razed; and

Whereas, Chapter 249 provides that cost of such razing shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances;

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

That the costs incurred in razing buildings determined to constitute a nuisance condition are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that the items contained in part of Levy Number 1092 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties with interest at the rate of eight percent (8%) per annum on the unpaid balance thereof to defray costs of work performed under the authorization of the Inspections Division to raze said buildings, as set forth in Petn No 265307 on file in the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-378

By Biernat

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing dangerous buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, the Director of Inspections is authorized under Chapter 87 of the Minneapolis Code of Ordinances to abate the hazardous conditions by razing dangerous buildings after determination by the Director of Inspections and Chief of the Fire Department that a dangerous condition exists; and

Whereas, the City Charter of the City of Minneapolis provides that the costs incurred in the razing of dangerous buildings shall be levied and collected as a special assessment against the properties;

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

That the costs incurred in razing dangerous buildings are hereby approved and that said costs be assessed against the properties.

Be It Further Resolved that the items contained in part of Levy Number 1092 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under the authorization of the Inspections Division to raze dangerous buildings on properties, payable in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 265307 on file in the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-379

By Biernat

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis is empowered to secure vacant buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Director of Inspections did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

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

That the costs of securing abandoned buildings under the authority of the Director of Inspections are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Number 1099 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 265307 on file in the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Arlo E. Brownlee for the property located at 2115 Willow Av, and having received Findings of Fact, Conclusions and Recommendations arising from a Rental Dwelling License Board of Appeals hearing held on September 21, 1999, 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.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. 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 Amendment #3 to renew Contract #11036 with Rebehn & Associates, in the amount of \$30,000, to provide counseling services for employees under the direction of the Police Employee Assistance Program during the period January 1 through December 31, 2000, payable from Police (010-400-B125).

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. 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 submit a grant application to the Minnesota Department of Children, Families and Learning seeking \$149,720 of Hispanic Coalition Grant funds to build partnerships with the Latino community through the identification of specific law enforcement issues, and to provide crime prevention information/education through workshops and community events.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. 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 of \$26,949 and execute a grant agreement with the Minnesota

Office of Drug Policy and Violence Prevention to purchase equipment to support the DrugFire/National Integrated Ballistics Identification Network (NIBIN) System to increase efficiency in the Police Department's Identification Unit.

Your Committee further recommends passage of the accompanying Resolution appropriating \$26,949 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-380
By Biernat and Campbell

Amending The 1999 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 - Federal Fund (030-400-B305) by \$26,949, and increasing the Revenue Source (030-400-B305 - Source 3210) by \$26,949.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. 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 an anonymous donation of \$10,000 for the Police Department's Canine Unit for the purchase of dogs, bulletproof vests for the dogs, and dog equipment.

Your Committee further recommends passage of the accompanying Resolution appropriating \$10,000 to the Police Department to reflect receipt of said funds.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-381
By Biernat and Campbell

Amending The 1999 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-DT07) by \$10,000, and increasing the Revenue Source (060-400-DT07 - Source 3720) by \$10,000.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. 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 authorizing a boundary change for the Bassett Creek Water Management Commission, so that certain land within the northside redevelopment area will be within the Middle Mississippi River Watershed District and will be used for re-creation of wetland, and directing the proper City officers to execute amendments to the Joint Powers Agreement that established the Commission regarding the boundary change.

Your Committee further recommends that said resolution be summarized for publication.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-382, authorizing a boundary change for the Bassett Creek Water Management Commission, was passed October 29, 1999 by the City Council and approved November 4, 1999 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 99R-382
By Mead

Authorizing and directing amendments to the joint powers agreement for the Bassett Creek Watershed Management Commission.

Whereas, the City is a party to the joint powers agreement which formed the Bassett Creek Watershed Management Commission (the "Agreement"); and

Whereas, the Bassett Creek Watershed Management Commission (the "Commission") is the joint powers organization created pursuant to Minnesota Statutes Section 471.59 to act as the watershed management organization pursuant to Minnesota Statutes Sections 103B.205 to 103B.255 for the Bassett Creek Watershed; and

Whereas, the Bassett Creek Watershed is defined in Section III, Subdivision 6 of the Agreement as "... the area contained within a line drawn around the extremities of all terrain whose surface drainage is tributary to Bassett Creek and within the mapped areas delineated on the map filed with the Board of Water and Soil Resources originally filed pursuant to Minnesota Statutes, 473.877, subd. 2 and as now amended by Minnesota Statutes, Chapter 103B"; and

Whereas, a portion of the City of Minneapolis lies within the Bassett Creek Watershed; and

Whereas, the City of Minneapolis is a party to the Agreement and a member of the Commission; and

Whereas, a portion of the boundary of the Bassett Creek Watershed abuts the boundary of the Middle Mississippi River Watershed Management Organization (the "Middle Mississippi WMO"); and

Whereas, the City of Minneapolis, which is also a member of the Middle Mississippi WMO, has requested that the boundary line be changed between the Bassett Creek Watershed and the Middle Mississippi Watershed to relocate an area of the City of Minneapolis from the jurisdiction of the Bassett Creek Watershed Commission to the jurisdiction of the Middle Mississippi WMO; and

Whereas, the requested boundary change requires the approval of all of the members of both the Commission and the Middle Mississippi WMO and the amendment of the joint powers agreements creating each organization; and

Whereas, the Commission has recommended the approval of the requested boundary change pursuant to and in accordance with a proposed

agreement entitled Joint and Cooperative Agreement for Boundary Change, between the Commission, the Middle Mississippi WMO, and the City of Minneapolis (the "Boundary Change Agreement"), a copy of which has been provided to and reviewed by the City Council; and

Whereas, the Council has determined that the proposed boundary change, on the terms and conditions hereinafter set forth, is reasonable, prudent and in the best interest of the public;

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis that the Agreement is amended to change the boundary of the Bassett Creek Watershed on the following conditions:

- a) That the Commission determines after consideration of the comments on the boundary change by the Minnesota Board of Water and Soil Resources, that the boundary change should proceed; and
- b) That the Boundary Change Agreement is approved and executed in substantially the form submitted to the City by the Commission; and
- c) That the change in boundary is substantially as shown on the map attached to the Boundary Change Agreement; and
- d) That certified copies of resolutions approving the boundary change adopted by the city council of all cities in the Commission have been filed with the Chair of the Commission; and
- e) That effective approval of the boundary change by the city councils of all members of the Middle Mississippi WMO has been secured and evidence of such approval has been filed with the Chair of the Commission; and
- f) That following the occurrence of all of the foregoing, an amended map of the Bassett Creek Watershed and of the Middle Mississippi Watershed is jointly filed with the Minnesota Board of Soil and Water Resources, whereupon the boundary change will be effective.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the Lyn/Lake Parking Facilities,

now recommends passage of the accompanying Resolution adopting the special assessments for payable 2000, levying the special assessments and adopting the assessment roll for the Lyn/Lake Parking Facilities.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-383

By Mead

Adopting the special assessments for payable 2000, levying the special assessments and adopting the assessment roll for the Lyn/Lake Parking Facilities.

Whereas, Minnesota Statutes, Section 459.14 (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities and finance parking facilities through special assessments levied against benefited properties; and

Whereas, the City of Minneapolis has approved the establishment of parking facilities in the Lyn/Lake area, as more particularly described in Resolutions 98R-129 passed April 24, 1998 and 98R-186 passed May 22, 1998 and in Petn Nos 263708 and 263799 on file in the Office of the City Clerk; and

Whereas, any shortfall gap between parking facilities revenue and parking facilities expenditures is to be assessed to properties benefited by the parking facilities; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2000 to be \$170,773, all as contained in Petn Nos 265183 and 265311 on file in the Office of the City Clerk; and

Whereas, a public hearing was held on October 21, 1999 in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429 to consider the proposed special assessments for payable 2000 as shown on the proposed assessment roll on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed special assessments for

payable 2000 in the total amount of \$170,773 as on file in the Office of the City Clerk be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2000 real estate tax statements without interest charges.

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

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration plans for a project to identify pollution problems and define water quality goals and objectives for Powderhorn Lake, now recommends that the City support the application of the Minneapolis Park and Recreation Board (MPRB) for a Minnesota Pollution Control Agency Clean Water Partnership Program grant to support said project. The project costs total \$715,795, of which \$53,950 will be provided by the MPRB, \$520,000 by the City (payable from the Flood Program - Fund 730, Capital Project PS05) and grant funds of \$145,907.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the Preliminary Design Plans for the Hiawatha Corridor Light Rail Transit (LRT) Corridor and a recommendation to relocate the LRT alignment for the Cedar Riverside area station, now recommends passage of the accompanying resolution approving a revised alignment for said station including relocation of the station to a point north of Highway I-94 and west of Cedar Avenue.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Colvin Roy, Herron, Mead, Lane, McDonald, Johnson, Thurber, Ostrow, Campbell, Goodman, Biernat.

Nays - Niland.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-384

By Mead

Approving a revised alignment for the Hiawatha Light Rail Transit (LRT) line in the Cedar Riverside area including relocation of the station to a point north of Highway I-94 and west of Cedar Avenue.

Whereas, the Minnesota Department of Transportation, (MnDOT) has prepared Preliminary Design Plans for the Hiawatha LRT Corridor, said plans providing for an LRT alignment in the Cedar Riverside area following the old railroad right of way alignment and providing for a station serving the Cedar Riverside area at a location east of 15th Av S and south of 6th St; and

Whereas, the requirements of the Yards and Shops include the use of the space adjacent to this alignment north of Highway I-94 for material storage and for a turnaround track making the proposed station location unattractive, difficult to access by bus, and unlikely to generate or encourage further transit related development; and

Whereas, an alternative alignment has been developed in cooperation with residents and businesses in the Cedar Riverside area said alignment turning east along the north side of the Highway I-94 right of way and vacated 7th St and turning south to pass under Highway I-94 on the west side of Cedar Av connecting with the current alignment at a point north of Franklin Av, said alignment identified as Alternate No. 2C1 dated July 14, 1999; and

Whereas, the City Engineer has recommended approval of this alternative alignment in lieu of the alignment proposed in the Preliminary Design Plans;

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

That the alternative LRT alignment and station location in the Cedar Riverside area of Minneapolis identified as Alternative No. 2C1 on the MnDOT prepared drawing dated July 14, 1999 be approved.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Colvin Roy, Herron, Mead, Lane,

McDonald, Johnson, Thurber, Ostrow, Campbell, Goodman, Biernat.

Nays - Niland.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having received a report on the status of the Public Works Capital Program for the years 2000-2004, now recommends that the proper City officers be directed to review the viability of continuing the process of modernizing/updating the Public Service Center as opposed to exploring options for replacement of that facility, including the concept of bringing all appropriate City functions to one location.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having received an update on the status of the City's Flood Mitigation Program and recommendations to amend the program (Petn No 265311), now recommends approval of the following changes:

Area #12 - 3700 Columbus Flood Basin -

Add \$1,300,000 in year 2001 due to underestimated relocation expenses

Area #21/22 - Hiawatha Golf Course -

Advance \$510,000 from year 2003 to year 2000 due to Minneapolis Park and Recreation Board plans to proceed with upgrades to the golf course over the winter of 1999/2000

Area #26 - 43rd & Park Av Flood Basin -

Add \$500,000 to year 2000 due to higher than anticipated property acquisition costs

Area #34 - 60th St & 1st Av S Flood Pond

- Add the \$1,400,000 contribution of the Minnesota Department of Transportation to year 2002

Area #37 - Logan Av N between 27th & 29th Aves N - Add \$2,000,000 to year 2002 to change the design from a dry basin to a pond

Area #43 - Abbott Hospital (new flood area) - Add \$550,000 to year 2006 for reconstruction of storm drain

Area #46 - 2800 block of Humboldt Av S (new flood area) - Add \$200,000 to year 2006 for replacement storm drain.

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

Adopted upon a voice vote.

T&PW - Your Committee, having under consideration the issue of renewal/extension of the City's bus shelter franchise agreement with Transtop, Inc. and having been informed of modifications to the agreement that have been negotiated with Transtop, and having received a report from the Management Analysis Division reviewing the bus shelter advertising industry, market rates and comparisons with other cities, now recommends:

a) That the proper City officers be authorized to renew and extend the City's contract with Transtop, Inc. for a ten year period, effective November 9, 1999 through November 8, 2009;

b) That the accompanying ordinance amending Appendix G of the Minneapolis Code of Ordinances relating to *Bus Stop Shelter Franchise*, amending the ordinance by establishing minimums for franchise fees that are paid to the City, setting maintenance ceiling amounts, clarifying language relating to shelter removal credits and removing language prohibiting political advertising in shelters be given its second reading for amendment and passage;

c) That any applicable provisions of the City's Living Wage Policy shall apply.

Johnson moved to amend the report to add the following to the agreement:

"Transtop will participate in the City's Adopt-A-Container Program for each shelter." Seconded.

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

Yeas - McDonald, Johnson, Ostrow, Goodman.

Nays - Colvin Roy, Herron, Mead, Lane, Thurber, Campbell, Niland, Biernat.

Absent - Cherryhomes.

Johnson moved to amend the report to add the following to the agreement:

"Different shelter designs for different areas such as, but not limited to, Hennepin Avenue Theater District, Warehouse District, Avenue of the Arts, etc., shall be provided." Seconded.

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

Yeas - McDonald, Johnson, Ostrow, Goodman.

Nays - Colvin Roy, Herron, Mead, Lane, Thurber, Campbell, Niland, Biernat.

Absent - Cherryhomes.

The report was adopted.
Yeas, 12; Nays none.
Absent - Cherryhomes.
Passed October 29, 1999.
Approved November 4, 1999. S. Sayles
Belton, Mayor.
Attest: M. Keefe, City Clerk.

ORDINANCE 99-Or-120
By Mead

Intro & 1st Reading: 7/30/99

Ref to: T&PW

2nd Reading: 10/29/99

**Amending Appendix G of the Minneapolis
Code of Ordinances relating to Bus Stop
Shelters Franchise.**

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

Section 1. That Section 12(a) and (d) of the
above-entitled ordinance be amended to read as
follows:

**Section 12. Fee for franchise; minimum
fee.** (a) In consideration of the rights granted the
Company by this franchise, the Company agrees to
pay the City a fee based upon the annual gross
revenues that the Company derives from
advertising on shelters located within the City in
accordance with the following schedule:

- (1) Twelve (12) percent for the remainder
of 1989.
- (2) Six (6) percent in 1990.
- (3) For 1991 and thereafter the following
percentages of annual gross revenues:
 - a. If annual gross revenues are less
than seven hundred thousand
dollars (\$700,000.00): Six (6)
percent.
 - b. If annual gross revenues are
seven hundred thousand dollars
(\$700,000.00) or more, but less
than nine hundred thousand
dollars (\$900,000.00): Eight (8)
percent.
 - c. If annual gross revenues are nine
hundred thousand dollars
(\$900,000.00) or more, but less
than one million one hundred
thousand dollars
(\$1,100,000.00): Ten (10)
percent.

- d. If annual gross revenues are one
million one hundred thousand
dollars (\$1,100,000.00) or more,
but less than one million four
hundred thousand dollars
(\$1,400,000.00): Twelve (12)
percent.
- e. If annual gross revenues are
more than one million four
hundred thousand dollars
(\$1,400,000.00): Thirteen (13)
percent.

Notwithstanding subsection (3) above, the
franchise fee for the years 2000, 2001 and 2002
shall be no less than twelve (12) percent, and
shall be thirteen (13) percent for 2003 through
2009.

By renewing this franchise from November 9,
1999 to November 8, 2009, the company
guarantees that the franchise fee paid to the City,
after adjustment for credits allowed to the
company, shall be at least one hundred thousand
dollars (\$100,000.00) each for the years 2000,
2001 and 2002, and, at least one hundred ten
thousand dollars (\$110,000.00) each for the years
2003 through 2009. If necessary, the fee payable
for the final quarter of any year in which said
minimum guarantee applies shall be computed
and adjusted as provided in Subsection (b) of this
Section so that no less than the minimum
guaranteed fee shall be paid to the City with
respect to any year.

(d) The company shall receive a credit against
the franchise fee equal to ten (10) percent of that
portion of its annual Minneapolis shelter
maintenance costs that exceeds the maintenance
ceiling amount. The maintenance ceiling amount
shall be eighty-four thousand dollars (\$84,000.00)
for 1990 and shall be adjusted for 1991 and
annually thereafter in a percentage equal to annual
increases in the consumer price index (CPI). The
shelter maintenance costs shall include the
unrecovered cost of repairs made to Minneapolis
shelters due to damage and vandalism. The credit
shall be applied first to the portion of the franchise
fee that is payable for the first quarter of the
calendar year following the year that the credit
accrues, beginning with the portion of maintenance
costs incurred in 1990, if any, to be credited
against the first quarterly payment of 1991. Any
portion of a credit that cannot be used because
insufficient fee payments are due may be carried
over to be applied against fee payments with
respect to the ensuing quarters of the same year,

but may not be carried over to be applied against fee payments for ensuing years. Under no circumstances shall the credit allowed the Company hereunder result in any obligation of the City to pay or reimburse the Company for any shelter maintenance costs, nor shall such credit entitle the Company to set off such costs against any monetary or nonmonetary obligations or duties owed by the Company to the City other than the franchise fee. The maintenance ceiling amount shall be set at one hundred six thousand four hundred eighty dollars (\$106,480.00) for the year 2000 subject to annual adjustment for 2001 and thereafter in a percentage equal to annual CPI adjustments.

Section 2. That Section 20 (d) of the above-entitled ordinance be amended to read as follows:

Section 20. Removal of shelter. (d) If the City requires the ~~permanent or temporary removal or relocation~~ of more than four (4) shelters in one (1) calendar year, the City shall grant a credit of eight hundred dollars (\$800.00) per shelter for each such removal ~~or relocation~~ above four (4). If the City, through its forces or contract forces, provides the electrical conduit work and concrete work needed ~~at a relocation site to relocate place a relocated removed shelter~~, no credit shall be due for that removal ~~and relocation~~. The credit shall be credited against the franchise fee when the quarterly franchise fee is paid to the City with respect to the first quarter of the following year, commencing in 1991. The credit for removal ~~or relocation~~ costs shall be readjusted annually to reflect any increase in the consumer price index (CPI). There shall, however, be no credit with respect to shelters ordered removed for inadequate maintenance, ~~or for~~ abutting owners' construction, or for construction by or for any governmental unit other than the city, nor with respect to shelters ordered to be removed by the city because of the discontinuance or relocation of bus stops by metro transit or its successor. No credit shall be granted for removal of any shelter unless the company gives notice to the city of its intention to claim the credit and the city engineer or his designee authorizes the credit prior to or within sixty (60) days after the removal of the shelter, which authorization shall not be unreasonably withheld. If there is a non-city governmental construction project, the City of Minneapolis shall use its best efforts to inform the other governmental unit as early as possible in the project to work with the company to have the removal and relocation expenses covered by the

governmental unit doing the project. No part of this ordinance shall be deemed to prohibit the company from obtaining moving expense reimbursement from any entity other than the city.

Section 3. That Section 24 of the above-entitled ordinance be amended to read as follows:

Section 24. Advertising. The Company shall limit advertising to one-third of the area of the vertical surface of the shelter and all such advertising must be displayed on one (1) or both sides of a single panel of the shelter, which panel shall not be larger than four (4) feet by six (6) feet in dimension. The Company shall not permit obscene, immoral or indecent advertising ~~or political advertising of any character. The company shall not display advertising for the election campaigns of candidates for the offices of Minneapolis mayor or council member, but may, in its discretion, display other political advertisements.~~ The Company shall not allow more than ~~sixty (60)~~ thirty (30) percent of the Company's combined total advertising space on all shelters in the City to pertain to tobacco or alcoholic beverage products at any time. The Company shall not place any alcoholic beverage advertising within five hundred (500) feet of any church, school or playground. The Company, in accepting this franchise, agrees to remove any advertising which the Council determines to be inappropriate to the particular location or surroundings of the shelter or inappropriate as a use of the public street right-of-way. The Company shall provide equal access to all advertisers at reasonable rates. The Company shall, upon notice, remove any advertisement of a private company or a commercial product or service that has been placed or displayed on a shelter on the same street and within one (1) city block of any property owned or leased by a company which is in competition with, or which, as its principal and primary business, markets a product or service which is in competition with the company, product or service which is advertised.

Advertising may be placed on shelters only in accordance with the Minneapolis Zoning Ordinance.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. 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, having under consideration an alley paving project requested for the block bounded by Washington Av N and 3rd St N from 5th to 6th Avs N, now recommends passage of the accompanying resolutions:

a) Adopting the assessments, levying the assessments and adopting the assessment rolls for the alley paving on the list of properties set forth in Petn No 265313;

b) Appropriating \$79,000 to the PW - Streets & Malls Capital Agency to provide funds for the project; and

c) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$79,000 for the project.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-385

By Mead & Campbell

Adopting the assessments, levying the assessments and adopting the assessment roll for the improvement of the NWly-SEly alley in the block between Washington Av N and Third St N, from Fifth to Sixth Avs N, Special Improvement of Existing Street No 2206 on the list of properties set forth in Petn No 265313.

Whereas, a public hearing was held on October 21, 1999 to consider the proposed assessments as shown on the proposed assessment roll on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed assessments against the affected properties set forth in Petn No 265313 in the total amount of \$79,000.00 and as shown on the proposed assessment rolls on file in the Office of the City Clerk be and hereby are adopted and levied and that the City Clerk is hereby directed to

transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Be It Further Resolved that the assessments be collected in 20 equal annual installments on the real estate tax statements starting on the 2001 property tax statements with interest charged at the same rate as bonds are sold for in 2000.

Be It Further Resolved that the Public Works Streets and Malls Capital Appropriation 4100-937-9372 be increased by \$79,000.00 to be reimbursed by Special Assessment to support engineering and construction of the alley and authorize the appropriate City officials to expend funds for the implementation of this project.

Be It Further Resolved that the Board of Estimate and Taxation issue and sell assessment bonds in the amount of \$79,000.00 for the Alley paving in the block bounded by Washington Av N and Third St N from Fifth to Sixth Avs N, Special Improvement of Existing Street No. 2206.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-386

By Mead & Campbell

Amending The 1999 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 \$79,000 and increasing the revenue source (4100-937-9372 - Source 3650) by \$79,000 for the special assessment to support engineering and construction of the alley in the block bounded by Washington Av N and 3rd St N from 5th to 6th Avs N.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-387

By Mead & Campbell

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$79,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of engineering and construction of the alley in the block bounded by Washington Av N and 3rd St N from 5th to 6th Avs N (Special Improvement of Existing Street #2206), to be assessed against benefited property owners as estimated by the City Council, which assessments shall be collectible in 20 successive annual installments, payable in the same manner as real estate taxes.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee recommends acceptance of low bid meeting specifications received on OP #5241 (Petr No 265314) submitted by Kumar Mechanical, in the amount of \$288,600, for furnishing and installing the HVAC system at the Public Service Center, all in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved October 29, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 2, 1999)

T&PW & W&M/Budget - Your Committee, having under consideration the Grass Lake Bank Restoration project that is included in the Kenny Neighborhood approved Neighborhood Revitalization Program (NRP) Action Plan, now recommends passage of the accompanying

resolution increasing the appropriation in the PW - Transportation Capital Agency by \$12,000 to provide funds for a contract with Applied Ecology, Inc. for said project. The funds will be fully reimbursed through the NRP.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-388

By Mead & Campbell

Amending The 1999 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9464) by \$12,000 and increasing the revenue source (4100-943-9464 - Source 3845) by \$12,000.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having received a report on the Public Works Facilities Project and an accelerated construction schedule for the Currie Maintenance Facility, now recommends that the adopted 1999-2003 Five-Year Capital Improvement Plan be adjusted to amend the Public Works Facilities Project budget to indicate an appropriation of \$1,350,000 for the year 1999, \$4,700,000 for the year 2000 and \$1,800,000 for the year 2001. Said changes will be indicated on the proposed 2000-2004 Five-Year Capital Improvement Plan that will be considered in 1999 budget discussions.

Your Committee further recommends passage of the accompanying resolution increasing the General Service Capital Agency by \$500,000 to reflect the increase for 1999.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.
Approved November 4, 1999. S. Sayles
Belton, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 99R-389
By Mead & Campbell

**Amending The 1999 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 General Services - Capital
Agency in the Permanent Improvement Projects
Fund (4100-923-9247) by \$500,000 for the Currie
Maintenance Facility, for a revised 1999
appropriation of \$1,350,000.

Adopted. Yeas, 12; Nays none.
Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice
President of Council and President pro tem.

Approved November 4, 1999. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee
recommends approval of Change Order #3 to
Contract #98-13246 for the Public Works
Facilities Project, Primary Service Node #1
(Currie Maintenance Facility) with Knutson
Construction Services, Inc. increasing the
contract by \$140,140, for a new total of
\$16,383,589.

Adopted. Yeas, 12; Nays none.
Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee
recommends approval of Change Order #1 to
Contract #10645 for the Public Works Facilities
Project, Primary Service Node #1 (Royalston
Maintenance Facility) with Architectural Alliance
increasing the contract by \$1,228.13 for a new
total of \$476,908.13.

Your Committee further recommends that
the proper City officers be authorized to make a
final payment to Architectural Alliance in the
amount of \$1,228.13.

Adopted. Yeas, 12; Nays none.
Absent - Cherryhomes.
Passed October 29, 1999.
Approved November 4, 1999. S. Sayles
Belton, Mayor.
Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee,
having under consideration the Public Service
Center (PSC) Improvement Project and the
need to relocate occupants of the third floor of
that building while improvements are underway,
now recommends that the proper City officers
be authorized to enter into a lease agreement
with Hennepin County for use of space at the
110 Building (formerly known as the Old U.S.
Court Building) at 110 4th St S for said
relocation purposes. The term of the lease shall
be six months with the option to cancel at any
time with a 30-day notice. The monthly cost for
space will be approximately \$12,300,
representing only actual operational expenses
for the space, and is payable from the existing
project budget.

Adopted. Yeas, 12; Nays none.
Absent - Cherryhomes.

Passed October 29, 1999.

Approved October 29, 1999. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

(Published November 2, 1999)

T&PW & W&M/Budget - Your Committee,
having under consideration the Supervisory
Control and Data Acquisition System (SCADA)
being implemented at the Minneapolis Water
Works, now recommends that the proper City
officers be authorized to amend Contract
#98-131127 with EMA Services, Inc. to expand
the scope of services of the SCADA project to
include a change management program at an
additional cost of \$561,460, for a new contract
total of \$2,328,660. The change will provide for
facilitation of additional design teams to widen
the involvement of Water Works employees
and make the transition to the system more
efficient. The cost of the increase is payable
from the project budget (740-950-9515).

Adopted. Yeas, 12; Nays none.
Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the Water Works 34 Million Gallon Hilltop Reservoir Project, now recommends that the proper City officers be authorized to amend Contract #14440 with STS Consultants, Ltd., increasing the contract by \$270,000, for a new total of \$433,080. The increase shall provide for concrete testing and construction inspection services that were anticipated to be provided by the firm of TKDA. The cost of the increase is payable from the project budget (740-950-9515).

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration a report from the Policy Work Group on Minneapolis Park and Recreation Board (MPRB)/Public Works Service Overlaps (Petn No 265312) that includes the following recommendations:

MPRB Storm Sewer System:

1. That the MPRB transfer ownership with appropriate easement rights so that the authority and responsibility for the MPRB storm drainage system is conveyed to Minneapolis Public Works effective January 1, 2000 with the understanding that Public Works will expand its operations to include necessary inventory surveys, maintenance, and repair on the system as is currently done on the storm drain system under its jurisdiction.
2. That, as a result of said transfer, the Mayor and City Council direct staff to incorporate into the Sewer Fund proforma the increase in revenue and expenditures needed to cover the maintenance and capital costs of managing the MPRB storm drain system and to present a plan for approval as part of the Year 2000 budget, with no charge back to MPRB for the work.

Public Works Trees:

3. That the MPRB assume ownership, day-to-day management, maintenance, and replacement responsibility for the trees on all City owned property and in all Special Service Districts, effective January 1, 2000.
4. Beginning with the Year 2000 budget, that the MPRB provide its Forestry Division with sufficient resources to take on the additional

workload. As with the storm drain transfer, there would be no charge back to the Public Works Department for this work.

Composting Facility:

5. That the Public Works and MPRB staff be directed to develop a joint proposal for the development and operation of a composting facility, on either an ownership or long-term lease basis. A proposal outlining potential location(s), one-time start-up costs, and ongoing operational costs, should be submitted to the 2001 capital planning process. The proposal should include a cost-benefit comparison with the current composting operations of both entities, and should provide for recapturing the one-time capital and equipment start-up costs through savings in ongoing operations.

Because finding a site relatively close to City boundaries would be difficult, that appropriate staff be directed to prepare for the opportunity if a potential site were to become available in the marketplace. Even though a capital budget proposal submittal made in 2001 will be for 2005 (as required by the Capital Budget process), the efforts to identify a site should be ongoing. If a potential site is found, steps should be taken to acquire the site and amend the capital program.

Public Works Green Space:

6. That Public Works transfer responsibility, including maintenance and management, for the following parcels to the MPRB to be incorporated into the park system, as appropriate. There would be no exchange of funds related to this transfer of responsibility:
 - a) Sibley Holding Pond
 - b) W. River Road from Plymouth Avenue to approximately 22nd Avenue North
 - c) Irving Avenue & 22nd Avenue North
 - d) Ryan Lake
 - e) Rainville-Hill Square
 - f) Stevens Square Overlook
 - g) Grass Lake
 - h) Osseo Road Railroad Open Space
 - i) Sunset Boulevard median

MPRB Parkways:

7. That the Parkway system, including but not limited to, street sweeping, snow and ice control, pavement maintenance and marking, be maintained by Public Works, allowing for

comprehensive service to all of the City's streets and parkways. As with recommendations on storm water system and urban forest, no transfer of funds would accompany this transfer of responsibility, and the existing transfer of funds from the MPRB to the City for part of this function (\$600,000) will cease.

MPRB Street Lights:

8. That the Department of Public Works incorporate the maintenance and operation of the Minneapolis Park and Recreation Board street lighting system, including the addition of approximately 1500 street lights to the Public Works street lighting maintenance operation. The cost to Public Works for the operation and maintenance of the additional lights is estimated to be \$200,000 per year. Also that an additional \$342,000 per year in capital costs be allocated over the next ten years for the conversion of the Park Board street lighting system to a mode of operation that anticipate forthcoming federal regulations. Policy to coordinate approval of capital with related operating budget changes:
9. That the City Finance Officer and City Engineer be directed to prepare appropriate policy and/or process recommendations for consideration by the Mayor and Council before the distribution of the 2001 Capital Budget instructions to ensure that changes in operating costs associated with proposed capital projects are adequately identified and considered as part of the capital budget process and better coordinated with the operating budget process.

Further that the City Engineer and the MPRB Superintendent be directed to negotiate a service agreement reflecting said changes, with the understanding that no funds will be transferred from one agency to the other as a result of the changes;

now recommends:

T&PW - Conceptual approval of the recommendations, pending budget approval.

W&M/Budget - That the matter be referred to the City's budget process with the recommendation that the MPRB make a commitment to increase adult staffing for recreation programs and services. Further that the trail bikeway management and maintenance issue not be included in any final agreement.

Mead moved that the recommendation of both the Transportation & Public Works Committee and the Ways & Means/Budget Committees be included as part of the report and to amend the recommendation of the Ways & Means/Budget Committee by deleting the last sentence and inserting in lieu thereof the following:

"Further, that a process be established and participants appointed to address trail/bikeway management and maintenance issues, with recommendations or resolutions to be proposed to the Transportation & Public Works Committee by September 1, 2000." Seconded.

Adopted upon a voice vote.

Thurber moved to amend the recommendation of the Ways & Means/Budget Committee, as amended, by adding the following:

"To reinforce the focus on the core missions and strengths of each organization, the Committee further recommends that the duplication of police services of the Minneapolis Police Department and the Minneapolis Park Police be eliminated through this redesign." Seconded.

Adopted. Yeas, 9; Nays, 2 as follows:

Yeas - Herron, McDonald, Johnson, Thurber, Ostrow, Campbell, Niland, Goodman, Biernat.

Nays - Colvin Roy, Mead.

Declining to vote - Lane.

Absent - Cherryhomes.

Campbell called for a separate vote on the recommendation of the Ways & Means/Budget Committee.

The report, including the recommendation of the Transportation & Public Works Committee, lost.

Yeas, 2; Nays, 10 as follows:

Yeas - Mead, Lane.

Nays - Colvin Roy, Herron, McDonald, Johnson, Thurber, Ostrow, Campbell, Niland, Goodman, Biernat.

Absent - Cherryhomes.

Lost October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration a report from the

Policy Work Group on Minneapolis Park and Recreation Board (MPRB)/Public Works Service Overlaps (Petn No 265312) that includes the following recommendations:

MPRB Storm Sewer System:

1. That the MPRB transfer ownership with appropriate easement rights so that the authority and responsibility for the MPRB storm drainage system is conveyed to Minneapolis Public Works effective January 1, 2000 with the understanding that Public Works will expand its operations to include necessary inventory surveys, maintenance, and repair on the system as is currently done on the storm drain system under its jurisdiction.
2. That, as a result of said transfer, the Mayor and City Council direct staff to incorporate into the Sewer Fund proforma the increase in revenue and expenditures needed to cover the maintenance and capital costs of managing the MPRB storm drain system and to present a plan for approval as part of the Year 2000 budget, with no charge back to MPRB for the work.

Public Works Trees:

3. That the MPRB assume ownership, day-to-day management, maintenance, and replacement responsibility for the trees on all City owned property and in all Special Service Districts, effective January 1, 2000.
4. Beginning with the Year 2000 budget, that the MPRB provide its Forestry Division with sufficient resources to take on the additional workload. As with the storm drain transfer, there would be no charge back to the Public Works Department for this work.

Composting Facility:

5. That the Public Works and MPRB staff be directed to develop a joint proposal for the development and operation of a composting facility, on either an ownership or long-term lease basis. A proposal outlining potential location(s), one-time start-up costs, and ongoing operational costs, should be submitted to the 2001 capital planning process. The proposal should include a cost-benefit comparison with the current composting operations of both entities, and should provide for recapturing the one-time capital and equipment start-up costs through savings in ongoing operations.

Because finding a site relatively close to City boundaries would be difficult, that appropriate staff be directed to prepare for the opportunity if a potential site were to become available in the marketplace.

Even though a capital budget proposal submittal made in 2001 will be for 2005 (as required by the Capital Budget process), the efforts to identify a site should be ongoing. If a potential site is found, steps should be taken to acquire the site and amend the capital program.

Public Works Green Space:

6. That Public Works transfer responsibility, including maintenance and management, for the following parcels to the MPRB to be incorporated into the park system, as appropriate. There would be no exchange of funds related to this transfer of responsibility:
 - a) Sibley Holding Pond
 - b) W. River Road from Plymouth Avenue to approximately 22nd Avenue North
 - c) Irving Avenue & 22nd Avenue North
 - d) Ryan Lake
 - e) Rainville-Hill Square
 - f) Stevens Square Overlook
 - g) Grass Lake
 - h) Osseo Road Railroad Open Space
 - i) Sunset Boulevard median

MPRB Parkways:

7. That the Parkway system, including but not limited to, street sweeping, snow and ice control, pavement maintenance and marking, be maintained by Public Works, allowing for comprehensive service to all of the City's streets and parkways. As with recommendations on storm water system and urban forest, no transfer of funds would accompany this transfer of responsibility, and the existing transfer of funds from the MPRB to the City for part of this function (\$600,000) will cease.

MPRB Street Lights:

8. That the Department of Public Works incorporate the maintenance and operation of the Minneapolis Park and Recreation Board street lighting system, including the addition of approximately 1500 street lights to the Public Works street lighting maintenance operation. The cost to Public Works for the operation and maintenance of the additional lights is estimated to be \$200,000 per year.

Also that an additional \$342,000 per year in capital costs be allocated over the next ten years for the conversion of the Park Board street lighting system to a mode of operation that anticipate forthcoming federal regulations.

Policy to coordinate approval of capital with related operating budget changes:

9. That the City Finance Officer and City Engineer be directed to prepare appropriate policy and/or process recommendations for consideration by the Mayor and Council before the distribution of the 2001 Capital Budget instructions to ensure that changes in operating costs associated with proposed capital projects are adequately identified and considered as part of the capital budget process and better coordinated with the operating budget process.

Further that the City Engineer and the MPRB Superintendent be directed to negotiate a service agreement reflecting said changes, with the understanding that no funds will be transferred from one agency to the other as a result of the changes;

now recommends:

W&M/Budget - That the matter be referred to the City's budget process with the recommendation that the MPRB make a commitment to increase adult staffing for recreation programs and services.

Further, that a process be established and participants appointed to address trail/bikeway management and maintenance issues, with recommendations or resolutions to be proposed to the Transportation & Public Works Committee by September 1, 2000.

To reinforce the focus on the core missions and strengths of each organization, the Committee further recommends that the duplication of police services of the Minneapolis Police Department and the Minneapolis Park Police be eliminated through this redesign.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Colvin Roy, Herron, Lane, McDonald, Johnson, Thurber, Ostrow, Campbell, Niland, Goodman, Biernat.

Nays - Mead.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

W&M/Budget - Your Committee, having under consideration responses to the City's Request for Proposals (RFP) for required banking services, now recommends approval of the following recommendations (in concurrence with the seven-member evaluation committee), and based upon criteria set forth in Petn No 265322 on file in the Office of the City Clerk:

a) that the City Finance Officer be authorized to negotiate a lower price with Norwest Bank for said banking services and to award the contract to Norwest Bank;

b) that if Norwest Bank declines to negotiate a lower price for said banking services, that the contract be awarded to US Bank; and

c) that the proper City officers be authorized to execute a contract to provide said banking services with the appropriate bank, as outlined.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the City employees' Group Health Insurance plans and recommendations relating to changes in plan design and funding formulas, as follows:

a) Approve the change in plan design for the Medica Choice and HealthPartners Classic plans so all non-preventative office visits require a \$10 co-payment;

b) Approve the Letters of Agreement between the City of Minneapolis and the unions that change the funding formulas for health insurance premiums in years 2000, 2001 and 2002;

c) Provide the same benefit plan that includes the \$10 non-preventative co-payment charges and funding formulas for appointed, confidential and non-represented employees; now recommends approval of said recommendations.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends acceptance of the following

contributions to the Arts Commission's Neighborhood Arts New Presenters Program:

- a) \$5,000 from the Medtronic Foundation;
- b) \$1,000 from Dames and Moore;
- c) \$100 from Northeast Bank; and
- d) \$50 from Minnehaha Tax Service.

Your Committee further recommends passage of the accompanying Resolution increasing the Communications Appropriation by \$6,150.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 99R-390

By Campbell

Amending The 1999 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 Communications Agency in the Grants - Other Fund (0600-800-8015) by \$6,150 and increasing the Communications Agency revenue estimate in the Grants - Other Fund (0600-800-8015-Source 3720) by \$6,150.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the following lawsuits filed against the City be settled and be payable from the Self Insurance Fund, as follows:

a) Russell Swart and his attorneys, Voss and Hickman, P.A., in the amount of \$18,500, payable from 6900-150-1500-4000; and

b) Leonard Walton and his attorney, Joel C. Monke, in the amount of \$4,220, payable from 6900-150-1500-4000.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP), as approved by the Permanent Review Committee, for professional codifying services to update and maintain the Minneapolis Code of Ordinances and the Minneapolis City Charter in hard copy and electronic formats, for a 5-year period beginning January 1, 2000, with the option to renew for two additional five-year periods, at the discretion of the City.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Cherryhomes.

Passed October 29, 1999.

Approved October 29, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 2, 1999)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute the following change orders for the Convention Center Expansion Project:

a) Change Order #2 to Contract #13434 with The Builders, Inc., increasing said contract by \$38,710, for a new contract total of \$1,417,549;

b) Change Order #3 to Contract #14073 with Tri-Tech Electrical Company, increasing said contract by \$7,645.12, for a new contract total of \$252,623.12;

c) Change Order #2 to Contract #13914 with Kellington Construction, Inc., increasing said contract by \$371, for a new contract total of \$541,496; and

d) Change Order #3 to Contract #13979 with Veit and Company, Inc, increasing said contract by \$481,914, for a new contract total of \$8,313,428.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Cherryhomes.

Passed October 29, 1999.

Approved October 29, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 2, 1999)

W&M/Budget - Your Committee, having under consideration unpaid water, sewer and solid waste charges, and having received

notification that a public hearing has been held, in accordance with the Minneapolis Code of Ordinances, Title 19 Chapter 509.1080, to provide residents an opportunity to dispute their charges, now recommends approval of the 1999 Tax Assessments of said delinquent utility charges, at the annual adoption of the assessment roll, with a listing of affected addresses, as set forth in Petn No 265322 on file in the Office of the City Clerk.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends approval to expand the scope of Capital Project (HD09) from the Central Library "Sprinkler System" to the Central Library "Fire/Life Safety/Heating, Ventilation and Air Conditioning System," to address life and safety issues identified by Fire Chief Forte in his letter to Council Member Joan Campbell, dated September 16, 1999, with the understanding that by October, 2001, the City and the Library Board will determine whether funding can be obtained for a new library building or whether the current building will be refurbished and brought up to current building and fire codes, as more fully set forth in Petn No 265323 on file in the Office of the City Clerk, subject to the following interim public safety plan/conditions:

- a) The current early warning detection system must be updated and completely cover the existing facility;
- b) Staff must be on site 24 hours a day, 7 days a week and be trained to meet and assist the Fire Department with identifying the reason for an alarm;
- c) Fire Station 10 must maintain the current, quick response time;
- d) The rear exit from the planetarium must have shelves moved and signage posted to direct people to the exit way. (This is temporarily provided in lieu of a rated corridor);
- e) No class 1A flammable liquids shall be stored in basement areas;
- f) Buildings or areas in which hazardous materials are stored, handled, or used shall be constructed in accordance with the Building Code;
- g) Panic hardware shall be installed on all doors in assembly occupancies when the occupant load is 50 or more;
- h) Exit signs shall be installed and maintained at required exit doorways and where otherwise necessary to clearly indicate the direction of egress when the exit serves an occupant load of 50 or more, or when the exit way is not easily identified from any part of a building, regardless of occupant load; and
- i) Illumination of means of egress shall be maintained at one-foot candle, measured at the floor, for all buildings.

Your Committee further recommends that the resulting revision to the 2000-2004 Capital Projects schedule be addressed during the upcoming Capital Budget process.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends passage of the accompanying amendment to the Salary Ordinance, setting the salary for the position of Supervisor, Identification Division, based on studies conducted by the Department of Human Resources, to be effective October 29, 1999.

Your Committee further recommends summary publication of said ordinance.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 99-Or-121, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, setting the salary for the position of Supervisor, Identification Division, was passed October 29, 1999 by the City Council and approved November 4, 1999 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 99-Or-121
By Campbell**

1st & 2nd Readings: 10/29/99

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

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

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

Minneapolis City Supervisor's Association (CSU)

Effective: October 29, 1999

FLSA	OTC	CLASSIFICATION	PTS	G	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
E	4	Supervisor, Identification Division	455	10	B	2002	2051	2098	2145	2192	2239	2286

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

Minneapolis City Supervisor's Association (CSU)

Effective: January 1, 2000

Schedule a:

FLSA	OTC	CLASSIFICATION	PTS	G	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
E	4	Supervisor, Identification Division	455	10	B	2052	2102	2150	2199	2247	2295	2343

Schedule b*:

FLSA	OTC	CLASSIFICATION	PTS	G	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
E	4	Supervisor, Identification Division	455	10	B	2062	2113	2161	2209	2258	2306	2355

*Schedule (b), above, shall be in effect should the City's General Fund revenue increase more than 3% for the year 2000 over the 1999 General Fund revenue.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that Kris Poulson be granted the starting rate of pay for Step 5 of the Assessor III salary schedule, based upon current salary, the need for strong technological expertise, and relocation requirements.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the City's Fixed Income Operating portfolio and the Minneapolis Community Development Agency's (MCDA) Trust portfolio (Hilton \$40,500,000), now recommends that the City Finance Officer be authorized to continue the Fixed Income Investment Management services of Galliards and Insight.

Your Committee further recommends that the proper City officers be authorized to execute a contract with First American Asset Management for Fixed Income Investment Services, at the amount formerly managed by Voyageur.

Your Committee further recommends that the proper City officers be authorized to execute a contract with T. Rose & Associates, Inc., for Fixed Income Investment Services, in the amount of \$2,000,000.

Your Committee further recommends that the proper City officers be authorized to execute a contract with Northshore Advisors, LLC, for Fixed Income Investment Services, in the amount of \$8,000,000.

Your Committee further recommends that the proper City officers be authorized to execute a contract with Galliards for the management of the MCDA Trust Account.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. 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 Anne Jones and Daniel Bohnen from the Board of Adjustment decision (1) denying their request for variation of the corner side yard on 47th Av S from 10 ft to 6 ft, and (2) granting, in lieu of their request for variation of the front yard on Park Terrace from 25 ft to 2 ft, a variation from 25 ft to 16 ft, which requests, if granted, would allow an 8 ft by 12 ft garden shed to be relocated at 3441 47th Av S (V-4488), and having conducted a public hearing on said appeal, now recommends that the appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings of fact prepared by the Planning Department Staff and set forth in Petn No 265326 be adopted.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal of Daniel Piepho from the decision of the Board of Adjustment denying a variance to permit the existing rooftop basketball court to remain above the garage at 3508 W 22nd St (V-4546), and having conducted a public hearing thereon, now recommends that said appeal be denied and the Board of Adjustment decision be upheld, and that the findings of fact prepared by the Planning Department Staff and set forth in Petn No 265326 be adopted.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z & P - Your Committee, having under consideration the application of Alexander's Import Auto Repair for a waiver from Interim Ordinance 99-Or-016, providing for a moratorium on the establishment or expansion of auto-oriented uses in the areas bounded by a 1/2 mile radius around proposed light rail transit station sites in the Hiawatha Corridor, passed January 22, 1999, which waiver would enable applicant to apply for a license for the sale of used cars on the portion of the lot at 2904 E 35th St which is west of Dight Av, and having conducted a public hearing on said application, now recommends that the findings prepared by the Planning Department staff and set forth in Petn No 265328 be adopted and that said waiver be granted.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration Site Plan Review Permit PR-460 granted to Shiv Nath Tandon for the site at 1227 Central Av NE, and having conducted a public hearing to determine if the terms of said permit have been violated and whether the permit should

be modified or revoked, now recommends that PR-460 be revoked effective November 17, 1999. (Petrn No 265327)

McDonald moved to substitute the following report for the above report. Seconded.
Adopted by unanimous consent.

Z&P - Your Committee, having under consideration Site Plan Review Permit PR-460 granted to Shiv Nath Tandon for the site at 1227 Central Av NE, and having conducted a public hearing to determine if the terms of said permit have been violated and whether the permit should be modified or revoked, now recommends that PR-460 be revoked effective November 15, 1999, unless the applicant meets the terms and conditions of PR-460 prior to that date; and further recommends that this matter be referred to the PS&RS Committee for action on the applicant's license and joint recommendation to the City Council. (Petrn No 265327)

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration Site Plan Review Permit PR-498 granted to Peter Bernhagen for the site at 5750 Lyndale Av S, and having conducted a public hearing to determine if the terms of said permit have been violated and whether the permit should be modified or revoked, now recommends that PR-498 be revoked effective November 17, 1999. (Petrn No 265327)

McDonald moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

Z&P - Your Committee, having under consideration Site Plan Review Permit PR-498 granted to Peter Bernhagen for the site at 5750 Lyndale Av S, and having conducted a public hearing to determine if the terms of said permit have been violated and whether the permit should be modified or revoked, now recommends that PR-498 be revoked effective November 15, 1999, unless the applicant meets the terms and conditions of PR-460 prior to that date; and further recommends that this matter be referred to the PS&RS Committee for action on the applicant's license and joint recommendation to the City

Council. (Petrn No 265327)

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the petition of City of Lakes Waldorf School (Vac #1282) to vacate part of the alley in the block bounded by 22nd and 24th Sts W and Nicollet and Blaisdell Aves S to connect the playground to the new school building at 2344 Nicollet Av S, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petrn No 265328 and to grant said vacation, subject to retention of easement rights by Northern States Power, US West and Paragon Cable, and the dedication to the City of land to continue the rerouted alley to Blaisdell Av.

Your Committee further recommends passage of the accompanying resolution vacating said part of the alley in the block bounded by 22nd and 24th Sts W and Nicollet and Blaisdell Aves S.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-391
By McDonald**

Vacating part of the alley in the block bounded by 22nd and 24th Streets West and Nicollet and Blaisdell Avenues South (Vac #1282).

Resolved by The City Council of The City of Minneapolis:

That all that part of the alley bounded by 22nd and 24th Streets West and Nicollet and Blaisdell Avenues South being West and adjacent to Lots 9-12 in Block 6 of J. T. Blaisdell's Revised Addition to Minneapolis, is hereby vacated except that such vacation shall not affect the existing easement right and authority of Northern States Power (NSP), US West and Paragon Cable, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to

wit:

As to NSP: The east 10 feet of the to be vacated alley;

As to US West and Paragon Cable: All of the to be vacated alley;

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

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the application of Green Institute (Vac # 1288) to vacate E 29th St between 21st Av S and Hiawatha Av S to allow a drive aisle for Green Institute parking adjacent to the north side of the street, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 265328 and to deny the application.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee recommends granting the application of the Minneapolis Community Development Agency for a special council permit to allow surface parking use on a 6,800 sq ft, triangular parcel located adjacent to the north side of 206 3rd St N, on condition that the applicant obtain site plan review approval, notwithstanding the Zoning Code. (1999-160)

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee recommends granting the application of Engfer Automotive for a special council permit to allow concrete work to be installed in accordance with the site plan attached to the application, except for those areas to be recommended for landscaping by Planning Department staff, on condition that this is a temporary permit to facilitate landscaping improvements before cold weather sets in, that the applicant will simultaneously apply for site plan approval, and that the landscaped areas must be at least 10% of the site, notwithstanding the Zoning Code. (1999-167)

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved October 29, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 2, 1999)

MOTIONS

Niland moved to waive the 60-day filing time as required by Chapter 447 of the Minneapolis Code of Ordinances for applicant Antonio Villagran for the Create Chicano Latino Arts Center and Museum for a parade to be held Saturday, November 6, 1999, between the hours of 5:00 and 8:00 p.m. on 24th Street starting at Holy Rosary Church, 2424 18th Avenue South, to Bloomington Avenue ending at El Mercado Central, 1515 East Lake Street, subject to approval granted by the Public Works and the Police departments to grant said waiver. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Biernat moved to introduce the subject matter of an ordinance amending Title 12, Chapter 244, Article XVI of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code; Rental Dwelling Licenses*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amendments based on staff review required under Section 244.2020(h)).

Herron moved to amend a report of the Health & Human Services Committee passed by the Council October 15, 1999, authorizing execution of Amendment #1 to Contract #13718 with Cindy

Kallstrom, to correct the contract amount to \$55,500, as shown in Petition No 265255 on file in the office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Thurber moved to waive the 30-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Antonio Villagran of CreArte Chicano Latino Arts Center for a business district block event to be held Saturday, November 6, 1999, from 6:00 to 10:30 p.m. on Bloomington Avenue South from East Lake Street to East 31st Street, having approval granted by the Public Works Department to grant said waiver.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION

RESOLUTION 99R-392

**By McDonald, Cherryhomes, Ostrow,
Campbell, Biernat, Johnson, Niland,
Goodman, Herron, Thurber, Mead,
Colvin Roy and Lane**

Declaring October 30, 1999, as National Federation of the Blind Day.

Whereas, the National Federation of the Blind of Minnesota, founded in 1920, is the states oldest and largest organization promoting the interests of blind citizens; and

Whereas, the white cane, which every blind citizen of our state has the right to carry, demonstrates and symbolizes the ability of the blind to achieve full and independent lives and the capacity of the blind to be productively employed; and

Whereas, the white cane allows every blind person to move freely from place to place, making it possible for him or her to participate fully in and contribute to our society; and

Whereas, the freedom to travel, one of the

fundamental rights accorded to all citizens, is as important to the blind as it is for the sighted; and

Whereas, Minnesota law requires that all blind persons be given equal access to all places of public accommodation, lodging, and transportation, subject only to the provisions and restrictions applicable alike to all persons; and

Whereas, Minnesota law encourages employers, both public and private, to fully utilize the unlimited skill and potential of our blind citizens; and

Whereas, the National Federation of the Blind, with more than fifty thousand members nationwide, has demonstrated a refreshing commitment to promoting the respectability of blindness through, among other things, its highly competitive scholarship program for blind students; its ceaseless efforts to promote Braille as a viable tool of literacy for the blind; its ongoing efforts to acquire gainful employment for blind persons through its Job Opportunities for the Blind program; its provision of technical assistance to teachers, parents of blind children, law enforcement officials, employers and state government; its access to newspapers through Newsline for the Blind; and its production of printed, Braille and recorded literature about blindness; and

Whereas, these positive programs are supported and enhanced at the state level by the National Federation of the Blind of Minnesota as witnessed by its energetic programs to promote more and better instruction in the reading and writing of Braille for blind children attending Minnesota's public schools and its efforts to secure new and positive training alternatives for Minnesota's newly-blind adult population;

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

That the City Council does hereby declare October 30, 1999, as National Federation of the Blind Day in the City of Minneapolis.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Passed October 29, 1999. J. Biernat, Vice President of Council and President pro tem.

Approved November 4, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

UNFINISHED BUSINESS

Septan Inc, 3948 Nicollet Av: Deny appeal for nonconforming use certificate to allow gas station and repair garage, grant appeal for

variance. (Postponed 10/30/98, Z&P)

McDonald moved to continue postponement.

Seconded.

Adopted upon a voice vote.

NEW BUSINESS

1. a) Thurber moved to introduce an Ordinance amending Chapter 19 of the Minneapolis City Charter relating to *Civil Service*, which was given its first reading.
- b) Thurber was granted unanimous consent, upon recommendation of the Intergovernmental Relations Committee, to refer the above Charter amendment to the Charter Commission for further consideration.

Campbell moved to adjourn to Room 315 City Hall, immediately following the Minneapolis Community Development Agency Board of Commissioners meeting, for an adjourned Council session to consider the following litigation:

1. USEPA vs. City of Minneapolis
2. Abdullahi vs. City of Minneapolis, et al.
3. Assam vs. City of Minneapolis, et al.
4. Waytashek vs. City of Minneapolis
5. Weyer vs. City of Minneapolis, et al.

Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Cherryhomes.

Adjourned.

MERRY KEEFE,
City Clerk.