

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

APRIL 21, 2000

(Published April 29, 2000, in *Finance and Commerce*)

Council Chamber

Minneapolis, Minnesota

April 21, 2000 - 9:30 a.m.

President Cherryhomes in the Chair.

Present - Council Members Lane, Herron, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Goodman, Colvin Roy, McDonald, President Cherryhomes.

Absent - Mead.

Campbell moved acceptance of the minutes of the regular meeting of April 7, and the adjourned session held April 12, 2000. 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:

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (265793)

Affordable Housing Initiative: Annual Evaluation for 1999.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (265794)

Downtown East: Revised report, resolution & maps re Adopting Modification No. 14 to Industry Square Redevelopment Plan & Modification No. 69 to Common Plan to coordinate transit oriented development.

U.S. Environmental Protection Agency Pilot Assessment Grant: Request appropriation increase to complete Phase 1 & 2 environmental assessments on 6 sites within Mpls Empowerment Zone.

Contamination Cleanup Grant Applications: Authorize applications to Metropolitan Council & MN Dept of Trade & Economic Development for Urban Village; Grain Belt Brewhouse; Penn-Lowry, Traffic Zone Boiler House.

Commercial Corridors Program: Request appropriation increase to provide loan to Patel Grocery & Meat.

COORDINATOR (265795)

Near Northside: Authorize First Amendment to Master Planning Agreement with McCormack Baron.

Overflow Secure Waiting Area: Allocate FY99 Emergency Shelter Grant entitlement to Hennepin Cty to extend period of operation of men & womens shelters at 519 Portland Ave S.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (265796) Nokomis East Neighborhood: Authorize use of Mpls School's "Second 7.5%" NRP funds for Keewaydin school playground improvements.

2000 NRP Administrative Budget Amendment #1: Approve addition of Memorandum of Understanding w/Mpls Park & Recreation Bd; increase appropriation.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (265797)

Welcome Center Immunization and Family Stability Project: Issue amended Fund Availability Notice to Minneapolis Public Schools to extend termination date to December 31, 2000.

Local Service Unit Plan for Minnesota Family Investment Program: Authorize Mayor Sayles Belton to sign Plan for 2000/2001 biennium.

Local Plan for Workforce Investment Act: Authorize Mayor Sayles Belton to sign local Plan.

Summer Internships for High School Students: Issue Fund Availability Notice to Special School District #1.

School-to-Career Services to At-Risk Youth: Issue Fund Availability Notices to agencies to provide services.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (265798)

Healthy Start Project: Issue Request for Proposals for \$130,000 in enhanced clinical services.

McKnight Welfare-to-Work Networks: Reduce Fund Availability Notice with Pillsbury Neighborhood Services; and Issue Fund Availability Notice to Urban Hope Ministries to facilitate, convene and coordinate Northside Network.

McKnight Welfare-to-Work Networks: Accept \$30,760 from Hennepin County to support Northside and American Indian McKnight Networks; Approve appropriation; and Issue Fund Availability Notices to Pillsbury Neighborhood Services and Minnesota American Indian Chamber of Commerce.

Summer Youth Employment and Training Program and School-to-Work Programs: Accept \$715,000 in Workforce Investment Act funds from Minnesota Department of Economic Security.

LICENSES AND CONSUMER SERVICES (265799)

Healthy Homes Initiative: Submit grant application to United States Department of Housing & Urban Development seeking funds for demonstration project.

INTERGOVERNMENTAL RELATIONS:

INTERNATIONAL AFFAIRS OFFICE (265800)

Sister Cities: Minneapolis-Ibaraki 20th Anniversary celebration events.

PLANNING COMMISSION/DEPARTMENT (265801)

Census 2000: 1st Quarter Report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (265802)

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and TRANSPORTATION & PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (265803)

Clean Minneapolis Task Force: Report, with recommendations.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET

ATTORNEY (265804)

Fines: Report on budget footnote regarding Hennepin County District Court's compliance with State Statutes regarding minimum fines, with summary of financial impact to City.

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

POLICE DEPARTMENT (265805)

Domestic Preparedness Equipment Support Program: Accept grant award of \$100,000 from Federal Office of State and Local Domestic Preparedness Support for purchase of personal protective equipment for personnel in Bomb/Arson and Emergency Response Units; and Approve appropriation.

Weed and Seed Federal Asset Forfeiture Funds: Submit application to United States Department of Justice seeking \$150,000 in Year 2000 funds for law enforcement and crime prevention efforts.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (265806)

University of St. Thomas Law School Parking Facility: Proposal to negotiate on development of a partnership to provide an underground parking facility; Comments: Citizens for a Loring Park Community. Avenue of the Arts: Project update.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

DOWNTOWN COUNCIL (265807)

Nicollet Mall Advisory Board: Appointment of Paul Van Valkenburg and Wade Opland.

PUBLIC WORKS AND ENGINEERING (265808)

Right-of-Way Ordinances: Amending Title 17, Chapters 429 and 430 to comply with the Minnesota Public Utility Commission Rules, League of Minnesota Cities Model Ordinance, St. Paul Legislative Code and clarify ambiguities.

Mann Theater Areaways Project: Change order to contract with Clark Engineering.

Public Works Facilities Project (Currie Maintenance Facility): Change order to contract with Knutson Construction Services, Inc.

Humboldt Greenway Project: Construction cooperative agreement with Hennepin County.

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

PUBLIC WORKS AND ENGINEERING (265809)

Sewer Construction Project Closeouts and Related Bond Redesignations. 2000 Street Reconstruction Program (Como Ave SE): Project approval and adoption of special assessments; Board of Estimate and Taxation issue and sell assessment bonds.

5th Av S Paving Construction & Street Lighting Project: Approve plans and direct staff to proceed with project with funding adjustments and acceptance of necessary easements from the MCDA and CSM Hospitality.

Sidewalk Work: Funding increase to provide for sidewalk construction in the area of an MCDA development at Plymouth and Washington Aves N and 315 27th Ave SE with extension of contract with Standard Sidewalk.

Downtown Reverse Flow Bus Lane for Hiawatha LRT Project: Recommendation to relocate buses from 5th St to 4th and 9th Sts and hire a design consultant.

PURCHASING (265810)

Bids: Accept OP #5360, low bid meeting specifications of Clarey's Safety Equipment, Inc. for fire rescue equipment; OP #5330, low bid of Asphalt Equipment and Service Company for completion of asphalt plant renovations; OP #5368, low bid of TMI Coatings, Inc. for baffle wall installation and expansion joint replacement for the Water Department; OP #5359, only bid of Thomas and Sons Construction, Inc. to accomplish the Stevens Square Paving Project; OP #5354, low bid of Cemstone Products Company for furnishing and delivering ready mix concrete for various Public Works Departments from April 1, 2000 through March 31, 2001; OP #5285, low bids for furnishing rubber tired skid steer loaders with operators and supplies for the 2000 Construction Season:

WAYS AND MEANS BUDGET:

CITY ATTORNEY (265811)

Expenses for Outside Attorneys: Receive and File Report.

COMMUNICATIONS (265812)

Telecommunications Work Team: Staff Report.

CONVENTION CENTER (265813)

Convention Center Expansion Project: Receive & File Change Management Actions.

Convention Center Expansion Project: Receive & File Construction Schedule and Budget Changes.

COORDINATOR (265814)

City Coordinator's Annual Work Plan: Receive & File.

FINANCE DEPARTMENT (265815)

Travel Expenses: Receive & File First Quarter 2000 Report.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (265816)

Master Contracts for Information & Technology Vendors: Receive and File Update.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (265817)

Year 2000 Program: Receive & File Summary Report.

MAYOR (265818)

Priorities 2001 Process: Receive & File Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (265819)

Settlement: Claim of Abdirizak Abdullahi.

Settlement of Contempt Motion: Payment to Legal Aid Society of Minneapolis.

Workers' Compensation Settlement: Payment to Richard Hnasko, Lawrence C. Miller and HealthPartners.

CITY ATTORNEY (265820)

Burma Resolution: Sent forward without recommendation regarding purchasing issues.

CONVENTION CENTER (265821)

Convention Center Expansion Project: Change Order #5 with Tri-Tech Electrical Company.

CONVENTION CENTER (265822)

Maintenance & Warranty Management Services: Contract with Wallace Dube.

COORDINATOR (265823)

Federal Save America's Treasures Grants: Submit grant application to U. S. Department of the Interior.

Civil Service Commission: Reappointment of E. Maurice Nakumbe.

COUNCIL MEMBER HERRON (265824)

Step Increase: Grant Step 3 to Vickie Brock, Council Member Assistant, effective April 24, 2000 and Step 4, effective August 17, 2000.

CULTURAL AFFAIRS (265825)

Donation: Accept \$1,000 from Minneapolis Foundation.

FINANCE DEPARTMENT (265826)

2001 Budget and 2001 Priorities Schedules: Approve.

Legal Settlement with American Iron and Steel: Authorize issuance of judgment bonds.

HEALTH AND FAMILY SUPPORT SERVICES (265827)

Workers' Compensation Insurance Coverage: Waive RFP process and purchase insurance from Otis Magie Insurance Company.

HUMAN RESOURCES (265828)

National Arts Program: Accept funds from Leonard E. B. Andrews Foundation.

Human Resources Mid-Year Budget Adjustment/Increase: Approve.

City-Managed Health Care: Issue RFP.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (265829)

Master Contract Amendment: Amend contract with On Demand Services Group, Inc.

Master Contract Amendment: Amend contract with GE Capital Information Technology Solutions-North America, Inc.

Master Contract Amendment: Amend contract with Management Systems Solutions, Inc. INTERNATIONAL AFFAIRS OFFICE (265830)

Sister City Anniversary Celebration: Approve appropriation of \$12,000 for Ibaraki, Japan event. PLANNING COMMISSION/DEPARTMENT (265831)

Design Services: Issue RFP for services along Central Ave between 22nd & 27th Aves NE. POLICE DEPARTMENT (265831.1)

Supervisor, Identification Division's Field Operations Unit: Offer position to Gary Kaldun at Step 6 rate of pay.

ZONING AND PLANNING (See Rep):

CITY CLERK/SPECIAL PERMITS (265832)

West River Pkwy, 1201 (Robert Yurecko) sign.

MAYOR (265833)

Planning Commission: Appoint Judith Martin & Timothy Baylor.

PLANNING COMMISSION/DEPARTMENT (265834)

Michel Mourad, 3435 Hiawatha Ave:

Planning Department: Application for waiver of Moratorium on auto related uses near LRT stations to permit development of an automobile convenience facility, car wash & minor automobile repair, with staff findings & recommendation, maps, site plan, Letter of Advance Architectural Group requesting waiver on grounds of hardship, Letter of Longfellow Community Council supporting waiver, Letter of Corcoran Neighborhood Organization opposing waiver.

Advance Architectural Group, Inc: setting forth changes to proposed development, with drawings.

Designers Guild Building, Inc, 401 N 3rd St: Application for alley vacation to permit access from parking ramp to building, with staff findings & recommendation, map, aerial photo.

PLANNING COMMISSION/DEPARTMENT (265835)

Pearce, Jameson, 4649 Bloomington Ave S: Appeal from Planning Commission decision to deny application for a change of legal nonconforming use; Statement with revised hours of operation, estimated traffic, City of Mpls Traffic flow records, w/attachments.

PLANNING COMMISSION/DEPARTMENT (265836)

Stinson Technology Campus Project, Environmental Review Process, NE Broadway St & E Hennepin Ave: Staff report with description of project & findings, Revised recommendations including approve Alternative Urban Areawide Review, Draft Transportation Demand Management Plan.

Zoning Code Text Amendment: Approve amend Title 20, Section 535.90 re Zoning Code: Regulations of General Applicability, Minimum size and width of windows & doors in residential uses.

PLANNING COMMISSION:

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (265837)

Permission to vacate alley in block bounded by Hennepin & 1st Aves N; 6th & 7th Sts N (Block E).

DUFFY, JOHN W (265838)

Permission to vacate alley between 5th & 6th Aves N, Washington Ave N & 3rd St N.

FILED:

CITY CLERK/SPECIAL PERMITS (265839)

Hennepin Ave betw 6th & 7th Sts-Block E (Mpls Downtown Council) Timberwolves pre-game playoff party;

Mississippi River west bank north of Broadway Bridge (Twin City River Rats Water Ski Show Team) use area for practice & public performances;

Nicollet Mall between 9th & 12th Sts (Mpls Downtown Council) block party for A.A. Convention attendees;
Stinson Blvd, 3300 (Stinson Automotive) sign;
University Av NE, 2300 (Mario Pierzchalski) tents.
FINANCE DEPARTMENT (265840)
Investment Management System & Reconciliation report, February 29, 2000.

REPORTS OF STANDING COMMITTEES

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

Comm Dev & W&M/Budget - Your Committee, to whom was referred back from Council on April 7, 2000 a report recommending approval of Modification No 69 to the Common Development and Redevelopment Plan and Modification No 14 to the Industry Square Redevelopment Plan (dated February 25, 2000), to accommodate acquisition of the block where the Downtown East Light Rail Transit Station is proposed, and further having received a revised report, resolution and map which deletes Block 70 (one of the Star Tribune blocks), as set forth in Petn No 265794, and having conducted an additional 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 - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-170 By Niland and Campbell

Adopting Modification No. 69 to the Common Development and Redevelopment Plan and Modification No. 14 to the Industry Square Redevelopment Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals.

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

1.2. By Resolution duly adopted on August 31, 1973, and subsequent resolutions, the City approved the creation of the Industry Square Redevelopment Plan. By Resolution duly adopted on December 28, 1973, 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 Plans") relating thereto, all pursuant to the Agency Laws and Project Laws. The Industry Square Redevelopment Plan is incorporated by reference into the Common Plans.

1.4. It has been proposed that the Agency modify the Common Plans and the Industry Square Redevelopment Plan to reflect the identification of property that may be acquired, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and 469.174 through 469.179, as amended.

1.5. The Agency has caused to be prepared, and this Council has investigated the facts with respect thereto, a proposed Modification No. 69 to the Common Plans (Modification No. 69), and Modification No. 14 to the Industry Square Redevelopment Plan. These plan modifications (collectively the "Modifications") identify all or a portion of three blocks between Park Avenue and 10th Avenue South for possible acquisition. The Modifications describe more precisely the property that may be acquired.

1.6. 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, the Ways & Means/Budget Committee, notification of affected property owners, transmittal of the proposed Modifications at least thirty days prior to a public hearing on 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 Plan.

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 identification of property that may be acquired within the project area.

2.2. The Council further finds, determines, and declares that the Modifications conform to the general plan for the development of the City as a whole. Written comments of the Planning Commission with respect to the Modifications were issued and incorporated herein by reference, and are on file in the office of the City Clerk in the form of a petition.

2.3. The Council further finds, determines, and declares that the Modifications will afford maximum opportunity, consistent with the needs of the City as a whole, for the redevelopment of the Project Area by private enterprise.

2.4. The Council reconfirms its finding that the Industry Square Project Area includes vacant, unused, underused, inappropriately used and blighted land with unusual and difficult physical characteristics of the ground, the existence of faulty planning characterized by the subdivision or sale of lots laid out in irregular form and shape or of inadequate size; conditions which have prevented normal development of the land by private enterprise and have resulted in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety, and welfare; and the acquisition of land may be necessary to carry out the redevelopment plan.

2.5. The Council further finds, determines and declares that the Modifications authorize the possible acquisition of property, including the use of eminent domain as necessary to achieve the goals and objectives of the redevelopment plan.

2.6. The Council further finds, determines and declares that the actions authorized by the Modifications are all pursuant to and in accordance with the Project Laws.

2.7. The Council hereby finds, determines, and declares that: (i) the public notice required by Minnesota Statutes, Section 469.028, subd. 1, 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 469.028, subd. 1; (ii) the public hearing required by Minnesota Statutes, Section 469.028, subd. 1, 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 Plan.

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 Plan.

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 are hereby authorized to incorporate the Modifications into the Common Plans. The staff of the City and 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 - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the \$200,000 Brownfield Pilot Assessment Grant award from the United States Environmental Protection Agency to complete Phase 1 and Phase 2 environmental assessments on six orphan sites within the Minneapolis Empowerment Zone, namely 2845 Garfield Ave S; 3408 Snelling Ave S; 113 E 26th St; 942 Lowry Ave NE; 2800 Bloomington Ave S; and 1900 Central Ave NE, now recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency appropriation in Fund FEZ0 (EPA Pilot Grant) by \$200,000 and increasing the Fund FEZ0 revenue by \$200,000, to reflect receipt of said grant award, as more fully set forth in Petn No 265794.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-171
By Niland and Campbell

Amending The 2000 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 FEZ0- EPA Pilot Grant by \$200,000 and increasing the Fund FEZ0 revenue estimate by \$200,000 (3210-14 Other Federal Grants).

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. 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 Urban Village Development (vicinity of E 28th St & Aldrich Ave) in an amount up to \$40,000; Grain Belt Brew House Project (1200 Marshall St NE) in an amount up to \$962,000; Penn/Lowry Project (vicinity of 3108-3120 Penn Ave N) in an amount up to \$55,000; and the Traffic Zone Boiler House Project (333 Washington Ave N) in an amount up to \$75,000.

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 the Penn/Lowry Project in an amount up to \$225,000.

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

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the proposal by Paak Corporation to build a new 4,788 square foot building for the Patel Grocery store on the site of an abandoned service station at 1851 Central Ave NE, now recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency appropriation in Fund FNA0 (MCDA Neighborhood Development) by \$45,000 to provide funds for said proposal through the Commercial Corridor Revitalization Program, as set forth in Petn No 265794.

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

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-172
By Niland and Campbell

Amending The 2000 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 FNA0 - MCDA Neighborhood Development by \$45,000 from available fund balance.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000. J. Cherryhomes, President of Council.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget -Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of Minneapolis Public School's "Second 7.5%" NRP funds in the amount of \$30,000 to support improvements to the Keewaydin school playground being developed as part of the Nokomis East NRP Action Plan, now recommends:

1. Approval of the use of Minneapolis Public School's "Second 7.5%" NRP funds for said purpose;
2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR0) by \$30,000;
3. That the proper City officers be authorized to execute any agreements needed to implement activities set forth in said request; and
4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (Petn No 265796).

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-173
By Niland and Campbell

Amending The 2000 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 Fund CNR0 - NRP Program by \$30,000 from projected fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget -Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the amendment to the 2000 NRP Administrative Budget by including a Memorandum of Understanding with the Minneapolis Park and Recreation Board in the budget's "Professional Services" line to provide administrative and overhead costs associated with NRP projects, and increasing the amount of the budget by \$96,890, as set forth in Petn No 265796, now recommends:

1. Approval of the Memorandum of Understanding with the Minneapolis Park and Recreation Board to the "Professional Services" line of the 2000 NRP Administrative Budget;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR0) by \$96,890 and request that the Minneapolis Community Development Agency (MCDA) immediately transfer \$96,890 to the NRP's City of Minneapolis Fund 230;

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

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-174
By Niland and Campbell

Amending The 2000 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 Fund CNR0 - NRP Program by \$96,890 from projected fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute Amendment No. 1 to the Master Planning Agreement with McCormack Baron for preparation of a Master Plan for the Near Northside by extending the term from February 29, 2000 through May 31, 2000 and increasing the contract amount by a) \$60,000 to provide for preparation of a HOPE VI application on behalf of the Minneapolis Public Housing Authority for submission to the Department of Housing & Urban Development (HUD); and b) \$45,000 to perform additional planning and technical services.

Your Committee further recommends that \$29,500 be payable from the City Coordinator Agency in the Federal Grants Fund (0300-840-8460) and that \$75,500 be payable from the Capital Improvement - Non-Department Agency in the Permanent Improvement Projects Fund (4100-970-9719).

Your Committee further recommends that the proper City staff be directed to reimburse these accounts upon receipt of reimbursements from HUD.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 21, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published April 25, 2000)

Comm Dev & W&M/Budget - Your Committee recommends approval of the allocation of \$55,000 of City of Minneapolis FY99 Emergency Shelter Grant (ESG) entitlement to Hennepin County to extend the period of operation of the Hennepin County Secure Waiting Overflow Shelter at 519 Portland Ave S and the Women's Community Emergency Services (CES) at 1900 - 11th Ave S over the summer of 2000.

Your Committee further recommends that the proper City Officers be authorized to execute a contract between the City of Minneapolis and Hennepin County to undertake such action.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

H&HS - Your Committee, having under consideration the Welcome Center Immunization and Family Stabilization Project, now recommends that the proper City Officers be authorized to issue an amended Fund Availability Notice #Y9-3a, under Master Contract #10019, to the Minneapolis Public Schools, in the amount of \$13,000, to extend the termination date through December 31, 2000 to meet programmatic needs of the Welcome Center, payable from Health & Family Support (060-860-8621).

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee, having under consideration the Local Service Unit Plan for the Minnesota Family Investment Program, now recommends that Mayor Sayles Belton be authorized to sign the Plan on behalf of the City of Minneapolis for the 2000/2001 biennium.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee, having under consideration the Local Plan for the Workforce Investment Act, now recommends that Mayor Sayles Belton be authorized to sign the Plan on behalf of the City of Minneapolis, to certify that the Plan was prepared in accordance with the Workforce Investment Act of 1998.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee recommends that the proper City Officers be authorized to issue Fund Availability Notice #E9-1, under Master Contract #10019, to Special School District #1, in the amount of \$4,700, for staff to provide supervision of high school students enrolled in summer internships during the period June 12 through August 18, 2000, payable from Health & Family Support (040-860-8600).

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee, having under consideration the provision of year around school-to-career services to at-risk youth, now recommends that the proper City Officers be authorized to issue the following Fund Availability Notices (FANs) for the period April 1, 2000 through March 31, 2001, payable from Health & Family Support (030-860-8600):

a. FAN #E6-1, under Master Contract #10021, to AIOIC, in the amount of \$62,000;

b. FAN #E3-1, under Master Contract #10009, to HIRED, in the amount of \$100,000;

c. FAN #E6-1, under Master Contract #10018, to Hmong American Mutual Assistance Association, Inc., in the amount of \$40,000;

d. FAN #E6-1, under Master Contract #10008, to Loring Nicollet Bethlehem Centers, Inc., in the amount of \$40,000;

e. FAN #E3-1, under Master Contract #10001, to Minneapolis Urban League, in the amount of \$100,000;

f. FAN #E6-1, under Master Contract #10007, to Pillsbury Neighborhood Services, in the amount of \$113,000;

g. FAN #E6-1, under Master Contract #10013, to Resource, Inc., in the amount of \$110,000;

h. FAN #E6-1, under Master Contract #10004, to Summit Academy OIC, in the amount of \$50,000.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget - Your Committee, having under consideration the Twin Cities Healthy Start Project, now recommends that the proper City Officers be authorized to issue a Request for Proposals seeking \$130,000 in enhanced clinical services to be provided by up to five organizations during the period July 1, 2000 through June 30, 2001, to combat disparities in infant mortality in the African American and American Indian communities. (Petn No 265798)

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 21, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published April 25, 2000)

H&HS & W&M/Budget - Your Committee, having under consideration Phase II funding of the McKnight Welfare-to-Work Networks, now recommends that the proper City Officers be authorized to:

a. Reduce Fund Availability Notice #Z9-1a, under Master Contract #10007, with Pillsbury Neighborhood Services by \$12,857, from \$72,857 to \$60,000; and

b. Issue Fund Availability Notice #Z9-1, under Master Contract #12204, to Urban Hope Ministries, in the amount of \$12,857, to facilitate, convene and coordinate the Northside Network, payable from Health & Human Services (060-860-8605).

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

H&HS & W&M/Budget - Your Committee, having under consideration Phase II funding of the McKnight Welfare-to-Work Networks, now recommends that the proper City Officers be authorized to accept \$30,760 from Hennepin County to support the Northside and American Indian McKnight Networks for the period April 1 through June 30, 2000.

Your Committee recommends passage of the accompanying Resolution appropriating \$30,760 to the Health & Family Support Agency to reflect receipt of said funds.

Your Committee further recommends that the proper City Officers be authorized to issue the following Fund Availability Notices for staff and related support for case management services in support of McKnight funded Networks for the period April 1 through June 30, 2000, payable from Health & Family Support (060-860-8605):

a. FAN #X6-1, under Master Contract #10007, to Pillsbury Neighborhood Services, in the amount of \$16,690; and

b. FAN #X6-1, under Master Contract #12201, to Minnesota American Indian Chamber of Commerce.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-175
By Herron & Campbell

Amending The 2000 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 Health & Family Support Agency in the Grants - Other Fund (060-860-8605) by \$30,760 and increasing the Revenue Source (060-860-8605 - Source 3220) by \$30,760.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000. J. Cherryhomes, President of Council.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept an award of \$715,000 in Workforce Investment Act funds from the Minnesota Department of Economic Security for support of the Summer Youth Employment and Training Program and the School-to-Work Programs for in and out of school youth.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to submit a grant application to the United States Department of Housing and Urban Development seeking funding for a demonstration project as part of the Healthy Homes Initiative to identify and correct multiple safety and health hazards in the home environment of children.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:
PS&RS - Your Committee, having under consideration the application of Yussuf Aden Ahmed, dba Hawd Restaurant, 2602 Bloomington Av, for a Restaurant License (new proprietor) to expire April 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 - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, to whom was referred by the Council on February 18, 2000 the application of Owens-Corning Fiberglas Corporation, 1901 49th Av N, for an Asphalt Shingles & Roofing Manufacturer License to expire December 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 - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

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

Off-Sale Liquor, to expire April 1, 2001

Skellys Liquor Store Inc, 700 W Broadway;

Off-Sale Liquor, to expire July 1, 2000

City Spirits Inc, dba City Spirits, 1244 Hennepin Av (new 100% shareholder/director/officer);

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2001

CBC DT Tennis & Athletic Club Inc, dba Regency Athletic Club and Spa, 1300 Nicollet Mall;

C B C Athletic Club Inc, dba Calhoun Beach Club, 2730 W Lake St;

Brinda-Heilicher of Minneapolis Inc, dba Williams Uptown Pub & Peanut Bar, 2911 Hennepin Av;

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

Old Chicago Colorado Inc, dba Old Chicago, 2841 Hennepin Av (regular expansion of premises);

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2000

Gianni Fragali Italia Cucina Inc, dba Gianni Fragali Italia Cucina, 10 S 5th St;

Old Chicago Colorado Inc, dba Old Chicago, 2841 Hennepin Av (temporary expansion of premises);

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2001

JWM Investments Inc, dba Mayslack's, 1428 4th St NE (temporary expansion of premises, April 8, 2000, 2:00 p.m. to 10:00 p.m.);

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2001

American Legion Post #1 Housing Corporation, dba American Legion Post #1, 2532 25th Av S;

On-Sale Liquor Class B with Sunday Sales, to expire April 29, 2000

Medich Enterprises Inc, 1301 4th St SE (temporary expansion, Saturday April 29, 2000, 8:00 a.m. to 1:00 a.m.);

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2000

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE (temporary expansion of permises with outdoor entertainment, April 28 & 29, 2000 and May 5 & 6, 2000, 6:00 p.m. to 10:00 p.m.);

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2001

Rudolph's Bar B Que Inc, 1933 Lyndale Av S;

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2001

Rimarcik John V, dba Monte Carlo, 219 3rd Av N;

Temporary On-Sale Liquor

Share of Strength/Taste of the Nation, dba Share Our Strength, 6109 Ashcroft Av, Edina (April 28, 2000, 6:00 p.m. to 8:00 p.m. at the Convention Center, with entertainment; Licensed Facilitator: Minneapolis Convention Center - Kelber Catering);

Northern Clay Center, 2424 E Franklin Av (April 29, 2000, 5:00 p.m. to 9:00 p.m.; Licensed Facilitator: Kieran's Irish Pub & Restaurant);

Society of Eight Inc, 105 1st St N (April 29, 2000, 7:00 p.m. to 3:00 a.m. at Theatre de la Jeune Lune, 105 W 1st St, with entertainment; Licensed Facilitator: Fine Line Music Cafe);

On-Sale Wine Class A with Strong Beer, to expire April 1, 2001

Theatre de la Jeune Lune, dba Theatre de la June, 105 N 1st St;

On-Sale Wine Class D with Strong Beer, to expire April 1, 2001

El Norteno Market & Deli, dba El Norteno Market & Deli, 4000 E Lake St;

On-Sale Wine Class E with Strong Beer, to expire April 1, 2001

Maximo Pizza Corporation, dba Perry's Pizza, 825 Washington Av SE;

Lucia Watson Enterprises Inc, dba Lucia's Restaurant, 1432 W 31st St;

Off-Sale Beer, to expire April 1, 2000

Hammad Food Inc, dba More Valu Food, 2600 Cedar Av (new proprietor);

Off-Sale Beer, to expire April 1, 2001

Speedway Super America LLC, dba Super America #4384, 5 E Franklin Av;

Speedway Super America LLC, dba Super America #4388, 101 W Grant St;

Speedway Super America LLC, dba Super America #4056, 300 Broadway St NE;

Speedway Super America LLC, dba Super America #4404, 320 Lowry Av NE;

Anderson Paul Fredrik, dba Bryn Mawr Market, 412 Cedar Lake Road S;

Emporio Inc, dba Center Village Shop, 700 5th Av S;

Speedway Super America LLC, dba Super America #4060, 801 W Lake St;

Tekle-Ab Samuel, dba Sam Food Mart, 901 W 36th St;

Speedway Super America LLC, dba Super America #4385, 1020 E Franklin Av;

Speedway Super America LLC, dba Super America #4185, 1816 37th Av NE;

Speedway Super America LLC, dba Super America #4034, 2200 Lyndale Av S;

Speedway Super America LLC, dba Super America #4378, 2445 Bloomington Av;

Speedway Super America LLC, dba Super America #4024, 2501 Hennepin Av;

Speedway Super America LLC, dba Super America #4392, 2618 Lowry Av N;

Speedway Super America LLC, dba Super America #4173, 3357 University Av SE;

Speedway Super America LLC, dba Super America #4232, 3453 Nicollet Av;

Speedway Super America LLC, dba Super America #4379, 3501 Bloomington Av;

Speedway Super America LLC, dba Super America #4382, 3744 Chicago Av;

Speedway Super America LLC, dba Super America #4398, 3801 Minnehaha Av;

Speedway Super America LLC, dba Super America #4172, 3806 W Lake St;

Speedway Super America LLC, dba Super America #4386, 3807 Fremont Av N;

Speedway Super America LLC, dba Super America #4396, 4000 Lyndale Av S;

Speedway Super America LLC, dba Super America #4135, 4001 Lyndale Av S;

Speedway Super America LLC, dba Super America #4021, 4320 E Lake St;

Speedway Super America LLC, dba Super America #4161, 4740 Cedar Av;

Speedway Super America LLC, dba Super America #4165, 5101 34th Av S;

Speedway Super America LLC, dba Super America #4166, 6000 Portland Av;

On-Sale Beer Class E, to expire April 1, 2001

Brandvold Loyd, dba Penn Station, 2203 44th Av N (change in ownership from North Pole Cafe Inc);

Lotus of Campus Inc, dba Lotus Restaurant, 313 Oak St;

Village Wok Restaurant Inc, dba Village Wok Restaurant, 610 Washington Av SE;

Minh Le Corporation, dba Bona Restaurant, 802 Washington Av SE;

Lili-Nick, Inc, dba Tooties on Lowry, 2706 Lowry Av N;
Kinhdo Plus Corporation, dba Kinhdo Restaurant, 2755 Hennepin Av;
Thunstrom Enterprises Inc, dba El Meson Restaurant, 3450 Lyndale Av S;

On-Sale Beer Bottle Club, to expire April 1, 2001

Wold-Chamberlain American Legion, dba Post #99, 5600 34th Av S;

Temporary On-Sale Beer

Minneapolis Downtown Council, 81 S 9th St (Timberwolves playoff pre-game party, either April 21 or 22, 2000 or April 28 or 29, 2000 (depending on NBA playoff results) on Block E, Downtown).

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. 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 April 21, 2000, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 265802):

Building Contractor Class A; Building Contractor Class B; Cement Finishing Contractor; Concrete Masonry Contractor Class A; Concrete Masonry Contractor Class B; Dance Hall; Dancing School; Fire Extinguisher Servicing Class A; All Night Special Food; Boarding House; Caterers; Confectionery; Food Distributor; Farm Produce Permit Non-Profit; Grocery; Food Manufacturer; Meat Market; Milk Delivery Vehicle; Milk Distributor; Mobile Food Vendor; Restaurant; Food Shelf; Short Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Vending Machine; Heating, Air Conditioning & Ventilating Class A; Hotel/Motel; Lodging House; Towing Class B; Commercial Parking Lot Class A; Peddler - Special Religious; Plumber; Recycling/Salvage Yard; Refrigeration System Installer; Sign Hanger; Swimming Pool - Public; Taxicab - Neighborhood Rideshare; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Transient Merchant; Tree Servicing; Valet Parking; and Wrecker of Buildings Class A.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. 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 A

Italian American Club of Minneapolis, 2221 Central Av NE (Site: Italian American Club of Minneapolis, 2221 Central Av NE);

Gambling-Lawful Class B

Edison Community Sports Foundation, 2329 Central Av NE (Site: Shaw's Bar & Grill, 1528 University Av);

Minneapolis Jaycees Foundation, 251 Portland Av (Site: Whiskey Junction, 901 Cedar Av);

Aliveness Project Minneapolis, 730 E 38th St (Site: Saloon, 830 Hennepin Av);

Aliveness Project Minneapolis, 730 E 38th St (Site: Minneapolis Eagle, 515 Washington Av S);

Aliveness Project Minneapolis, 730 E 38th St (Site: Brass Rail, 422 Hennepin Av);

Italian American Club of Minneapolis, 2221 Central Av NE (Site: Moose on Monroe, 356 Monroe St NE);

Italian American Club of Minneapolis, 2221 Central Av NE (Site: Legends Cafe, 825 E Hennepin);

Gambling Lawful Exempt

Our Lady of Victory Catholic Church, 5155 Emerson Av N (Raffle and pulltabs, May 7, 2000 at Parish Hall, 5155 Emerson Av N);

St. Olaf Catholic Church, 215 S 8th St (Raffle, May 7, 2000);

Normandale Dollars for Scholars, 7703 Normandale Rd, Ste 110 (Raffle, May 18, 2000 at Radisson Plaza Hotel, 35 S 7th St);

Our Lady of Victory Catholic Church, 5155 Emerson Av N (Bingo and pulltabs, April 30, 2000 at Parish Hall, 5155 Emerson Av N);

American Diabetes Association, 715 Florida Av S #307 (Raffle, August 26, 2000 at The Joint, 913 Cedar Av, and at The Cabooze, 917 Cedar Av);

North Memorial Medical Center Community Foundation, 3300 Oakdale Av N, Robbinsdale (Raffle, May 6, 2000 at Minneapolis Hilton & Towers).

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. 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 accept a grant award from the Federal Office of State and Local Domestic Preparedness Support, in the amount of \$100,000, under the Fiscal Year 1999 County and Municipal Agency Domestic Preparedness Equipment Support Program for the purchase of personal protective equipment for personnel in the Police Department's Bomb/Arson and Emergency Response Units who provide primary response to incidents of terrorism involving chemical and biological agents, radiological, nuclear and explosive devices.

Your Committee further recommends passage of the accompanying Resolution appropriating \$100,000 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-176
By Biernat and Campbell

Amending The 2000 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-DT17) by \$100,000 and increasing the Revenue Source (030-400-DT17 - Source 3210) by \$100,000.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council

Approved April 25, 2000. 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 an application to the United States Department of Justice, Weed and Seed Program, seeking \$150,000 in Fiscal Year 2000 Weed and Seed Asset Forfeiture Funds for law enforcement and crime prevention efforts in three Weed and Seed designated areas in Minneapolis.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

T&PW - Your Committee, to whom was referred ordinances amending Title 17 of the Minneapolis Code of Ordinances, Chapter 429 relating to *Right-of-Way Administration* and Chapter 430 relating to *Right-of-Way Permits*, amending the ordinances to comply with the Minnesota Public Utility Commission Rules, to standardize language with the League of Minnesota Cities Model Ordinance and the St. Paul Legislative Code and to clarify ambiguities, now recommends that said ordinances be given their second reading for amendment and passage.

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

Johnson moved to amend the ordinances as follows:

a) Amending Section 429.20 by changing the definition of *Disruptive cost* to read as follows:

"*Disruptive cost* is the penalty imposed as the result of the adverse impact on city citizens and others who are required to alter travel routes and times resulting from right-of-way obstructions. When applied to utility services, the disruptive cost is the delay penalty."

b) Amending Section 430.110 by changing subsection (a) (3) and (a) (6) to read as follows:

"(3) For any next-year project not listed in the construction and major maintenance plan required under chapter 429, reporting obligations, except that a permit will not be denied when the right-of-way user has used commercially reasonable efforts to anticipate and plan for the project.";

"(6) To any person who has outstanding debt owed to the city that is in arrears, due, owing, and unpaid."

Seconded.

Adopted upon a voice vote.

Johnson moved to direct the City Engineer to refer the following subject matters to the Utility Coordination Committee for additional discussion: pre-existing facility location, undergrounding, disruption costs, mandatory denial of permits, and permit fees. Further, that the City Engineer be directed to report back to the Transportation & Public Works Committee on June 1, 2000 regarding the status of discussions on pre-existing facility location and undergrounding. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinances 2000-Or-025 and 2000-Or-026 amending Title 17 of the Minneapolis Code of Ordinances, Chapter 429 relating to *Right-of-Way Administration* and Chapter 430 relating to *Right-of-Way Permits*, amending the ordinances to comply with the Minnesota Public Utility Commission Rules, to standardize language with the League of Minnesota Cities Model Ordinance and the St. Paul Legislative Code and to clarify ambiguities, was passed April 21, 2000 by the City Council and approved April 25, 2000 by the Mayor. A complete copy of these ordinances are available for public inspection in the office of the City Clerk.

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

ORDINANCE 2000-Or-025

By Mead

Intro & 1st Reading: 3/3/2000

Ref to: T&PW

2nd Reading: 4/21/2000

Amending Title 17, Chapter 429 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Right-of-Way Administration.

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

Section 1. That Section 429.10 of the above-entitled ordinance be amended to read as follows:

429.10. Findings and purpose. In order to provide for the health, safety and well-being of its citizens, as well as to insure the structural integrity of its streets and the use of the public rights-of-way, the city strives to keep its public rights-of-way in a state of good repair and free from unnecessary encumbrances. Although the general population bears the financial burden for the upkeep of the public rights-of-way, a primary cause for the early and excessive deterioration of its public rights-of-way is their frequent excavation by persons whose equipment or facilities is are located therein.

Public Right-of-way obstruction is a source of frustration for merchants, business owners and the general population which must avoid these obstructions or change travel plans because of them. Persons whose equipment or facilities is are located within the public right-of-way are the primary cause of these frequent obstructions.

The city recognizes that it holds the public rights-of-way within its geographical boundaries as an asset in trust for its citizens. The city and other public entities have invested millions of dollars in public funds to build and maintain the public right-of-way. It also recognizes that some persons, by placing their equipment or facilities in the public right-of-way and charging the citizens of the city for goods and services delivered thereby, are using this property held for the public good. Although such services are often necessary or convenient for the citizens, such persons receive revenue and/or profit through their use of public property.

In response to the foregoing facts, the city hereby enacts new Chapters 429 and 430 of the Minneapolis Code of Ordinances relating to right-of-way permits and administration, together with an ordinance making necessary revisions to other Code provisions. These ordinances impose reasonable regulations on the placement and maintenance of equipment or facilities currently within its public rights-of-way or to be placed therein at some future time. Under these ordinances, persons disturbing and obstructing the public rights-of-way will bear a fair share of the financial responsibility for their integrity. Finally, these ordinances provide for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.

Section 2. That Section 429.20 of the above-entitled ordinance be amended to read as follows:

429.20. Definitions. The following definitions apply in both Chapters 429 and 430 of the Minneapolis Code of Ordinances, (hereafter, "Chapters 429 and 430" or "these ordinances"). References hereafter to "sections" are, unless otherwise specified, references to sections in the Minneapolis Code of Ordinances. Defined terms remain defined terms whether or not capitalized.

Abandoned facility means a facility, no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right-or-way user.

Applicant means any person requesting permission to excavate or obstruct a right-of-way.

City means the City of Minneapolis, Minnesota.

City management cost means the actual costs incurred by the city for public rights-of-way management; including but not limited to costs associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; creating information and maintaining information on a Geographical Information System ("GIS") mapping system; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user equipment or facilities during public right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way permits and performing all of the other tasks required by Chapters 429 and 430, including other costs the city may incur in managing the provisions of this chapter.

City engineer means the city engineer-director of the department of public works of the city, or her or his the city engineer's designee.

Congested right-of-way means a crowded condition in the subsurface of the public right-or-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minnesota Statutes, Section 216D.04, Subd. 3, over a continuous length in excess of five hundred (500) feet.

Construction performance bond means any of the following forms of security provided at the permittee's option:

- (1) Individual project bond.
- (2) Cash deposit.
- (3) Security, of a form listed or approved under Minnesota Statutes, Section 15.73, Subd. 3.
- (4) Letter of credit, in a form acceptable to the city.
- (5) Self-insurance, in a form acceptable to the engineer.
- (6) A blanket bond for projects within the city, or other form of construction bond, for a time specified and in a form acceptable to the city.

Degradation means the ~~accelerated depreciation~~ a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

Degradation cost means money paid to the city to cover the cost associated with a decrease in the useful life of a public right-of-way caused by excavation.

Degradation cost means the cost to achieve a level of restoration as determined by the city engineer at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, which are set forth in parts 7819.9900 to 7819.9950.

Degradation fee means the estimated fee established at the time of permitting by the city engineer to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.

Delay penalty is the penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

Disruptive cost is the penalty imposed as the result of the adverse impact on city citizens and others who are required to alter travel routes and times resulting from right-of-way obstructions. When applied to utility services, the disruptive cost is the delay penalty.

Downtown business district means that portion of the City of Minneapolis lying within and bounded by the following: On the east by the Mississippi River and Interstate 35W; on the south and west by Interstate 94; and on the north by Plymouth Avenue North.

Emergency means a condition that poses a clear and immediate danger to life or health, or of a significant loss of property, or requires immediate repair or replacement in order to restore service to a customer.

Equipment means any tangible thing located in any right-of-way; but shall not include boulevard plantings or gardens planted or maintained in the right-of-way between a person's property and the street curb asset used to install, repair, or maintain facilities in any right-of-way.

Excavate or excavation means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Excavation permit means the permit which, pursuant to Chapters 429 and 430, must be obtained before a person may excavate a right-of-way. An excavation permit allows the holder to excavate that part of the right-of-way described in such permit.

Excavation permit fee means money paid to the city by an applicant to cover the costs as provided in ~~section 430.60~~ Chapter 430.

Facility or facilities means any tangible asset in the right-of-way.

Five-year project plan shows projects adopted by the city for construction within the next five (5) years.

High intensity corridor is a corridor where the city engineer has determined that no new utilities can be installed in the right-of-way, until such time as a public common corridor can be developed and a management fee for its cost recovery can be adopted.

In, when used in conjunction with right-of-way, means over, above, in, within, on or under a right-of-way.

High-density corridor means a designated portion of the public right-of-way within which telecommunications right-of-way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

In, when used in conjunction with right-of-way, means over, above, in, within, on or under a right-of-way.

Local representative means the person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of Chapters 429 and 430.

Minnesota Rules means Minnesota Rules as published by the Revisor of Statutes as they existed on June 1, 1999 whether or not they are currently in force.

Obstruct means to place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

Obstruction permit means the permit which, pursuant to Chapters 429 and 430, must be obtained before a person may obstruct a right-of-way, ~~allowing the holder to hinder free and open passage over the specified portion of that right-of-way by placing equipment described therein on the right-of-way for the duration specified therein.~~

Obstruction permit fee means money paid to the city by a registrant permittee to cover the costs as provided in ~~section 430.60~~ Chapter 430.

Patch or patching means a method of pavement replacement that is temporary in nature. A patch consists of:

- (1) The compaction of the subbase and aggregate base.
- (2) The replacement, in kind, of the existing pavement for a minimum of two (2) feet beyond the edges of the excavation in all directions.

A patch is considered full restoration only when the pavement is included in the city's five (5) year project plan.

Pavement means any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

Permittee means any person to whom a permit to excavate or obstruct a right-of-way has been granted by the city under Chapter 429 or 430.

Person means any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity which has or seeks to have equipment located in any right-of-way.

Person means an individual or entity, subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

Examples include:

- a. A business or commercial enterprise organized as any type or combination of corporation, limited liability company, partnership, limited liability partnership, proprietorship, association, cooperative, joint venture, carrier or utility, and any successor or assignee of any of them.
- b. A social or charitable organization.
- c. Any type or combination of political subdivision, which includes the executive, judicial, or legislative branch of the state, a local government unit, or a combination of any of them.

Probation means the status of a person that has not complied with the conditions of Chapters 429 and 430.

Probationary period means one year from the date that a person has been notified in writing that they have been put on probation.

Registrant means any person who:

- (1) Has or seeks to have its equipment or facilities located in any right-of-way, or
- (2) In any way occupies or uses, or seeks to occupy or use, the right-of-way or any equipment or facilities located in the right-of-way.

Registration fee means money paid to the city to cover the cost associated with registration.

Removal bond means a bond posted to ensure the availability of sufficient funds to remove a registrant's equipment upon its possible abandonment or disuse, or to discontinue a registrant's use or occupation of the right-of-way.

Repair means the temporary construction work necessary to make the right-of-way useable for travel.

Restoration bond means a performance bond, letter of credit, or cash deposit posted to ensure the availability of sufficient funds to assure that right-of-way excavation and obstruction work is completed in both a timely and quality manner.

Restore or restoration means the process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition that existed before the commencement of the work excavation.

Restoration cost means an the amount of money paid to the city by a permittee to cover the cost of restoration.

Right is the legal entitlement of a person to use the right-of-way in the City of Minneapolis for the purposes of carrying on its business. A right for the purpose of these chapters does not include, and does not refer to, a license, permit or franchise. Right shall not include the use of the right-of-way for purposes not in furtherance of the furnishing of utility services.

Right-of-way means the surface and space above and below a public roadway, highway, street, cartway, bicycle lane, and public sidewalk in which the city has an interest including other dedicated rights-of-way for travel purposes and utility easements.

Right-of-way or public right-of-way means the area in, on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other nonwire telecommunications or broadcast service.

Right-of-way permit means either the excavation permit or the obstruction permit, or both, depending on the context, required by Chapters 429 and 430.

Right-of-way user means:

- (1) A telecommunications right-of-way user as defined by Minnesota Statutes, Section 237.162, Subd. 4; or
- (2) A person owning or controlling a facility in the public right-of-way that is used or is intended to be used for providing utility service and who has a right under law, franchise, or ordinance to use the public right-of-way.

Service or utility service includes but not limited to:

- (1) Those services provided by a public utility as defined in Minnesota Statutes, Section 216B.02, Subds. 4 and 6 (1996);
- (2) Telegraph, telephone, fiber-optic communications, pipeline, community antenna television, fire and alarm communications, water, electricity, light, heat, cooling energy, or power services;
- (3) The services provided by a corporation organized for the purposes set forth in Minnesota Statutes, Section 300.03 (1996);
- (4) The services provided by a district heating or cooling system;
- (5) Cable communications systems as defined in Minnesota Statutes, Section 238.

Service or utility service includes:

- (1) Those services provided by a public utility as defined in Minnesota Statutes 216B.02, Subds. 4 and 6.
- (2) Services of a telecommunications right-of-way user, including transporting of voice or data information.
- (3) Services of a cable communications system as defined in Minnesota Statutes Chapter 238.
- (4) Natural gas or electric energy or telecommunications services provided by the city.
- (5) Services provided by a cooperative electric association organized under Minnesota Statutes, Chapter 308A.
- (6) Water, sewer, steam, cooling or heating services.

Supplementary application means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

System management costs are those costs that the city incurs in planning, designing, constructing and maintaining of a "high intensity corridor."

Telecommunications right-of-way user means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of Chapters 429 and 430, a cable communication system defined and regulated under Minnesota Statutes, Section 238, and telecommunication activities related to providing natural gas or electric energy services are not telecommunications right-of-way users.

Unusable equipment means equipment located in the right-of-way which has remained unused for one year and for which the registrant is unable to provide proof that it has either a plan to begin using it within the next twelve (12) months or a potential purchaser or user of the equipment.

Section 3. That Section 429.40 of the above-entitled ordinance be amended to read as follows:

429.40. Utility coordination committee. There is hereby created a utility coordination committee. This committee shall be voluntary and advisory to the city engineer. It ~~shall~~ may be composed of any registrants or other individuals that wish to assist the city in obtaining information and by making recommendations regarding ways to take greater responsibility for the right-of-way, and to improve the process of performing construction work therein. The city engineer ~~may shall~~ determine the size of such committee, make all appointments to such committee, and establish rules governing such committee.

Section 4. That Section 429.50 of the above-entitled ordinance be amended to read as follows:

429.50. Registration and right-of-way occupancy. Each person who occupies, uses, or seeks to occupy or use, the right-of-way or any equipment or facility located in the right-of-way, or who has, or seeks to have, equipment or facility located in any right-of-way must register with the city engineer. Registration will consist of providing application information ~~to and~~ as required by the city engineer and ~~posting a removal bond~~ payment of any registration fee.

~~The removal bond for a registrant which already has equipment in the right-of-way and has no franchise with the city shall be in an amount sufficient to cover the cost of removing the registrant's equipment and restoring the right-of-way thereafter, and where applicable, as required in section 429.170 relating to abandoned or unusable equipment. A registrant which is seeking to place equipment, whether for the first time or in addition to existing equipment, shall provide a removal bond as required by section 430.40(4).~~

No person may construct, install, repair, remove, relocate, or perform any other work on, or use any equipment or facility or any part thereof located in any right-of-way.

Nothing herein or in Chapter 430 shall be construed to repeal or amend the provisions of a city ordinance permitting persons to plant or maintain boulevard plantings or gardens or in the area of right-of-way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right-of-way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter or Chapter 430.

Section 5. That Section 429.60 of the above-entitled ordinance be and is hereby repealed.

429.60. Grant of right. Any person required to register under section 429.50, which furnishes utility services or which occupies, uses, or places its equipment in the right-of-way, is hereby granted a right to do so if and only so long as it complies with all other requirements of law.

~~This section does not apply to a person which uses and occupies the right-of-way for the purpose of operating its business when there is a franchise agreement between that person and the City of Minneapolis, and the franchise fees paid thereunder are not limited by operation of law.~~

~~The granting of such right is expressly conditioned on, and is subject to, continuing compliance with all provisions of law, including this chapter and Chapter 430.~~

Section 6. That Section 429.70 of the above-entitled ordinance be amended to read as follows:

429.70. Registration information. The information provided to the city engineer at the time of registration shall include, but not be limited to:

- (1) Each registrant's name, Gopher State One-Call registration certificate number, address and e-mail address if applicable, and telephone and facsimile numbers.
- (2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
- (3) A certificate of insurance or self-insurance acceptable to the city:
 - a. Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the State of Minnesota, or is covered by self-insurance which provides the city with protections equivalent to that of a Minnesota licensed insurance company, legally independent from registrant.
 - b. Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the:
 1. Use and occupancy of the right-of-way by the registrant, its officers, agents, employees and permittees; and

2. Placement and use of equipment or facilities in the right-of-way by the registrant, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground equipment facilities and collapse of property.
 - c. Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages.
 - d. Requiring that the city engineer be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term.
 - e. Indicating comprehensive liability coverage, automobile liability coverage and umbrella coverage, workers' compensation in amounts established by the director of the office of risk management in amounts sufficient to protect the city and carry out the purposes and policies of Chapters 429 and 430.
- (4) If the person is a corporation, a copy of the certificate required to be filed under Minnesota Statutes, Section 300.06 as recorded and certified by the secretary of state.
 - (5) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission, or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.

The registrant shall keep all of the information listed above current at all times by providing to the city engineer information of changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

Section 7. That Section 429.80 of the above-entitled ordinance be amended to read as follows:

429.80. Reporting obligations. ~~(a) Operations:~~ Each registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan with the city engineer. Such plan shall be submitted using a format designated by the city engineer and shall contain the information determined by the city engineer to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights-of-way.

The plan shall include, but not be limited to, the following information:

- (1) The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a "next-year project").
- (2) To the extent known, ~~the~~ tentative locations and estimated beginning and ending dates for all projects contemplated for the ~~five~~ four (4) years following the next calendar year (in this section, a "five-year project").

The term "project" in this section shall include both next-year projects and five-year projects.

By January 1 of each year the city engineer will have available for inspection in its offices a composite list of all projects of which it has been informed in the annual plans. All registrants are responsible for keeping themselves apprised of the current status of this list.

Thereafter, by February 1, each registrant may change any project in its list of next-year projects, and must notify the city engineer and all other registrants of all such changes in said list. Notwithstanding the foregoing, a registrant may at any time join in a next-year project of another registrant that was listed by the other registrant.

Notwithstanding the foregoing, the city engineer may, for good cause shown, allow a registrant to submit additional next-year projects. Good cause includes, but is not limited to, the criteria set forth in ~~Section 430.100(e)~~ Chapter 430 concerning the discretionary issuance of permits.

~~(b) Fee information. A person having a right under section 429.60 is required to maintain such records of the location of its equipment in the rights-of-way within the city, and such other records as the city engineer may reasonably require, as will permit and enable the proper and efficient enforcement of the provisions of this chapter. Such person will annually make such reports, in such form as the city engineer may reasonably require. Such person shall annually cause an audit to be performed, at its sole expense, or certify that the records and reports that are on file in the city engineer's office are accurate.~~

Section 8. That Section 429.90 of the above-entitled ordinance be amended to read as follows:

429.90. Mapping data. ~~Except as noted below in this section, each registrant shall provide to the city engineer information indicating the horizontal and approximate vertical location, relative to the boundaries of the right-of-way, of all equipment which it owns or over which it has control and which is located in any right-of-way. Mapping data shall be provided with the specificity and in the format requested by the city engineer for inclusion in the mapping system used by the city engineer.~~

Pursuant to the authority of Minnesota Rules, Part 7819.4000 and 7819.4100, each registrant and permittee shall provide mapping information as required by this chapter.

Within six (6) months of the acquisition, installation, or construction of additional equipment or any relocation, abandonment, or disuse of existing equipment, each registrant shall supplement the mapping information required herein.

A person wishing to undertake a project within the public right-of-way shall submit a right-of-way permit application which contains the following information:

- (1) Location and approximate depth of applicant's mains, cables, conduits, switches, and related equipment and facilities, with the location based on:
 - a. Offsets from property lines, distances from the centerline of public right-of-way, and the curb lines as determined by the city engineer.
 - b. Coordinates derived from the coordinate system being used by the city engineer.
 - c. Any other system agreed upon by the right-of-way user and the city engineer.
- (2) The type and size of the utility facilities.
- (3) A description showing above ground appurtenances.
- (4) A legend explaining symbols, character, abbreviations, scale and other data shown on the map.
- (5) Any facilities to be abandoned, if applicable, in conformance with Minnesota Statutes, Section 216D.04, Subd. 3.

The permittee shall submit "as built" drawings reflecting any subsequent changes and variations from the information provided under this section.

The right-of-way user is not required to provide or convey mapping information or data in a format or manner that is different from that which it currently utilizes and maintains. The right-of-way user shall, however, include the cost to convert the data furnished by the right-of-way user to a format currently in use by the city engineer as part of the permit application fee. These data conversion costs, unlike other costs that make up permit fees, may be included in the permit fee after the permit application process is completed and shall be immediately due to the city upon the ascertainment of the cost and notice of the fee to the applicant. Any permit for which such fee has not been paid within thirty (30) days of notice from the city engineer may upon written notice be revoked. The city engineer shall not issue any other permits to the registrant related to any city right-of-way until such fee is paid.

At the request of the city engineer, a right-of-way user shall provide existing data on its existing facilities within the public right-of-way in the form maintained by the user at the time the request was made, if available.

Each registrant shall, within six (6) months after the date of the passage of this chapter, submit a plan to the city engineer specifying in detail the steps it will take to comply with the requirements of these sections. Said plan shall provide for the submission of all mapping data for:

- (1) The downtown business district within two (2) years after the passage of this chapter, and
- (2) The remainder of the city as early as may be reasonable and practical, but not later than five (5) years after the passage of this chapter.

Notwithstanding the forgoing, mapping data shall be submitted by all registrants for all equipment which is to be installed or constructed after the date of passage of this chapter at the time any permits are sought under these ordinances:

After six (6) months after the passage of this chapter, a new registrant, or a registrant which has not submitted a plan as required above, shall submit complete and accurate mapping data for all its equipment at the time any permits are sought under these ordinances:

At the request of any registrant, any information requested by the city engineer which qualifies as a "trade-secret" under Minnesota Statutes, Section 13.37(b) shall be treated as trade secret information as detailed therein.

Effective date. Section 429.90 shall become effective upon the Minnesota Public Utilities Commission (PUC) adoption of rules regarding this section:

Section 9. That Section 429.100 of the above-entitled ordinance be amended to read as follows:

429.100. Location of equipment facilities. (a) *Undergrounding.* Unless otherwise permitted by an existing franchise, Section 99.860 of the Minneapolis Code of Ordinances or Minnesota Statutes, Section 216B.36, or unless existing above-ground equipment facilities is used, the installation of new equipment facilities and replacement of old equipment facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes.

(b) Corridors Locations. The city engineer shall assign specific corridors locations within the right-of-way, or any particular segment thereof as may be necessary, for each type of equipment facility that is or, pursuant to current technology, that the city engineer expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city engineer involving the installation or replacement of equipment facilities shall designate the proper corridor for the equipment facilities.

Any registrant whose equipment facilities is located in the right-of-way in a position at variance with the corridors locations established by the city engineer shall, no later than at the time of the next reconstruction or excavation by the city engineer of the area where its equipment is facilities are located, move that equipment those facilities to its assigned position within the right-of-way, unless this requirement is waived by the city engineer for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.

(c) Nuisance. One year after the passage of this chapter, any equipment or facility found in a right-of-way that has not been registered shall be deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance taking possession of the equipment or facilities and restoring the right-of-way to a useable condition.

(d) Limitation of space. The city engineer shall have the power to prohibit or limit the placement of new or additional equipment facilities within the right-of-way if there is insufficient space to accommodate all of the requests of registrants or persons to occupy and use the right-of-way. In making such decisions, the city engineer shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing equipment facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

Section 10. That Section 429.110 of the above-entitled ordinance be and is hereby repealed.

429.110. Relocation of equipment. The person must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its equipment and facilities in the right-of-way whenever the city engineer requests such removal and relocation, and shall restore the right-of-way to the same condition it was in prior to said removal or relocation. The city engineer may make such request in order to prevent interference by the permittee's equipment or facilities with:

- (1) A present or future city use of the right-of-way;
- (2) A public improvement undertaken by the city;
- (3) An economic development project in which the city has an interest or investment, or when the public health, safety and welfare requires it, or when necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way;
- (4) When the public health, safety and welfare requires it; or
- (5) When necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way.

Notwithstanding the foregoing, a person shall not have to remove or relocate its equipment from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefor.

Section 11. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 429.110 to read as follows:

Section 429.110. Relocation of existing facilities. A right-of-way user shall promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the right-of-way when it is necessary to prevent interference, and not merely for convenience of the city, in connection with:

- (1) A present or future city use of the right-of-way for a public project;
- (2) The public health or safety; or
- (3) The safety and convenience of travel over the right-of-way.

Notwithstanding the foregoing, a right-of-way user is not required to remove or relocate its facilities from a right-of-way that has been vacated in favor of a nongovernmental entity unless and until the reasonable costs to do so are first paid to the right-of-way user.

Section 12. That Section 429.120 of the above-entitled ordinance be amended to read as follows:

429.120. Pre-excavation equipment facility location. In addition to complying with the requirements of Minnesota Statutes, Section 216D.01-.09 ("One call excavation notice system") before the start date of any right-of-way excavation, each registrant who has equipment or facilities located in the area to be excavated shall be responsible to mark the horizontal and approximate vertical placement of all said equipment facilities.

Any registrant right-of-way user whose equipment facilities is are less than n twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor in an effort to establish the exact location of its equipment facility and the best procedure for excavation.

Section 13. That Section 429.130 of the above-entitled ordinance be amended to read as follows:

429.130. Damage to other equipment facilities. When the city engineer performs work in the right-of-way and finds it will be necessary to maintain, support, or move relocate a registrant's person's equipment facilities in order to protect # them, the city engineer shall order such person to maintain, support or relocate their facilities and, upon failure of such person to comply with the order to maintain, support of relocate the facilities, the city engineer may assess the costs associated therewith that will be billed to that registrant person and must be paid within thirty (30) days from the date of billing.

Each registrant person shall be responsible for the cost of repairing any equipment or facility in the right-of-way which that it or its equipment or facilities damages.

Each registrant person shall be responsible for the cost of repairing any damage to the equipment or facilities of another registrant person caused during the city's response to an emergency occasioned by that registrant's person's equipment or facilities.

Section 14. That Section 429.140 of the above-entitled ordinance be amended to read as follows:

429.140. Right-of-way vacation. If the city vacates a right-of-way which contains the equipment facilities of a registrant, and if the vacation does not require the relocation of registrant's facilities, the city shall reserve, to and for itself and all registrants having equipment facilities in the vacated right-of-way, the right to install, maintain and operate any equipment or facilities in the vacated right-of-way and to enter upon such right-of-way at any time for the purpose of reconstructing, inspecting, maintaining or repairing the same.

If the vacation requires the relocation of registrant or permittee equipment facilities; and

- (1) If the vacation proceedings are initiated by the registrant or permittee right-of-way user, the registrant or permittee right-of-way user must pay the relocation costs; or
- (2) If the vacation proceedings are initiated by the city or other person or persons, the registrant or permittee for a public project, the right-of-way user must pay the relocation costs unless otherwise agreed to by the city, the registrant or permittee, and such other person or persons and the right-of-way user.
- (3) If the vacation proceedings are initiated for the purpose of benefiting a person other than the right-of-way user, the benefited person must pay relocation costs.

Section 15. That Section 429.150 of the above-entitled ordinance be amended to read as follows:

429.150. Indemnification and liability. By reason of the acceptance of a registration or the grant of a right-of-way permit, the city does not assume any liability:

- (1) For injuries to persons, damage to property, or loss of service claims by parties other than the registrant or the city; or
- (2) For claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of equipment or facilities by registrants or activities of registrants.

~~By registering with the city engineer a registrant agrees, or b~~By accepting a permit under Chapters 429 and 430, a permittee registrant is required; to defend, indemnify, and hold the city whole and harmless from all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or operation of its equipment, or out of any activity undertaken in or near a right-of-way, whether or not any act or omission complained of is authorized, allowed, or prohibited by a right-of-way permit. liability or claims of liability for both bodily injury or death to persons, or for property damage, in which the claim:

- (1) Alleges a negligent or otherwise wrongful act or omission of the registrant or its employee, agent or independent contractor in installing, maintaining, or repairing its equipment or facilities, and alleges that the city is liable, without alleging any independent negligent, or otherwise wrongful act omission on the part of the city; or

(2) Is based on the city's neglect or otherwise wrongful act or omission in issuing the permit or in failing to properly or adequately inspect or enforce compliance with a term, condition, or purpose of the permit granted to the registrant.

~~It~~ The registrant further agrees that it will not bring, nor cause to be brought, any action, suit or other proceeding claiming damages, or seeking any other relief against the city for any claim nor for any award arising out of the presence, installation, maintenance or operation of its equipment or facilities, or any activity undertaken in or near a public right-of-way, whether or not the act or omission complained of is authorized, allowed or prohibited by a right-of-way permit.

The foregoing does not indemnify the city for its own negligence except for losses or claims arising out of or alleging the city's negligence where such negligence arises out of or is primarily related to the presence, installation, construction, operation, maintenance or repair of said equipment by the registrant or on the registrant's behalf, including, but not limited to, the issuance of permits and inspection of plans or work occasioned by the negligent or otherwise wrongful act or omission of the city to the extent authorized in part (2) of this section regarding the issuance of a permit or the inspection or enforcement of compliance with the permit, or when otherwise provided in an applicable franchise agreement.

This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant or to the city; and the registrant, in defending any action on behalf of the city, shall be entitled to assert in any action every defense or immunity that the city could assert in its own behalf.

Section 16. That Section 429.160 of the above-entitled ordinance be amended to read as follows:

429.160. Future uses. In placing any equipment or facility, or allowing it to be placed, in the right-of-way, the city is not liable for any damages caused thereby to any registrant's equipment or facility which that is already in place. No registrant person is entitled to rely on the provisions of Chapter 429 or 430, and no special duty is created as to any registrant person. Chapters 429 and 430 are enacted to protect the general health, welfare and safety of the public at large.

Section 17. That Section 429.170 of the above-entitled ordinance be amended to read as follows:

429.170. Abandoned and unusable equipment Discontinued operations. A registrant who has determined to discontinue all or a portion of its operations in the city must either:

- (1) Provide information satisfactory to the city engineer that the registrant's obligations for its equipment facilities in the right-of-way under this chapter and Chapter 430 have been lawfully assumed by another registrant; or the city.
- (2) Submit to the city engineer a proposal and instruments for transferring ownership of its equipment to the city. If a registrant proceeds under this clause, the city may, at its option:
 - a. Purchase the equipment, or
 - b. Require the registrant, at its own expense, to remove it, or
 - c. Require the registrant to post a bond in an amount sufficient to reimburse the city for reasonably anticipated costs to be incurred in removing the equipment.

Equipment of a registrant who fails to comply with the preceding paragraph and which, for two (2) years, remains unused shall be deemed to be abandoned. Abandoned equipment is deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to;

- (1) Abating the nuisance;
- (2) ~~Taking possession of the equipment and restoring it to a useable condition, or~~
- (3) ~~Requiring removal of the equipment by the registrant or by the registrant's surety under the bond required by section 429.50.~~

Any registrant who has unusable equipment in any right-of-way shall remove it from that right-of-way during the next scheduled excavation, unless this requirement is waived by the city engineer.

Section 18. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 429.175 to read as follows:

429.175. Abandoned facilities. Any registrant who has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, or as otherwise required by law, unless this requirement is waived by the city engineer.

Section 19. That Section 429.200 of the above-entitled ordinance be amended to read as follows:

429.200. Franchise holder exemption. In the instance of a person holding a franchise agreement with the city, and a conflict in language occurs between the franchise and Chapters 429 and/or 430, the

conflict shall be resolved by honoring the terms of the franchise. Further, in the instance of a person holding a franchise agreement with the city, which provides for the payment of franchise fees to the city, such person shall be exempt from paying any other fees or costs except the disruptive cost as required by ~~section 430.60(e)~~ Chapter 430.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

ORDINANCE 2000-Or-026

By Mead

Intro & 1st Reading: 3/3/2000

Ref to: T&PW

2nd Reading: 4/21/2000

Amending Title 17, Chapter 430 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Right-of-Way Permits.

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

Section 1. That Section 430.30 of the above-entitled ordinance be amended to read as follows:

430.30. Permit requirement. Except as otherwise provided in the Code, no person may obstruct or excavate any right-of-way without first having obtained ~~one of the following~~ the appropriate right-of-way permits from the city engineer to do so.

(1) *Excavation permit.* An excavation permit is ~~a permit which allows the holder~~ required to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing equipment or facilities described therein, to the extent and for the duration specified therein.

(2) *Obstruction permit.* An obstruction permit is ~~a permit which allows the holder~~ is required to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way for the duration specified therein.

No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless ~~such person:~~

(1) Such person ~~M~~ makes a supplementary application for another right-of-way permit before the expiration of the initial permit.

(2) A new permit or permit extension is granted.

Permits issued under this chapter shall be conspicuously displayed at all times at the indicated work site and shall be available for inspection by the city engineer.

Section 2. That Section 430.40 of the above-entitled ordinance be amended to read as follows:

430.40. Permit applications. Application for a permit is made to the city engineer.

Right-of-way permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

(1) Registration with the city engineer pursuant to Chapter 429.

(2) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed equipment facilities.

(3) Payment of all money due to the city for:

a. Permit fees and costs.

b. Prior obstructions or excavations.

c. Any loss, damage, or expense suffered by the city as a result of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city.

(4) ~~When an excavation permit is requested for purposes of installing additional equipment, the posting of a removal construction performance bond for the additional equipment.~~

~~Effective date. Section 430.40 (4) shall become effective upon the Minnesota Public Utilities Commission (PUC) adoption of rules regarding this section.~~

~~Section 3. That Section 430.50 of the above-entitled ordinance be amended to read as follows:~~

~~**430.50. Issuance of permit; conditions.** If the city engineer determines that the applicant has satisfied the requirements of Chapters 429 and 430 the city engineer ~~may~~ shall issue a permit.~~

~~The city engineer may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder in order to protect the public health, safety and welfare, to insure the structural integrity of the right-of-way, to protect the property and safety of other users of the right-of-way, and to minimize the disruption and inconvenience to the traveling public.~~

~~Section 4. That Section 430.60 of the above-entitled ordinance be amended to read as follows:~~

~~**430.60. Permit fees.** (a) *Excavation permit fee.* The excavation permit fee shall be established by the city engineer ~~shall be~~ in an amount sufficient to recover the following costs, if applicable:~~

- ~~(1) The city management cost.~~
- ~~(2) The disruptive cost.~~
- ~~(3) The ~~degradation cost~~ mapping data cost.~~
- ~~(4) The degradation cost.~~

~~Effective date. Section 430.60 (3) shall become effective upon the Minnesota Public Utilities Commission (PUC) adoption of rules regarding this section.~~

~~(b) *Obstruction permit fee.* The obstruction permit fee shall be established by the city engineer and shall be in an amount sufficient to recover the following costs, if applicable:~~

- ~~(1) The city management cost.~~
- ~~(2) The disruptive cost.~~
- ~~(3) The mapping data cost.~~

~~(c) *Payment of permit fees:* No excavation permit or obstruction permit fee shall be issued without payment of excavation or obstruction permit fees.~~

~~(d) *Non refundable:* Permit fees that were paid for a permit that the city engineer has revoked for a breach of these chapters are not refundable.~~

~~(e) *Application to franchises:* Unless otherwise agreed to in a franchise, city management costs shall be charged separately from and in addition to the franchise fees imposed on a right-of-way user.~~

~~(f) *Permit fees:* All permit fees, pursuant to chapters 429 and 430, shall be proposed by the city engineer and established from time to time by city council resolution.~~

~~Section 5. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 430.65 to read as follows:~~

~~**430.65. Delay penalty.** In accordance with Minnesota Rules, Section 7819.1000 Subd. 3, the city engineer shall impose a delay penalty for unreasonable delays in the right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be proposed by the city engineer and established from time to time by city council resolution.~~

~~Section 6. That Section 430.70 of the above-entitled ordinance be amended to read as follows:~~

~~**430.70. Right-of-way patching and restoration.** The work to be done under the excavation permit, and the repair patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of permittee or when work was prohibited as unseasonable or unreasonable under ~~section 430.100~~ this chapter. In addition to repairing patching its own work, the permittee must restore the general area of the work, and the surrounding areas, including the paving and its foundations, to the same condition that existed before the commencement of the work and must inspect the area of the work ~~and use reasonable care to maintain the same condition for thirty-six (36) months thereafter.~~~~

~~In its application for an excavation permit, the permittee may choose either to have the city restore the right-of-way or to restore the right-of-way itself, except for the final pavement surface for which the city retains the right of first refusal for the restoration work.~~

- ~~(1) *City restoration.* If the permittee chooses to have the city restore the right-of-way, it permittee shall pay the costs thereof within thirty (30) days of billing. If, ~~during the thirty-~~~~

six (36) months following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within thirty (30) days of billing, the cost of repairing said pavement all costs associated with correcting the defective work.

(2) *Permittee restoration.* If the permittee chooses to restore the right-of-way itself, except for the final pavement surface, it shall at the time of application of an excavation permit: post a construction performance bond.

a. Post a performance bond in an amount determined by the city engineer to be sufficient to cover the cost of restoring the right-of-way to its pre-excavation condition. If, thirty-six (36) months after completion of the restoration of the right-of-way, the city engineer determines that the right-of-way has been properly restored, the surety on the performance bond shall be released.

b. Pay an amount equivalent to ten (10) percent of the aforementioned bond to cover the cost of inspecting the site during the reconstruction and for a period of thirty-six (36) months after completion of the restoration.

The permittee shall perform repairs excavations, patching and restorations according to the standards and with the materials specified by the city engineer. The city engineer shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis. The city engineer in exercising this authority shall be guided by the following standards and considerations: Minnesota Rule 7819.1100.

(1) The number, size, depth and duration of the excavations, disruptions or damage to the right-of-way.

(2) The traffic volume carried by the right-of-way.

(3) The character of the neighborhood surrounding the right-of-way; the pre-excavation condition of the right-of-way.

(4) The remaining life-expectancy of the right-of-way affected by the excavation.

(5) Whether the relative cost of the method of restoration to the permittee is in reasonable balance with the prevention of an accelerated depreciation of the right-of-way that would otherwise result from the excavation, disturbance or damage to the right-of-way.

(6) The likelihood that the particular method of restoration would be effective in slowing the depreciation of the right-of-way that would otherwise take place.

Methods of restoration may include, but are not limited to, patching, replacement of the right-of-way base, and milling and overlay of the entire area of the right-of-way affected by the work.

By choosing to restore the right-of-way itself, the permittee guarantees its work and shall maintain it for thirty-six (36) months following its completion. During this thirty-six (36) month period, it shall, The permittee shall correct defects in patching or restoration performed by the permittee or its agents upon notification from the city engineer, and correct all restoration work to the extent necessary using the method required by the city engineer. Said work shall be completed within five (5) calendar days of the receipt of the notice from the city engineer, not including days during which work cannot be done because of circumstances constituting force majeure or days when work was prohibited as unseasonable or unreasonable under section 430.100 pursuant to chapter 429 and 430.

If the permittee fails to restore the right-of-way in the manner and to the condition required by the city engineer, or fails to satisfactorily and timely complete all repairs restorations required by the city engineer, the city engineer, at his or her option, may do such work. In that event, the permittee shall pay to the city, within thirty (30) days of billing, the cost of restoring the right-of-way.

In lieu of right-of-way restoration, a permittee shall pay to the city a degradation cost to cover city costs associated with a decrease in the useful life of a public right-of-way caused by excavation and repairs. Payment of a degradation cost does not relieve permittee of the obligation to make necessary right-of-way repairs. In lieu of right-of-way restoration the city engineer shall impose a degradation fee. However, the right-of-way user shall remain responsible for patching, and the degradation fee shall not include the cost to accomplish these responsibilities.

Section 7. That Section 430.90 of the above-entitled ordinance be amended to read as follows:

430.90. Supplementary applications. A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may perform any work outside the area specified in the permit, except as provided herein. Any permittee which who determines that an area greater than that specified in the permit must be obstructed or excavated must, before working in that greater area:

- (1) Make application for a permit extension and pay any additional fees necessitated thereby; and
- (2) Be granted a new permit or permit extension.

A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must make application for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be ~~done~~ approved before the permit end date.

Section 8. That Section 430.100 of the above-entitled ordinance be amended to read as follows:

430.100. Other obligations. Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other city, county, state, or federal or other applicable rules, laws or regulations.

A permittee shall comply with all requirements of local, state and federal laws, including Minnesota Statutes, Sections 216D.01-.09 ("One Call Excavation Notice System").

A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who performs the work.

Except in the case of an emergency, and with the approval of the city engineer, no right-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work.

A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with.

Private vehicles may not be parked with in or adjacent to a permit area. The loading or unloading of trucks adjacent to a permit area is prohibited unless specifically authorized by the permit.

Section 9. That Section 430.110 of the above-entitled ordinance be amended to read as follows:

430.110. Denial of permit. (a) *Mandatory denial.* Except in the case of an emergency, no right-of-way permit will be granted:

- (1) To any person required ~~by section 429.50~~ to be registered who has not done so;
- (2) To any person required ~~by section 429~~ to file an annual report but has failed to do so;
- (3) For any next-year project not listed in the construction and major maintenance plan required under ~~section 429.80; chapter 429,~~ reporting obligations, except that a permit will not be denied when the right-of-way user has used commercially reasonable efforts to anticipate and plan for the project.
- (4) For any project which requires the excavation of any portion of a right-of-way which was constructed or reconstructed within the preceding five (5) years;
- (5) To any person who has failed within the past three (3) years to comply, or is presently not in full compliance, with the requirements of Chapters 429 and 430;
- (6) To any person who has outstanding debt owed to the city that is in arrears, due, owing, and unpaid;
- (7) To any person as to whom there exists grounds for the revocation of a permit under ~~section 430.160 chapter 430;~~ and
- (8) If, in the discretion of the city engineer, the issuance of a permit for the particular date and/or time would cause a conflict or interfere with an exhibition, celebration, festival, or any other event. The city engineer, in exercising this discretion, shall be guided by the safety and convenience of ordinary travel of the public over the right-of-way, and by considerations relating to the public health, safety and welfare.

(b) *Permissive denial.* The city engineer may deny a permit in order to protect the public health, safety and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way, would cause a conflict or interfere with an exhibition, celebration, festival, or any other event, or when necessary to protect the right-of-way and its users. The city engineer, ~~in her or his~~ at the city engineer's discretion, may consider one or more of the following factors:

- (1) The extent to which right-of-way space where the permit is sought is available.
- (2) The competing demands for the particular space in the right-of-way.

- (3) The availability of other locations in the right-of-way or in other rights-of-way for the equipment facilities of the ~~particular company~~ permit applicant.
- (4) The applicability of ordinance or other regulations of the right-of-way that affect location of equipment facilities in the right-of-way.
- (5) The degree of compliance of the applicant with the terms and conditions of its franchise, Chapters 429 and 430, and other applicable ordinances and regulations.
- (6) The degree of disruption to surrounding communities and businesses that will result from the use of that part of the right-of-way.
- (7) The condition and age of the right-of-way, and whether and when it is scheduled for total or partial reconstruction.
- (8) The balancing of the costs of disruption to the public and damage to the right-of-way, against the benefits to that part of the public served by the expansion into additional parts of the right-of-way.

(c) *Discretionary issuance.* Notwithstanding the provisions of sections 430.110(3) and 430.110(4), the city engineer may issue a permit in any case where the permit is necessary (a) to prevent substantial economic hardship to a customer of the permit applicant, or (b) to allow such customer to materially improve its utility service, or (c) to allow a new economic development project and where the permit applicant did not have knowledge of the hardship, the plans for improvement of service, or the development project when it was required to submit its list of next year projects.

(d) *Permits for additional next-year projects.* Notwithstanding the provisions of ~~section 430.100(a)(3) this chapter~~, the city engineer may issue a permit to a registrant who was allowed under ~~section 429.80 chapter 429~~ to submit an additional next-year project, such permit shall be subject to all other conditions and requirements of law, including such conditions as may be imposed under chapter 430.

Section 10. That Chapter 430 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 430.115 to read as follows:

430.115. Appeal. A right-of-way user that:

- (1) has been denied registration;
- (2) has been denied a permit;
- (3) has had a permit revoked; or
- (4) believes that the fees imposed are invalid.

may have the denial, revocation, or fee imposition reviewed, upon written request, by the city council. A decision by the city council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness for the decision.

Section 11. That Section 430.120 of the above-entitled ordinance be amended to read as follows:

430.120. Installation requirements. The excavation, backfilling, patching restoration, and all other work performed in the right-of-way shall be done in conformance with specifications as promulgated by the city engineer, Minnesota Rules 7819.1100 and 7819.5000 and at a location as required by ~~section 429.100~~ this code.

Section 12. That Section 430.130 of the above-entitled ordinance be amended to read as follows:

430.130. Inspection. When the work under any permit hereunder is completed, the permittee ~~shall notify the city engineer, as authorized by Minnesota Rules Part 7819.1300, shall submit a completion certificate to the city engineer at the time the project is completed. The completion statement, signed by a person designated by the right-of-way user as a responsible employee, shall show the completion date for the work performed, identify the installer and designer of record, and certify that the work was completed according to the requirements of the city engineer.~~

Permittee shall make the work site available to the city engineer and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the work.

At the time of inspection, the city engineer may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.

The city engineer may issue an order to the registrant permittee for any work which that does not conform to the applicable standards, conditions or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the registrant permittee shall present proof to the city engineer that the violation has been corrected. If such proof has not been presented within the required time, the city engineer may revoke the permit ~~pursuant to section 430.160.~~

Section 13. That Section 430.140 of the above-entitled ordinance be amended to read as follows:

430.140. Work done without a permit. (a) *Emergency situations.* Each registrant shall immediately notify the city engineer or the city engineer's designee of any event regarding its equipment facilities which it considers to be an emergency. The registrant may proceed to take whatever actions are necessary in order to respond to the emergency. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with Chapters 429 and 430 for the actions it took in response to the emergency.

In the event that the city engineer becomes aware of an emergency regarding a registrant's equipment or facilities, the city engineer may attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the city engineer may take whatever action it deems necessary in order to respond to the emergency, the cost of which shall be borne by the registrant whose equipment or facilities occasioned the emergency.

(b) *Non-emergency situations.* Except in the case of an emergency, any person who obstructs or excavates a right-of-way without a permit must subsequently obtain a permit, pay double the normal fee for said permit, pay double all the other fees required by the Code, deposit with the city engineer the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of Chapters 429 and 430.

Section 14. That Section 430.160 of the above-entitled ordinance be amended to read as follows:

430.160. Revocation of permits. Registrants hold permits issued pursuant to the Code as a privilege and not as a right. The city reserves its right, as provided herein, to revoke any right-of-way permit, without fee refund, in the event of a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

- (1) The violation of any material provision of the right-of-way permit;
- (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
- (3) Any material misrepresentation of fact in the application for a right-of-way permit;
- (4) The failure to maintain the required bonds and/or insurance;
- (5) The failure to complete the work in a timely manner; or
- (6) The failure to correct a condition indicated on an order issued pursuant to ~~section 430.130~~ this Chapter.

If the city engineer determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the city engineer shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. Further, a substantial breach, as stated above, will allow the city engineer, at ~~his or her~~ the city engineer's discretion, to place additional or revised conditions on the permit.

Within twenty-four (24) hours of receiving notification of the breach, permittee shall contact the city engineer with a plan, acceptable to the city engineer, for its correction. Permittee's failure to so contact the city engineer, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee's failure to so contact the city engineer, or the permittee's failure to submit an acceptable plan, or permittee's failure to implement the approved plan, shall automatically place the permittee on probation for one full year.

From time to time, the city engineer may establish a list of conditions of the permit, if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right-of-way grossly outside of the permit.

If a permittee, while on probation, commits a breach as outlined above, permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for emergency repairs.

If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000. J. Cherryhomes, President of Council.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the Mann Theater Areaways Project, now recommends that the proper City officers be authorized to execute Change Order #1 to Contract #13500 with Clark Engineering Corporation increasing the contract by \$600, for a new total amount of \$44,800, to provide for additional design services, payable from the existing project budget.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the Public Works Facilities Project (Currie Maintenance Facility), now recommends that the proper City officers be authorized to execute Change Order #5 to Contract #13246 with Knutson Construction Services, Inc., increasing the contract by \$42,799, for a new total of \$16,704,951, for required services. The increase is payable from the General Services Capital budget (4100-923-9247).

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends that the proper City officers be authorized to execute an agreement (A04310) with Hennepin County for the construction of the Humboldt Greenway Project with the understanding that the County will make a payment of \$134,000 to the City for the watermain construction and the City will assess an amount of \$785,000 to recover the expense for watermain (\$222,000), sanitary sewer (\$163,000) and lighting (\$400,000) construction.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 21, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.
(Published April 25, 2000)

T&PW - Your Committee, having received a recommendation from the Minneapolis Downtown Council regarding appointments to the Nicollet Mall Advisory Board, now recommends approval of the following appointments:

- a) Paul Van Valkenburg, of the firm of Moss and Barnett, to fill the unexpired term of Alice Mortenson; and
- b) Wade Opland, Store Manager of Dayton's Minneapolis, to fill the unexpired term of Dale Amondson.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

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

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution ordering the work to proceed and adopting the special assessments for the Como Avenue Southeast Street Renovation Project, Special Improvement of Existing Street Number 2949.

Your Committee further recommends passage of the accompanying resolution requesting the Board of Estimate and Taxation to issue and sell assessment bonds for said project.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 21, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published April 25, 2000)

RESOLUTION 2000R-177

By Mead

**COMO AVENUE SOUTHEAST STREET RENOVATION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2949**

Ordering the work to proceed and adopting the special assessments for the Como Avenue Southeast Street Renovation Project.

Whereas, a public hearing was held on April 13, 2000 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2000R-081, passed March 3, 2000 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved By the City Council of The City of Minneapolis;

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2000R-081, passed March 3, 2000.

Be It Further Resolved that the proposed special assessments in the total amount of \$25,607.27 as on file in the Office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments for street renovation of more than \$150 may be paid, shall be fixed at ten (10) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2001 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments on the 2001 real estate tax statements.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 21, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published April 25, 2000)

RESOLUTION 2000R-178

By Mead

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis assessment bonds in the amount of \$25,000 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 paying the assessed cost of street improvements in the Como Avenue Southeast Street Renovation Project, Special Improvement of Existing Street No 2949, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 21, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published April 25, 2000)

T&PW & W&M/Budget - Your Committee, having under consideration the redevelopment of the Milwaukee Road Depot project and the need to construct a new segment of Fifth Av S, now recommends passage of the accompanying Resolutions accepting Right-of-Way, approving plans, implementing the construction of the extension of Fifth Av S from Washington Av S to Second St S, to include installation of pedestrian street lighting on Second St S, Fifth Av S, and Washington Av S (streets abutting the Milwaukee Depot site):

1) Approving said plans and directing the City Engineer to proceed with the work recommended, to include installation of pedestrian street lighting on Second Street South, Fifth Avenue South, and Washington Avenue South (streets abutting the Milwaukee Depot site);

2) Increasing the following capital appropriations, to be reimbursed by the MCDA:

a) PW - Streets & Malls Capital appropriation by \$361,000 for street construction;

b) PW - Transportation Capital appropriation by \$103,000 for pedestrian lighting;

c) PW - Streets & Malls appropriation by \$215,000 (\$110,000 for contingency);

3) Accepting permanent street and sidewalk easements from the MCDA and CSM Hospitality, Inc. in order to extend Fifth Av S from Washington Av S to Second St and ordering that the newly opened street be designated and known as 5th Av S, with authorization for summary publication.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 21, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published April 25, 2000)

RESOLUTION 2000R-179

By Mead & Campbell

Approving plans and grades and directing the City Engineer to proceed with the work for the construction of Fifth Av S, (Washington Av S to Second St) and Washington Av S, (Fourth Av S to Park Av S), and the installation of pedestrian street lighting on Second St S, Fifth Av S, and Washington Av S (streets abutting the Milwaukee Depot site).

Resolved by The City Council of The City of Minneapolis:

That the plans and grades on file in the office of the City Engineer for the following be approved, and that the City Engineer be directed to proceed with the work:

a) Grading, Street Paving, Water, and Traffic Signal System for Fifth Av S (PD 9773, Washington Av S to Second St);

b) Traffic Signals, Island Modification, and Lane Stripe Modification for Washington Av S (S.A.P. 141-020-92 and S.A.P. 141-010-73, Fourth Av S to Park Av S);

c) Install pedestrian street lighting on Second St S, Fifth Av S, and Washington Av S (streets abutting the Milwaukee Depot site).

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 21, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published April 25, 2000)

RESOLUTION 2000R-180

By Mead & Campbell

Amending The 2000 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 following:

Fund	Agency	Org	Project Description	Appropriation Amount	Funding Source	Revenue Source
4100	937	9372	5th Ave S	\$361,000	MCDA	3845
4100	943	9432	Milwaukee Depot Site	\$103,000	MCDA	3845
4100	937	9372	5 th Ave S	\$215,000	MSA	3215

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 21, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published April 25, 2000)

Resolution 2000R-181, authorizing the acceptance of permanent street and sidewalk easements from the Minneapolis Community Development Agency and CSM Hospitality, Inc. in the vicinity of Fifth Av S (Washington Av S to Second St), was passed April 21, 2000 by the City Council and approved April 21, 2000 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 2000R-181

By Mead & Campbell

Authorizing the acceptance of permanent street and sidewalk easements from the Minneapolis Community Development Agency and CSM Hospitality, Inc., for the herein described real estate situated in the City of Minneapolis, County of Hennepin, State of Minnesota and ordering that the newly opened street be designated and known as 5th Avenue South.

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

That the City accepts permanent street and sidewalk easements from the Minneapolis Community Development Agency and CSM Hospitality, Inc., for the following described real estate situated in the

City of Minneapolis, County of Hennepin, State of Minnesota and orders that the newly opened street be designated and known as 5th Avenue South.

Description of Property

Parcel 1 (CSM Hospitality). A permanent street easement over that part of those portions of Lot 6, Block 42, Town of Minneapolis, and the northwesterly half of vacated Fifth Avenue South (formerly Marshall Street) lying between the northeasterly line of Washington Avenue South and the northeasterly line of Lot 5, Block 42, extended, lying southeasterly of the following described Line A:

Commencing at the most southerly corner of said Lot 5, Block 42, thence along the southeasterly extension of the southwesterly line of said Block 42, on an assumed bearing of South 59 degrees 37 minutes 47 seconds East, a distance of 22.93 feet to the actual point of beginning of Line A; thence North 30 degrees 22 minutes 13 seconds East a distance of 95.68 feet, thence North 59 degrees 37 minutes 47 seconds West a distance of 13.65 feet; thence North 30 degrees 25 minutes 38 seconds East a distance of 40.33 feet; thence North 13 degrees 17 minutes 37 seconds East a distance of 30.17 feet to the most southerly corner of said Lot 6, Block 42; thence North 17 degrees 31 minutes 51 seconds East a distance of 110.20 feet; thence North 30 degrees 19 minutes 09 seconds East a distance of 57.94 feet, more or less, to the northeasterly line of said Lot 6, Block 42, and there terminating.

Parcel 2 (CSM Hospitality). A permanent sidewalk easement over and across that part commencing at the most southerly corner of Lot 5, Block 42, Town of Minneapolis, Hennepin County, Minnesota; thence along the southeasterly extension of the southwesterly line of said Block 42, on an assumed bearing of South 59 degrees 37 minutes 47 seconds East, a distance of 9.18 feet to the actual point of beginning of the easement to be described; thence continuing South 59 degrees 37 minutes 47 seconds East a distance of 13.75 feet; thence North 30 degrees 22 minutes 13 seconds East a distance of 95.65 feet; thence North 59 degrees 37 minutes 47 seconds West a distance of 13.65 feet; thence South 30 degrees 25 minutes 38 seconds West a distance of 95.68 feet; to the point of beginning, and there terminating.

Parcel 3 (MCDA). A permanent street easement over that part of described as follows:

That part of Lot 6, Block 42, Town of Minneapolis;

That part of Lot 1, Block 43, Town of Minneapolis;

That part of the northwesterly half of vacated Fifth Avenue South (formerly Marshall Street) lying between the northeasterly line of Washington Avenue South and the southwesterly line of Second Street South;

And that part of the southeasterly half of said vacated Fifth Avenue South lying between the southwesterly line of Second Street South and lying northeasterly of the following described line, hereinafter referred to as Line C;

Beginning at the intersection of the center line of said vacated Fifth Avenue South and the northwesterly extension of the southwesterly line of Block 43, thence southeasterly to a point in the southeasterly line of said Block 43, distant 20 feet northeasterly of the most southerly corner thereof and said line there terminating.

All lying southeasterly and easterly of the following described Line A and lying northwesterly of the following described Line B:

Line A

Commencing at the most southerly corner of said Lot 5, Block 42; thence along the southeasterly extension of the southwesterly line of said Block 42, on an assumed bearing of South 59 degrees 37 minutes 47 seconds East, a distance of 22.93 feet to the actual point of beginning of Line A; thence North 30 degrees 22 minutes 13 seconds East a distance of 95.68 feet; thence North 59 degrees 37 minutes 47 seconds West a distance of 13.65 feet; thence North 30 degrees 25 minutes 38 seconds East a distance of 40.33 feet; thence North 13 degrees 17 minutes 37 seconds East a distance of 30.71 feet to the most southerly corner of said Lot 6, Block 42; thence North 17 degrees 31 minutes 51 seconds East a distance of 110.20 feet; thence North 30 degrees 19 minutes 09 seconds East a distance of 57.94 feet, more or less, to the northeasterly line of said Lot 6, Block 42 and there terminating.

Line B

Commencing at the point of beginning of said Line C; thence along said Line C, on an assumed bearing of South 62 degrees 43 minutes 04 seconds East, a distance of 48.20 feet to the actual point of beginning of Line B; thence North 17 degrees 26 minutes 41 seconds West a distance of 16.99 feet; thence North 30 degrees 25 minutes 38 seconds East a distance of 143.41 feet; thence North 16 degrees 36 minutes 28 seconds East a distance of 39.87 feet; thence North 28 degrees 41 minutes 35 seconds East a distance of 134.64 feet, more or less, to the southwesterly line of Second Street South and there terminating.

EXCEPT

That part of those portions of Lot 6, Block 42, Town of Minneapolis, and the northwesterly half of vacated Fifth Avenue South (formerly Marshall Street) lying between the northeasterly line of Washington Avenue South and the northeasterly line of Lot 5, Block 42, extended, lying southeasterly of the following described Line A:

Commencing at the most southerly corner of said Lot 5, Block 42, thence along the southeasterly extension of the southwesterly line of said Block 42, on an assumed bearing of South 59 degrees 37 minutes 47 seconds East, a distance of 22.93 feet to the actual point of beginning of Line A; thence North 30 degrees 22 minutes 13 seconds East a distance of 95.68 feet; thence North 59 degrees 37 minutes 47 seconds West a distance of 13.65 feet; thence North 30 degrees 25 minutes 38 seconds East a distance of 40.33 feet; thence North 13 degrees 17 minutes 37 seconds East a distance of 30.71 feet to the most southerly corner of said Lot 6, Block 42; thence North 17 degrees 31 minutes 51 seconds East a distance of 110.20 feet; thence North 30 degrees 19 minutes 09 seconds East a distance of 57.94 feet, more or less, to the northeasterly line of said Lot 6, Block 42 and there terminating.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 21, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having been informed of a special request from the Minneapolis Community Development Agency (MCDA) for sidewalk construction in the area of a development at Plymouth and Washington Aves N, now recommends passage of the accompanying resolution increasing the PW - Streets & Mall Capital Agency by \$45,000 (\$35,000 to be reimbursed by the MCDA and \$10,000 to be reimbursed by special assessment).

Your Committee further recommends that the proper City officers be authorized to extend the contract with Standard Sidewalk, Inc. (District #1 contractor) by \$45,000.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-182

By Mead & Campbell

Amending The 2000 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 (4100-937-9390) by \$45,000 and increasing the revenue sources (4100-937-9390 - Source 3845) by \$35,000 and (4100-937-9390 - Source 3650) by \$10,000.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000. J. Cherryhomes, President of Council.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having been informed of a special request from Bruce Printing for sidewalk/concrete work in the area of their business at 315 27th Av SE, now recommends passage of the accompanying resolution increasing the PW - Streets & Mall Capital Agency by \$30,000, to be reimbursed by special assessment.

Your Committee further recommends that the proper City officers be authorized to extend the contract with Standard Sidewalk, Inc. (District #1 contractor) by \$30,000.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-183
By Mead & Campbell

Amending The 2000 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 (4100-937-9390) by \$30,000 and increasing the revenue source (4100-937-9390 - Source 3650) by \$30,000.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000. J. Cherryhomes, President of Council.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No 265810):

a) OP #5630, low bid meeting specifications submitted by Clarey's Safety Equipment, Inc. in the amount of \$83,736.70 for furnishing and delivering fire rescue equipment to the Equipment Services Division;

b) OP #5330, low bid of Asphalt Equipment and Service Company in the amount of \$273,700 for furnishing and delivering all labor, materials, equipment, engineering and incidentals necessary to complete asphalt plant renovations;

c) OP #5368, low bid of TMI Coatings, Inc. in the amount of \$691,505 for furnishing and delivering all labor, materials, equipment and incidentals necessary to accomplish baffle wall installation and expansion joint replacement for the Water Department;

d) OP #5359, bid of Thomas and Sons Construction, Inc. in the amount of \$2,586,308.15 for furnishing and delivering all labor, materials, equipment and incidentals necessary to accomplish the Stevens Square Paving Project;

e) OP #5354, low bid of Cemstone Products Company for an estimated annual expenditure of \$685,000 for furnishing and delivering ready mix concrete for various Public Works divisions during the period of April 1, 2000 through March 31, 2001;

f) OP #5285, the following low bids for furnishing rubber tired skid steer loaders with operators and supplies to the Equipment Services Division, as required during the 2000 construction season, for an estimated total expenditure of \$200,000 (work to be assigned beginning with the low bidder):

Robert Innes, Jr.	per hour	\$24.00
Scott Innes	per hour	\$24.40
Hugstadd Vaa	per hour	\$25.00
Duane Boese	per hour	\$27.00
V & T Trucking	per hour	\$28.00

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

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 21, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published April 25, 2000)

T&PW & W&M/Budget - Your Committee, having received an analysis of options for relocation of bus traffic from 5th St due to plans to place light rail transit (LRT) on that street, now recommends:

a) Approval of the City staff recommendation to accommodate the bus relocation caused by the Hiawatha LRT by providing for a 4th St reverse flow bus lane from Norm McGrew Place to Hennepin Av and increase bus use along 9th St;

b) That the Public Works Department be authorized to hire a consultant to complete the design for said reverse flow bus lane and for bus stop and service accommodations along 9th St; and

c) Passage of the accompanying resolution increasing the PW - Streets & Malls Appropriation by \$40,000 for design services related to the reverse flow bus lane project, to be reimbursed by federal funds and LRT project funding.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-184

By Mead & Campbell

Amending The 2000 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 & Mall Agency in the Permanent Improvement Projects Fund (4100-937-9372) by \$40,000 and increasing the revenue source (4100-937-9372 - Source 3215) by \$40,000.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration a report on sewer construction project closeouts and related bond redesignation, now recommends passage of the accompanying resolution:

a) Approving the appropriation closeout of completed sewer construction projects;

b) Approving redesignation from the closed out projects to other sewer projects with current funding shortfalls; and

c) Appropriating funding to the sewer projects with current funding shortfalls as a result of the bond redesignation.

Adopted. Yeas, 12; Nays none.
 Absent - Mead.
 Passed April 21, 2000.
 Approved April 25, 2000. S. Sayles Belton, Mayor.
 Attest: M. Keefe, City Clerk.

**RESOLUTION 2000R-185
 By Mead & Campbell**

Amending The 2000 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 decreasing the following capital appropriations in the Permanent Improvement Projects Fund (4100) and Sewer Rental Fund (7300):

Fund	Agency	Org	Project Description	FISCOL Project	Appropriation Amount
4100	932	9322	Bassett Ck Flood Control 1991	A5248	\$2,833.57
4100	932	9322	Bassett Ck Flood Control 1992	A5249	\$127,786.14
Total Fund 4100 Appropriation Closeouts					\$130,619.71
7300	932	9322	1998 Combined Sewer Overflow	98CSW	\$248,191.84
7300	932	9322	Technology Drive Storm Outlet	TECHD	\$71,811.24
7300	932	9322	Calhoun Commons	CALH8	\$74,653.79
Total Fund 7300 Appropriation Closeouts					\$394,656.87

Be It Further Resolved that the fund balances in Fund 4K00, 8S10 and 8S30 related to the closed projects above be redesignated to the following projects as indicated:

From Fund	FISCOL Project	From Project Description	Amount	To FISCOL	To Project Description	Amount
4K00	A5249	Bassett Ck Flood Control 1992	\$127,786.14	SHCRK	Shingle Creek Wetland 1996	\$127,786.14
8S10	98CSW	1998 CSO	\$248,191.84	FLA16	Flood Area 16 Jefferson	\$248,191.84
8S10	TECHD	Tech Drive Storm Outlet	\$71,811.24	FLA16	Flood Area 16 Jefferson	\$71,811.24
8S30	CALH8	Calhoun Commons	\$78,979.79	99LYN	Lyndale Av S Flood Relief SD	\$78,979.79
Totals			\$526,769.01			\$526,789.01

Note: There are more bonds to redesignate for the CALH8 project than appropriation closeouts due to excess miscellaneous revenues received from other sources in this project.

Be It Further Resolved that the Board of Estimate and Taxation be requested to concur with said bond fund reallocations.

Be it Further Resolved that the following project appropriations be increased by the amounts indicated and funding sources identified:

Fund	Agency	Org	Project Description	FISCOL Project	Approp Amount	Funding Source
4100	932	9322	Shingle Ck Wetland 1996	SHCRK	\$127,786.14	Redesignated bonds
4100	932	9322	Shingle Ck Wetland 1996	SHCRK	\$2,833.57	Cash from closed project
Total Fund 4100 Project Appropriation Increases					\$130,619.71	
7300	932	9322	Flood Area 16 Jefferson	FLA16	\$320,003.08	Redesignated bonds
7300	932	9322	Lyndale Av S Flood Relief SD	99LYN	\$78,979.79	Redesignated bonds
Total Fund 7300 Project Appropriation Increases					\$398,982.87	

Adopted. Yeas, 12; Nays none.
 Absent - Mead.
 Passed April 21, 2000. J. Cherryhomes, President of Council.
 Approved April 25, 2000. 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 passage of the accompanying resolution regarding purchasing issues relating to Burma, now recommends that said resolution be sent forward without recommendation.

Your Committee further recommends summary publication of said resolution.

Niland moved that the report be postponed. Seconded.

Adopted upon a voice vote.

W&M/Budget - Your Committee recommends approval of the 2001 Budget process/schedule, as more fully set forth in Petn No 265826 on file in the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that a lawsuit filed against the City be settled and be payable to Abdirizak Abdullahi and his attorney, William Mauzy, in the amount of \$32,500, payable from the Self Insurance Fund (6900-150-1500-4000).

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration settlement of a contempt motion relating to procedures for properly verifying applicants' claims of Native American status during the 1998 hiring process, now recommends approval to pay \$12,500 in statutory attorney's fees to Legal Aid Society of Minneapolis, payable from the Self Insurance Fund (6900-150-1500-2800).

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration a bid protest relating to mechanical services for the Convention Center Expansion Project, now recommends that the City Attorney be authorized to settle said bid protest with Egan Mechanical Contractors, Inc., for an amount not to exceed \$78,000, payable from the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751).

Adopted. Yeas, 9; Nays, 3 as follows:
Yeas - Herron, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Colvin Roy, Cherryhomes.
Nays - Lane, Goodman, McDonald.
Absent - Mead.

Passed April 21, 2000.
Approved April 21, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.
(Published April 25, 2000)

W&M/Budget - Your Committee, having under consideration the Workers' Compensation claim of Richard Hnasko for repetitive use injuries, now recommends settlement of said claim and payment from the Self Insurance Fund (6900-150-1500-8300), as follows:

- a) \$55,000 to Richard Hnasko and his attorney, Lawrence C. Miller, as full, final and complete settlement of any and all Workers' Compensation claims, except for future claims for future medical treatment for the effects of the carpal tunnel condition;
- b) \$884.92 in litigation costs to Lawrence C. Miller; and
- c) \$10,000 for medical benefits to HealthPartners.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Amendment #3 to Contract #8141 with Wallace Dube for maintenance and warranty management services at the Convention Center, exercising the City's option to extend said contract for two years, for the period from July 1, 2000 through June 30, 2002, at an estimated annual amount not to exceed \$81,500 (year 1) and \$83,130 (year 2), for a two-year total of \$164,630, payable from the Convention Center Operations Agency in the Convention Center Related Fund (0760-865-8650).

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 25, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Change Order #5 with Tri-Tech Electrical Company, to provide additional work relating to the Convention Center Expansion Project, increasing Contract #14073 by \$6,672, for a new contract total of \$269,654.12.

Adopted. Yeas, 12; Nays none.
Absent - Mead.
Passed April 21, 2000.
Approved April 21, 2000. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.
(Published April 25, 2000)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a grant application to the United States Department of the Interior for Federal Save America's Treasures Grant funds, in the amount of \$250,000, on behalf of the City of Minneapolis via the Minneapolis Park and Recreation Board, to be used for site restoration of the historic Mill Ruins.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends acceptance of \$1,000 from the Minneapolis Foundation (McKay Family Fund), to be used for the Arts Commission's Neighborhood Arts Program.

Your Committee further recommends passage of the accompanying Resolution increasing the City Coordinator Agency appropriation and revenue estimate by \$1,000.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-186

By Campbell

Amending The 2000 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 City Coordinator Agency in the Grants - Other Fund (0600-840-8450) by \$1,000, and increasing the City Coordinator Agency revenue estimate in the Grants - Other Fund (0600-840-8450-Source 3720) by \$1,000.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the Finance Officer's evaluation of options for permanently financing the legal settlement with American Iron and Supply Company, now recommends that the proper City officers be authorized to use judgment bonds to permanently finance said settlement, saving the taxpayers \$1,360,000 in reduced interest expense.

Your Committee further recommends that regardless of any statutory exception to levy limits for judgment bonds, the annual debt payments toward satisfaction of the judgment bonds shall be subject to the Council's long-term Revenue Policy, which was adopted December 9, 2000 by Council action.

Your Committee further recommends passage of the accompanying Resolution authorizing the City Attorney to settle the lawsuit with American Iron and Supply Company and requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds, in the amount of \$8,750,000, for certain purposes other than the purchase of public utilities.

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

Yeas - Lane, Herron, Johnson, Thurber, Ostrow, Campbell, Goodman, Colvin Roy, McDonald, Cherryhomes.

Nays - Biernat, Niland.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-187

By Campbell

Financing the settlement of the lawsuit entitled *American Iron and Supply Company, et al., vs. City of Minneapolis, et al.*, by requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds, in the amount of \$8,750,000, to finance the settlement for a purpose other than the purchase of public utilities.

Whereas, Plaintiffs have asserted certain claims against the City in the lawsuit entitled *American Iron and Supply Company, et al., vs. City of Minneapolis, et al.*, court file number CT92-001458 ("the Litigation"); and

Whereas, the City has approved settlement and compromise of the disputed claims; and

Whereas, the use of judgment bonds to permanently finance the settlement of said lawsuit will save the taxpayers approximately \$1,360,000 in reduced interest expense;

Now, Therefore, Be It 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 in the amount of \$8,750,000, the proceeds of which are to be used for payment of the judgment against the City in the Litigation brought by American Iron and Supply Company.

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

Yeas - Lane, Herron, Johnson, Thurber, Ostrow, Campbell, Goodman, Colvin Roy, McDonald, Cherryhomes.

Nays - Biernat, Niland.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Permanent Review Committee to grant a one-year waiver of the Request for Proposal (RFP) process to renew the Workers' Compensation Insurance policy currently in place for the Minneapolis Employment and Training Program's Summer Youth Program.

Your Committee further recommends that the proper City officers be authorized to purchase Workers' Compensation insurance from the Otis Magie Insurance Company for Minneapolis Employment and Training Program participants, for the period from July 1, 2000 through June 30, 2001, at an estimated premium amount of \$35,000, payable from the Health Department Agency in various grant funds (860-8600), conditioned upon the requirement that the RFP process must be used for the next policy year.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends approval of a \$71,300 mid-year budget adjustment/increase to the Human Resources Department to provide funds to comply with the recruitment and exam expenses required by the Carter vs. Gallagher Consent Decree.

Your Committee further recommends that appropriation of funds be deferred for consideration during the Mid-Year Budget Review.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget- Your Committee, having under consideration participation by the City of Minneapolis in the National Arts Program (NAP), which is intended to inspire, acknowledge and reward creative accomplishment throughout the nation, now recommends acceptance of funds, in the amount of \$2,250, from the Leonard E. B. Andrews Foundation, through the NAP, for distribution of cash awards to winning artists.

Your Committee further recommends passage of the accompanying resolution increasing the Human Resources Agency appropriation and revenue estimate by \$2,250.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2000R-188
By Campbell**

Amending The 2000 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 Human Resources Agency in the Grants - Other Fund (0600-815-8154) by \$2,250, and increasing the Human Resources Agency revenue estimate in the Grants - Other Fund (0600-815-8154-Source 3720) by \$2,250.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration amendments to certain Master Contracts that will enable the City to meet the scope and schedule of related projects, now recommends that the proper City officers be authorized to execute amendments to the following contracts, for the amounts indicated, with a portion to be payable from the Information and Technology Services Agency in the Intergovernmental Service Fund (6400-880) and a portion to be payable from the Strategic Information Systems Planning (SISP) Projects Agency in the Permanent Improvement Projects Fund (4100-972) for required vendor services, as more fully set forth in Petn No 265829 on file in the Office of the City Clerk:

a) Amendment #3 to Master Contract #12401 with On Demand Services Group, Inc., increasing said contract by \$1,000,000, for a new contract total of \$3,900,000;

b) Amendment #1 to Master Contract #14084 with GE Capital Information Technology Solutions - North America, Inc., increasing said contract by \$1,250,000, for a new contract total of \$2,000,000; and

c) Amendment #4 to Master Contract #12319 with Management System Solutions, Inc., increasing said contract by \$700,000, for a new contract total of \$4,700,000.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget- Your Committee, having under consideration the upcoming arrival of a delegation of approximately 100 visitors from the City's Sister City of Ibaraki, Japan to celebrate the 20th anniversary of the friendship between Minneapolis and Ibaraki, and further having under consideration a request for

additional funding to provide for a potential gap between the monies that have been raised and the actual costs of the event, now recommends approval to appropriate an additional \$12,000 to cover said potential gap.

Your Committee further recommends passage of the accompanying resolution increasing the Communications Agency by \$12,000.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2000R-189
By Campbell

Amending The 2000 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 General Fund (0100-800-8014) by \$12,000.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. 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) for design services for the Central Avenue Crime Prevention Through Environmental Design Improvements Project, located along Central Avenue between 22nd and 27th Avenues NE, pending approval of the RFP by the Permanent Review Committee.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends approval for the appropriate staff of the Police Department to offer Gary Kaldun the position of Supervisor of the Identification Division's Field Operations Unit, to begin at Step 6 of the corresponding pay schedule.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. 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) for employee group health insurance plans, in concurrence with the recommendation of the Permanent Review Committee, to allow the City of Minneapolis to provide future City-managed health care, in compliance with Minnesota Statutes, Chapter 471.61, requiring issuance of an RFP every five years.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having received the recommendation of the Mayor and the Executive Committee for the reappointment of E. Maurice Nakumbe to serve on the Minneapolis Civil Service Commission for the remainder of a three-year term to expire February 28, 2002, now recommends approval of said reappointment.

Campbell moved that the report be referred back to the Ways & Means/Budget Committee. Seconded.

Adopted upon a voice vote.

W&M/Budget - Your Committee recommends that Vickie Brock, Council Member Assistant, Ward 8, be granted the third step rate of pay, to be effective April 24, 2000.

Your Committee further recommends that Vickie Brock be granted the fourth step rate of pay on her anniversary date of August 17, 2000, said increases to be payable from the City Clerk - Total Agency (0100-260-2611).

Campbell moved that the report be postponed. Seconded.

Adopted upon a voice vote.

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

Z&P - Your Committee recommends granting the application of Robert A Yurecko on behalf of The American Red Cross for a special permit to install a public service electronic wall sign, 9' 1" by 3' 3", at 1201 W River Parkway, notwithstanding the Zoning Code (#2000-035).

Adopted. Yeas, 11; Nays none.

Declining to Vote - Lane.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee recommends concurrence in the Mayor's reappointment of Judith Martin, 14 Grove St (Ward 5), and Timothy Baylor, 1302 Douglas Av (Ward 7), to terms on the Planning Commission to expire January 31, 2004.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal of Jameson Pearce from the decision of the Planning Commission denying an application for a nonconforming use expansion to permit a printing business at 4649 Bloomington Av S (NCE-56), and having conducted a public hearing thereon, now recommends that the appeal be granted upon condition that the applicant completes the following improvements by September 30, 2000:

1. Landscape the area on the north side of the building;
2. Enclose the dumpster and equipment in the parking lot; and
3. Install a 4 ft high, wrought iron fence between the sidewalk and the parking area to prevent cars from going over the sidewalk.

Your Committee further recommends that the Findings of Fact prepared by the City Attorney and on file in the Office of the City Clerk be made a part of this report by reference.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z & P - Your Committee, having under consideration the application of Michel Mourad for a waiver from Interim Ordinance 2000-Or-004, providing for a moratorium on the establishment or expansion of commercial parking lots and auto-oriented uses in the areas bounded by a one-half mile radius around each light rail transit station-site, and prohibiting the establishment or expansion of commercial parking lots and auto-oriented uses as well as the siting of new or expanded commercial and industrial construction in the areas bounded by a one-quarter mile radius around each station-site, at the intersections of the Soo Line right-of-way and 16th Av, Soo Line right-of-way and Franklin Av, Hiawatha Av and Lake St, Hiawatha Av and 38th St, Hiawatha Av and 46th St, and Hiawatha Av and 50th St, passed January 7, 2000, to permit an automobile convenience facility, car wash and minor automobile repair at 3435 Hiawatha Av, and having conducted a public hearing thereon, now recommends that the findings prepared by the Planning Department staff and set forth in Petn No 265834 be adopted and said waiver be denied.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the petition of Designers Guild Building, Inc (Vac #1300) to vacate an alley in the block bounded by 3rd and 4th Sts N and 4th and 5th Avs N to permit access from the proposed parking ramp south of the alley to the Designers Guild Building on the north side of the alley, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 265834 and to grant said vacation, subject to retention of easement rights by Northern States Power and the City of Minneapolis.

Your Committee further recommends passage of the accompanying resolution vacating said alley, and summary publication of same.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2000R-190 entitled "Vacating an alley in the block bounded by 3rd and 4th Streets North and 4th and 5th Avenues North. (Vac # 1300)," was passed April 21, 2000 by the City Council and approved April 25, 2000 by the Mayor. A complete copy of this resolution is available for inspection in the office of the City Clerk.

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

RESOLUTION 2000R-190

By McDonald

Vacating an alley in the block bounded by 3rd and 4th Streets North and 4th and 5th Avenues North. (Vac # 1300)

Resolved by The City Council of The City of Minneapolis:

That all that part of an alley adjacent to Lots 6-12, Block 19, Bradford and Lewis's Addition to Minneapolis is hereby vacated except that such vacation shall not affect the existing easement right and authority of NSP and the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

As to the City of Minneapolis: A bicycle and pedestrian trail easement over, across and through that part of the public alley dedicated in Block 10, Hoag's Addition and Block 19, Bradford and Lewis Addition that lies Southeasterly of the Southwesterly extension of the Northwesterly line of Lot 10, Block 19, Bradford and Lewis Addition;

As to NSP: The Southwesterly 10 feet of the Northwesterly 102 feet; and the Southeasterly 20 feet of the Northwesterly 122 feet of the alley to be vacated;

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

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this alley had not been vacated.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z & P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, requiring minimum width for 3 and 4 unit multiple dwellings and requiring a minimum percentage of windows and one principal entrance facing the street for all single and 2 family dwellings and all 3 and 4 unit multiple dwellings, now concurs in the recommendation of the Planning Commission that the related findings set forth in Petn No 265836 be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 2000-Or-027

By McDonald

Intro & 1st Reading: 3/3/2000

Ref to: Z&P

2nd Reading: 4/21/2000

Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to the Zoning Code: Regulations Of General Applicability.

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

Section 1. That Section 535.90 of the above entitled ordinance be amended to read as follows:

535.90. Minimum size and width of and principal entrance and windows requirements for residential uses. (a) Size and width. The minimum gross floor area of a dwelling unit, except efficiency units, shall be five hundred (500) square feet. The minimum gross floor area of efficiency units and rooming units shall be three hundred fifty (350) square feet. Not less than Eighty (80) percent of the habitable floor area of single or two-family dwellings and multiple family dwellings of three (3) and four (4) units shall have a minimum width of twenty-two (22) feet.

(b) Principal entrance and windows. Not less than fifteen (15) percent of the first floor facade of single and two family dwellings and multiple family dwellings of three (3) and four (4) units that faces a public street shall be windows, and shall include at least one (1) principal entrance. The principal entrance

may face a side lot line when part of a front vestibule or extended portion of the front facade, provided the entrance is located no further than eight (8) feet from the facade closest to the street. In the case of a corner lot, only the front facade shall be subject to the requirements of this section.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the environmental review process for the Stinson Technology Campus Project in the vicinity of Stinson Boulevard between Hennepin Av E and Broadway St in Northeast Minneapolis (Petn No 265836), now recommends:

1. That the revised Project Study Area be approved;
2. That the Alternative Urban Areawide Review for the Project be approved;
3. That staff be directed to report back with a status report upon completion of Phase I of the Project.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 21, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published April 25, 2000)

MOTIONS

Campbell, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of May, 2000, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Cherryhomes moved to waive the 60-day filing time as required by Chapter 447 of the Minneapolis Code of Ordinances for applicant Terrence Kopp for the Archdiocese of St. Paul and Minneapolis for a parade to be held Sunday, May 7, 2000, between the hours of 2:00 and 2:30 p.m. from Dunwoody Institute Parking Lot to the front of the Basilica of Saint Mary, subject to approval granted by the Public Works and the Police departments to grant said waiver. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell moved that when traveling outside the seven county area on City related business, Council Members and their staff be reimbursed for mileage at the federally authorized rate. Seconded

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION

RESOLUTION 2000R-191

By Johnson, Ostrow, Campbell, Biernat, Cherryhomes, Niland, Goodman, Herron,
Thurber, McDonald, Mead, Colvin Roy, Lane

Congratulating the Patrick Henry Patriots Varsity Boys' Basketball team for their outstanding performance at the 2000 Minnesota High School league championship games.

Whereas, the Patrick Henry Patriots boys' basketball team compiled a 28-1 record and won the Minnesota State Class AAA Championship in 2000; and

Whereas, this is the Patriots second consecutive Minneapolis City Conference championship; and

Whereas, the Patriots were Twin City Champions; and

Whereas, this is the Patriots second consecutive year as Region 5AAA Champions; and

Whereas, the Patriots outscored opponents by 23 points per game and held opponents to 39.8% shooting from the field; and

Whereas, the Patriots finished as the #22 ranked team by USA Today and finished as the #14 ranked team by Fox Regional Sports; and

Whereas, the Patriots had three players nominated for the McDonalds All-American team; and

Whereas, the Patriots had two players as Mr. Basketball finalists;

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

That the City Council congratulates the Patrick Henry Patriots Varsity Boys' Basketball team of the year 2000 for their outstanding performance at the 2000 Minnesota High School league championship games and for continuing their strong tradition of athletic performance, sportsmanship and academic accomplishments.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Passed April 21, 2000. J. Cherryhomes, President of Council.

Approved April 25, 2000. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

UNFINISHED BUSINESS

Tires for Less (3011 3rd Av S): Revoke Motor Vehicle Repair Garage License, due to non-compliance with site plan and conditional use permits. (Postponed 12/17/99, PS&RS)

Herron moved to continue postponement. Seconded.

Adopted upon a voice vote.

Campbell moved to adjourn. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Mead.

Adjourned.

MERRY KEEFE,
City Clerk.

Created 4/25/2000;
Modified 5/1/2000;
Modified 6/16/2000