

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF FEBRUARY 15, 2002

(Published February 23, 2002,  
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Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
February 15, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, President Ostrow.

Goodman moved acceptance of the minutes of the regular meeting of February 1, 2002. Seconded.

Adopted upon a voice vote.

Goodman 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) (267661)  
Lot Division: Delete recommendation relating to 620 & 622 24th St E.

#### **COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267662)  
Lot Division: Approve at 3548 Polk St NE.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267663)

Unocal-Thornton Street Housing Project: Accept Contamination Cleanup Grant and Tax Base Revitalization Account Grant from Metropolitan Council.

Minnesota Department of Transportation Pass-Through: Appropriate funds to assist JPI Development, Inc. with purchase of excess property.

Village Green (13th & Harmon Housing Project): Appropriate funds for costs associated with acquisition of parcel.

GRANTS AND SPECIAL PROJECTS (267664)

2001 Livable Community Demonstration Account Grant and Supplementary Transit Funding Grant: Accept grant funds from Metropolitan Council.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (267665)

Downtown Minneapolis NRP Neighborhood Action Plan: Approve.

**HEALTH AND HUMAN SERVICES:**

HEALTH AND FAMILY SUPPORT SERVICES (267666)  
Committee Priorities for 2002: Report on role of committee.

**HEALTH AND HUMAN SERVICES (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (267667)  
Public Health Nursing Services for Home Visiting Project: Execute contract with Hennepin County to provide services to homeless women and children during period February 1, 2002 through June 30, 2003.

**INTERGOVERNMENTAL RELATIONS:**

INTERGOVERNMENTAL RELATIONS (267668)  
Spending reductions information sheet.  
Joint Mpls/St Paul Legislative Delegation Meeting: Twin Cities Agenda.  
I-35W/Crosstown Project: Powerpoint presentation of MN Department of Transportation.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

COUNCIL MEMBER COLVIN ROY (267669)  
Camp Coldwater Springs: Memo in support of protecting Springs.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

INSPECTIONS DEPARTMENT (267670)  
Truth in Sale of Housing Program: Powerpoint presentation entitled "The Truth about Truth in Sale of Housing".  
LICENSES AND CONSUMER SERVICES (267671)  
Lawn Fertilizer Ordinance: Update report from Environmental Management.

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

LICENSES AND CONSUMER SERVICES (267672)  
Johnny on the Spot (12851 Central Av, Blaine): Grant Towing Class B License, subject to conditions.

Club Ashe (322 1st Av N): Grant On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting adult entertainment as stipulated by license addendum agreement; and Request for Special Late Night Entertainment License.

LICENSES AND CONSUMER SERVICES (267673)

Licensing of Rental Halls: Ordinance amending Title 13 of Code relating to Licenses and Business Regulations by adding a new Chapter 266 relating to Rental Halls, setting forth operating requirements and licensing regulations; with attachment.

SENIOR OMBUDSMAN (267674)

Deferment of Special Assessment: Approve application submitted by Helen Gozel, 2307 Marshall St NE, to defer hazardous tree removal assessment of \$2,558.

STATE OFFICE OF ADMINISTRATIVE HEARINGS (267675)

Pizza Luce (119 4th St N): Official Record, including tape recording, of Administrative Hearing relating to Liquor License held by Pizza Luce; Licensee to pay administrative fine of \$500 in accordance with ALJ's Findings of Fact, Conclusions and Recommendation that City Council take disciplinary action against liquor license.

XCEL ENERGY (267676)

Riverside Power Plant: Comments on Resolution requesting Northern States Power to convert Riverside Plant to natural gas.

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

POLICE DEPARTMENT (267677)

Juvenile Justice Advisory Committee Grant: Execute amendment to grant agreement with Minnesota Department of Economic Security to accept \$20,136 for Year II program funding for Walker Community Methodist Church Family Group Conferencing Program; and Approve appropriation.

**PURCHASING (267678)**

Bids: Accept

OP #5793, low bid of Trades Unlimited for boarding services to secure vacant and open buildings through December 31, 2003;

OP #5779, low bid of Jason Mattsen Inc for weed cutting and related services for North District through December 31, 2003;

OP #5794, low bid of People Business Network for securing open and vacant buildings through December 31, 2003;

OP #5778, low bid of Jason Mattsen Inc for tree removal and disposal through December 31, 2003.

**PUBLIC SAFETY AND REGULATORY SERVICES and ZONING AND PLANNING (See Rep):**

**LICENSES AND CONSUMER SERVICES (267679)**

Northside Foods (3559 Lyndale Av N): Rescind action passed April 6, 2001 revoking Site Plan Review Permit SP-216 and Grocery Store License; and Direct Zoning & Planning staff to change the major site plan to a minor site plan review.

**TRANSPORTATION AND PUBLIC WORKS:**

**NORTHWEST CORRIDOR PARTNERSHIP (267680)**

Bus Rapid Transit in the 81 Corridor.

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

**PUBLIC WORKS AND ENGINEERING (267681)**

Logan Park Area Residential Lighting Project: Designation of project and location and set assessment public hearing.

Bank St Area Residential Lighting Project: Direction to prepare assessments and establish street lighting district.

Downtown Transportation Management Organization Executive Committee: Approve nomination of Peter Wagenuis as Mayor's representative; Amend by-laws to include two additional members; Approve nomination of Dan Hunt and Carol Flynn to Board.

Encroachment Permit: Reject Letter of Agreement with Sixth & Nicollet LLC and M.A. Mortenson, Inc. regarding encroachment at 600 Nicollet Mall for pilings and a tunnel under 6th St S.

City Council/Mayor On-Street Parking: Remove six spaces and replace with parking meters and relocate handicap parking and transfer zones.

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

**PUBLIC WORKS AND ENGINEERING (267682)**

Water Works Hilltop Reservoir Project: Amend contract with Knutson Construction Services to extend end date; Amend contract with Veit & Company to extend end date.

2nd St Commercial Paving Project (6th Av SE): Increase project appropriation to recognize the receipt of Municipal State Aid funds.

**PURCHASING (267683)**

Bids:

OP #5776, low bids of Fischer Sand & Aggregate and Aggregate Industries for aggregate and/or mineral filler;

OP #5676, low bid of Synagro Midwest, Inc. for disposal of lime waste.

**THOR CONSTRUCTION (267684)**

Bid: OP #5700, comments regarding bid for earthwork and membrane installation at Fridley Reservoirs #1 and #2.

**WAYS AND MEANS BUDGET:**

**CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (267685)**

Convention Center Expansion Project: Change Management Actions.

**PURCHASING (267686)**

Staff Purchasing Letters.

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

ATTORNEY (267687)

Lawsuit Settlements: Claims of Mr. Kopp, Kerry Swirn and children and parents of Gardenia Turner.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (267688)

Convention Center Expansion Project Change Orders: Increase contracts with Impulse Group and Swanson & Youngdale.

COORDINATOR (267689)

New Central Library Project: Authorize issue request for proposals for moving services to interim locations.

FINANCE DEPARTMENT (267690)

2002 Budget: Proposed departmental budget reductions; Proposal of Mayor and Council Members to amend the 2002 Budget to reflect a reduction of \$5.2 million.

FINANCE DEPARTMENT (267691)

Utility Bill Inserts: Center for Energy and Environment regarding below market energy and home improvement loans and information on direct bill payment.

Lease of Space to the City: Amend ordinance to eliminate requirement for a landlord to provide to the City a bond for taxes when leasing space to the City.

Workers' Compensation Claim Settlements: Claims of Gary Jensen, Charles Malmberg, and Thomas Jullie.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (267692)

Pay Telephones: Contract with Praeses Corporation for collection of revenue and monitoring program for pay telephones on the public right-of-way.

Minneapolis Telecommunications Network (MTN) Board of Directors: Appointment of Robert Vose and Tamir Nolley.

PLANNING COMMISSION/DEPARTMENT (267693)

Redesign of Marshall St NE: Accept NRP funds from St. Anthony West and Sheridan Neighborhoods for consultant contract.

Humboldt Industrial Area: Accept NRP funds from the Shingle Creek Neighborhood for landscape planning.

Central Av Crime Prevention Through Environmental Design Project: Accept NRP funds from Audubon Park and Windom Park Neighborhoods; Authorize receipt of MCDA funds for the Northeast Economic Development Committee administrative support.

PURCHASING (267694)

Bid: OP #5761, accept low bids of Network Design and Metro Communication Service for voice and cable for the Information and Technology Services Department.

**ZONING AND PLANNING:**

HERITAGE PRESERVATION COMMISSION (267695)

Colliers Towle Real Estate, for T. Denny Sanford, C.W., Inc: Appeal re issuance of Certificate of Appropriateness for demolition of building at 329 N 1st St & replace it with landscaping & fence.

INSPECTIONS/BOARD OF ADJUSTMENT (267696)

Peter Watson (2012 Sheridan Ave S): Appeal re height variance application for accessory structure.

Intermaco Inc (2400 Bloomington Ave): Recommendation on revocation of previous Z&P action.

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

CITY CLERK/SPECIAL PERMITS (267697)

24 University Av NE (Allen D Miller) operate a health and fitness facility.

INSPECTIONS/ZONING ADMINISTRATOR (267698)

Hansen Brothers' Fence (2716 Lowry Ave N): Revocation determination on conditional use permit.

PLANNING COMMISSION/DEPARTMENT (267699)

Rezoning: David Croquette, for Families Moving Forward (3806, 3808, 3812 & 3816 - 3rd Ave S); Prima Land (3633 Columbus Ave S).

Zoning Code Text Amendment: Return to author ordinance amending Title 20, Chapter 551, Article II, allow fast food restaurants with drive-thru facilities to rebuild in Dinkytown Pedestrian Oriented Overlay District.

**PLANNING COMMISSION:**

ELLIOT PARK ASSOCIATES LLC (267700)

Permission to vacate a small triangle of land located outside the public right-of-way on the north side of Grant St west of Portland Av S.

MCDACSM INVESTORS II (267701)

Permission to vacate utility easement for vacated 5th Av S between Washington Av S and 2nd St S.

**FILED:**

CITY CLERK/SPECIAL PERMITS (267702)

42nd St E, 4600 (Nordquist Sign Co) sign;

Park Av, 2304 (Signart) sign.

**REPORTS OF STANDING COMMITTEES**

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

**Claims** - Your Committee, having under consideration a claim filed against the City by Sandra Meyer, 3726 Russell Av N, requesting reimbursement of veterinary bills for injuries to her dog, now recommends payment of \$3,178 to Ms. Meyer, subject to the execution of a release acceptable to the City Attorney.

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

Yeas - Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Biernat, Colvin Roy, Ostrow.

Nays - Johnson.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

**Comm Dev** - Your Committee, having under consideration the division of a lot located at 3548 Polk Street NE, as more fully set forth in Petn No 267662, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution approving said division, waiving the requirement of a subdivision plat and directing that a copy of the resolution be attached to the deeds conveying the subdivided parcels.

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

Your Committee further recommends that summary publication of the above-described Resolution be authorized.

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-029, approving the subdivision of a lot at 3548 Polk St NE, was passed February 15, 2002 by the City Council and approved February 21, 2002 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 2002R-029**  
**By Goodman**

**Approving the subdivision of a lot at 3548 Polk Street NE.**

Whereas, the Minneapolis Community Development Agency (MCDA) has requested that a parcel of land located at 3548 Polk Street NE and legally described as Lot 6, except the North 5 feet thereof; and Lot 7, except the South 20 feet thereof; Block 11, Hilo Park be subdivided as follows:

**WP-1A:** Lot 6, except the North 5 feet and the South 7.5 feet thereof, Block 11, Hilo Park; and

**WP-1B:** The South 7.5 feet of Lot 6, and Lot 7, except the South 20 feet thereof; Block 11, Hilo Park; and

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

**3554 Polk Street NE (WP-1A):** Lot 5 and the South 10 feet of Lot 4 and the North 5 feet of Lot 6, Block 11, Hilo Park; and

**3542 Polk Street NE (WP-1B):** The South 20 feet of Lot 7 and the North 35 feet of Lot 8, Block 11, Hilo Park; and

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

Whereas, pursuant to due notice thereof published in Finance and Commerce on January 25, 2002, a public hearing on said subdivision and proposed sale was duly held in a joint meeting of the Community Development Committee of the City Council and the Operating Committee of the MCDA at 1:30 p.m., February 4, 2002, in Room 317, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

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

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

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of a Contamination Cleanup Grant from the Minnesota Department of Trade and Economic Development (DTED), in the amount of \$1,103,734, and a Tax Base Revitalization Account Grant from the Metropolitan Council, in the amount of \$210,537, for pollution remediation activities on the Unocal-Thornton Street Housing Site.

Your Committee further recommends passage of the accompanying resolution amending the 2002 Minneapolis Community Development Agency Appropriation Resolution, increasing the appropriation and revenue budget by a total of \$1,314,271.

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

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-030**  
**By Goodman and Johnson**

**Amending The 2002 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 SMN (3215-04 MN State Grants) by \$1,103,734 and (3215-15 Other MN Grantor Agencies) by \$210,537, for a total increase of \$1,314,271 from the projected fund balance, and increasing the Revenue Budget in Fund SMN (3215-04 MN State Grants) by \$1,103,734 and (3215-15 Other MN Grantor Agencies) by \$210,537, for a total increase of \$1,314,271.

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a request from JPI Development, Inc., for the Minneapolis Community Development Agency (MCDA) to act as a pass-through conduit to assist in securing the excess right-of-way property located near the Dartmouth interchange of I94, between Huron Boulevard and 27th Avenue SE, currently owned by the Minnesota Department of Transportation, now recommends approval, in accordance with MCDA's Real Property Disposition Policy 6(e), dated August 11, 2000.

Your Committee further recommends passage of the accompanying Resolution amending the 2002 MCDA Appropriation Resolution by increasing the appropriation and revenue budget in Fund GEN (General) by \$101,000.

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-031**  
**By Goodman and Johnson**

**Amending The 2002 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 GEN (General) by \$101,000 from projected fund balance, and increasing the Fund GEN Revenue Budget (3485-Land Sale) by \$101,000.

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the City Apartments ~~at Loring Park Project currently being developed by Village Green Companies, located at Street~~ South and Harmon Place, now recommends passage of the accompanying resolution, amending the 2002 Minneapolis Community Development Agency Appropriation Resolution, increasing the appropriation and revenue budget for Fund CHA (13<sup>th</sup> and Harmon) by \$2,675,000 to cover the deposit due to Hennepin County District Court, plus interest and miscellaneous costs relating to this pass-through transaction funded by the developer, with the exception of \$151,620 (for one-half of the related alley), which is anticipated to be repaid from future affordable housing payments from other area developments.

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.  
Approved February 21, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-032**  
**By Goodman and Johnson**

**Amending The 2002 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 for Fund CHA (13<sup>th</sup> and Harmon) by \$2,675,000 from projected fund balance, and increasing the revenue budget for Fund CHA (3485-Land Sales) by \$2,675,000.

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the following Metropolitan Council 2001 Livable Community Demonstration Account (LCDA) Grant(s) and the Supplementary Transit Funding (STF) Grant(s), for the amounts indicated, for a total of \$2,736,250, as more fully set forth in Petn No 267664 on file in the Office of the City Clerk:

- a) Franklin Avenue Light Rail Transit (LRT), \$288,750;
- b) Franklin-Portland Gateway - Hope Community, Central Community Housing Trust (CCHT), Franklin Avenue Development, \$500,000;
- c) Hiawatha LRT Station Area Development Enhancements, \$247,500;
- d) Near North Redevelopment (Heritage Park), \$1,500,000; and
- e) Many Rivers Housing, \$200,000.

Your Committee further recommends that the proper City officers be authorized to execute or amend the necessary grant agreements, for a period to commence the date of contract execution and to expire December 31, 2004.

Your Committee further recommends that the proper City officers be authorized to execute appropriate legal agreements to implement projects with selected vendors.

Your Committee further recommends passage of the accompanying Resolution increasing the Non-Departmental Agency appropriation and the Transfer Agency appropriation by \$2,736,250, for transfer to the Minneapolis Community Development Agency (MCDA).

Your Committee further recommends passage of the accompanying resolution amending the 2002 MCDA Appropriation Resolution, increasing the appropriation and revenue budget in Fund SMN by \$2,200,000 and increasing the appropriation and revenue budget in Fund FGO by \$536,250.

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-033**  
**By Goodman and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

- a) increasing the appropriation for the Non-Departmental Agency in the Grants - Other Fund (0600-123-1232-5130) by \$2,736,250; and

b) increasing the appropriation for the Interfund Transfer Agency in the Grants - Other Fund (0600-127-1270-3825) by \$2,736,250, for transfer to the Minneapolis Community Development Agency.

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-034  
By Goodman and Johnson**

**Amending The 2002 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:

a) increasing the appropriation in Fund SMN by \$2,200,000 from projected fund balance, and increasing the revenue budget in Fund SMN (3215-13, Other Minnesota Grantor Agencies) by \$2,200,000; and

b) increasing the appropriation in Fund FGO by \$536,250 from projected fund balance, and increasing the revenue budget in Fund FGO (3210-14, Other Federal Grants) by \$536,250.

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, 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 Downtown Minneapolis Neighborhood Action Plan (the Plan) with total NRP expenditures not to exceed \$1,839,947, as set forth in Petn No 267665, now recommends:

1) That said Plan, and specifically those parts of the Plan which fall under City jurisdiction, be approved and be retroactively effective November 13, 2001;

2) Passage of the accompanying resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing Fund CNR0 (NRP Program) by \$818,447;

3) That the MCDA staff be directed to establish dedicated reserve funds for the Plan within Fund CNR0 and to assign \$477,000 to such reserve funds for future year expenditures on the approved Plan;

4) That the proper City officers be authorized to execute any contracts or agreements needed to implement activities set forth in the Plan; and

5) That this action be transmitted to the Board of Commissioners of the MCDA for authorization for the appropriate MCDA officers to execute any contracts or agreements necessary to implement activities set forth in the Plan.

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-035  
By Goodman and Johnson**

**Amending The 2002 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 CNRO (NRP Program) by \$818,447 from projected fund balance.

Adopted. Yeas 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

**H&HS** - Your Committee recommends that the proper City Officers be authorized to execute a contract with Hennepin County, through its Community Health Department, in the amount of \$219,942, to provide public health nursing services to women and children through the State funded TANF Home Visiting Project. Said contract shall be payable from Health & Family Support (060-860-8621), contingent upon receipt of funding as anticipated from the State of Minnesota.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **INTERGOVERNMENTAL RELATIONS** Committees submitted the following report:

**H&HS & IGR** - Your Committee, having under consideration a Resolution declaring that the City of Minneapolis support an increase in the tax on cigarettes by \$1.00 per package, now recommends:

**H&HS** - passage of the above-entitled Resolution.

**IGR** - that the above-entitled Resolution be sent forward without recommendation.

Johnson Lee moved to amend the report to approve the Health & Human Services Committee recommendation and to delete the Intergovernmental Relations Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, lost.

Yeas, 6; Nays, 7 as follows:

Yeas - Zimmermann, Zerby, Lilligren, Johnson Lee, Benson, Biernat.

Nays - Schiff, Niziolek, Goodman, Lane, Johnson, Colvin Roy, Ostrow.

Lost February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Zerby moved to amend the Resolution to reduce the Minnesota excise tax on cigarettes from \$1.00 to 29 cents, and striking the reference to the amount of revenue that would be raised. Seconded.

Johnson moved to refer the subject matter of the above-entitled Resolution back to the Health & Human Services and Intergovernmental Relations Committees. Seconded.

Adopted upon a voice vote.

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

**IGR** - Your Committee recommends passage of the accompanying resolution supporting the State of Minnesota in protecting the natural flow of Camp Coldwater Springs.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-036**

**By Johnson Lee, Goodman, Zimmermann, Benson**

**Supporting the State of Minnesota in protecting the natural flow of Camp Coldwater Springs.**

Whereas, the Minnesota State Legislature overwhelmingly passed 2001 Minnesota Laws Chapter 101, which prohibits any state, regional, or local government action that would diminish the flow to or from Camp Coldwater Springs and which requires review of projects under the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act; and

Whereas, the Federal Highway Administration has called on the Minnesota Department of Transportation to do additional testing and monitoring of the site to determine a dewatering rate that will not affect the flow rate at the Springs; and

Whereas, the extension of Crosswind Runway 4-22 at the Minneapolis-St. Paul International Airport has been postponed indefinitely in light of reduced demand for a longer runway due to cancellation of nonstop flights to Hong Kong and improvements in airplane technology; and

Whereas, Camp Coldwater is a registered National Historic Landmark that figures prominently in Native American, European American, and African American history in Minnesota; and

Whereas, Camp Coldwater lies entirely within the Mississippi National River and Recreation Area (MNRRA);

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

That the City of Minneapolis supports 2001 Minnesota Laws Chapter 101 as passed and effected in May 2001.

Be It Further Resolved that the City calls on our State Legislators not to amend or repeal these protections for historic Camp Coldwater Springs.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor

Attest: M. Keefe, City Clerk.

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

**PS&RS** - Your Committee, to whom was referred an Ordinance amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations* by adding a new Chapter 266 relating to *Rental Halls*, setting forth the operating requirements and licensing regulations for rental halls, and the conditions under which a license application may be denied, revoked or suspended, now recommends that said Ordinance be given its second reading for amendment and passage with summary publication.

Johnson Lee moved to amend Section 266.20 of the Ordinance, Item "4" to add the language "non-profit activities or for" before the language "bona fide religious activities". Seconded.

Zerby moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

**PS&RS** - Your Committee, having under consideration the application of Degrees of Entertainment Inc, dba Club Ashe, 322 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License (change in ownership from Club Ashe Partners LLP) to expire January 1, 2003, and a Special Late Night Entertainment License to expire January 1, 2002, and having held a public hearing thereon, now recommends the following:

a. that the On-Sale Liquor Class A with Sunday Sales License be granted, subject to the licensee not allowing any activities to occur on the premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities in accordance with the License Addendum Agreement as set forth in Petn No 267672 on file in the

Office of the City Clerk, and subject to final inspection and compliance with all provisions of applicable codes and ordinances.

b. that the Special Late Night Entertainment License be sent forward without recommendation.

Biernat moved to amend item "b" of the report by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "not be granted". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Billy M Brown, dba Johnny on the Spot, 12851 Central Av, Blaine, for a Towing Class B License to expire September 1, 2002, now recommends that said license be granted, subject to the following conditions:

a. the licensee must provide proof of insurance for all commercial vehicles on the Minneapolis Certificate of Insurance form.

b. the licensee will inform the Licenses Division if he hires any employees and will resubmit a Workers' Compensation form showing proof of insurance.

c. the licensee agrees not to allow anyone else to move, drive or operate his tow truck.

d. the licensee may not operate a towing business or park commercial vehicles in any residential area; both must be done in a legally zoned commercial area.

e. the licensee agrees not to use Minneapolis residential streets for storage of any vehicles towed by the licensed business.

f. the licensee agrees to not stop or park his commercial vehicle unless he is actively engaged in a legal tow.

g. if the licensee's commercial vehicle is found to be stopped or parked on private property, the licensee gives permission to allow agents of the City to immediately tow the vehicle.

h. the licensee will bring his tow truck to the Meter Lane to be inspected by February 28, 2002.

i. if the licensee's designated parking area is in the City of Minneapolis, he will comply with all Zoning site plan requirements.

j. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, 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 January 1, 2003**

V & Y Inc, dba Dom's Liquor, 2201 University Av NE;

**Off-Sale Liquor, to expire April 1, 2003**

John Wolf Enterprises Inc, dba Chicago Lake Liquor Store, 825 E Lake St;

South Lyndale Liquors Inc, dba South Lyndale Liquor, 5300 Lyndale Av S;

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2002**

Al Di Sal Inc, dba Lounge, 411 2nd Av N (new manager);

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2003**

Rooftop Inc, dba Marshall Fields 12th Floor, 700 Nicollet Mall, #BS, 2 & 8;

**On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2003**

Classic Affairs Inc, dba Schieks Palace Royale, 115 S 4th St;

Walker Art Center, dba Walker Art Center, 725 Vineland Pl;

**On-Sale Liquor Class A with Sunday Sales, to expire February 8, 2002**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, February 8, 2002, 5:30 p.m. to 11:00 p.m., Mariano/Birk Wedding);

**On-Sale Liquor Class B with Sunday Sales, to expire February 3, 2002**

Baz Inc, dba Champps, 100 N 6th St (temporary expansion of premises, February 3, 2002, 4:00 p.m. to 11:00 p.m., Great Clips Co);

**On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2003**

Shaw's Bar & Grill Inc, dba Shaw's Bar & Grill, 1528 University Av NE;

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2003**

Dinkytownner Inc, dba Dinkytownner Cafe, 412 14th Av SE;

Jax Cafe Inc, dba Jax Cafe, 1922 University Av NE;

Stardust Lanes Inc, dba Stardust Lanes, 2520 26th Av S;

Lake & Hennepin BBQ and Blues Inc, dba Famous Dave's BBQ & Blues, 3001 Hennepin Av #G-109;

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2002**

Sophias Inc, dba Sophias Restaurant, 65 Main St SE #143;

**On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2003**

Russel-Harris Enterprises, dba Annie's Parlor, 313 14th Av SE;

**On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2002**

La Toscana LLC, dba La Toscana Ristorante, 3220 W Lake St (upgrade from Class E with Sunday Sales);

**On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2003**

Two Wiseguy's Inc, dba Origami Restaurant, 30 N 1st St, 1st floor;

**On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2003**

Fransen Inc, dba Gluek Brewing Co, 16 N 6th St;

Brinda Investments Inc, dba Tugg's on the River, 219 Main St SE;

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

Market Bar-B-Que Inc, dba Market Bar-B-Que, 1414 Nicollet Av;

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2002**

Brandon's 923 Inc, dba Brandons 923 Club, 923 Washington Av N;

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

Haze 2 Group, dba Grumpy's Bar, 2200 4th St NE;

**On-Sale Liquor Class E, to expire October 1, 2002**

Halek's Inc, dba Halek's Bar, 2024 Washington Av N;

**On-Sale Wine Class D with Strong Beer, to expire April 1, 2003**

Rita & Giorgio Inc, dba Giorgio's on Lake, 1601 W Lake St;

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2002**

Cafe Twenty Eight LLC, dba Cafe Twenty Eight, 2724 W 43rd St;

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2003**

AIMM Restaurant Inc, dba The Art Institutes Intl Minnesota, 15 S 9th St;

D'Amico & Sons Inc, dba D'Amico & Sons Nicollet, 55 Nicollet Mall;

Rooftop Inc a Minnesota Corporation, dba Daytons 700 Express Restaurant, 700 Nicollet Mall;

Natraj Enterprises LLC, dba Natraj India Kitchen, 1123 W Lake St;

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

Sidney's Inc, dba Sidney's Pizza Cafe, 2120 Hennepin Av;

D'Amico & Sons Inc, dba D'Amico & Sons, 2210 Hennepin Av;

Pierre's Bistro Inc, dba Pierre's Bistro, 2221 W 50th St;

Hop Lee Inc, dba Peking Garden Restaurant, 2324 University Av SE;

Lorenzo & Giorgio Inc, dba Pane E Vino, 2451 Hennepin Av;

Wong Carl, dba Seafood Palace, 2523 Nicollet Av;

Christos Inc, dba Christos, 2632 Nicollet Av;

HJH Inc, dba Sawatdee Uptown, 2650 Hennepin Av;

Minnehaha Falls Corporation, dba Pearson's Edina Restaurant, 3808 W 50th St;

Great Wall Incorporated, dba Great Wall Chinese Restaurant, 4515 France Av S;

Pomodoro Inc, dba Prima Pasta Salads Panini, 5325 Lyndale Av S;

First Course Inc, dba First Course, 5607 Chicago Av;

Emison Enterprises Inc, dba 5-8 Club, 5800 Cedar Av;

**Off-Sale Beer, to expire April 1, 2002**

Dawood Lalji Inc, dba Centre Village Shop, 700 5th Av S (new proprietor).  
Adopted. Yeas, 12; Nays none.  
Declining to Vote - Benson.  
Passed February 15, 2002.  
Approved February 21, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of February 15, 2002, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 267672):

Bill Posting & Sign Painting; Building Contractor Class B; Car Wash; Concrete Masonry Contractor Class A; Dry Cleaner - Flammable; Dry Cleaner - Non-flammable; Dry Cleaning & Laundry Pickup Station; Laundry; Drywall Contractor; Place of Entertainment; Confectionery; Food Distributor; Grocery; Ice Producer - Dealer/Wholesale; Restaurant; Short-Term Food Permit; Vending Machine; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Liquid Waste Hauler; Lodging House; Lodging House with Boarding; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class A; Towing Class B; Peddler - Special Religious; Plumber; Recycling/Salvage Yard; Refrigeration Systems Installer; Secondhand Goods Class B; Antique Dealer Class B; Antique Mall Operator Class B; Sign Hanger; Skating Rink - Ice Roller; Steam & Hot Water Systems Installer; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer; Taxicab Limited; Taxicab Vehicle; Taxicab Vehicle Non-transferable; Tobacco Dealer; Combined Trades; Tree Servicing; and Wrecker of Buildings Class B.

Adopted. Yeas, 12; Nays none.  
Declining to Vote - Benson.  
Passed February 15, 2002.  
Approved February 21, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

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

**Gambling-Lawful Class B**

Lions Club of Northeast Minneapolis, dba Lions Club of Northeast Minneapolis, PO Box 22115 (Site: 22nd Avenue Station, 2121 University Av NE);  
Lions Club of Northeast Minneapolis, dba Lions Club of Northeast Minneapolis, PO Box 22115 (Site: Vegas Lounge, 965 Central Av NE);  
Lions Club of Northeast Minneapolis, dba Lions Club of Northeast Minneapolis, PO Box 22115 (Site: Jimmy's Bar & Lounge, 1828 4th St NE);  
Baseline Club, dba Baseline Club, 25 University Av SE (Site: 200 Club, 200 Broadway Av N);  
Baseline Club, dba Baseline Club, 25 University Av SE (Site: Stand Up Franks, 2017 N 2nd St);  
Baseline Club, dba Baseline Club, 25 University Av SE (Site: Waldos Bar, 4601 Lyndale Av N);  
Minnesota/USA Wrestling Inc, dba Minnesota/USA Wrestling Inc, 3327 Hennepin Av (Site: American Legion Post 1, 2532 25th Av S);

**Gambling Lawful Exempt**

Cancer Benefit Fund, dba Cancer Benefit Fund, 9323 Turnberry Alcove, Woodbury (Raffle February 9, 2002 at Radisson Plaza Hotel, 35 S 7th St);  
Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (Raffle February 24, 2002 at IDS Center Crystal Court and Minneapolis Lifetime Athletic Club, 7th St and Nicollet Mall);  
Minnesota AIDS Project, dba Minnesota AIDS Project, 1400 Park Av (Raffle March 24, 2002);  
Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle April 7, 2002);

Childrens Healthcare Foundation, dba Childrens Healthcare Foundation, 2525 Chicago Av S (Raffle April 20, 2002 at Marriott City Center, 30 S 7th St);

Northeast Regional Catholic School, dba Northeast Regional Catholic School, 1630 4th St NE (Bingo, raffle, paddlewheel, pulltabs & tipboards April 28, 2002);

Festival of the Health & Soul Inc, dba Festival of the Heart & Soul Inc, 701 N 3rd St #105 (Raffle May 19, 2002 at Bunkers Bar & Grill Parking Lot, 761 Washington Av N).

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the Liquor License held by Pizza Luce Inc, 119 4th St N, and an Administrative Hearing having been held before Administrative Law Judge George Beck who issued Findings of Fact, Conclusions of Law and a Recommendation that the City Council take disciplinary action against the liquor license held by Pizza Luce, on file in the Office of the City Clerk, now recommends that the licensee pay an administrative fine of \$500 to the City of Minneapolis.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having received an application for deferment of special assessment submitted by Helen Gozel for the removal of a hazardous tree assessment, in the amount of \$2,558 (Levy #1084), for the property located at 2307 Marshall St NE (PID #10-029-24-41-0023), now recommends that said application be approved as provided for in Minnesota Statutes Section 435.193 and Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends passage and summary publication of the accompanying Resolution requesting Northern States Power Company to convert the Riverside Plant to Natural Gas.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-037, requesting Northern States Power Company to convert the Riverside Plant to Natural Gas, was passed February 15, 2002 by the City Council and approved February 21, 2002 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 2002R-037**

**By Biernat, Zerby, Ostrow, Johnson, Johnson Lee, Zimmermann, Goodman,  
Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane**

**Requesting Northern States Power Company to convert the Riverside Plant to Natural Gas.**

Whereas, Minnesota generates 68 percent of the State's electricity by burning coal; and  
Whereas, coal-fired power plants are the largest industrial source of air pollution in Minnesota, emitting

- 40 percent of Minnesota's total smog-forming nitrogen oxide emissions per year, which is the emission equivalent of over 4 million cars;
- 78 percent of Minnesota's total sulfur dioxide emissions per year, which contribute to particulate pollution associated with premature deaths and acid rain;
- 38 percent of Minnesota's total carbon dioxide emissions per year, which contribute to climate change;
- 30 percent of Minnesota's total mercury emissions, which damage neurological systems, especially in children; and

Whereas, most older coal-burning power plants are exempt from meeting the pollution control standards that new plants must meet under the Clean Air Act and are permitted to emit nitrogen oxide and sulfur dioxide pollution at rates five to ten times greater than that of new plants; and

Whereas, air pollution from coal-burning power plants can travel great distances adversely impacting the health of both local residents and residents in neighboring states; and

Whereas, extensive reliance on coal-fired power plants represent intolerable health and environmental costs to society; and

Whereas, Northern States Power Company (dba Xcel Energy) announced plans last year to convert two boilers at its Black Dog Power Plant from coal to natural gas greatly reducing the amount of harmful emissions and increasing generation capacity and are undertaking feasibility studies to do the same at the Riverside Plant in Minneapolis and the High Bridge Plant in St. Paul through the Metro Emissions Reduction Project; and

Whereas, the City of Minneapolis appreciates Northern States Power Company's (dba Xcel Energy) current efforts to address public concerns and inform them about the inherent opportunities to clean up old coal power plants via the Metro Emissions Reduction Project in particular as regards the Riverside Plant;

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

That it calls on Northern States Power Company (dba Xcel Energy) to convert the Riverside Plant from coal to natural gas, as an interim measure on a path to renewable energy, to reduce the environmental and public health impacts that coal burning presents to the community.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, 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 acceptance of the following bids in accordance with City specifications (Petn No 267678):

a. OP #5793, low bid submitted by Trades Unlimited, for an estimated annual expenditure of \$40,000, to provide boarding services to secure vacant and open buildings as needed through December 31, 2003; vendor offers to extend terms and conditions for the years 2004 and 2005 at the sole option of the City of Minneapolis.

b. OP #5779, low bid submitted by Jason Mattsen, Inc., for an estimated two-year expenditure of \$90,000, to accomplish weed and/or plant growth cutting for the North District as needed during the period ending December 31, 2003.

c. OP #5794, low bid submitted by People Business Network, for an estimated two-year expenditure of \$125,000, to furnish all labor, materials and incidentals necessary to secure vacant and open buildings through the period December 31, 2003; vendor offers to extend terms and conditions for the years 2004 and 2005 at the sole option of the City of Minneapolis.

d. OP #5778, low bid submitted by Jason Mattsen, Inc., for an estimated two-year expenditure of \$300,000, for removal and disposal of hazardous and/or fallen trees and branches as needed through December 31, 2003; vendor offers to extend terms and conditions for the year 2004 at the sole option of the City of Minneapolis.

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

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute an amendment to the grant agreement with the Minnesota Department of Economic Security to receive an additional \$20,136 in Year II program funding under the Minnesota Juvenile Justice Advisory Committee Grant to fund the Walker Community Methodist Church Family Group Conferencing Program, a community-based restorative justice program for qualifying first time juvenile offenders. The required 50 percent local match will be provided by the Walker Community Methodist Church; five percent of the total award will be retained by the Police Department for grant administration.

Your Committee further recommends passage of the accompanying Resolution appropriating \$20,136 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-038**

**By Biernat and Johnson**

**Amending The 2002 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-C011) by \$20,136 and increasing Revenue Source (030-400-C011 - Source 3210) by \$20,136.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **ZONING & PLANNING** Committees submitted the following report:

**PS&RS & Z&P** - Your Committee, having under consideration report passed April 6, 2001 revoking Site Plan Review Permit SP-216 allowing a grocery store at 3559 Lyndale Av N, and the Grocery License held by Idriss Alnabi, dba Northside Food Market, now recommends that said report revoking the zoning approval and the business license be rescinded, and that Zoning & Planning staff be directed to change the major site plan to a minor site plan review for Northside Foods.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

**Rules** - Your Committee, having under consideration City Council Rule 1, *Meetings*, now recommends amending the last sentence of Rule 1B to read as follows:

"The Council Vice-President shall chair the regular committee of the whole meetings."

Your Committee further recommends amending City Council Rule 11A, *Standing Committees*, by reducing the quorum for the Public Safety & Regulatory Services Committee from 4 to 3.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

**T&PW** - Your Committee, having under consideration the Logan Park Area Residential Lighting Project (Adams St NE to Madison St NE and bounded by but not including Broadway St NE to 17<sup>th</sup> Av NE), now recommends passage and summary publication of the accompanying resolution designating the location and improvements proposed as a part of said project.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-039, designating the location and improvements proposed as a part of the Logan Park Area Residential Lighting Project, was passed February 15, 2002 by the City Council and approved February 21, 2002 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 2002R-039**

**By Colvin Roy**

**Logan Park Area Street Lighting Project  
Special Improvement of Existing Street No. 2233**

**Designating the improvements of certain existing streets at the location described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by installing ornamental street lights with all necessary appurtenances and work related thereto:

Adams St NE from approximately the north ROW line of Broadway St NE to the south ROW line of 17<sup>th</sup> Av NE;

Jefferson St NE from approximately the north ROW line of Broadway St NE to the south ROW line of 17<sup>th</sup> Av NE;

Madison St NE from approximately the south ROW line of 13<sup>th</sup> Av NE to the south ROW line of 17<sup>th</sup> Av NE;

13<sup>th</sup> Av NE from Adams St NE to Madison St NE;

15<sup>th</sup> Av NE from Adams St NE to Madison St NE.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having received a cost estimate of \$426,000 for street lighting improvements and the list of benefited properties for the Logan Park Area Street Lighting Project, Special Improvement of Existing Street No. 2233, as designated by Resolution 2002R-039, passed February 15, 2002, now recommends that the City Engineer be directed to

prepare a proposed Street Lighting Special Improvement Assessment in the amount of \$286,000 against the list of benefited properties by applying the street influence zone area method.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation & Public Works Committee on March 28, 2002, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above-designated street lighting project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee reports, that in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the establishment of street lighting districts (said Chapter 431 defining such street lighting district as an area wherein lighting in excess of minimum street lighting is provided and further providing that the City's costs over and above said minimum lighting shall be paid by the benefited property owners), the City Engineer has presented to your Committee the details required by said Chapter 431 in connection with proposed Street lighting District 1288 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated as Logan Park Area (streets to receive lighting are as designated in the Logan Park Area Street Lighting Project, Special Improvement of Existing Street No. 2233).

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

Number of assessable parcels in said district	242
Total assessable frontage in feet	12,474
Annual cost per foot	\$0.36

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

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation & Public Works Committee on March 28, 2002, in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances, to consider the establishment of said proposed Street Lighting District No. 1288.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration the Bank Street Area Residential Lighting Project (in the area bounded by but not including Hennepin Av E, University Av SE, Central Av SE and Main St SE and having received a cost estimate of \$426,000 for street lighting improvements and the list of benefited properties for said project, Special Improvement of Existing Street No. 2232, as designated by Resolution 2001R-558, passed December 28, 2001, now recommends that the City Engineer be directed to prepare a proposed Street Lighting Special Improvement Assessment in the amount of \$198,000 against the list of benefited properties by applying the street influence zone area method.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation & Public Works Committee on March 28, 2002, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above-designated street lighting project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.  
(Republished July 10, 2002)

**T&PW** – Your Committee reports, that in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the establishment of street lighting districts (said Chapter 431 defining such street lighting district as an area wherein lighting in excess of minimum street lighting is provided and further providing that the City's costs over and above said minimum lighting shall be paid by the benefited property owners), the City Engineer has presented to your Committee the details required by said Chapter 431 in connection with proposed Street lighting District 1287 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated as Bank Street Area (streets to receive lighting are as designated in the Bank Street Area Street Lighting Project, Special Improvement of Existing Street No. 2232).

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

Number of assessable parcels in said district	7
Total assessable frontage in feet	2,600
Annual cost per foot	\$0.60

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

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation & Public Works Committee on March 28, 2002, in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances, to consider the establishment of said proposed Street Lighting District No. 1287.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having received recommendations from the Downtown Traffic Management Organization (TMO) regarding the membership and composition of their Executive Committee, now recommends approval of the following:

a) That Peter Wagenius be appointed as the Mayor's representative (replacing Buck Humphrey);

b) Concurrence with the TMO Executive Committee recommendation to amend their bylaws to expand the Executive Committee by two members (for a total of 16) and that the two new members shall be representatives of the multi-housing business and downtown resident sector;

c) That Dan Hunt (HuntGregory) be appointed as the multi-housing representative and Carol Flynn be appointed as the downtown resident representative.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration previous approval to remove on-street parking for the City Council and Mayor and having received a plan formulated by the Transportation Division that would replace those six parking spaces with metered parking as well as relocate handicap parking spaces and a handicap parking zone, now recommends approval of the following:

a) Removal of the six parking spaces designated for City Council/Mayor permit parking on 4<sup>th</sup> Av S, and installation of six parking meters with a fifteen minute limit (8 am to 6 pm, Monday through Friday); and

b) To better enforce and control parking along 4<sup>th</sup> St in front of City Hall, move the existing handicap parking spaces in front of City Hall on 4<sup>th</sup> St S to the far west portion of the block

adjacent to 3<sup>d</sup> Av S, and move the existing handicap transfer zone spaces easterly to directly west of the existing bus stop.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration a proposed Letter of Agreement between the City and Sixth and Nicollet LLC and M. A. Mortenson, Inc. regarding pilings and a tunnel under 6<sup>th</sup> St adjacent to the 600 Nicollet Mall Building and having been informed that City staff is recommending that the Letter of Agreement be rejected, now recommends that the matter be forwarded without recommendation and that the appropriate staff be directed to negotiate an agreement for an encroachment permit.

Colvin Roy moved to substitute the following report for the above report. Seconded.

Motion adopted by unanimous consent.

**T&PW** - Your Committee, having under consideration the claims of 6th & Nicollet LLC and M.A. Mortenson, Inc. ("the Companies") regarding encroachments at 600 Nicollet Mall for pilings and responsibility for an abandoned tunnel under 6th St S, now recommends that the claims of the Companies be settled pursuant to the terms and conditions developed in the Committee's deliberation of this matter, including requiring the Company to apply for and the City to consider an encroachment permit regarding pilings along Nicollet Mall and 6th St S, with the Company having no future liability to the City for the abandoned tunnel under 6th St S, and further recommends that the City Attorney be authorized to execute any documents necessary to effectuate the settlement of such claims.

The report, as substituted, was adopted.

Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

**T&PW & W&M/Budget** – Your Committee, having under consideration the Water Works Hilltop Reservoir Project, now recommends that the proper City officers be authorized to execute Amendment No. 2 to City Contract #C99-14270, for construction services with Knutson Construction Services, Inc. by extending the end date for the contract to December 31, 2002. The contract remains payable from the Public Works - Water – Capital Agency (7400-950-9515).

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the Water Works Hilltop Reservoir Project, now recommends that the proper City officers be authorized to execute an amendment to City Contract #C97-11931, for soil construction services with Veit & Company, Inc. by extending the end date for the contract to December 31, 2003. The contract remains payable from the Public Works - Water – Capital Agency (7400-950-9515).

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the 2<sup>nd</sup> St Commercial Paving Project and having been informed that the 6<sup>th</sup> Av SE element of the project is eligible for Municipal State Aid (MSA) funding, now recommends passage of the accompanying resolution increasing the appropriation for the Public Works- Streets & Malls - Capital Agency and creating a project appropriation in the amount of \$183,500, representing the receipt of said funds.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-040**

**By Colvin Roy & Johnson**

**Amending The Capital Improvement Appropriation Resolution of 2001.**

That the above-entitled resolution, as amended, be further amended by creating and increasing the Public Works - Streets & Malls - Capital Project Agency in the Permanent Improvement Projects Fund (4100-937-9372) by \$183,500 and increasing the revenue source (4100-937-9372 – Source 3215) by \$183,500.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, 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 267683):

a) OP #5776, low bids of Fischer Sand & Aggregate (for an estimated expenditure of \$329,750) for fine aggregate and Aggregate Industries (estimated expenditure of \$77,700) for mineral filler for the Public Works Asphalt Plant; and

b) OP #5676, low bid of Synagro Midwest, Inc. for an estimated annual expenditure of \$800,000 to furnish and deliver all labor, materials, and vehicles, permits and incidentals necessary for loading, hauling and disposal of lime waste for the Public Works Water Department.

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

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee, having under consideration a report referred back from the Council on February 1, 2002, accepting the low bid meeting specifications of Thor Construction, Inc. in the amount of \$1,878,209 to furnish and deliver all materials, equipment, labor and incidentals necessary for earthwork and membrane installation at Fridley Reservoirs No. 1 and No. 2 in accordance with City specifications (Petn No 267684), now recommends that the matter be forwarded without recommendation.

Colvin Roy moved to amend the report by deleting, “forwarded without recommendation” and inserting in lieu thereof, “approved”. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays, 1 as follows:

Yeas - Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Ostrow.

Nays - Johnson Lee.

Passed February 15, 2002.  
Approved February 21, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

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

**W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to *Administration: In General*, eliminating language requiring a landlord to provide to the City a bond for taxes when leasing space to the City, now recommends that said ordinance be given its second reading for amendment, passage and summary publication.

Adopted. Yeas, 13; Nays none.  
Passed February 15, 2002.  
Approved February 21, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

Ordinance No. 2002-Or-007, amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to *Administration: In General*, eliminating language requiring a landlord to provide to the City a bond for taxes when leasing space to the City, was passed February 15, 2002 by the City Council and approved February 21, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2002-Or-007**  
**By Johnson**  
**Intro & 1st Reading: 1/18/2002**  
**Ref to: W&M/Budget**  
**2nd Reading: 2/15/2002**

**Amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to Administration: In General.**

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

Section 1. That Section 14.130 of the above-entitled ordinance be amended to read as follows:

**14.130. Leasing of private property.** ~~(a)~~ Taxes must be paid. The city shall not, as lessee, execute any lease or contract for lease of any privately owned real property or interest therein for public use by the city or any of the boards or departments thereof, nor shall the city finance officer countersign or the city clerk attest any such lease or contract until the lessor presents receipts showing that all of the real estate taxes, including installments of special assessments due thereon, have been paid.

~~(b) Bond for taxes. Each lease or contract for lease executed by the city for private property for public use by the city or any of its several boards or departments shall contain the provision that the lessor shall furnish to the city a bond in such sum as the city council shall approve, conditioned upon the lessor's paying all real estate taxes and installments of special assessments as they become due and within the time allowed by law for the payment thereof without penalty.~~

Adopted. Yeas, 13; Nays none.  
Passed February 15, 2002.  
Approved February 21, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration two vacant positions on the Minneapolis Telecommunications Network (MTN) Board of Directors and having held a public hearing thereon, now recommends approval of the appointment of the following individuals to the MTN Board:

a) Robert Vose, 3916 Ewing Av S, to fill a vacant City Council appointed position, expiring on January 15, 2003;

b) Tamir Nolley, 2732 2nd Av S, #301, to fill a vacant City Council appointed position, expiring on January 15, 2006.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the New Central Library Implementation Committee that the proper City officers be authorized to issue a Request for Proposals seeking services to move the library collection to interim locations.

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

Yeas - Zimmermann, Schiff, Lilligen, Niziolek, Johnson Lee, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Ostrow.

Nays - Zerby.

Passed February 15, 2002.

Approved February 15, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published February 19, 2002)

**W&M/Budget** - Your Committee, having received a recommendation from the Chief Information Officer that the City contract for services for the inventory and revenue of pay telephones in the public right-of-way for the purpose of increasing revenues generated and monitoring the appropriate placement of pay telephones to increase public service and decrease public safety problems relating to the use of said telephones, now recommends that the proper City officers be authorized to negotiate and execute a two-year contract with Praeses Corporation for said services.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation in the Information and Technology Services Agency by \$7,000 for said contract, with the understanding that the cost of the contract shall not exceed the amount of revenue generated and that the City will receive a portion of revenues in excess of the cost.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-041**

**By Johnson**

**Amending The 2002 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 Information and Technology Services Agency in the General Fund (0100-880-8892-5070) by \$7,000 and increasing the revenue source (0100-880-8892 - Source 3715) by \$7,000.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends authorization for the proper City officers to place the following inserts into the March 2002 utility bill mailing:

- a) An insert for the Center for Energy and Environment announcing the availability of below market energy and home improvement loans for Minneapolis residents; and
- b) An insert for the Finance Department that would allow customers to sign up for automatic bill payment.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into a full, final and complete Workers' Compensation claim settlement with Gary Jensen for \$260,000. The settlement is payable from the Self Insurance Fund (6900-145-1451) and the City will receive reimbursement in the amount of \$260,000 upon request to the Special Compensation Fund.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into a full, final and complete Workers' Compensation claim settlement with Charles Malmberg for \$155,000. The settlement is payable from the Self Insurance Fund (6900-145-1451).

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into a full, final and complete Workers' Compensation claim settlement with Thomas Jullie for \$245,000 and that said officers be further authorized to purchase an annuity on behalf of Mr. Jullie. The settlement is payable from the Self Insurance Fund (6900-145-1451) and the City will receive reimbursement in the amount of \$260,000 upon request to the Special Compensation Fund.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration a recommendation from the City Attorney for settlement in the matter of *Kopp vs. Blavert and the City of Minneapolis*, now recommends that the proper City officers be authorized to execute a Stipulation of dismissal and mutual releases of property damage claims.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration a recommendation from the City Attorney for settlement in the matter of *Kerry Swirn vs. the City of Minneapolis and Koop*, now recommends that the proper City officers be authorized to make a payment of \$3,000 to Kerry Swirn and her attorney, Ms. Susan J. Bowden, payable from the Self Insurance Fund (6900-150-1500-4000).

Adopted. Yeas, 13; Nays none.  
Passed February 15, 2002.  
Approved February 21, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration a recommendation from the City Attorney for settlement in the matter of *Turner et al. vs. the City of Minneapolis and John Caston*, now recommends that the proper City officers be authorized to make a payment of \$50,000 to the Schwebel, Goetz and Sieben Trust Account, payable from the Self Insurance Fund (6900-150-1500-2800).

Adopted. Yeas, 13; Nays none.  
Passed February 15, 2002.  
Approved February 21, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute change orders to the following contracts for additional work required on the Convention Center Project, payable from the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751):

- a) Change Order #6 to Contract #15186 with Impulse Group, Inc., increasing said contract by \$155,144, for a new contract total of \$9,013,994; and
- b) Change Order #7 to Contract #15277 with Swanson & Youngdale, Inc., increasing said contract by \$26,947, for a new contract total of \$941,607.

Adopted. Yeas, 13; Nays none.  
Passed February 15, 2002.  
Approved February 15, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.  
(Published February 19, 2002)

**W&M/Budget** - Your Committee, having under consideration the St. Anthony West and Sheridan Neighborhood Revitalization Program (NRP) plans that include funding to plan for the redesign Marshall Street and having been informed that the Planning Department will manage a consultant contract for a plan, now recommends that the proper City officers be authorized to receive NRP funds in the amount of \$20,000 for said contract.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Planning Department by \$20,000 recognizing the receipt of said funds.

Adopted. Yeas, 13; Nays none.  
Passed February 15, 2002.  
Approved February 21, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-042**  
**By Johnson**

**Amending The 2002 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 Planning Department Agency in the Grants - Other Fund (0600-380-3820) by \$20,000 and increasing the revenue source (0600-380-3820 - Source 3840) by \$20,000.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.  
Approved February 21, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the Shingle Creek Neighborhood Revitalization Program (NRP) plan that includes funding for development of a landscape plan for the Humboldt Industrial Area and having been informed that the Planning Department will manage a consultant contract for such a plan, now recommends that the proper City officers be authorized to receive NRP funds in the amount of \$3,000 for said contract.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Planning Department by \$3,000 recognizing the receipt of said funds.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-043**

**By Johnson**

**Amending The 2002 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 in the Planning Department Agency in the Grants - Other Fund (0600-380-3820) by \$3,000 and increasing the revenue source (0600-380-3820 - Source 3840) by \$3,000.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the Audubon Park and Windom Park Neighborhood Revitalization Program (NRP) plans that include funding for the Central Av Crime Prevention through Environmental Design (CPTED) project and having been informed that the Planning Department will manage said funds, now recommends that the proper City officers be authorized to receive NRP funds in the amount of \$15,000.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Non Departmental Agency by \$15,000 recognizing the receipt of said funds.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-044**

**By Johnson**

**Amending The 2002 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 in the Non Departmental Agency in the Grants - Other Fund (0600-123-1232) by \$15,000 and increasing the revenue source (0600-123-1232 - Source 3720) by \$15,000.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the Central Av Crime Prevention through Environmental Design (CPTED) project, now recommends that the Planning Department be authorized to receive funds in the amount of \$7,000 from the Minneapolis Community Development Agency (MCDA) to be used to provide administrative support to CPTED project through the Northeast Economic Development Committee.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Planning Department by \$7,000 recognizing the receipt of said funds.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-045**  
**By Johnson**

**Amending The 2002 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 in the Planning Department Agency in the Grants - Other Fund (0600-380-3820) by \$7,000 and increasing the revenue source (0600-380-3820 - Source 3840) by \$7,000.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends acceptance of the following bid, all in accordance with City specifications and as further outlined in Petn No 267694:

OP #5761, low bids of Network Design, Inc. (for an estimated expenditure of \$975,000) and Metro Community Service (for an estimated expenditure of \$120,000) to furnish and deliver voice and cable delivery, installation and testing for the Information and Technology Services (ITS) Department as needed through December 31, 2003.

Your Committee further recommends that the proper City officers be authorized to execute a contract as appropriate for said services.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration a proposal recommended by the Mayor, Council President Ostrow, and Council Members Johnson and Lane that amends the 2002 Budget to reflect a new allocation of \$5.2 million in spending reductions (as contained in Petn No. 267690 on file in the Office of the City Clerk) and passage of the accompanying resolution amending the 2002 General Appropriation Resolution by adding a footnote that will authorize the Finance Officer to make the necessary appropriation adjustments, now recommends that said proposal be forwarded without recommendation. Johnson moved to amend the Petition referred to in the report as follows:

- 1) Human Resources Section - Restore funding in the amount of \$14,000 for tuition reimbursement;
- 2) Finance Department Section - Reduce funding in the amount of \$100,000 and eliminate one vacant position from the Management Analysis Division;
- 3) Geographic Information System Section - Restore funding in the amount of \$200,000 that was to be reduced either through professional service expenditures or positions;
- 4) Inspections Department Section - add the language "specific to mandatory repair at time of sale program to the item that eliminates Truth in Sale of Housing Program and eliminates revenue from Truth in Sale of Housing Program";

5) Civilian Review Authority Section - Provide an additional \$100,000 for continuation of the civilian review function - for an amended total of \$200,000; and change the remaining language in that section to read "Phase out existing internal Civilian Review Authority, keeping current process in place until new authority is developed and implemented. Develop RFP for external civilian review services in conjunction with City Attorney, Civil Rights, City Coordinator, Civilian Review Board, Police Department and interested citizens. Refer subject matter to Public Safety & Regulatory Services and Health and Human Services Committee."

6) Police Department Section - Realize additional overtime savings of \$300,000;

7) Other Section: Increase the funding by \$86,000 to cover severance/vacation payout, cost of job bank, and delay in implementing cost savings measures. Seconded

Lilligren moved to amend the Petition referred to in the report as follows:

City Council/City Clerk - That a portion of the additional contingency funds be used to restore funding of \$30,000 for substitutes for Council staff. Seconded.

Lost. Yeas, 5; Nays, 8 as follows:

Yeas - Zerby, Lilligren, Johnson Lee, Goodman, Biernat.

Nays - Zimmermann, Schiff, Niziolek, Benson, Lane, Johnson, Colvin Roy, Ostrow.

Zerby moved to amend the Petition referred to in the report as follows:

City Council/City Clerk - That each City Council ward budget be reduced in an equal amount so as to restore \$30,000 for substitutes for Council staff. Seconded.

Lost upon a voice vote.

Niziolek moved that the Section in the Petition regarding Inspections - Truth in Sale of Housing Program, included in Johnson's motion to amend the Petition, be acted upon separately. Seconded.

Adopted upon a voice vote.

Niziolek moved to introduce the subject matter of an ordinance amending Title 12, Chapter 248 relating to Truth In Sale of Housing for referral to the Public Safety & Regulatory Services Committee for a public hearing on March 19, 2002. Seconded.

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

Yeas - Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Biernat, Johnson, Colvin Roy.

Nays - Benson, Goodman, Lane, Ostrow.

Niziolek moved to amend the Petition referred to in the report as follows:

Public Works Section - That the amount of the department's reduction remain at \$984,000 but language be added that directs the City Engineer to report back to the Transportation & Public Works Committee next cycle regarding the impact on services of the \$550,000 savings related to restructuring the street department repair crews through cross utilization of staff, including addressing the issue of the department's overtime budget and looking at the administrative and management divisions for the possibility of merging functions for cost savings. Seconded.

Colvin Roy moved a substitute motion to direct all department heads to examine their overtime budget and, where it goes over one-percent of the total budget, they are to respond to their reporting committee with an explanation of the reasons and a strategy for reducing their overtime budget. Seconded.

The motion to substitute was adopted upon a voice vote.

Colvin Roy's motion, as substituted, was adopted upon a voice vote.

Johnson Lee moved to amend the Petition referred to in the report as follows:

Human Resources Section - That the statement "Redesign affirmative action activities" be deleted and the statement "Strengthen affirmative action activities through redesign" be inserted in lieu thereof. Seconded.

Adopted upon a voice vote.

Johnson's motion to amend the Petition, as amended, was adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-046**

**By Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by adding thereto a Footnote d (14) to read as follows:

"d) The Finance Officer or his/her designee has the following authority to approve technical changes:

14) To adjust appropriations to reflect the changes approved by the Council as part of the proposal to reduce the budget by \$5.2 million (Petn No 267690)."

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

**Z&P** - Your Committee, having under consideration the conditional use permit (CU-275) approved by the Planning Commission for Hansen Brothers' Fence for a contractor/construction office at 2716 Lowry Ave N, subject to a number of conditions, including implementation of all site improvements by 9/30/01, and having conducted a public hearing to determine if the terms of said permit have been violated and whether the permit should be modified or revoked, now recommends that the recommendation of the Zoning Office to revoke the conditional use permit be forwarded without recommendation.

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

Adopted upon a voice vote.

**Z&P** - Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Families Moving Forward (BZZ-455) to rezone the property at 3806, 3808, 3812 and 3816 - 3<sup>rd</sup> Ave S from R1A to the R4 District to permit a 12 dwelling unit, two-story residential building, and adopting the related findings prepared by the Planning Department, as set forth in Petn No 267699.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-008, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3806, 3808, 3812 and 3816 - 3<sup>rd</sup> Ave S to the R4 district, was passed February 15, 2002 by the City Council and approved February 21, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2002-Or-008**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 2/15/2002**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

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

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of the South 37 feet of Lot 2, Block 1, Nicollet Park Addition to Minneapolis, ~~according to the recorded plat thereof, Hennepin County, MN (3808 - 3<sup>rd</sup> Ave S - Plate 31)~~ to the R4 District;

B. That part of Lot 3, Block 1, Nicollet Park Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, MN (3808 - 3<sup>rd</sup> Ave S - Plate 31) to the R4 District;

C. That part of Lot 4, Block 1, Nicollet Park Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, MN (3812 - 3<sup>rd</sup> Ave S - Plate 31) to the R4 District;

D. That part of Lot 5, Block 1, Nicollet Park Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, MN (3816 - 3<sup>rd</sup> Ave S - Plate 31) to the R4 District.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 551, Article II of the Minneapolis Code of Ordinances relating to *Zoning Code: PO Pedestrian Oriented Overlay District*, allowing fast-food restaurants with drive-thru facilities to rebuild in the Dinkytown Pedestrian Oriented Overlay District, now recommends concurrence in the recommendation of the Planning Commission that said ordinance be returned to author, and that the related findings prepared by the Planning Department set forth in Petn No 267699 be adopted.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Prima Land (BZZ-463) to rezone the property at 3633 Columbus Ave S from R5 to the R4 District to permit construction of a new single-family home, and adopting the related findings prepared by the Planning Department, as set forth in Petn No 267699.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Schiff, Zerby, Lilligren, Johnson Lee, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Ostrow.

Nays - Zimmerman, Niziolek.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-009, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3633 Columbus Avenue S to the R4 district, was passed February 15, 2002 by the City Council and approved February 21, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2002-Or-009**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 2/15/2002**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

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

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 1, Block 1, George W Small's Subdivision of Lot 2, Elisha Morse's Outlots, Hennepin County, MN (3633 Columbus Ave S - Plate 26) to the R4 District.

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Schiff, Zerby, Lilligren, Johnson Lee, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Ostrow.

Nays - Zimmerman, Niziolek.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee recommends granting the application of Allen Miller for a special permit, notwithstanding the Zoning Code, to operate Essentials 4 Fitness health and fitness facility at 24 University Ave NE prior to a final decision being made by the City regarding the required application for a conditional use permit (#2002-005).

Adopted. Yeas, 9; Nays, 2 as follows:

Yeas - Zimmerman, Schiff, Lilligren, Johnson Lee, Niziolek, Goodman, Biernat, Johnson, Colvin Roy.

Nays - Benson, Lane.

Declining to Vote - Zerby, Ostrow.

Passed February 15, 2002.

Approved February 15, 2002. R.T. Rybak.

Attest: M. Keefe, City Clerk.

(Published February 19, 2002)

**MOTIONS**

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of March, 2002, approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 13; Nays none.

Passed February 15, 2002.

Approved February 21, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Biernat introduced the subject matter of an Ordinance amending Title 5, Chapter 91 of the ~~Minneapolis Code of Ordinances relating to~~ *Building Code, Permit Fees*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Increasing the permit fees across the board by 2% and to add language to clarify the value of projects to be used for permit fee calculations).

Biernat introduced the subject matter of an Ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending the zoning application fees to retain a portion of the fees to cover processing costs).

Schiff introduced the subject matter of an Ordinance dealing with the parking requirements and eligibility for zoning code variances for businesses applying for liquor licenses, which was given its first reading and referred to the Public Safety & Regulatory Services Committee.

Biernat and Johnson moved to introduce the subject matter of an Ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, providing for an interim ordinance temporarily prohibiting the establishment of manufactured homes in the residential districts of the city, for referral to the Zoning & Planning Committee. Seconded.

Lost upon a voice vote.

#### NEW BUSINESS

Zerby introduced an Ordinance amending Chapter 4 of the Minneapolis City Charter relating to *Civilian Police Review Authority*, by adding a new Section 25 entitled "*Civilian Police Review Authority-Subpoena Power*", which was given its first reading and referred to the Intergovernmental Relations Committee.

Ostrow moved that when this Council adjourns, it adjourns to Friday, February 22, 2002, at 9:30 a.m. in Room 315 City Hall, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of February 15, 2002, to consider the following lawsuits:

- a) Carol Irvine vs. City of Minneapolis, et al.
- b) Laura Anderson and James Jackson, et al. vs. City of Minneapolis, et al.

Seconded.

Adopted. Yeas, 13; Nays none.

Adjourned.

MERRY KEEFE,  
City Clerk.

Created: 2/20/2002  
Modified: 2/22/2002; 3/14/2002  
Corrected: 7/23/2002