

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

MARCH 1, 2002

(Published March 9, 2002,
in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
March 1, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Absent - Biernat.

Goodman moved acceptance of the minutes of the regular meeting of February 15 and the Adjourned Session held February 22, 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:

MCKINSEY & COMPANY (267703)
McKinsey & Company Report: Receive and File.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267704)
Bridgerail Properties, LLC (Allweather Roof, Inc, E 26th St, West of Minnehaha Avenue):
Resolution relating to issuance of Taxable Development Revenue Bonds.

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

ATTORNEY (267705)
New Central Library Project: Staff Direction to amend Memorandum of Understanding with Library Board to clarify City's responsibility for planning and development on the north block.
COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267706)
PPL World Headquarters Project (1033-1037 E Franklin Avenue): Livable Communities Tax Base Revitalization Account Grant.
Heritage Park (Near Northside Redevelopment Project): Hennepin County Environmental Response Grant.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (267707)

Longfellow Neighborhood NRP Funds: Use Minneapolis Schools "second 7.5%" NRP funds for Hiawatha Playground.

NRP Phase II Affordable Housing Funds: Dedicate funds to affordable housing projects.

HEALTH AND HUMAN SERVICES:

HEALTH AND FAMILY SUPPORT SERVICES (267708)

Study of Health & Family Support: Report back on development of a plan outline to review business practices in key areas, identify opportunities for improvement, including efficiencies and identifying duplication of services; and set preliminary priorities for 2003 budget discussions.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (267709)

Qwest Dislocated Worker Grant: Execute Grant Agreement with Minnesota Department of Trade and Economic Development to receive \$1,200,000 for Qwest dislocated workers for period February 1, 2002 through March 31, 2003.

Adult and Youth Workforce Investment Act and Minnesota Youth Program: Execute Master Agreement with Minnesota Department of Economic Security to provide for the release of funding for period April 1, 2002 to March 31, 2005.

HEALTH AND HUMAN SERVICES and INTERGOVERNMENTAL RELATIONS (See Rep):

COUNCIL MEMBER ZERBY (267710)

Tax on Cigarettes: Subject matter of Resolution supporting an increase in tax on cigarettes.

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

HEALTH AND FAMILY SUPPORT SERVICES (267711)

Welfare to Work: Execute Amendment #2 to Contract with Hennepin County to extend termination date to June 30, 2002 to continue providing case management, retention and support services for families timing off welfare.

INTERGOVERNMENTAL RELATIONS:

HUMAN RESOURCES (267712)

Mpls Police Relief Fund & Mpls Firefighters' Relief Assoc: Pension reform/legislative change recommendations, w/Attachment.

INTERGOVERNMENTAL RELATIONS (See Rep):

COUNCIL MEMBER OSTROW (267713)

Major League Baseball: Resolution supporting private-public partnership to preserve major league baseball in Mpls, w/Attachment.

INTERGOVERNMENTAL RELATIONS (267714)

House File #3518 overview; Overview of 2002 Omnibus Budget Balancing Bill.

City's 2003 Federal Legislative Agenda.

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

COORDINATOR (267715)

Ageless Possibilities, Inc: Support of request for federal line item appropriation & related actions.

PUBLIC SAFETY AND REGULATORY SERVICES:

LICENSES AND CONSUMER SERVICES (267716)

Liquor, Wine & Beer License Classifications: Report summarizing descriptions for all types of alcoholic beverage licenses.

POLICE DEPARTMENT (267717)

CCP/SAFE Study: Update report.

PUBLIC SAFETY AND REGULATORY SERVICES Committee (See Rep):

INSPECTIONS DEPARTMENT (267718)

Rental Dwelling License Board of Appeals: Approve reappointments of Daisy Barton, Clinton Blaiser, Brian Bushay, Wayne Jensen, Paul Kjornes, Steven Schachtman, and Fathia Warsame.

Rental Dwelling License at 3008 Emerson Av N: Reinstate license to be held by Adekunle Esvoso.

Rental Dwelling License at 409 31st Av N: Reinstate license to be held by Bashir Moghul.

LICENSES AND CONSUMER SERVICES (267719)

Imman Conoco (2606 Penn Av N): Recommendation to revoke all business licenses, including Grocery Store, Gasoline Filling Station, Food Manufacturer and Tobacco Licenses.

License Fee Adjustments for Food Establishments: Ordinance amending Title 10, Chapter 188 of Code adjusting license fees, including a 2% technology surcharge.

Animal Care and Control: Ordinances amending Title 4 of Code to amend Chapters 64 and 66 to strengthen animal ordinances to better ensure the public safety regarding incidents of animal aggression.

LICENSES AND CONSUMER SERVICES (267720)

Paul's Laundry (3121 Emerson Av N): Grant Laundry License, subject to conditions.

Bryn Mawr Tire and Bait Center (328 S Cedar Lake Rd): Grant new conditional Grocery, Tobacco, Motor Vehicle Repair Garage, and Gasoline Filling Station Licenses allowing business to operate while completing site plan review process.

Suburban World (3022 Hennepin Av): Operating conditions for granting of On-Sale Wine Class A with Strong Beer License.

Licenses: Applications.

MINNESOTA STATE OFFICES, ADMINISTRATIVE HEARINGS (267721)

Imman Conoco (2606 Penn Av N): Official record of Administrative Law Judge hearing.

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

FINANCE DEPARTMENT (267722)

Auto Theft Prevention Program: Negotiate and execute Lease Agreement with Classic Space for 21-month term with three one-year renewal options to perform duties of grant award to deter auto theft crimes.

POLICE DEPARTMENT (267723)

2001-2003 Community Oriented Policing Grant: Accept revised award of \$62,500 for additional uniformed officer presence via patrols in high crime areas; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PLANNING COMMISSION/DEPARTMENT (267724)

Airport: Overview and update on legislative activity.

PUBLIC WORKS AND ENGINEERING (267725)

Excess Public Rights of Way: Report on disposition of properties.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (267726)

Sale of City-Owned Property at 143 13th Av NE: Authorize staff to negotiate sale to MN Department of Commerce.

Volleyball/Broomball Court (700 3rd Av N): Direct staff to begin RFP process to develop 5-year lease of property.

Fremont Av S (W 42nd St to Kings Highway) Residential Street Lighting Project: Designate location and improvements, adopt cost estimate and direct staff to prepare assessments and establish street light district.

Data Sharing Agreement with Hennepin County: Extend agreement.

Shingle Creek Watershed Management Commission: Appointment of Marilyn Borea as alternate commissioner representing the City.

Minneapolis Animal Shelter: Contract with Krech, O'Brien, Mueller & Wass for architectural and engineering design services.

Tax Forfeited Land: Authorize reconveyance of land at 2900 Grand Av S to State of Minnesota.

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

PUBLIC WORKS AND ENGINEERING (267727)

Lease of Land (Ritz Lot): Execute a lease agreement for the property at 54 S 4th St with Olaf Limited Partnership.

Variable Message Sign System: Execute agreement with MnDOT to receive federal funds.

Water System Interconnection with St. Paul Regional Water Services: Execute agreement with CTE Engineers to conduct study.

Hennepin County Recycling Grant Application for 2002.

Royalston Av Bridge: Finance plan.

Interim Water Purchase Agreement: Enter Memorandum of Understanding with Joint Water Commission for interim rate increase.

PURCHASING (267728)

Bids: a) OP #5428, Increase the contract with Veit & Company for Geosynthetic Clay Liner System at the 60th Av Holding Pond Project;

b) OP #5497, increase the contract with Veit & Company for Holding Pond Construction;

c) OP #5802, accept low bids to furnish rental of skid steer loaders;

d) OP #5805, accept low bid meeting specifications of R.E. Mooney and Associates Inc for gate valves.

WAYS AND MEANS BUDGET:

CONVENTION CENTER (267729)

Convention Center Project: Change Management Actions.

COORDINATOR (267730)

Greater Minneapolis Convention & Visitors Association: Quarterly Performance Report, 4th Quarter 2001.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (267731)

Lawsuit Settlement: Claim of Sonja Ament.

CITY CLERK (267732)

Contract Signature Process: Ordinance amendment to eliminate the requirement for the City Clerk to sign City contracts.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (267733)

International Association of Chief's of Police Convention: Recommendations regarding payment for host city responsibilities.

CONVENTION CENTER (267734)

Change Orders:

a) No. 7, increasing contract w/Impulse Group by \$112,415;

b) No. 14, increasing contract with Kellington Construction, Inc.;

c) No. 4, increasing contract with Valley Building Products Co.;

d) No. 5, increasing contract with Valley Building Products Co.;

e) No. 5, increasing contract with W.L. Hall Co.;

f) No. 6, increasing contract with Crawford Door Sales Co.;

g) No. 8, increasing contact with Swanson & Youngdale;

h) No. 8, increasing contract with Minuti-Ogle, Inc.

COORDINATOR (267735)

Empowerment Zone Loan Fund: Issue Request for Proposals seeking community lenders to administer loan funds for lending to small businesses within the zone.

New Central Library Project: Implementation Committee recommendation that the new Central Library be built on the current library block.

FINANCE DEPARTMENT (267736)

City Financial Reporting System (GASB 34): Amend contract with Deloitte & Touche to include implementation of new reporting system; Authorize financing for contract increase.

HUMAN RESOURCES (267737)

New Position: Classify and set salary for position of Assistant Supervisor, Meter Service Workers.

DELOITTE & TOUCHE (267738)

City Financial Reporting System (GASB 34): Presentation to Study Session.

ZONING AND PLANNING:

INSPECTIONS/BOARD OF ADJUSTMENT (267739)

Appeal: Patricia Vitale: Variance at 4501 Lyndale Ave S.

PLANNING COMMISSION/DEPARTMENT (267740)

Accessory Structures: Report on height of accessory structures; Zoning Office interpretations.

ZONING AND PLANNING (See Rep):

INSPECTIONS/BOARD OF ADJUSTMENT (267741)

Appeal: John Starway: Variance application for 2515 Upton Ave N.

PLANNING COMMISSION/DEPARTMENT (267742)

Appeals: James Bartlett & George Sherman: Site plan review decision for Jesse's Concepts, dba Baja Riverside restaurant & its accessory parking lot at 1501 & 1507-6th St S.

Florence Littman, for Prospect Park & East River Road Improvement Assoc: Site plan review decision for Great Brakes, 3326 University Ave SE.

Zoning Code Text Amendments: Ordns amending Title 20, Chaps 520, 531, 541 & 544 bringing City's zoning regulations governing nonconformities into consistency w/requirements of new State law & clarifying several existing provisions.

Rezoning: Robert Berger, 4336 York Ave S;

Julene Lind & Steve Rosch, for Nicollet Ace Hardware, 3817 & 3821 Nicollet Ave.

COMMITTEE OF THE WHOLE:

KINGFIELD NEIGHBORHOOD ASSOC. (267743)

Nicollet Ace Hardware: Ltr in support of rezone of property to permit parking lot accessory to existing hardware store. (See Z&P Report)

PLANNING COMMISSION:

TETZLOFF, ROBERT E (267744)

Permission to vacate 3rd Av NE east of Harrison St NE.

FILED:

CITY CLERK/SPECIAL PERMITS (267745)

43rd Av S, 3733 (Dawn Snow) horse drawn wagon;

Main St SE from E Hennepin to 6th Av SE (Ira Heilcher) 8th Annual Stone Arch Festival of the Arts;

Main St SE in front of St Anthony Main/Riverplace (Ira Heilcher) 19th Annual Mpls Riverfront July 3 & 4 Celebration.

MARKETLINE RESEARCH, INC (267746)

City of Minneapolis Citizen Survey.

STEVENS COMMUNITY IN THE VILLAGE (267747)

Section 8 contract: One year notification letter for contract renewal expiring May 18, 2003.

TIME WARNER CABLE (267748)

Cable Television Service: Notice for seeking renewal of cable franchise expiring Dec 1, 2004.

REPORTS OF STANDING COMMITTEES

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

Comm Dev - Your Committee, having under consideration a proposal to issue revenue bonds on behalf of Bridgerail Properties, LLC to finance the development of a new 43,000 square foot building on the south side of E 26th St on the block just west of Minnehaha Ave, adjacent to the railroad, to be leased by Allweather Roof, Inc, and the Council having given preliminary approval to issue said bonds on December 29, 2000, now recommends passage of the accompanying resolution giving final approval to the issuance of up to \$2,750,000 in Taxable Minneapolis Community Development Agency (MCDA) Limited Tax Supported Development Revenue Bonds, Series 2002, for Bridgerail Properties, LLC (Allweather Roof, Inc) to be issued through the Minneapolis Common Bond Fund and designating the Bonds as bonds entitled to the security provided by the Tax Reserve and Pledge Ordinance, Ordinance No. 87-Or-084.

Your Committee further recommends, pursuant to the MCDA Resolution No. 87-171M adopted by the Board of Commissioners of the MCDA on July 16, 1987, that these Common Fund Bonds be designated, if and when issued, as bonds entitled to the security provided by said Ordinance No. 87-Or-084.

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

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-047, giving final approval to and authorizing a project on behalf of Bridgerail Properties, LLC, authorizing the issuance of revenue bonds of the MCDA and designating the bonds under Minneapolis Code of Ordinances, Title 16, Chapter 424, as amended, was passed March 1, 2002 by the City Council and approved March 4, 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-047

By Goodman

Giving final approval to and authorizing a project on behalf of Bridgerail Properties, LLC (the "Company"), authorizing the issuance of revenue bonds of the Minneapolis Community Development Agency (MCDA) therefor, and designating the bonds under Minneapolis Code of Ordinances, Title 16, Chapter 424, as amended.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue bonds for the purpose of providing financing for the acquisition, construction and installation of projects consisting of properties, real or personal, used or useful in connection with a revenue-producing enterprise, whether or not operated for profit; and

Whereas, by Resolution No. 82-512, as amended, of the Agency, the Agency established a common bond fund and authorized the issuance from time to time by the Agency of bonds to be secured by such common bond fund (the "Common Fund Bonds"); and

Whereas, under the terms of Minneapolis Code of Ordinances, Title 16, Chapter 422, as amended ("Chapter 422"), adopted pursuant to Chapter 595, the City Council of the City authorized the Agency to issue Common Fund Bonds; and

Whereas, it has been proposed that the Agency issue revenue bonds, in an amount not to exceed \$2,750,000 (the "Bonds") to finance the acquisition, construction and equipping of an office and warehouse facility to be used in the operations of the Company (the "Project"); and

Whereas, the Agency expects to give final approval to the issuance of the Bonds by a resolution to be adopted on the date hereof; and

Whereas, the Bonds shall bear interest at an average weighted interest rate not to exceed eight percent (8.00%) per annum, shall have a final maturity date not later than December 1, 2027, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference; and

Whereas, pursuant to Minneapolis Code of Ordinances, Chapter 424, as amended ("Chapter 424"), the City may from time to time designate a series of Common Fund Bonds to be secured by the limited pledge of tax revenues authorized by Chapter 424;

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

That the City Council hereby gives final approval to the issuance, by the Agency, of the Bonds in the aggregate principal amount not to exceed \$2,750,000, for the purpose of financing the Project.

Be It Further Resolved that the Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution No. 88R-021 of the City, adopted January 29, 1988, and as amended by Resolution No. 97R-042 of the City, adopted December 12, 1997.

Be It Further Resolved that the City Council hereby designates the Bonds under Chapter 424 as bonds which are and shall be entitled to the benefit of the pledge, agreements and provisions of Chapter 424.

Be It Further Resolved that the Finance Officer of the City shall execute and deliver such certificates as may be necessary on the date of delivery of the Bonds in order to acknowledge the application of Chapter 424 to the Bonds and the designation of the Bonds thereunder.

Be It Further Resolved that this approval of the City Council of the City is hereby given as required by Chapter 422.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 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 Livable Communities Tax Base Revitalization Account Grant from the Metropolitan Council, in the amount of \$34,875, for pollution investigation and remediation activities at the PPL World Headquarters Project located at 1033-1037 East Franklin Avenue.

Your Committee further recommends passage of the accompanying resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing Fund SMN0 by \$34,875.

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-048
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 SMN0 by

\$34,875 from projected fund balance, and increasing the MCDA revenue budget in Fund SMN0 (3215-13 Other MN Grantor Agencies) by \$34,875.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of a Hennepin County Environmental Response Grant, in the amount of \$150,000, to provide funds for pollution investigation and remediation activities for Heritage Park (Near Northside Redevelopment Project).

Your Committee further recommends passage of the accompanying resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution in Fund SMN0 by \$150,000.

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-049
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 SMN0 by \$150,000 from projected fund balance, and increasing the MCDA revenue budget in Fund SMN0 (3220-02 County Grants) by \$150,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 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 use of up to \$50,000 of Minneapolis Schools' "second 7.5%" NRP Funds for playground improvements at Hiawatha Playground in the Longfellow neighborhood, now recommends:

1) That the use of Minneapolis Schools' "second 7.5%" NRP funds, in the amount of \$50,000, be approved for playground improvements at Hiawatha Playground in the Longfellow neighborhood;

2) Passage of the accompanying resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing the NRP Program Fund (CNR0) by \$50,000;

3) That the proper City officers be authorized to execute the contracts or agreements required to implement said improvements; and

4) That this action be transmitted to the Board of Commissioners of the MCDA for authorization to execute the required contracts or agreements.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-050
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 Neighborhood Revitalization Program (NRP) Fund (CNR0) by \$50,000 from the projected fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 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 use of \$4,000,000 of NRP Phase II funds for affordable housing, now recommends that the following requested actions be sent forward without recommendation:

1) Approve the use of NRP Phase II funds, in the amount of \$4,000,000, for affordable housing projects;

2) Passage of the accompanying resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing the NRP Program Fund (CNR0) by \$4,000,000;

3) Direct the appropriate officers of the MCDA to dedicate said funds to an NRP Phase II Affordable Housing Reserve Fund that will be used for Policy Board-approved affordable housing projects;

4) Authorize the proper City officers to execute the contracts or agreements required to implement said requested actions; and

5) Transmit this action to the Board of Commissioners of the MCDA for execution of required contracts or agreements.

Benson moved to amend the report to delete the language, "sent forward without recommendation," and to insert in lieu thereof the word, "approved." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 11; Nays, 1 as follows:

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

Nays - Zerby.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-051
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 Neighborhood Revitalization Program (NRP) Fund CNR0 by \$4,000,000 from projected fund balance.

Adopted. Yeas, 11; Nays, 1 as follows:

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

Nays - Zerby.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration issues relating to the New Central Library Project, including questions about whether construction is required on both the north block (bounded by First Street, Hennepin, Nicollet and Washington Avenues) and the south block (site of the existing library), issues relating to park/public space, requirements for housing/development and bond financing, and concerns relating to which entity would control the respective blocks, now recommends that appropriate staff of the City Attorney's Office be directed to draft language amendments to the Memorandum of Understanding with the Library Board to clarify roles and responsibilities with respect to the north block, including clarification that the City would be responsible for planning and development on the north block, and to review the master planning work of Cesar Pelli and Associates, in partnership with Architectural Alliance, that will assist in the decision-making process relating to housing/development on said block.

Goodman moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

Comm Dev & W&M/Budget - Your Committee, having under consideration the New Central Library Project site issue, now recommends the following:

1) Approval of the Implementation Committee recommendation that the planetarium and new library be built on the site of the existing Central Library (south block);

2) Passage and summary publication of the accompanying resolution clarifying the roles and responsibilities of the Library Board and City with respect to any future development on the north block;

3) Direction to staff to draft revisions to authorizing documents, including without limitation, the memorandum of understanding (MOU) and the Project manual to reflect the terms of the resolution, and return to the City Council and Library Board for approval of such revisions;

4) Direction that the architect complete the Master Plan with respect to the north site, focusing only on economic development options generating tax increment (such as housing) for submission to the City and Library Board on a receive and file basis and that no additional Project funds including Project staff time be expended on development of the north site; and

5) Referral of this Action to the Library Board for action and to the Implementation Committee on an informational basis.

The report, as substituted, was adopted.

Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 1, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published March 5, 2002)

Resolution 2002R-052, clarifying the roles and responsibilities of the City and Library Board with respect to the New Central Library Project and concurring in the recommendation of the Implementation Committee regarding siting of the Central Library and Planetarium, was passed March 1, 2002 by the City Council and approved March 1, 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-052
By Goodman and Johnson**

Clarifying the roles and responsibilities of the City and Library Board with respect to the New Central Library Project and concurring in the recommendation of the Implementation Committee regarding siting of the Central Library and Planetarium.

Whereas, in 1991, a Blue Ribbon Task Force of community leaders recommended to the Mayor and City Council the construction of a new downtown Central Library, based upon findings that the current facility was outdated for the twenty-first century; and

Whereas, the Minneapolis Public Library Board and City of Minneapolis established a New Central Library Implementation Committee in 1998 to recommend a site, conceptual design and funding methodology for the construction of a New Central Library; and

Whereas the New Central Library Implementation Committee completed its work in the Summer of 2000 by recommending that the New Central Library Project be conceived as a two-block, mixed-used project consisting of the library, planetarium, retail, parking and housing; and

Whereas, the Implementation Committee recommended that the New Central Library Project be located on the 2 blocks consisting of the site currently occupied by the Central Library and on the adjacent Nicollet Hotel site owned by the City of Minneapolis; and

Whereas, the Implementation Committee recommended that the New Central Library be funded primarily through City bonds authorized by referendum; and

Whereas, on November 7, 2000, sixty-seven percent of Minneapolis citizens, who voted on the referendum, supported a \$140,000,000 referendum for the construction of a New Central Library and improvements to community libraries; and

Whereas, the Minneapolis Public Library Board and City of Minneapolis reaffirmed their commitment to work, in partnership, to design and construct a New Central Library by action dated March 2, 2001, and adopted a memorandum of understanding ("MOU") purporting to outline the parties' roles with respect to the Project; and

Whereas, by action dated May 18, 2001, the Council approved a project scope, schedule, budget and manual; and

Whereas, at the time the Project was recommended as a two-block project, the primary purpose of including a housing development on the adjacent block was to generate excess tax increment to fund "public amenities" on the library project; and

Whereas, since that time the State property tax laws have been amended and the City adopted its affordable housing policy such that no significant excess tax increment will be available from a housing project for use on the library project; and

Whereas, the continued consideration of possible development on the north block by Project staff and the consultant consumes scarce public resources; and

Whereas, it is the continued desire of the City that the focus of the Project be on the development of a New Central Library (and planetarium) on the south block as recommended by the Implementation Committee.

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

That the architect complete the Master Plan with respect to the Project, and that with respect to the north block, the architect focus only on mixed-use economic development options generating tax increment, consistent with the scope of the MOU for submission to the City and Library Board;

Be It Further Resolved that no additional Project funds (including Project staff time) be expended with respect to development of the north block;

Be It Further Resolved that any future development on the north block occur in accordance with normal City/Minneapolis Community Development Agency (MCDA) development procedures;

Be It Further Resolved that major milestones during such future development, including adoption of a request for proposals (RFP), selection of projects/developers, and approval of development agreements, be forwarded by the City to the Library Board on a receive and comment basis;

Be It Further Resolved that the City concurs in the recommendation of the Implementation Committee that the Project and planetarium be constructed on the south block;

Be It Further Resolved that the City and Library Board continue the design and construction of the New Central Library as a partnership, consistent with previous actions of the City and Library Board, as modified by this Resolution.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 1, 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 grant agreement with the Minnesota Department of Trade and Economic Development to receive \$1,200,000 for Qwest dislocated workers for the period February 1, 2002 through March 31, 2003.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee recommends that the proper City Officers be authorized to execute the Adult and Youth Workforce Investment Act (WIA) Title I and Minnesota Youth Program (MYP) Master Agreement #PY02-010 with the Minnesota Department of Economic Security for the period April 1, 2002 through March 31, 2005 to provide for the release of funding under Adult and Youth WIA and MYP.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee, to whom was referred back on February 1, 2002 a report executing a Joint Powers Agreement with Special School District #1, the Park and Recreation Board, the Library Board and Hennepin County for the Minneapolis Youth Coordinating Board for the period January 1, 2001 to December 31, 2005 (Petn No 267632), now recommends that said Joint Powers Agreement be sent forward without recommendation.

Johnson Lee moved that the report be amended to delete the language "be sent forward without recommendation" and insert in lieu thereof "be approved and the proper City Officers be directed to execute the Joint Powers Agreement". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 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, to whom was referred on February 15, 2002 the subject matter of a Resolution supporting an increase in the tax on cigarettes, now recommends:

H&HS - Passage of the accompanying Resolution declaring that the City of Minneapolis support an increase in the tax on cigarettes by 29 cents per package.

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

Zerby moved to amend the report to approve the Health & Human Services Committee recommendation and to delete the recommendation of the Intergovernmental Relations Committee, with summary publication of the Resolution. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 7; Nays, 5 as follows:

Yeas - Zerby, Lilligren, Johnson Lee, Benson, Johnson, Colvin Roy, Zimmermann.

Nays - Schiff, Niziolek, Goodman, Lane, Ostrow.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-053, declaring that the City of Minneapolis support an increase in the tax on cigarettes by 29 cents per package, was passed March 1, 2002 by the City Council and approved March 4, 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-053
By Zerby, Johnson Lee and Lilligren

Declaring that the City of Minneapolis support an increase in the tax on cigarettes by 29 cents per package.

Whereas, tobacco use is by far the leading cause of preventable illness and death in the United States, associated with about 20% of all U.S. deaths and exceeding the total number of deaths from alcohol, drugs, firearms, motor vehicle crashes, and HIV/AIDS combined (McGinnis & Foege, 1993). Approximately 6,400 Minnesota deaths were related to cigarette smoking in 1995; this toll would be even greater if deaths related to environmental tobacco smoke (ETS or secondhand smoke) and smokeless tobacco products were included (MDH, 1996); and

Whereas, substantial evidence shows that increasing the price of tobacco serves as an effective means of reducing tobacco use, especially in adolescents, as well as providing additional funding for prevention programs (CDC, 2000). Nonetheless, current average cigarette excise taxes in the U.S. lag far behind the levels implemented in other industrialized nations, and federal and average state excise taxes on cigarettes have failed to keep pace with the retail price of tobacco. Federal and state excise taxes as a percentage of the retail price of cigarettes in Minnesota began a downward trend in the 1970s and stood at only 23.7% in 1999, compared to 57.5% in 1971 (Orzechowski & Walker, 1999); and

Whereas, Minnesota now ranks 20th in the nation for its cigarette excise tax rate (48 cents per pack). The Governor has proposed raising the tax 29 cents per pack, increasing it to Wisconsin's rate of 77 cents per pack. The Minnesota Smoke Free Coalition (SFC) is proposing a \$1.00 per pack increase; and

Whereas, in an opinion survey conducted by the SFC 62% of Minneapolis voters approved increasing the state tax on cigarettes by \$1.00 per pack; and

Whereas, 19% of Minneapolis 9th graders smoke (2001 Minnesota Student Survey data). Statewide, 39% of high school students and 13% of middle school students use tobacco (MN Dept. of Health, MN Youth Tobacco Survey, 2000). 90% of smokers begin as teens (USHHS, Preventing Tobacco Use Among Young People: A report of the Surgeon General, 1994). Nationally, an estimated 17-20% of pregnant women smoke (1999 National Household Survey on Drug Abuse; 1998, Substance Abuse and Mental Health Services); and

Whereas, a 10% increase in the price of a pack of cigarettes can be expected to reduce overall teen smoking by 13% (ImpacTEEN, University of Illinois at Chicago, 2001). Tax increases work to significantly reduce smoking among pregnant women. A recent study found that "pregnant women are

more likely than the general populations to quit smoking as cigarette taxes increase.” And that “for every 10% increase in the price of cigarettes, smoking by pregnant women fell by 7% (The Nation’s Health, Dec. 2001/Jan. 2002);” and

Whereas, the Department of Health and Family Support (DHFS) works to reduce teen smoking rates on several fronts due to the immense impact smoking has on overall morbidity and mortality of Minneapolis citizens, and the fact that most people who smoke start when they are teens for some departmental activities include:

- A Minneapolis Tobacco Prevention Specialist who works in the community and in conjunction with a school-based liaison and youth coordinators to reduce teen smoking, including education about second-hand smoke and support for youth advocacy work. This work is done in collaboration with three other quadrants of Hennepin County.
- State grant funding to DHFS is passed through to Licensing to support that department in coordinating their youth tobacco retailer compliance check program.
- Teen tobacco cessation classes are offered through several school-based clinic sites.
- State Youth Risk Behavior grant funding that comes to the department was given to the Minneapolis Public Schools to implement a Life Skills curriculum that supports healthy decision making among youth, especially related to alcohol, tobacco, and other drugs.

Increasing the tobacco tax would supplement and support these efforts, and add to a comprehensive strategy to health improvement through smoking reduction in the city and the state;

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

That the City Council supports increasing the Minnesota excise tax on cigarettes by 29 cents per pack in order to reduce overall teen smoking in the state.

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

Yeas - Zerby, Lilligren, Johnson Lee, Benson, Johnson, Colvin Roy, Zimmermann.

Nays - Schiff, Niziolek, Goodman, Lane, Ostrow.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

H&HS & PS&RS - Your Committee, to whom was referred on February 15, 2002 the subject matter of developing a Request for Proposals for external civilian review services, now recommends:

H&HS - that the City Coordinator be directed to convene a work group comprised of the City Attorney, Civil Rights, Civilian Review Board, Council staff, the Police Federation, the Police Administration and interested citizens, with a report back at the next meeting of Health & Human Services and Public Safety & Regulatory Services with a proposed schedule for the work group.

PS&RS - that a study group be established to look at redesign to include current Board Members, Council staff, the Police Federation, the Police Administration and citizens, with a report back by the end of April 2002.

Johnson Lee moved to amend the report to approve the Health & Human Services Committee recommendation and to delete the recommendation of the Public Safety & Regulatory Services Committee. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 11; Nays, 1 as follows:

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

Nays - Colvin Roy.

Absent - Biernat.

Zimmermann moved to reconsider the vote on the above report. Seconded.

Adopted by unanimous consent.

Lilligren moved that the Health & Human Services Committee recommendation be clarified to reflect that the work group will report back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted by unanimous consent.
The report, as amended, was adopted.
Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

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

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute Amendment #2 to Contract #15742 with Hennepin County to extend the termination date to June 30, 2002 to allow for the continuation of Welfare to Work activities of case management, retention, and support services for families timing off of welfare; all other terms and conditions of said contract to remain unchanged.

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

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

IGR - Your Committee recommends that the Council oppose House File No. 3518, a bill relating to the building code which would authorize municipalities to certify residential inspectors for dwellings intended to house four or fewer families and require building owners to select only certified inspectors.

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

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

Nays - Goodman, Lane.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

IGR - Your Committee recommends that the Council support Senate File No. 3149, a bill relating to taxation, extending the sunset date by ten years for which certain improvements to certain older homesteads are excluded from valuation for property tax purposes, referred to as the "This Old House" program.

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

IGR - Your Committee recommends approval of the City's Fiscal Year 2003 Federal Legislative Agenda as set forth and described in Petn No 267714.

Colvin Roy moved to amend the report by deleting the language on page five of the petition, which reads:

"Combined Sewer Overflow Combined Sewer Overflow (CSO) threatens to contaminate the Mississippi River, the City's many lakes, and the natural habitat that call these natural resources home. CSO is not only an environmental issue but also a public health concern because it jeopardizes the City's water supply. To guard the public health and to protect the City's natural resources, the City intends to apply for funding under the newly authorized Sewer Overflow Control grant program. **The City respectfully asks that Congress fully fund this authorized program.**" and inserting in lieu thereof the following language:

"Combined Sewer Overflow

Combined Sewer Overflows (CSO) threaten the ecological integrity of the City's water resources. The Mississippi River is a major drinking water source for much of the metropolitan area and fecal contamination can be a very serious public health threat. To guard the public health and to protect the City's natural resources, the City intends to apply for funding under the newly authorized Sewer Overflow Control grant program. In order to address the CSO problem in the City of Minneapolis, assistance from the federal government is critical. **The City respectfully asks that Congress fully fund this authorized program.**" Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

IGR - Your Committee, to whom was referred an ordinance amending Chapter 4 of the Minneapolis City Charter relating to *Civilian Police Review Authority*, adding a new Section 25 entitled "Civilian Police Review Authority-Subpoena Power," now recommends that the proposed ordinance not be referred to the Minneapolis Charter Commission for consideration and referral to the City Council for adoption by unanimous vote, pursuant to Minnesota Statutes, Section 410.12, Subd. 7, and that the ordinance be returned to author.

Adopted. Yeas, 9; Nays, 3 as follows:

Yeas - Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Johnson, Colvin Roy, Ostrow.

Nays - Schiff, Zerby, Zimmermann.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

IGR - Your Committee, having under consideration a resolution in support of a private-public partnership to preserve major league baseball in Minneapolis, now recommends that said resolution be forwarded without recommendation.

Johnson moved that the report be postponed. Seconded.

Adopted upon a voice vote.

IGR - Your Committee, having under consideration the issue of preserving major league baseball in Minneapolis, now recommends that the Council support the desire to retain the Minnesota Twins as an asset in Minnesota and in Minneapolis, and to support the idea of community ownership.

Johnson moved that the report be postponed. Seconded.

Adopted upon a voice vote.

IGR - Your Committee recommends passage of the accompanying resolution supporting the February 25, 2002 action of the Transportation Committee of the Metropolitan Council linking approval of the Capital Budget of the Metropolitan Airports Commission to increased noise mitigation.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-054, supporting the February 25, 2002 action of the Transportation Committee of the Metropolitan Council linking approval of the Capital Budget of the Metropolitan Airports Commission to increased noise mitigation was passed March 1, 2002 by the City Council and approved

March 4, 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-054
By Benson and Colvin Roy

Supporting the February 25, 2002 action of the Transportation Committee of the Metropolitan Council linking approval of the Capital Budget of the Metropolitan Airports Commission to increased noise mitigation.

Whereas, in 1996, the Minnesota Legislature made the final decision to continue the development of Minneapolis/St. Paul International Airport (MSP) in its current location and directed Metropolitan Airports Commission (MAC) to implement the MSP 2010 Long Term Comprehensive Plan; and

Whereas, with this decision, the Legislature also directed MAC to develop a noise mitigation plan which includes aggressive steps to mitigate aircraft noise and aid community stabilization for the affected communities; and

Whereas, on October 28, 1996 MAC approved the MSP Noise Mitigation Committee recommendation including expansion of the Noise Mitigation Program to the 2005 60 DNL following the completion of the current program; and

Whereas, Minneapolis City Goals include the reduction of negative environmental impacts of the Airport; and

Whereas, on August 20, 2001, after extensive public participation, the MAC formally adopted Option 1, the current 5 decibel reduction package as the sound insulation program within the 60-64 DNL contours; and

Whereas, the August 20, 2001 action recognized the MAC's fiscal responsibility, provided a \$150 million MAC budget for the expanded program, and further provided a basis for requesting state funding for the adopted program; and

Whereas, the Minneapolis-Saint Paul (MSP) 14 CFR Part 150 Update: Updated Noise Exposure Map and Noise Compatibility Program was finalized and submitted to the Federal Aviation Administration on November 16, 2001 based on the August 20, 2001 MAC commitment; and

Whereas, at its December, 2001 meeting the MAC reversed its August decision to provide full sound insulation within the 60-64 DNL noise contour; and

Whereas, under the most optimistic of financial scenarios, implementation of this program in the 64-60 DNL areas is not anticipated until 2005 or 2006, extending beyond 2010, it, thus, has little bearing on the current financial situation; and

Whereas, the proposed sound insulation program will be arguably more affordable now than when originally considered since nearly 2000 homes are anticipated to no longer be within the noise impacted areas and MAC's contention is that the noise impacted areas will decrease; and

Whereas, the Transportation Committee of the Metropolitan Council voted on February 25, 2002 to link approval of the MAC's capital budget on the MAC's providing sound insulation to the affected 60-64 DNL noise contour;

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis acting by unanimous vote of its Intergovernmental Relations Committee that the following comments are hereby adopted:

The City of Minneapolis extends its appreciation and gratitude to the Transportation Committee of the Metropolitan Council for its action on February 25, 2002 encouraging the MAC to provide for sound insulation for the 60-64 DNL noise contour.

The City of Minneapolis urges the full Metropolitan Council to adopt the action of its Transportation Committee and that it insist that the MAC provide full sound insulation for the 60-64 DNL noise contour before approving the MAC's capital budget.

The City Clerk of the City of Minneapolis is directed to submit this resolution to the Metropolitan Council before its meeting on February 27, 2002.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

IGR & W&M/Budget - Your Committee, having under consideration support for the Ageless Possibilities, Inc. request in obtaining a federal appropriation to develop a "Connective Living" mode in the north Empowerment Zone area as described in Petn No 267715, now recommends -

a) Approval of support of the Ageless Possibilities, Inc. request for a \$8,750,000 federal line item appropriation;

b) Inclusion of the Ageless Possibilities, Inc. federal line item appropriation request in the City of Minneapolis congressional report;

c) That staff be directed to draft a letter in support of Ageless Possibilities, Inc. to congressional appropriators; and

d) That staff be directed to draft a letter explaining that this would not represent a financial commitment by the City.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Benson moved that the Council oppose Representative Workman's amendment to House File No. 3199 restricting all cities' authority to offer loading zone variances located on state aid streets or highways. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 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 Ordinances amending Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl* by amending Chapter 64 relating to *Dogs and Cats* and Chapter 66 relating to *Rabies Control*, to strengthen the animal ordinances to better ensure the safety of neighborhood residents in relation to incidents of animal aggression, as follows:

a. eliminates the limit on the fine for leashing and feces cleanup violations;

b. regulates dangerous animals by requiring owners to microchip and photograph their animal, and to notify the Animal Care and Control Program of the death or transfer of the animal;

c. authorizes the Animal Care and Control Program to seize an animal that has been declared dangerous that is not properly confined, and to require the sterilization of an animal declared dangerous;

d. allows discretion in declaring an animal dangerous;

e. authorizes the Animal Care and Control Program to take an animal into custody at the time an order for destruction is issued, and reduces the number of days an owner has to request an appeal hearing, and the period of time the City must provide a requested hearing; further, that the animal be held for five business days after a determination has been made to allow appeal to the Minnesota Court of Appeals;

f. holds dog owners accountable for the behavior of his or her dog to ensure the dog does not harm a person acting in a lawful manner or another domestic animal off the property of its owner; and

g. grants the authority to order the immediate testing for rabies of an animal that has bitten one or more individuals,

now recommends that said Ordinances be given their second reading for amendment and passage with summary publication.

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Zimmermann.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-010 amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs and Cats*, amending Sections 64.50, 64.110, 64.120 and 64.135 is summarized as follows:

a. Section 64.59 entitled *Leashing and feces cleanup* would eliminate the limit on the fine for violations; as a result, offenses would be misdemeanor offenses that could be enforced using either a citation or a criminal complaint.

b. Section 64.110 entitled *Dangerous animals* requires the owners of animals declared as dangerous to microchip their animal and to make it available to be photographed. Owners would also be required to notify the Animal Care and Control Program of the death or transfer of the animal. In addition, the Animal Care and Control Program would be authorized to seize an animal that has been declared dangerous that is not properly confined, and to require the sterilization of an animal declared dangerous. Also, it allows discretion in declaring an animal dangerous on the basis of such factors as prior offenses of the same or similar kind, assumption of responsibility and initiation of a remedy, and the specific circumstances of a bite or aggressive behavior.

c. Section 64.120 entitled *Disposition of animals* authorizes the Animal Care and Control Program to take an animal into custody at the time an order for destruction is issued so as to ensure that the animal does not disappear before a final determination is made regarding destruction. It also reduces the number of days, from ten to three, that an owner has to request an appeal hearing, and reduces from four weeks to ten days the period of time in which the City must provide a requested hearing. Further, an animal would need to be held for five business days after a determination has been made to allow for an appeal to the Minnesota Court of Appeals.

d. Section 64.135 entitled *Public protection from dogs* establishes that it is the responsibility of a person owning or having care, control or custody of a dog to ensure that the dog does not harm a person acting in a lawful manner or another domestic animal off the property of its owner.

Said Ordinance was passed March 1, 2002 by the City Council and approved March 4, 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-010
By Biernat
Intro & 1st Reading: 8/13/1999
Ref to: PS&RS
2nd Reading: 3/1/2002

Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Dogs and Cats.

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

Section 1. That Section 64.50(a) of the above-entitled ordinance be amended to read as follows:

64.50. Leashing; feces clean up. (a) No person having the custody or control of any dog or animal of the dog kind shall permit the same to be on any unfenced area or lot abutting upon a street, public park, public place or upon any other private land without being effectively restrained from moving beyond such unfenced area or lot; nor shall any person having the custody or control of any dog or animal of the dog kind permit the same at any time to be on any street, public park, school ground, or public place without being effectively restrained by chain or leash not exceeding eight (8) feet in length, except in areas officially designated for off leash activities. ~~Every person convicted of a violation of this provision shall be punished by a fine of not more than one hundred dollars (\$100.00).~~

Section 2. That Section 64.110 of the above-entitled ordinance be amended to read as follows:

64.110. Dangerous animals. (a) As used in this section, "dangerous animals" ~~shall~~ may mean and include:

- (1) Any animal which attacks a human being or domestic animal without provocation; or
- (2) Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to or to otherwise endanger the safety of humans or other domestic animals; or
- (3) Any animal declared by the animal control officer to be a dangerous animal, as defined herein, or any animal determined to be a dangerous animal under the authority of section 64.120 of this Code.

(b) No person owning or harboring or having the care or custody of a dangerous animal shall suffer or permit such animal to go unconfined on the premises of such person. A dangerous animal is "unconfined" as the term is used in this section if such animal is not securely confined indoors or confined in a secure enclosure suitably sized for the animal so confined upon the premises of said person. An "enclosure" is secure within the meaning of this section if it is constructed of heavy gauge steel mesh, or other suitable material; consists of a top and sides, with the bottom of such sides fastened along their perimeter to a slab floor of concrete or other suitable material; where no slab floor is provided, the sides must be embedded into the ground no less than one foot; all access points of the enclosure must be locked when the animal is confined therein. Animal control may seize an animal that has been declared dangerous that is unconfined.

(c) No person owning or harboring, or having the care of a dangerous animal shall suffer or permit such animal to go beyond the premises of such person unless such animal is securely muzzled and restrained with a chain not exceeding three (3) feet in length, and having a tensile strength sufficient to restrain the animal. Animals which are actively participating in recognized local, regional or national trials, training or other such sponsored competition, need not be muzzled while being transported to or from or during such competition.

(d) No person shall own or harbor any animal for the purpose of fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to unprovoked attacks upon human beings or domestic animals.

(e) Any person harboring or owning a dangerous animal that is found to be in violation of this ordinance shall be subject to the provisions of section 64.120 of this Code.

(f) Dogs owned and controlled by local, state and federal law enforcement agencies ~~which that~~ are used in law enforcement or related activities are exempt from the provisions of this section.

~~(g) Severability. If any portion of this ordinance should be declared unenforceable, it shall be severed from the ordinance, the remainder of which shall remain in full force and effect.~~

(g) Any dog declared dangerous under this ordinance must have a microchip implanted for identification within fifteen (15) days of the date the dog is declared dangerous or the date of a decision in a hearing held pursuant to this chapter, whichever is later. The name of the microchip manufacturer and identification number of the microchip must be provided to animal control. If the microchip is not implanted by the owner, animal control may have a microchip implanted at the owner's expense. All costs related to purchase and implantation of the microchip must be borne by the owner of the dog. Upon request, the owner or custodian of a dangerous dog must make the animal available to animal control for an inspection to determine that a microchip has been implanted.

(h) The owner or custodian of any dog declared dangerous under this ordinance shall make the dog available to be photographed for identification by animal control at a time and place specified by animal control.

(i) Animal control may require a dog declared dangerous under this ordinance to be sterilized at the owner's expense within fifteen (15) days of the date the dog is declared dangerous or the date of a decision in a hearing held pursuant to this chapter, whichever is later. If the owner does not have the animal sterilized, animal control may have the animal sterilized at the owner's expense. Upon request, the owner or custodian of a dangerous dog must make the animal available to animal control for an inspection to determine that a dog has been sterilized.

(j) Animal control may retain custody of any dog declared dangerous pursuant to Minnesota Statutes, Section 347.50 until the dog is duly and properly registered as required by Minnesota Statutes, Section 347.51.

(k) The owner of any dog declared dangerous must notify animal control in writing of the death of the dog; its transfer to a residence outside the City of Minneapolis; or its transfer within the City of Minneapolis within thirty (30) days of the death or transfer. If requested by animal control the owner must execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred.

(l) Severability. If any portion of this ordinance should be declared unenforceable, it shall be severed from the ordinance, the remainder of which shall remain in full force and effect.

Section 3. That Section 64.120(b)(1) and (2) of the above-entitled ordinance be amended to read as follows:

64.120. Disposition of animals.

(b) The commissioner of health or the commissioner's agent, after having been advised of the existence of such animal as defined above, shall proceed as follows:

(1) The owner of the offending animal shall be notified in writing as to the reasons the animal is subject to disposition under this section (~~Petr No 245900~~) and where applicable, the dates, times, and places, of animals or persons bitten, attacked, injured or disfigured, and shall be given ~~ten three~~ three (40 ~~3~~) days to request a hearing for a determination as to the disposition of the animal. If the owner does not request a hearing within ~~ten three~~ three (40 ~~3~~) days of the notice, the commissioner shall make appropriate order including destruction or other proper disposition of the animal. The owner ~~shall~~ must immediately make the animal available to the animal control officer at the time the order is issued for the ordered disposition. The animal control officer is authorized to take the animal subject to the order into custody at the time the order is issued or served.

(2) If the owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the commissioner at a date not more than four (4) weeks ten (10) days after demand for the hearing. The records of the animal control officer shall be admissible for consideration without further foundation. After considering all evidence, the commissioner shall make a determination whether or not the animal is dangerous. The commissioner shall make an appropriate order, including destruction or other proper disposition of the animal. The owner shall immediately make the animal available to the animal control officer for the ordered disposition at the time an order is issued. An animal shall not be destroyed by animal control until at least five (5) business days have passed since the issuance of an order for destruction.

Section 4. That Chapter 64 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 64.135 to read as follows:

64.135. Public protection from dogs. Any person owning or having care, control or custody of a dog shall at all times prevent the dog from attacking, biting or otherwise causing injury or attempting to cause injury to any person engaged in a lawful act or causing injury or attempting to cause injury to a domestic animal off the property of the owner.

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-011 amending Title 4, Chapter 66 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Rabies Control*, amending Section 66.40 that grants authority to order the immediate testing for rabies of an animal that is owned by an individual that has bitten one or more individuals, was passed March 1, 2002 by the City Council and approved March 4, 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-011
By Biernat
Intro & 1st Reading: 8/13/1999
Ref to: PS&RS
2nd Reading: 3/1/2002

Amending Title 4, Chapter 66 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Rabies Control.

Section 1. That Section 66.40 of the above-entitled ordinance be amended to read as follows:

66.40. Impoundment of rabies suspects. (a) Any dog or cat not vaccinated in accordance with sections 66.10 and 66.20 which has bitten any person and caused an abrasion or puncture of the skin of such person shall be seized and impounded under the supervision of a licensed veterinarian or at the city contract kennel facility for a period of not less than ten (10) days. If, after a complete examination by a veterinarian, the dog or cat has no clinical sign of rabies, it may be released to the owner upon the condition that the owner have the animal vaccinated and licensed as required by this Code. In the case of a stray, the animal shall be disposed of in accordance with applicable laws. It shall be unlawful for any owner or person having custody or control of any dog or cat, not vaccinated in accordance with sections 66.10 and 66.20, which has bitten any person, to refuse to release such dog or cat and make it immediately available to the commissioner of health or the commissioner's agent for the purpose of quarantine.

(b) Any dog or cat vaccinated in accordance with section 66.10 or 66.20 which has bitten any person shall be confined by the owner or other responsible person in such manner as the commissioner of health may direct and for a period of not less than ten (10) days. The commissioner of health or the commissioner's authorized representative shall conduct a midterm and terminal examination of the animal. If no signs of rabies are observed by the commissioner, the domestic animal may be released from confinement. It shall be unlawful for any owner or person in custody or control of any vaccinated dog or cat ~~which~~ that has bitten any person to refuse or fail to quarantine such dog or cat as required by this subsection. The commissioner of health or the commissioner's agent shall seize any dog or cat not quarantined in accordance with this subsection.

(c) Any other animal which has bitten any person and caused an abrasion or puncture of the skin of such person shall be seized and impounded under the supervision of a licensed veterinarian or at the city contract kennel facility for a period of not less than ten (10) days. If, after a complete examination by a veterinarian, the animal has no clinical sign of rabies, the animal may, with the approval of the commissioner of health, be released to the owner. In the case of an unclaimed animal, it shall be disposed of in accordance with applicable laws. It shall be unlawful for any owner or person in custody or control of any animal which has bitten any person to refuse to release such animal and make it immediately available to the commissioner of health or the commissioner's agent for the purpose of quarantine.

(d) Any rabies suspect impounded or confined under this section which is found to be sick or diseased shall be reported immediately in writing to the commissioner of health by the attending veterinarian or operator of the quarantine facility. The commissioner of health shall then take possession of such animal for the purpose of determining if it is suffering from rabies.

~~(e) Nothing in this section shall be read so as to conflict with the requirements of section 64.120 as it pertains to destruction of dangerous animals.~~

(e) The commissioner of health or the commissioner's agent may, for good cause, order the immediate testing for rabies of an animal that is owned by an individual that has bitten one or more individuals. The owner of the animal that is to be tested is entitled to a hearing as set forth in section 64.120(b) of this Title. The time periods set forth in section 64.120(b) do not apply to requests for immediate testing of an owned animal. A hearing must be requested by the owner of the animal within twenty-four (24) hours of notification of the owner of the intent to test the animal for rabies. If a hearing is not requested by the owner within twenty-four (24) hours of notification of intent to test for rabies the

commissioner shall make appropriate order to test the animal for rabies. If a hearing is requested, the owner must be available to attend the hearing and the hearing completed within twenty-four (24) hours of the time that the hearing was requested or the hearing will be deemed to have been waived. The owner shall immediately make the animal available to the animal control officer for rabies testing. In determining whether good cause exists to order rabies testing of an owned animal the commissioner may consider:

- (1) The physical location of the bite on the body of the victim.
- (2) The medical condition of the victim.
- (3) The medical necessity of immediate testing of the animal for rabies.
- (4) The age and health of the victim.
- (5) The vaccination records of the animal for which testing is sought.
- (6) Potential harm to the victim of the bite by delays in the testing procedure.
- (7) Potential harm to the victim of the bite by engaging in the course of post exposure rabies

shots.

- (8) The request of qualified medical personnel.
- (9) Any other factors bearing on the necessity for immediate testing of the suspect animal.

(f) Nothing in this section shall be read so as to conflict with the requirements of section 64.120 as it pertains to destruction of dangerous animals.

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, to whom was referred back on February 15, 2002 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.

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas - Schiff, Zerby, Lilligen, Johnson Lee, Niziolek, Benson, Goodman, Johnson, Colvin Roy, Ostrow.

Nays - Lane.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 7, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-012 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*, requires a license to operate a rental hall. The licensing requirement is subject to several exceptions includes licensed liquor establishments, theaters, educational and church facilities. The fee for the annual license is \$1000 initially and \$600 for renewals. Application for a temporary rental hall license may be made for premises that are used as rental halls fewer than five days per year. The fee for the temporary license is \$200 per event. Licensed rental halls must comply with several requirements, including: a posted Certificate of Occupancy, written lease agreements to be maintained on the premises, presence of management and adequate security, insurance, maintenance of the premises, and compliance with all applicable federal, state and local laws and ordinances. Violation of any provision of the ordinance is grounds for adverse license action. Application for a Rental Hall license is to be made to the Director of Licensing on forms provided by the Licensing Division. Said Ordinance was passed March 1, 2002 by the City Council and approved March 7, 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-012
By Biernat
Intro & 1st Reading: 8/25/2000
Ref to: PS&RS
2nd Reading: 3/1/2002

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.

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 266 to read as follows:

CHAPTER 266. RENTAL HALLS

266.10. Definitions.

Rental hall. A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person for a public or private event in exchange for the payment of a fee or other consideration.

266.20. License required. No person shall operate a rental hall without first having obtained a rental hall license in accordance with this chapter. No rental hall license shall be required if:

- (1) The premises are licensed under Title 14 of this code;
- (2) A theater is operating within the scope of a license issued pursuant to Chapter 267, article XVI, of this code;
- (3) The rental hall has a legal occupancy of fewer than 50 persons, and is in compliance with the occupancy limits;
- (4) The purpose of the event is for bona fide religious activities such as those sponsored by a religious association organized pursuant to Minnesota Statutes Chapter 315;
- (5) The purpose of the event is for bona fide political activities such as those sponsored by a political organization registered pursuant to Minnesota Statutes section 10A.14.
- (6) If the premises are on the campus or in the facilities of a bona fide elementary or secondary school, vocational or trade school, college or university, church, or buildings under the control of the Minneapolis Park Board or the City of Minneapolis.

266.30. Fee. The fee shall be one thousand dollars (\$1,000.00) for a new rental hall license application and six hundred dollars (\$600.00) for annual renewal of the license.

266.40. License expiration. All annual licenses issued under this chapter shall expire on January 31 of each year.

266.50. Application required/contents of application. An applicant for a rental hall license shall make application on the forms furnished by the license division and shall provide all other information deemed necessary by the director, including:

- (1) The full name of the applicant, date of birth, and current residential address.
- (2) The applicant's social security number and Minnesota business identification number, as required by Minnesota Statutes, Section 270.72. For purposes of this requirement, "applicant" means an individual if the license is sought for or in the name of an individual or a corporation or partnership if the license is sought for or in the name of a corporation or partnership. "Applicant" also means an officer or director of a corporation, a member of a partnership, or an individual who is liable for delinquent taxes.
- (3) Proof of ownership of the property, including the full name(s), place(s), date(s) of birth and address(es) of all owners, partners or persons interested therein, including all on-site managers of the business; if a corporation, the state of incorporation; the name(s), place(s), date(s) of birth and address(es) of all officers and directors, and stockholders controlling at least ten (10) percent of the outstanding shares issued.
- (4) A scaled diagram of the premises clearly showing the floor plan and the location of the building or buildings, and the part or portion thereof intended to be used in the conduct of such business and under such license.

- (5) The source of funds used to purchase property and begin operation of the rental hall and all documentary proof and evidence thereof including leases, contracts, purchase agreements, and financial statements.
- (6) The kind, name, and location of every business or occupation the applicant has been engaged in during the preceding ten (10) years and the street address(es) at which the applicant has lived during the preceding ten (10) years.
- (7) The nature of the business to be conducted.
- (8) Proof of insurance as required by section 266.60 (i).

266.60. Operating requirements, regulations. Rental halls licensed under this chapter shall be operated in conformance with the following requirements:

- (1) A current Certificate of Occupancy.
- (2) Maintained in a clean and sanitary manner, well-ventilated and adequately lighted.
- (3) A written, signed lease is required for all events for which a rental hall license is required.
 - a. All lease agreements shall be kept on file at the licensed rental hall for a period of one (1) year after the date of the event and made available to a license inspector or police officer upon request.
 - b. All lease agreements shall be maintained along with and accompanied by the following information:
 1. The name(s), telephone number(s) and residential address(es) of the person(s) leasing the rental hall and of the contact person for the event;
 2. The nature of the event and the estimated number of attendees;
 3. The hours during which the lessee has use of the rental hall and the specific hours of the event;
 4. The type and amount of entertainment offered/allowed by the lessee.
- (4) The licensee shall have a designated manager who is an employee of the licensee on the premises at all times the hall is utilized or leased.
- (5) The licensee shall provide adequate security for each event based upon the number of attendees and the nature of the event. At least one security guard licensed pursuant to Minnesota Statutes, Section 326.32 et. seq. shall be present in and at the rental hall premises at all times during an event attended by fifty (50) or more people, if beverage alcohol is present, or if guests dance to live or recorded music.
 - a. A licensee may apply to the Director for an exemption from the minimum security requirement for individual events. The applicant shall include all information deemed necessary by the Director and be submitted at least fourteen (14) days prior to the event. The Director shall have discretion to grant, impose reasonable conditions, or deny the exemption request, considering the nature of the event, the licensee's experience and demonstrated management capabilities, and any other relevant factors.
- (6) All events must be conducted in strict compliance with all applicable federal, state and local laws and ordinances including, but not limited to, any law relating to zoning, building maintenance, fire prevention, liquor, health or safety.
- (7) The licensee shall take appropriate action to prevent violations of law by persons attending events for which a license is required. The licensee shall not allow persons engaging in disorderly or illegal behavior to enter or remain on the rental hall premises.
- (8) The Certificate of Occupancy, Occupant Load Certificate, hours of operation and the license certificate issued under this chapter shall at all times be posted in a conspicuous place on the premises.
- (9) The licensee shall submit proof to the license division that general liability insurance in the following amounts is in full force and effect: personal injury - two hundred thousand dollars (\$200,000.00) per claim/six hundred thousand dollars (\$600,000.00) (aggregate) and property damage - fifty thousand dollars (\$50,000.00).
- (10) Unless also licensed pursuant to this chapter, the lessee of a rental hall shall not sublease the premises to any other person nor shall the rental hall licensee allow such subletting.

(11) The licensee shall report to the respective police precinct all events involving both dancing by guests and live or recorded music, at least five (5) business days prior to the event.

266.70. Temporary license authorized. Premises that are used as rental halls fewer than five (5) days per year are eligible for a temporary rental hall license. The applicant must submit a complete application at least fourteen (14) days prior to the event. The fee shall be two hundred dollars (\$200.00) for each event. The director of licenses and consumer services may issue the temporary license. An applicant for a temporary rental hall license must comply with all provisions of this chapter.

266.80. Denial, revocation, suspension or non-renewal of license application. An application for a license hereunder may be denied, revoked, suspended or not renewed, after notice and opportunity for hearing thereon, for any of the following reasons:

- (1) The application contains material omissions, or false, fraudulent or deceptive statements.
- (2) The applicant or licensee has violated one or more of the provisions of this article or Title 13 or 14 of this Code within the previous three (3) years.
- (3) The proposed operation is in violation of any federal, state or local laws or ordinances, including but not limited to, any law relating to zoning, building maintenance, fire prevention, liquor, health or safety.
- (4) The applicant or licensee, including any partners, directors, officers, identified shareholders or on-site manager, if applicable, has been convicted of a felony or two (2) misdemeanors relating to or arising from the operation of the business within the previous five (5) years.
- (5) A complete application has not been filed within sixty (60) days of the submission of a partial application.
- (6) The applicant or licensee, including any partners, directors, officers, identified shareholders or on-site manager, if applicable, has prior revocations of licenses or adverse license actions related to the rental hall industry within the previous five (5) years.
- (7) For good cause.

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas - Schiff, Zerby, Lillgren, Johnson Lee, Niziolek, Benson, Goodman, Johnson, Colvin Roy, Ostrow.

Nays- Lane.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 7, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, to whom was referred an Ordinance amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to *Food Code: Administration and Licensing*, adjusting license fees, including a 2 percent technology surcharge as part of the 2002 budget, now recommends that said Ordinance be given its second reading for amendment and passage with summary publication.

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

Yeas - Schiff, Zerby, Lillgren, Johnson Lee, Johnson, Colvin Roy, Zimmermann, Ostrow.

Nays - Niziolek, Benson, Goodman, Lane.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-013 amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to *Food Code: Administration and Licensing*, amending Sections 188.250 and 188.310 to adjust license fees including a 2 percent technology surcharge, was passed March 1, 2002 by the City Council and approved March 4, 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-013
By Biernat
Intro & 1st Reading: 11/9/2001
Ref to: PS&RS
2nd Reading: 3/1/2002

Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing.

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

Section 1. That Section 188.250 of the above-entitled ordinance be amended to read as follows:

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

| <u>Sq. Footage</u> | <u>Confectionery And soft drink</u> | <u>Food Manufacturer and Distributor</u> | <u>Meat Market</u> | <u>Restaurant Dining rooms, caterers and Food and Drink Boarding House</u> |
|-------------------------|-----------------------------------------|----------------------------------------------|------------------------|--------------------------------------------------------------------------------------------------------|
| <u>1,000 or less</u> | <u>97</u> | <u>255</u> | <u>255</u> | <u>306</u> |
| <u>1,001- 3,000</u> | <u>153</u> | <u>306</u> | <u>306</u> | <u>408</u> |
| <u>3,001- 5,000</u> | <u>204</u> | <u>357</u> | <u>357</u> | <u>510</u> |
| <u>5,001-7,000</u> | <u>255</u> | <u>408</u> | <u>408</u> | <u>612</u> |
| <u>7,001- 9,000</u> | <u>306</u> | <u>459</u> | <u>459</u> | <u>714</u> |
| <u>9,001-11,000</u> | <u>357</u> | <u>510</u> | <u>510</u> | <u>816</u> |
| <u>11,001-13,000</u> | <u>408</u> | <u>561</u> | <u>561</u> | <u>918</u> |
| <u>13,001-15,000</u> | <u>459</u> | <u>612</u> | <u>612</u> | <u>1,020</u> |
| <u>More than 15,000</u> | <u>510</u> | <u>663</u> | <u>663</u> | <u>1,224</u> |

Multiple Food Category Licenses:

Establishments having a restaurant, grocery or food manufacturing license which also have other food category licenses shall have the fees for those other categories, except sidewalk café and short term food, reduced by thirty percent (30%). In the instance of any question of which fee shall be reduced, the most expensive shall be paid in full and any others reduced.

Confectionery stores and soft drinks:

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

MARCH 1, 2002

More than 10,000 square feet but not more than 15,000 square feet . . . 268.00
 More than 15,000 square feet . . . 308.00

Drive-in restaurants:

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

Food manufacturers and distributors:

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

Food shelf . . . 1.00

Grocery stores and specialty stores:

TABLE INSET:

| | 2001 Fee | 2002 Fee |
|---------------------------------------------------------------------|----------|--------------------------|
| 500 square feet or less, restricted | \$325.00 | \$325.00 |
| More than 500 square restricted or 1,000 feet or less, unrestricted | 455.00 | 605.00 455.00 |
| More than 1,000 square feet but not more than 5,000 square feet | 688.00 | 888.00 |
| More than 5,000 square feet but not more than 7,500 square feet | 804.00 | 954.00 |
| More than 7,500 square feet but not more than 10,000square feet | 868.00 | 1,018.00 |
| More than 10,000 square feet but not more than 15,000 square feet | 1,040.00 | 1,140.00 |
| More than 15,000 square feet | 1,106.00 | 1,206.00 |

Kiosk food cart vendors . . . 330.00

Meat markets and butcher shops:

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

Mobile food vendors:

Per vehicle . . . 86.00
 Prepackaged perishable food . . . 149.00

Restaurants, cafes, dining rooms, caterers and boardinghouses:

1,000 square feet or less . . . 171.00
 More than 1,000 square feet but not more than 2,500 square feet . . . 268.00
 More than 2,500 square feet but not more than 5,000 square feet . . . 340.00
 More than 5,000 square feet . . . 438.00

Sidewalk cart food vendor:

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

For indoor food carts:

Per cart . . . 330.00
 Per fixed site cart servicing location: The fee specified for a food manufacturer or distributor.

Vending machines:

Each machine (except nut vending) . . . 15.00
 Each machine (nut vending) . . . 5.00

In addition to the fee specified above, an additional ~~sixty-five dollar (\$65.00)~~ one hundred dollar (\$100.00) fee shall be paid by an applicant; except a food shelf applicant:

- (1) Upon initial application for the licenses specified in this section; and
- (2) Upon application for the licenses specified in this section after failing to renew the licenses within one year of the expiration date of the previously held licenses. The ~~fifty-nine dollar (\$59.00)~~ one hundred dollar (\$100.00) fee shall not be refunded whether or not the license is granted. If a machine is replaced or vandalized, a replacement decal may be issued at a cost of two dollars (\$2.00) per decal.

Section 2. That Section 188.310 of the above-entitled ordinance be amended to read as follows:

188.310. Fee for trucks for perishable foods. The licensee of a food establishment shall pay an annual license fee of ~~twenty-six dollars (\$26.00)~~ fifty dollars (\$50.00) to cover the cost of inspection for every vehicle used in transporting perishable and readily perishable foods as defined in section 186.50 of this Code.

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

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

Nays - Niziolek, Benson, Goodman, Lane.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of Nami LLC, dba Nami Restaurant, 251 1st Av N, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2003, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of Chans Seafood Restaurant Inc, dba Chans Seafood, 10 W 25th St, for an On-Sale Wine Class E with Strong Beer License (new business; change from On-Sale Beer Class E) to expire April 1, 2002, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of Granada Inc, dba Suburban World, 3022 Hennepin Av, for an On-Sale Wine Class A with Strong Beer License (new business) to expire April 1, 2002, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions, as more fully set forth in Petn No 267720 on file in the Office of the City Clerk and made a part of this report by reference:

- a. the licensee shall not allow 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.

b. the outstanding property taxes shall be made current and a long term lease and full financial disclosure shall have been executed not later than April 1, 2002.

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 1, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published March 5, 2002)

PS&RS - Your Committee, having under consideration the application of Rosenthal/Lickteig Inc, dba Social Dance Studio, 6015 Lyndale Av S, for a Dancing School License (new business) to expire June 1, 2002, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of Willet Wash/Clean Inc, dba Paul's Laundry, 3121 Emerson Av N, for a Laundry License to expire January 1, 2003, now recommends that said license be granted, subject to the following conditions:

a. the licensee will have all Fire orders completed by February 22, 2002.

b. the licensee will have dryers in working order by February 22, 2002.

c. the licensee will clean the floors, replace broken or damaged tiles, wash the windows inside and out, clean the exterior of all machines, and repaint the entire interior by February 22, 2002.

d. the licensee will change the hours of operation to open at 8:00 a.m. with the last wash in by 7:00 p.m. so the business can be closed at 8:00 p.m. Signs showing the hours will be posted along with No Trespassing signs and no loud music. Also, a sign will be posted indicating who to call if there are problems. Said signs shall be posted by February 22, 2002.

e. the licensee will have Officer Judy Perry conduct a formal security survey on February 22, 2002, where Crime Prevention Through Environmental Design (CPTED) standards will be explained.

f. the licensee agrees to stay closed until Officer Perry and License Inspector Angie Hugen view the business on February 22, 2002 to see that the business is in compliance with the above conditions.

g. the licensee will have all washers fixed or parts ordered by March 8, 2002.

h. the licensee will hire an attendant for four hours per day, seven days per week. This attendant will be hired by February 22, 2002, and will keep a daily log of tasks performed and observations. The attendant will be in place for one month from the date of hire or March 22, 2002, whichever is later.

i. the licensee agrees to take back control of the business and parking lot by having the attendant ask loiterers and people causing other problems to leave the property. If people do not comply, the staff will immediately call 911; staff will cooperate with the responding officers.

j. the licensee agrees to keep all lights properly functioning and to add lights if recommended by Officer Perry.

k. the licensee agrees to restripe the parking areas so that spaces are clearly marked and traffic is directed to legal parking spaces, not the sidewalk, to be completed as soon as weather permits painting, but not later than April 31, 2002.

l. the licensee agrees to pick up trash and litter at least twice per day so that the area within 100 feet of the property line is free of litter and debris.

m. the licensee agrees to keep the windows completely free of signs and materials.

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

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having previously revoked the business licenses held by Arlan Williams and Robert Williams, dba Bryn Mawr Tire and Bait Center, 328 S Cedar Lake Rd, for failure to supply a bond and other information for a complete site plan review, and the owners having met and discussed with staff from Zoning, Planning and Licenses the conditions under which the business would be allowed to operate while obtaining new licenses and completing the site plan review process, now recommends that conditional new Motor Vehicle Repair Garage, Gasoline Filling Station, Grocery, and Tobacco Licenses be granted under the following conditions, as more fully set forth in Petn No 267720 on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee agrees to submit all required new license applications and fees for 2001-2002 and pay the \$1,000 reinstatement fee by the end of business on February 14, 2002;

b. the licensee agrees to submit and pay for a new site plan review application by the end of the business day on February 14, 2002. They also agree to provide any additional materials subsequently judged necessary by the Zoning Office and the Planning Department in order to make the application complete to be able to schedule the required public hearing before the City Planning Commission. The licensee agrees to provide such additional materials within five business days of receiving notice of the need for the materials.

c. the licensee agrees that the site plan they submit to Zoning and Planning will reflect and comply with the requirements the Planning Commission approved on June 4, 2001, and that they will not dispute required setbacks or landscaping that was previously approved by the Planning Commission.

d. the licensee agrees to have approval for the site plan by the Planning Commission on or before April 15, 2002.

e. If the Planning Commission approves the new site plan review application discussed above, the licensee agrees to submit a final version of the site plan within 10 calendar days of the Planning Commission approval for the purpose of obtaining required approvals from City Departments. This final version of the site plan must incorporate any changes ordered by the Planning Commission.

f. If City Departments approve the final version of the site plan, the licensee agrees to complete within two weeks all the steps necessary to obtain a valid performance bond for the cost of ordered improvements to the property.

g. the licensee agrees to complete the required improvements to the property by July 1, 2002.

h. the licensee understands that failure to meet all the above requirements will result in the revocation of their conditional licenses and the closure of the business. If a deadline listed above cannot be met due to circumstances beyond the control of the licensee, a written request to extend the deadline must be submitted to Licenses & Consumer Services and approved by the Zoning Office before an extension will be granted.

i. the licensee understands and agrees that their business will be closed on Tuesday, February 19, 2002 at 6:00 a.m. and will not be re-opened until the Public Safety & Regulatory Services Committee meets on Wednesday, February 20, 2002 and approves this agreement. If the Committee or City Council does not approve this agreement, the agreement shall become null and void.

j. Arlan Williams and Robert Williams, individually, and Bryn Mawr Tire and Bait Center, a Minnesota limited liability partnership, specifically agree that upon approval of this agreement by the City Council will execute and file a Stipulation for Dismissal of the action entitled *Bryn Mawr Tire and Bait Center, et al. v. City of Minneapolis*, United States District Court No 02-CV-214 DSD/JMM, no later than five business days after City Council approval of this agreement. Arlan and Robert Williams specifically understand and agree that the failure to timely file the Stipulation for Dismissal may result in the revocation of any conditional new licenses granted by the City Council.

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

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 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:

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

Minikahda Club, dba Minikahda Club, 3205 Excelsior Blvd (new corporate officer);

On-Sale Liquor Class A with Sunday Sales, to expire February 2, 2002

International Catering, dba Atrium Cafe, 275 Market St (temporary expansion of premises, February 2, 2002, 6:30 p.m. to 10:00 p.m., NARI);

On-Sale Liquor Class A with Sunday Sales, to expire February 16, 2002

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, February 16, 2002, 6:00 p.m. to 1:00 a.m., Remax North Central);

On-Sale Liquor Class A with Sunday Sales, to expire February 23, 2002

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, February 23, 2002, 6:00 p.m. to 1:00 a.m., Diffa);

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

Espresso Monkeys Inc, dba Acadia Cafe, 1931 Nicollet Av (change in ownership from Acadia Cafe Inc);

Awful Noise Inc, dba Pasqual's Uptown, 2528 Hennepin Av (change in owner from San Pasqual's Inc);

Off-Sale Beer, to expire April 1, 2002

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

Brandvold Loyd, dba Penn Station, 2203 44th Av N;

Temporary On-Sale Beer

Church of the Ascension, 1723 Bryant Av N (fundraiser February 16 & 17, 2002).

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of March 1, 2002, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 267720):

Asphalt Shingles & Roofing Manufacturer; Building Contractor Class B; Concrete Masonry Contractor Class A; Dry Cleaning & Laundry Pickup Station; Place of Entertainment; Confectionery; Grocery; Food Manufacturer; Restaurant; Short Term Food Permit; Sidewalk Cafe; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hotel/Motel; Lodging House with Boarding; Motor Vehicle Repair Garage; Towing Class A; Towing Class C; Plumber; Secondhand Goods Class B; Exhibition Operator Class A; Suntanning Facility; Taxicab - Neighborhood Rideshare; Taxicab Vehicle; Taxicab Vehicle - Non-transferable; Combined Trades; Tree Servicing; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 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 A

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

Gambling-Lawful Class B

American Legion Post 234, dba American Legion Post 234, 3751 Minnehaha Av (Site: American Legion Post 234, 3751 Minnehaha Av);

Animal Humane Society, dba Animal Humane Society, 845 Meadow Ln (Site: Five Corners Saloon, 501 Cedar Av S);

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

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

Gambling Lawful Exempt

IFP Minneapolis, dba IFP Minneapolis, 401 3rd St N, Ste 450 (Raffle March 16, 2002 at Jax Cafe, 1928 University Av NE);

Pacer Center Inc, dba Pacer Center, 8161 Normandale Blvd (Raffle April 27, 2002 at Convention Center, 1301 2nd Av S);

Goldbrick Club, dba Goldbrick Club, 1811 University Av NE (Raffle April 30, 2002 at Brothers Bar & Grill, 432 1st Av N);

Down Syndrome Association of Minnesota, dba Down Syndrome Association of Minnesota, 668 Transfer Rd, St. Paul (Raffle May 18, 2002 at Stardust Lanes, 2520 26th Av S).

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Motor Vehicle Servicing/Towing Class B License held by Diamond's Towing, 2125 Aldrich Av N, and having received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for violating Section 478.240 of the Code of Ordinances by parking a tow truck in a residential area, and having stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee will park its tow truck in the parking lot located at 2401 E Franklin Av when not actively engaged in towing.

b. the licensee shall pay an administrative fine of \$250 to the City of Minneapolis, to be stayed for a period of one year from the date of the TAC agreement provided there are no same or similar violations.

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Valet License held by Bart Johnson, dba MPLS Valet, 2629 Garfield St NE, and having received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for violating Sections 307.120 and 307.130 of the Code of Ordinances for double parking vehicles and having a valet sign in the street; using City streets to park vehicles; using valet zones to park vehicles over 15 minutes; using traffic lanes for loading; leaving the lock box unattended; disobeying orders to remove vehicles in the valet zone and to stop picking up passengers on the street; using the pedestrian crosswalk as part of the valet zone; leaving the valet zone unattended; utilizing too many signs to advertise the valet zone; placing signs on the sidewalk where not allowed; and parking cars in a valet zone across the street from the News Room, and having stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee agrees to hire an extra valet, above current employee levels, and have this position act as a floater to ensure the valet zones run as effectively as possible.

b. the licensee or an assigned supervisor will shift employees between the valet zones at Vincent's and the New Room, depending upon demand.

c. the licensee agrees to pay an administrative fine in the amount of \$1,000 to the City of Minneapolis, of which \$500 shall be stayed for a period of one year, to expire February 4, 2002, provided there are no same or similar violations. The remaining \$500 fine will be paid in two equal payments each due by the end of the months of February and March.

d. the licensee agrees that future violations will be fined at the rate of \$100 per violation per valet vehicle found to be parked on City streets. Any further violation(s) could result in the loss of the valet license.

e. the licensee agrees to formally train each employee by incorporating the use of an employee handbook which shall contain a copy of the Valet Ordinance; a clause indicating that ordinance violations will result in fines to the employee, employer, or both; a politeness clause; and a signed agreement. The employee handbook shall be completed and presented to the Licenses & Consumer Services Division by 4:30 p.m. on February 28, 2002.

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration Taxicab Driver's License #05396 held by David Edward McMonagle, 3357 Texas Av S, St. Louis Park, and having received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for violating Section 341.340 of the Code of Ordinances by driving with an expired provisional taxicab driver's license, and having stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee pay an administrative fine of \$300 to the City of Minneapolis in the form of a money order.

b. Mr. McMonagle's Taxicab Driver License shall be suspended for a period of 14 days; said license has been suspended since January 23, 2002 and will be credited toward the 14 days.

c. by accepting the terms of the TAC agreement, Mr. McMonagle will be granted a permanent Taxicab Driver's License effective February 6, 2002.

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Grocery Store, Gasoline Filling Station, Food Manufacturer and Tobacco Licenses held by Imman Conoco for the premises located at 2606 Penn Av N; and an Administrative Hearing having been held before Administrative Law Judge Steve Mihalchick who issued Findings of Fact, Conclusions of Law and a Recommendation that the City Council take adverse action against the business licenses held by Imman Conoco; and having reviewed said Findings of Fact, Conclusions of Law and Recommendation of the Administrative Law Judge, the Written Exceptions of the licensee, and the arguments of both parties, now adopts and incorporates the Findings of Fact, Conclusions of Law and Recommendations and recommends approval of the recommendation of the Director of Licensing that the City Council not renew and revoke all licenses held by Imman Conoco for a period of one year, based upon all the evidence contained in the record.

Your Committee, having further under consideration a request by the licensee to stay the decision pending an appeal, and having held a hearing thereon, now recommends that said request for a stay be

denied, based upon the information contained in the record, testimony taken at the hearing and for the reasons stated at the hearing, including but not limited to findings that continued operation would pose a threat to public safety, that proposed remedial measures pending appeal would be ineffective based on past failures of remedial actions, that the management of Imman Conoco has been ineffective and unwilling to control illegal conduct at the business and that Police Department staffing concerns limit the availability of off-duty police officers for security in the future.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends concurrence with the recommendation of the City Council to reappoint the following persons to serve on the Rental Dwelling License Board of Appeals for two-year terms to expire December 31, 2003:

Daisy Barton, 8133 Idaho Av N, Brooklyn Park;

Clinton T. Blaiser, 1926 Stryker, W St. Paul;

Brian Bushay, 1715 Emerson Av N (Ward 5);

Wayne Jensen, 2717 13th Av S (Ward 6);

Paul Thomas Kjornes, 4509 Nicollet Av (Ward 8);

Steven Schachtman, 2121 Austrian Pine Ln, Minnetonka;

Fathia Warsame, 7318 Bass Lk Rd, New Hope.

Your Committee further recommends that the residency requirement be waived, pursuant to Section 14.180(m)(3) of the Minneapolis Code of Ordinances, which allows a waiver for persons providing a unique and special benefit to the City.

Niziolek 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 Rental Dwelling License for the property located at 3008 Emerson Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards in accordance with Section 244.1940 of the Minneapolis Code of Ordinances, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Adekunle Esvozo. (Petn No 267718)

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Rental Dwelling License for the property located at 409 31st Av N, and having received verification that said property is now in compliance with rental licensing standards in accordance with Section 244.1940 of the Minneapolis Code of Ordinances, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Bashir Moghul. (Petn No 267718)

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Zimmermann.

Passed March 1, 2002.

Approved March 4, 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, having accepted the Auto Theft Prevention Program grant award of \$370,436 on December 28, 2001 to deter auto theft crimes through various strategies, now recommends that the proper City Officers be authorized to negotiate and execute a lease agreement with Classic Space Inc for a twenty-one month term with three one-year options to renew and cancellation provisions at a monthly fee of \$3,200 plus the cost of utilities in order to facilitate performance of the duties agreed to in the grant award, payable from the Police Department Agency (060-400-C007).

Adopted. Yeas, 11; Nays none.
Absent - Biernat, Zimmermann.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee, having under consideration the 2001-2003 State Community Oriented Policing Grant that provides funding for additional uniformed officer presence via patrols in high crime areas, now recommends that the proper City Officers be authorized to accept a revised grant award of \$62,500 from the Minnesota Department of Public Safety.

Your Committee further recommends passage of the accompanying Resolution appropriating \$62,500 to the Police Department Agency to reflect receipt of said revised funds.

Adopted. Yeas, 11; Nays none.
Absent - Biernat, Zimmermann.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-055
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 - Other Fund (060-400-4030) by \$62,500 and increasing the Revenue Source (060-400-4030 - Source 3215) by \$62,500.

Adopted. Yeas, 11; Nays none.
Absent - Biernat, Zimmermann.
Passed March 1, 2002.
Approved March 4, 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 City-owned property at 143 13th Av NE (buildings and land adjacent to Fire Station #2) and having been informed that a portion of the property (Lot 8) is not needed by the City but is being sought by the State of Minnesota, now recommends that the proper City officers be authorized to negotiate with the Minnesota Department of Commerce for sale of said property.

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the property at 700 3rd Av N that has been used as volleyball courts and broomball rinks under contract to the City and having been informed that there is no longer a tenant utilizing the facilities, now recommends that the property City officers be authorized to begin a Request for Proposals (RFP) process to develop a five-year lease agreement for the use of said property, with a new lease to commence by approximately May 1, 2002.

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

Adopted upon a voice vote.

T&PW - Your Committee, having under consideration the property at 700 3rd Av N that has been used as volleyball courts and broomball rinks under contract to the City and having been informed that there is no longer a tenant utilizing the facilities, now recommends that the property City officers be authorized to begin a Request for Proposals (RFP) process to develop a one-year lease with extensions possible for a total of five years, with a new lease to commence by approximately May 1, 2002. The new lease shall contain a termination clause which the City may exercise at the end of any calendar year.

The report, as substituted, was adopted.

Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the Fremont Av S Residential Lighting Project (W 42nd St to Kings Highway), now recommends passage and summary publication of the accompanying resolution designating the location, streets and improvements proposed to be made in said project.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution No. 2002R-056, designating the location, streets and improvements proposed to be made in the Fremont Av S Street Lighting Project (Special Improvement of Existing Street No. 2236), was passed March 1, 2002 by the City Council and approved March 4, 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-056

By Colvin Roy

**Fremont Av S Street Lighting Project
Special Improvement of Existing Street No. 2236**

Designating the improvement 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 together with all necessary appurtenances and work related thereto:

Fremont Av S from approximately the north ROW line of W 42nd St to the north ROW line of Kings Hwy.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having received a cost estimate of \$200,000 for street lighting improvements and the list of benefited properties for the Fremont Av S Street Lighting Project, Special Improvement of Existing Street No. 2236, as designated by Resolution 2002R-056, passed March 1, 2002, now recommends that the City Engineer be directed to prepare a proposed Street Lighting Special Improvement Assessment in the amount of \$200,000 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 and Public Works Committee on April 11, 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, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 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 1289 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated as Fremont Av S (streets to receive lighting are as designated in the Fremont Av S Street Lighting Project, Special Improvement of Existing Street No. 2236).

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

| | |
|-----------------------------------------------|--------|
| Number of assessable parcels in said district | 50 |
| Total assessable frontage in feet | 4900 |
| Annual cost per foot | \$0.38 |

Your Committee 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 and Public Works Committee on April 11, 2002, in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances, to be considered the establishment of said proposed Street Lighting District No. 1289.

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the City's agreement with Hennepin County providing for electronic data-sharing by use of the County's Electronic Proprietary Geographic Digitized Database, now recommends that the proper City officers be authorized to execute an extension to said agreement, maintaining the current terms through all of year 2002.

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends passage and summary publication of the accompanying resolution approving the appointment of Marilyn Borea as the City's Alternate Commissioner to the Shingle Creek Watershed Management Commission.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-057, approving the appointment of Marilyn Borea as the City's Alternate Commissioner to the Shingle Creek Watershed Management Commission, was passed March 1, 2002 by the City Council and approved March 4, 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-057

By Colvin Roy

Appointing an Alternate Commissioner to represent Minneapolis on the Shingle Creek Watershed Management Commission.

Whereas, the City of Minneapolis has entered into a joint powers agreement with the Cities of Brooklyn Center, Brooklyn Park, Crystal, Maple Grove, New Hope, Osseo and Plymouth that created the Shingle Creek Watershed Management Commission (SCWMC); and

Whereas, the SCWMC agreement commits Minneapolis to appoint a commissioner and an alternate commissioner to serve three-year terms; and

Whereas, the City of Minneapolis has appointed Council Member Barbara Johnson to serve as SCWMC Commissioner;

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

That Marilyn Borea, 3955 Sheridan Av N, be appointed to serve as Alternate SCWMC Commissioner to serve the unexpired term of the former alternate, John W. George.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW- Your Committee, having under consideration plans to construct a new City animal shelter facility at 1705 2nd St N and having been informed of the results of a request for proposals process for design services for said facility, now recommends that the proper City officers be authorized to negotiate and execute an Architectural and Engineering Design Services Agreement for the Minneapolis Animal Shelter Project with Krech, O'Brien, Mueller & Wass for a fee not to exceed \$280,000 (included in the 2002 capital budget).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration a parcel of tax forfeited land at 2900 Grand Av S that was acquired but no longer needed for the Midtown Greenway Bicycle Trail, now recommends:

1. That proper City Officials be authorized to sign the necessary documents to reconvey the following parcels of tax forfeited land back to the State of Minnesota:

The North 28 feet of Lot 1, Block 6, Excelsior Addition to Minneapolis, including adjacent ½ of vacated alley.

(2900 Grand Ave S, PID 34-029-24-33-0047)

2. That the City of Minneapolis requests that the State of Minnesota allow the Hennepin County Regional Railroad Authority to acquire the parcel of land as part of the Greenway Bicycle Trail Corridor.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 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 property located at 54 S 4th St (Ritz Lot) that has been leased by the City and used for parking to the public and public events and having been informed that a new lease has been negotiated regarding the property, now recommends:

a) That the proper City officers be authorized to execute a lease for said property, owned by Olaf Limited Partnership, with said lease to commence as of January 1, 2002 and expire on December 31, 2006;

b) That the City shall pay a yearly base rent of \$350,000 plus an additional amount based on a fifty/fifty sharing of gross sale amounts over \$720,000, with an upper limit of \$1,025,000;

c) Passage of the accompanying resolution increasing the operating budget in the Municipal Parking Fund from \$150,000 to \$502,500, to provide for the increase in the cost of said lease.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-058
By Colvin Roy & 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 operating budget in the Municipal Parking Fund (7500-685-RITZ-5081) by \$352,500 for the Ritz Lot lease.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration a request of the Transportation Engineer for authorization to utilize federal funds for installation of a variable message sign system that will provide updated parking information in the downtown area, now recommends that the proper City officers be authorized to execute Agreement No. 82917 with the Minnesota Department of Transportation (MnDOT) in the amount of \$469,431 to allow the City to use federal aid funds in the amount of \$334,624 for said sign system (City match funds of \$134,807 are designated in the capital program).

Your Committee further recommends passage of the accompanying resolution increasing the project appropriation by \$334,624 to reflect the receipt of said funds.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-059
By Colvin Roy & Johnson

Amending The General Appropriation Resolution of 2002.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$334,624, to be fully reimbursed by federal aid funds.
Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration proposals to coordinate a Water System Interconnection Project with St. Paul Regional Water Services and having been informed of the results of a request for proposals to perform an evaluation of that project, now recommends that the proper City officers be authorized to accept the proposal of and develop an agreement with CTE Engineers (in association with Springsted, Inc. as financial subconsultant) to conduct said evaluation, with the appropriate City staff authorized to direct the work of the engineering consultant and financial subconsultant as necessary. Funds for the project are available in the Water Fund (7400-950-9515).
Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit the Hennepin County Recycling Grant Application for Year 2002 and to execute an agreement with the County providing that the City will receive partial funding for the Minneapolis Recycling Program. The period of the contract shall be January 1, 2002 through December 31, 2002.
Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the Royalston Av Bridge Project and having received a report outlining the finance plan for said project, now recommends passage of the accompanying resolution increasing the project appropriation by \$2,240,676 (to be reimbursed by federal bridge replacement funds, state bridge bond funds and capital funds transferred from the Golden Valley Road Project), and decreasing the Golden Valley Road Project account to reflect the transfer of funds.
Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-060
By Colvin Roy & Johnson

Amending The 2002 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) By increasing the appropriation for the PW - Streets & Malls Capital Agency in the Permanent Improvement Projects Fund (4100-937-9366) by \$2,240,676 and increasing the revenue sources (4100-937-9386 - Source 3210) by \$1,272,676, (4100-937-9386 - Source 3880) by \$186,000 and (4100-937-9386 - Source 3215) by \$782,000;

b) By decreasing the appropriation for the PW - Streets & Malls Capital Agency in the Permanent Improvement Fund (4100-937-9372 - T04 CSAH Cooperative Projects/Golden Valley) by \$186,000 and decreasing the revenue source (4100-937-9372 - Source 3880) by \$186,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids, all in accordance with City specifications and as further outlined in Petn No 267728:

a) OP #5428, increase Contract No. C00-15593 with Veit & Company in the amount of \$53,671.63, for a new estimated expenditure of \$207,271.63, to furnish and install a Geosynthetic Clay Liner System at the 60th Av Holding Pond Project;

b) OP #5497, increase Contract No. C00-15841 with Veit & Company in the amount of \$71,628.11, for a new amount of \$539,686.11 for holding pond construction.

c) OP #5802, low bids of Robert Innes, Jr (\$27.00 per hour), Scott Innes (\$28.00 per hour) and Hugstadd Vaa Contracting (\$30.00 per hour) to furnish and deliver skid steer loader rental with operator;

d) OP #5805, low bid meeting specifications of R.E. Mooney & Associates, Inc. in the amount of \$63,540 to furnish and deliver Metal Seated Gate Valves for the Public Works Water Department.

Your Committee further recommends that the proper City officers be authorized to execute contracts as appropriate for said project/services.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the Joint Water Commission agreement under which the City provides water to the cities of Crystal, Golden Valley and New Hope, now recommends that the proper City officers be authorized to enter into a Memorandum of Understanding with the Joint Water Commission providing for an interim water rate increase effective as of February 1, 2002.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

W&M/Budget - Your Committee, having under consideration The Minneapolis Empowerment Zone Small Business Initiative Loan Fund that will make funds and resources available to small businesses within the boundaries of the Empowerment Zone, now recommends that the proper City officers be authorized to issue a Request For Proposals (RFP) seeking community lenders to administer loans for said program.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the Governmental Accounting Standards Board Statement 34 (GASB 34), now recommends:

a) That the proper City officers be authorized to amend the City Professional Services Agreement with Deloitte & Touche LLP (#017340) by changing the scope of engagement to include implementation of said project, as necessary to assist the City in reaching compliance with the GASB 34 requirements;

b) That the Finance Department be authorized to spend up to \$250,000 for contractual services for GASB 34 compliance in the first quarter to 2002; and

c) Passage of the accompanying resolution amending the Finance Department budget to allow for carryover of unspent funds from 2001 to 2002 in the amount of \$700,000 to pay for services necessary to allow the City to comply with GASB 34 standards.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-061

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 for the Finance Department in the General Fund (0100-820-8230) by \$700,000, representing carryover of unspent amounts from 2001 to 2002 for GASB 34 services.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 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 *Sonja Ament vs. the City of Minneapolis*, now recommends that the proper City officers be authorized to make a payment of \$20,000 to Sonja Ament and her attorney, David Stewart, payable from the Self Insurance Fund (6900-150-1500-4000).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends approval of the recommendation of the Director of Human Resources to approve a new classification entitled Assistant Supervisor, Meter Service Workers (Grade 7), to be effective January 15, 2002.

Your Committee further recommends passage and summary publication of the accompanying Salary Ordinance establishing the salary for said position.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance No. 2002-Or-014, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, setting the salary for the position of Assistant Supervisor, Meter Service Workers, was passed March 1, 2002 by the City Council and approved March 4, 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-014
By Johnson
1st & 2nd Readings: 3/1/2002

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

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

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes:

Minneapolis City Supervisors Association (CSU)
Effective January 15, 2002

| Job Code | Salary Grade | FLSA OTC | Classification title | P | 1st Step | 2nd Step | 3rd Step | 4th Step | 5th Step | 6th Step | 7th Step |
|----------|--------------|----------|-------------------------------------------------------|---|----------|----------|----------|----------|----------|----------|----------|
| 7 | | N2 | Supervisor I Asst Supervisor, Meter Svc Workers | H | 18.090 | 18.995 | 19.945 | 20.942 | 21.989 | 23.088 | 24.243 |

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes:

Minneapolis City Supervisors Association (CSU)
Effective January 1, 2003

| Job Code | Salary Grade | FLSA OTC | Classification title | P | 1st Step | 2nd Step | 3rd Step | 4th Step | 5th Step | 6th Step | 7th Step |
|----------|--------------|----------|----------------------|---|----------|----------|----------|----------|----------|----------|----------|
| 7 | | N2 | Supervisor I | H | 18.678 | 19.612 | 20.593 | 21.623 | 22.704 | 23.838 | 25.031 |

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration an ordinance amendment that would eliminate the requirement for the City Clerk to sign City contracts thereby streamlining the contract approval process as recommended as part of the contract redesign initiative, now requests unanimous consent to introduce an ordinance amending Title 2, Chapter 18 of the Minneapolis Code of Ordinances relating to *Administration: Purchasing*, for first reading.

Unanimous consent was granted.

Your Committee further recommends that said ordinance be given its second reading for amendment, passage and summary publication.

Your Committee further recommends approval of the Finance Department Administrative Guidelines for Contract Management Review (as contained in Petn No 267732), to be effective as of January 1, 2002.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance No. 2002-Or-015, amending Title 2, Chapter 18 of the Minneapolis Code of Ordinances relating to *Administration: Purchasing*, eliminating the requirement for the City Clerk to sign City contracts, was passed March 1, 2002 by the City Council and approved March 4, 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-015
By Johnson
1st & 2nd Readings: 3/1/2002

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

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

Section 1. That Section 18.100 of the above-entitled ordinance be amended to read as follows:

18.100. Contracts. Whenever a formal contract in writing for ~~furnishing any supplies or materials~~ the sale or purchase of supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property shall be required, it shall be drawn by the city attorney, except contracts for the park board, which shall be drawn by the attorney for said board, and in case of city contracts shall be signed on behalf of the city by the mayor, or the person designated by the mayor pursuant to Chapter 3, Section 1, of the City Charter to sign contracts under the mayor's direction, and purchasing agent, ~~attested by the city clerk,~~ and countersigned by the city finance officer after review and approval by the finance officer, pursuant to administrative guidelines adopted for the finance department for such contracts, and in case of board contracts shall be signed on behalf of the board by the president of such board and the purchasing agent, attested by the secretary of such board and countersigned by the city finance officer, before it shall be effectual for any purpose. Every such contract shall be accompanied by a bond of the contractor to city or the board making the contract for the full amount of the contract price, with sufficient surety to be approved by ~~the mayor and~~ the city finance officer. A duplicate original of such contract and original bond shall be delivered to the city finance officer, which bond shall be conditioned for the faithful performance of the contract and the delivery of the supplies and materials specified in accordance with the contract and bid proposal of the contract, as the contract price and at such times and in such amounts as may be satisfactory to or ordered by the purchasing agent, and to indemnify the city from any and all loss and damage sustained by it through failure by such contractor to faithfully and fully perform the agreement. A copy of such contract shall be delivered to the department or board for which the contract was made. When an act is required of the finance officer under this section, that act may be performed by the person acting as finance officer pursuant to Chapter 3, Section 11, of the City Charter.

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, to whom was referred back a report regarding the 2002 International Association of Chief's of Police (IACP) Conference that will be held in Minneapolis from October 5 through 9, 2002 and specifically regarding the City's responsibility under contract for the expense of certain conference services and activities as host city, now recommends that the Greater Minneapolis Convention and Visitors Association (GMCVA) be directed to continue with their fundraising activities in order to cover the cost of said expenses (estimated at \$350,000 to \$450,000). It is further recommended that the GMCVA be authorized to sign the necessary contracts to allow the hosting of the IACP Conference to proceed with the understanding that, if there is a deficit in the expense budget, the City Coordinator could amend the GMCVA contract to fund the deficit as part of the authorized contract responsibilities.

Johnson moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

W&M/Budget - Your Committee, to whom was referred back a report regarding the 2002 International Association of Chief's of Police (IACP) Conference that will be held in Minneapolis from October 5 through 9, 2002 and specifically regarding the City's responsibility under contract for the expense of certain conference services and activities as host city, now recommends that the Greater Minneapolis Convention and Visitors Association (GMCVA) be directed to continue with their fundraising activities in order to cover the cost of said expenses (estimated at \$350,000 to \$450,000). It is further recommended that the GMCVA be authorized to sign the necessary contracts to allow the hosting of the IACP Conference to proceed and that the Chief of Police is directed to work with the GMCVA to implement convention contract requirements consistent with available resources.

The report, as substituted, was adopted.

Yeas, 11; Nays, 1 as follows:

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

Nays - Lane.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration a report outlining proposals for placement of the new Central Library, now recommends concurrence with the New Central Library Implementation Committee's recommendation that the New Central Library be built on the current library block.

Johnson moved that the report be deleted. Seconded.

Adopted upon a voice vote.

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 #7 to Contract #15186 with Impulse Group, Inc., increasing said contract by \$112,415, for a new contract total of \$9,126,409;

b) Change Order #14 to Contract #15156 with Kellington Construction, Inc., increasing said contract by \$128,266, for a new contract total of \$19,039,651.

c) Change Order #4 to Contract #14760 with Valley Building Products Co., increasing said contract by \$4,350, for a new contract total of \$1,200,828;

d) Change Order #5 to Contract #14760 with Valley Building Products Co. increasing said contract by \$13,502, for a new contract total of \$1,214,329;

e) Change Order #5 to Contract #14689 with W. L. Hall Company, decreasing said contract by \$10,074, for a new contract total of \$1,911,922;

f) Change Order #6 to Contract #15489 with Crawford Door Sales Co., increasing said contract by \$5,939, for a new contract total of \$382,146;

g) Change Order #8 to Contract #15277 with Swanson & Youngdale, Inc., increasing said contract by \$17,238, for a new contract total of \$958,845;

h) Change Order #8 to Contract #15235 with Minuti-Ogle Co. Inc., increasing said contract by \$42,726, for a new contract total of \$10,367,338.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 1, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published March 5, 2002, Republished March 9, 2002)

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

Z&P - Your Committee, having under consideration the appeal of John Starway (BZZ-379) from the decision of the Board of Adjustment denying a variance application to increase the maximum permitted square feet of an accessory structure from 676 square feet to 1,008 square feet to allow a 17' X 8" X 38' detached garage and a 14' X 24' accessory structure (storage area); denying a variance to reduce the required south side yard setback from 5' to 4' to allow a 24' X 14' accessory structure outside the rear 40' of the lot; and denying a variance to reduce the required north side yard setback from 5' to 3' to allow an 8' X 17' concrete ramp attached to the garage at 2515 Upton Ave N, and having conducted a public hearing thereon, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings of fact prepared by the Planning Department Staff set forth in Petn No 267741 be adopted.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal of James Bartlett and George Sherman from the decision of the Planning Commission approving the application of Jesse's Concept's, dba Baja Riverside, for site plan review for a restaurant at 1501 S 6th St and accessory parking lot at 1507 S 6th St, subject to 11 conditions as set forth in the staff report contained in Petn No 267742, and having conducted a public hearing thereon, now recommends that said appeal be denied and that the findings prepared by the Planning Department staff be adopted.

Your Committee further recommends that an extension be given for all site improvements until October 30, 2003 and that the performance bond deadline be extended to September 30, 2003. Further, that the following site improvements conditioned in the site plan approval be implemented prior to September, 2002: a) repair of the fencing at the rear of the building at 1507 S 6th St; b) removal of all outside storage and litter on the site; and c) dumpsters and trash receptacles shall be screened as required by code.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances to bring the City's zoning regulations governing nonconformities into consistency with

requirements of new State law and clarifying several existing provisions, now recommends that the following ordinances be given their second reading for amendment and passage:

Amending Chapter 520 relating to Zoning Code: Introductory Provisions;
Amending Chapter 531 relating to Zoning Code: Nonconforming Uses and Structures;
Amending Chapter 541 relating to Zoning Code: Off-Street Parking and Loading; and
Amending Chapter 544 relating to Zoning Code: Off-Premises Advertising Signs and Billboards.
Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-016 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, amending definitions of bulk regulations, nonconforming lot, nonconforming structure, nonconforming use, yard, and landscaped yard, and adding a new definition of principal entrance was passed March 1, 2002 by the City Council and approved March 4, 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-016
By Schiff
Intro & 1st Reading: 12/14/2001
Ref to: Z&P
2nd Reading: 3/1/2002

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.

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

Section 1. That the following definitions in Section 520.160 of the above-entitled ordinance be amended or added in alphabetical sequence to read as follows:

520.160. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

Bulk regulations. Standards and controls that establish the maximum size of structures and the buildable area within which ~~the structures may~~ can be located, including height, floor area ratio, gross floor area, ~~lot area~~, lot coverage, ~~impervious surface coverage~~ and yard requirements, but excluding residential density regulations.

Nonconforming lot, legal. A lot of record, lawfully existing on the effective date of this ordinance or amendment thereto that does not comply with one (1) or more of the lot area or lot width regulations applicable in the district in which it is located ~~because of the adoption of or amendment to the city's zoning regulations.~~

Nonconforming structure, legal. A structure or portion thereof, lawfully existing on the effective date of this ordinance or amendment thereto that does not comply with one (1) or more of the bulk regulations applicable in the zoning district in which it is located ~~because of the adoption of or amendment to the city's zoning regulations.~~

Nonconforming use, legal. A use of land or structures, lawfully existing on the effective date of this ordinance or amendment thereto that currently is not allowed, or that does not comply with one (1) or more of the regulations applicable in the zoning district in which it is located, ~~other than bulk regulations, because of the adoption of or amendment to the city's zoning regulations, or because of a public action pursuant to eminent domain proceedings.~~

Principal entrance. A door, other than a vehicle access door, that is designed as a principal means of access by the customers, occupants, employees or guests of the building. A building may have more than one principal entrance.

Yard. An open space on the same zoning lot with a use, building or structure which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided by this zoning ordinance. A yard extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

Corner side yard. A yard located immediately adjacent to and extending along the corner side lot line between the front yard and the rear lot line.

Front yard. A yard located immediately adjacent to and extending along the full length of the front lot line between the side lot lines.

Interior side yard. A yard located immediately adjacent to and extending along another zoning lot or an alley between the front yard and the rear lot line.

Rear yard. A yard located immediately adjacent to and extending along the length of the rear lot line between the side yards.

Side yard. Either a corner side yard or an interior side yard, unless otherwise specified by this zoning ordinance.

Landscaped yard. A ~~required~~ front, side or rear yard that is required to be landscaped, as specified in this zoning ordinance.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-017 amending Title 20, Chapter 531 of the Minneapolis Code of Ordinances relating to *Zoning Code: Nonconforming Uses and Structure*, to amend provisions relating to the loss of nonconforming rights by providing that the standard for loss of rights due to discontinuance of a nonconforming use or structure is more than one year, and the standard for loss of rights due to destruction of a nonconforming use or structure is more than one-half of market value, amend the regulations governing nonconforming lots to permit the establishment of a two-family dwelling on an existing nonconforming lot in the R5, R6, OR2 and OR3 Districts without the need to vary lot area or lot width, and specify that nonconforming parking areas must comply with applicable curbing requirements as well as required landscaping and screening, was passed March 1, 2002 by the City Council and approved March 4, 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-017

By Schiff

Intro & 1st Reading: 12/14/2001

Ref to: Z&P

2nd Reading: 3/1/2002

Amending Title 20, Chapter 531 of the Minneapolis Code of Ordinances relating to Zoning Code: Nonconforming Uses and Structures.

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

Section 1. That Section 531.40 of the above-entitled ordinance be amended to read as follows:

531.40. Loss of nonconforming rights. (a) *Discontinuance.*

- (1) ~~Structures present; one year. In general.~~ In any case in which a structure is an integral or necessary part of a nonconforming use, if the nonconforming use or structure is discontinued for a continuous period of more than one (1) year, it shall be deemed to be abandoned and may not thereafter be reestablished or resumed. Any subsequent use of the land or structure shall conform to the requirements of the district in which it is located, ~~except as otherwise provided by Chapter 541, Off-Street Parking and Loading.~~
- (2) ~~No principal structures present; 90 days.~~ In any case involving the nonconforming use of land which does not include any principal structures, or in connection with which any building or structure is merely incidental to the principal use of the land, if the nonconforming use is discontinued for a continuous period of ninety (90) days, it shall be deemed to be abandoned and may not thereafter be reestablished or resumed. Any subsequent use shall conform to the requirements of the district in which it is located, ~~except as otherwise provided by Chapter 541, Off-Street Parking and Loading.~~
- (3)(2) ~~Rebuttal of abandonment.~~ A property owner may rebut the presumption of abandonment only by presenting clear and convincing evidence that discontinuance of the nonconforming use or structure for the specified period was due to circumstances beyond the property owner's control. The property owner shall bear the burden of proof.

(b) *Change to conforming use.* When a nonconforming use has been changed to a conforming use, it may not thereafter be reestablished or changed to another nonconforming use. In addition, whenever the degree of nonconformity with the provisions of this ordinance is reduced (e.g., a use nonconforming by three (3) units is reduced to nonconforming by two (2) units or by one (1) unit), the degree of nonconformity shall not thereafter be increased.

(c) *Damage or destruction.*

- (1) *Legal nonconforming structure containing a conforming use.* When a legal nonconforming structure is damaged or destroyed by any cause or means, to the extent that the cost of restoration exceeds ~~two-thirds (2/3) of the assessor's market value of the structure, or exceeds~~ one-half (1/2) of its market value ~~the assessor's market value if the structure is nonconforming as to the regulations of the FP Floodplain Overlay District,~~ reconstruction of the nonconforming structure shall be prohibited. A new structure may be built on the parcel, but only in full conformity with the regulations of the district in which it is located.
- (2) *Legal nonconforming use contained in either a conforming or legal nonconforming structure.* When ~~any structure containing~~ a legal nonconforming use is damaged or destroyed by any cause or means, to the extent that the cost of restoring or reestablishing the nonconforming use, including ~~both~~ structural repairs and equipment and fixture replacement, exceeds ~~two-thirds (2/3) of the assessor's market value of the structure, or exceeds~~ one-half (1/2) of its market value ~~the assessor's market value if the structure or use is nonconforming as to the regulations of the FP Floodplain Overlay District,~~ then the nonconforming use shall not be reestablished or resumed. A new structure may be built on the parcel and new uses established, but only in full conformity with the regulations of the district in which it is located, ~~except as otherwise provided by Chapter 541, Off-Street Parking and Loading.~~
- (3) *Determining costs of restoration.* Determination of the cost of restoration and reestablishment shall be made by the zoning administrator. The zoning administrator may request photocopies of insurance claims and payments, appraisals or other relevant data in the possession of the property owner. Failure to provide such data upon request shall be prima facie evidence that the cost of restoration or reestablishment exceeds the applicable threshold for restoration of the structure or reestablishment of the use. ~~In any case where restoration of a nonconforming structure is prohibited, and the structure was a necessary or integral component of a nonconforming outdoor use on the parcel, then the continuance of any nonconforming outdoor use on the parcel shall be prohibited as well.~~

~~(4) Qualified low income housing units. Notwithstanding any other provision of this chapter, during the fifteen (15) year compliance period imposed by the United States Internal Revenue Code, section 42, a qualified low income housing unit or building within the meaning of the United States Internal Revenue Code, section 42, which is legally nonconforming, may be restored or reestablished in the event such housing unit or building is damaged or destroyed by fire, collapse, explosion, or other unintentional cause beyond the property owner's control, provided the degree of nonconformity of the restored or reestablished housing unit or building shall be reduced to the extent feasible without reducing the total number of dwelling units. This provision shall apply only to a qualified low income housing unit or building established after January 1, 1996.~~

Section 2. That Section 531.100(a) of the above-entitled ordinance be amended to read as follows:

531.100. Nonconforming lots. (a) General restriction; exception. No building, structure or use shall be erected, constructed or established on a nonconforming lot unless a variance is granted by the board of adjustment, ~~except that,~~ except as otherwise provided in this section. ~~Subject to the requirements of subdivision (b), and notwithstanding any other provision to the contrary, in the R1 through R4 Districts and in a residence or OR1 District, a single-family dwelling may be erected shall be permitted on a lot of record existing on the effective date of this ordinance, and in the R5, R6, OR2 and OR3 Districts, a two-family dwelling shall be permitted on a lot of record existing on the effective date of this ordinance,~~ provided that the yard dimensions and all other requirements for the district in which the lot is located, not involving lot area or lot width, shall be met. ~~Yard requirement variances may be applied for through the board of adjustment, as specified in Chapter 525, Administration and Enforcement.~~

Section 3. That Section 531.110 of the above-entitled ordinance be amended to read as follows:

531.110. Compliance with current standards. All nonconforming uses and all conforming uses in nonconforming structures shall at all times maintain compliance with all general performance standards and with all landscaping, ~~and screening~~ and curbing requirements applicable in the district in which the use is located, or applicable in the most restrictive district in which the use is first allowed, whichever has the greater requirement. Upon determination by the zoning administrator that strict compliance with applicable standards would be practically or economically infeasible, the zoning administrator shall require compliance with such portion of applicable standards as is practically and economically feasible.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-018 amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Street Parking and Loading*, deleting sections 541.70 and 541.80 relating to reestablishment of buildings and uses nonconforming as to parking following destruction or discontinuance was passed March 1, 2002 by the City Council and approved March 4, 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-018
By Schiff
Intro & 1st Reading: 12/14/2001
Ref to: Z&P
2nd Reading: 3/1/2002

Amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Street Parking and Loading.

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

Section 1. That Section 541.70 of the above-entitled ordinance be amended to read as follows:

541.70. Damage or destruction. ~~(a) *Intentional.* For any building or use that is in existence on the effective date of this ordinance, which subsequently is intentionally damaged or destroyed for redevelopment or other purpose, to the extent that the cost of restoration does not exceed two-thirds (2/3) of the assessed value of the structure, off-street parking and loading facilities equivalent to those maintained at the time of such damage or destruction shall be restored or continued in operation. If the cost of restoration exceeds two-thirds (2/3) of the assessed value of the structure, parking and loading facilities shall be provided to meet the requirements specified in Table 541-1, Specific Off-Street Parking Requirements and Table 541-7, Specific Off-Street Loading Requirements. If the restoration includes an intensification or change of use, sections 541.50 or 541.60 shall also apply.~~

~~(b) *Unintentional.* For any building or use that is in existence on the effective date of this ordinance, which subsequently is damaged or destroyed by fire, collapse, explosion or other unintentional cause beyond the property owner's control, and which is reconstructed, reestablished or repaired within a period of one (1) year, off-street parking and loading facilities equivalent to those maintained at the time of such damage or destruction shall be restored or continued in operation. However, it shall not be necessary to restore or continue parking and loading facilities in excess of those required by this zoning ordinance for equivalent new uses or construction. If the restoration includes an intensification or change of use, sections 541.50 or 541.60 shall also apply.~~

Section 2. That Section 541.80 of the above-entitled ordinance be amended to read as follows:

541.80. Discontinuance of uses nonconforming as to parking. ~~In any case in which a structure is an integral or necessary part of any use that is nonconforming as to parking, upon resumption of such use following discontinuance for any period of time, off-street parking and loading facilities equivalent to those maintained at the time of discontinuance shall be restored or continued in operation. However, it shall not be necessary to restore or continue parking and loading facilities in excess of those required by this zoning ordinance for equivalent new uses. If the resumption includes an intensification or change of use, sections 541.50 or 541.60 shall also apply.~~

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-019 amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Premise Advertising Signs and Billboards*, providing that the standard for loss of nonconforming rights due to discontinuance of a nonconforming advertising sign is more than one year was passed March 1, 2002 by the City Council and approved March 4, 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-019

By Schiff

Intro & 1st Reading: 12/14/2001

Ref to: Z&P

2nd Reading: 3/1/2002

Amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Premise Advertising Signs and Billboards.

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

Section 1. That Section 544.30(5) of the above-entitled ordinance be amended to read as follows:

544.30. Nonconforming signs. The following provisions shall apply to nonconforming advertising signs and billboards:

(5) A nonconforming advertising sign which is discontinued for a continuous period of ~~ninety (90) days or more~~ than one (1) year shall be deemed to be abandoned and may not thereafter be reestablished or resumed except in conformity with all applicable regulations of this chapter.

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the application of Robert Berger (BZZ-432) to rezone the property at 4336 York Ave S from R2B to the R5 District to permit a five-unit condominium building, now concurs in the recommendation of the Planning Commission that said application be denied, and that the related findings set forth in Petn No 267742 be adopted.

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 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 Julene Lind and Steve Rosch, on behalf of Nicollet Ace Hardware (BZZ-499) to rezone the property at 3817 and 3821 Nicollet Ave from R2B to the C2 District to permit a new parking lot accessory to the existing hardware store, and adopting the related findings prepared by the Planning Department, as amended, and set forth in Petn No 267742.

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

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-020, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3817 and 3821 Nicollet Ave to the C2 District, was passed March 1, 2002 by the City Council and approved March 4, 2002 by the Mayor. A complete copy of the 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-020
By Schiff
1st & 2nd Readings: 3/1/2002

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 Lots 25 and 26, Block 4, Nicollet Park Addition to Minneapolis (3817 and 3821 Nicollet Ave - Plate 31) to the C2 District.

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed March 1, 2002.
Approved March 4, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal of Florence Littman, for Prospect Park and East River Road Improvement Association, Inc (PPERRIA) from the decision of the Planning Commission approving the application of Jim Trapp, for Great Brakes, for site plan review for an auto body repair garage at 3326 University Ave SE subject to 10 conditions as set forth in the staff report contained in Petn No 267742, and having held a public hearing thereon, now recommends that said appeal be granted, based on the following agreements made between the two parties:

- a) that a structural engineer will certify the construction and work required for the retaining wall at the rear of the site, and the engineer shall keep as many trees as possible;
- b) the revised landscaping plan shall be reviewed and approved by the Planning Department with consultation from the City's landscape consultant;
- c) a snow removal plan shall be required if the area dedicated for snow removal at the rear of the site is inadequate;
- d) the colors of the new Great Brakes building wall sign shall be black lettering on a white face;
- e) the applicant shall provide PPERRIA with a letter of intent to paint the building within three to five years, and the paint shall be harmonious in color yet allow for distinction between each use of the different buildings on the property.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, to whom was referred back from Council on 2/15/02 a report relating to the recommendation of the Zoning Office to revoke 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 staff recommendation for revocation be sent forward without recommendation.

Johnson moved to amend the report by deleting the language "that the staff recommendation for revocation be sent forward without recommendation" and inserting in lieu thereof the following: "that the conditional use permit not be revoked, subject to compliance with the following conditions: 1) That Hansen Brothers' Fence work with the Department of Public Works staff to relocate or close the Vincent Ave N curb cut, in accordance with Public Works standards by 9/30/03; 2) That the curbing required by the City Planning Commission may be eliminated if fencing that meets the standards of the Zoning Code is provided between the parking lot and the landscaping setbacks and buffers. The landscaping areas should be designed to absorb water sheeting off of the parking lot and to prevent water from draining across the public sidewalk; and 3) that the building shall be painted prior to 10/1/02." Seconded.

Adopted.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Biernat.

Passed March 1, 2002.

Approved March 4, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

MOTIONS

Niziolek moved to introduce the subject matter of an Ordinance amending Title 13, Chapter 261 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: License Fees Generally*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing on March 19, 2002 (Providing for annual license fee increases based on inflationary economic indicators).

Johnson Lee moved to appoint Council Member Benson to serve as Acting Council President during the absence of Council President Ostrow and Council Vice President Lilligren for portions of the weeks of March 4 and 11 and to refer the subject matter of succession during the absence of the Council President and Council Vice President to the Rules Committee. Seconded.

Adopted upon a voice vote.

NEW BUSINESS

Zerby introduced an Ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending Section 172.110 relating to subpoena power).

By unanimous consent, the meeting was adjourned.

MERRY KEEFE,
City Clerk.

Created: 3/4/2002
Modified: 3/8/2002;3/14/2002
Corrected: 5/30/2002