

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF NOVEMBER 22, 2002

(Published December 3, 2002,  
in *Finance and Commerce*)

Council Chamber

350 South 5<sup>th</sup> Street

Minneapolis, Minnesota

November 22, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Absent - Biernat, Johnson.

Lilligren moved acceptance of the minutes of the regular meeting held November 8, 2002. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

#### **COMMUNITY DEVELOPMENT:**

COORDINATOR (268362)

Focus Minneapolis Initiative: Status Report.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268363)

Saint Anthony Falls Corporation Project (Labor Center Office Building, 312 Central Avenue SE): Execute documents relating to retirement of debt on City tax-exempt revenue bonds for project.

#### **COMMUNITY DEVELOPMENT and INTERGOVERNMENTAL RELATIONS (See Rep):**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268364)

State Legislation: Extend Southeast Minneapolis Industrial redevelopment area phase 4 tax increment financing district - the Midway Business Center (Lewis Nut & Bolt) for 6 years.

#### **COMMUNITY DEVELOPMENT, INTERGOVERNMENTAL RELATIONS, TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268365)

Guthrie Theater Riverfront Project (including land sale): Execute agreements, authorize sale of air rights parcel and appropriate funds.

**COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS (See Rep):**

PLANNING COMMISSION/DEPARTMENT (268366)

Roamin' for SnowMN: Deny request for encroachment permit to place snowman statues on City streets.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268367)

Hiawatha & Lake: Approve Modification #91 to Common Plan.

Zip-Sort, Inc (63 St. Anthony Parkway): Final approval to issue \$6,000,000 in taxable MCDA limited tax-supported development revenue bonds through Common Bond Fund.

46th & Hiawatha Light Rail Transit Station Area Master Plan: Accept Metropolitan Council Livable Communities Demonstration Account Opportunity Grant.

Bonding Authority: Authorize "carry forward" of 2002 housing revenue bonding authority into 2003.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268368)

Upper Harbor River Terminal Operating Budget for 2003: Approve.

Chapter 595 Levy Funds for Affordable Housing: Approve use of funds for certain projects.

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

HEALTH AND FAMILY SUPPORT SERVICES (268369)

TANF Home Visiting Funds: Amend Contract #18178 with Hennepin Cty for \$500,000 to continue public health nursing home visits through June 30, 2003.

**HEALTH AND HUMAN SERVICES and PUBLIC SAFETY AND REGULATORY SERVICES**

**(See Rep):**

POLICE DEPARTMENT (268370)

Community Mediation Services: Twelve standard steps in the mediation process and ground rules.

POLICE DEPARTMENT (268371)

Police/Community Relations: Approve federal mediation process with Department of Justice.

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

HEALTH AND FAMILY SUPPORT SERVICES (268372)

HIRED's Better Futures Project and YouthCARE's Multicultural Youth Leadership Program: Enter into contracts with MN Dept of Economic Security to accept \$50,000 for each program to keep youth out of the juvenile justice system.

LICENSES AND CONSUMER SERVICES (268373)

The Park Apartments: Agreement to accept funds up to \$37,000 for lead risk assessment and clearance services.

**INTERGOVERNMENTAL RELATIONS:**

INTERGOVERNMENTAL RELATIONS (268374)

2003 Legislative Agenda: Reports on affordable housing from City/County Shelter Advisory Bd; Housing Minnesota; Mayors' Regional Housing Task Force.

INTERGOVERNMENTAL RELATIONS (268375)

2003 MN Senate Election Directory; 2003 Proposed MN Senate Committees & Chairs; US Senate Party Leaders & Committee Chairs.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

ATTORNEY (268376)

Appointed Personnel: Draft bill providing for certain positions to be in the unclassified service of the City of Mpls.

COORDINATOR (268377)

Civilian Review Authority Work Group Recommendations: Policy issues.

Sports Facility Policy.

FINANCE DEPARTMENT (268378)

Community Planning & Economic Development Department (CPED): Options to create new CPED.

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

**ATTORNEY (268379)**

Las Americas Motion for Reconsideration of Adverse Action taken by City Council: Committee to not consider information submitted by Las Americas; Committee record not to be opened to allow for additional testimony or submission of evidence; Deny motion to reconsider adverse action taken July 26, 2002; Forward submissions, exhibits and arguments of counsel to Office of Administrative Hearings for ruling; with attachments.

**LICENSES AND CONSUMER SERVICES (268380)**

Administrative Adjudication Pilot Project: Authorize Licenses & Consumer Services Division to continue using administrative adjudication process; Direct staff to explore possibilities for centralizing some functions and data and report back to Committee with options for improvements; Encourage other departments to institute administrative adjudication under existing procedures; Direct City Attorney's Office to draft ordinance changes.

Jordan Stop (640 E Lake St): Conditions for granting Provisional Gasoline Filling Station, Confectionery and Tobacco Licenses.

Licenses: Applications.

**REGULATORY SERVICES/ENVIRONMENTAL (268381)**

Gasoline Filling Stations: Ordinances amending Title 3, Chapter 47 of Code relating to Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority; and amending Title 13, Chapter 287 relating to Licenses and Business Regulations: Filling Stations and Bulk Oil Plants, requiring all existing gasoline stations to install and use a Stage I Vapor Recovery System on storage tanks by January 1, 2007; with attachments.

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

**POLICE DEPARTMENT (268382)**

Restitution from United States District Court: Accept \$260,000 in restitution in lawsuit entitled United States of America vs. Stanley J. Capistrant; Authorize Police Department to use funds as match for federal grant to be received during 2003; and Approve appropriation.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET:**

**PUBLIC WORKS AND ENGINEERING (268386)**

Shafer Metal Recycling Site Cleanup: Receive and file.

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

**FRANSON, ARVID (268385)**

Letter of opposition to water assessment at 2940 Grand Av S. \*See report of 11-8-2002.

**PUBLIC WORKS AND ENGINEERING (268383)**

50th St W & France Av S Parking Facility: Adopt & levy special assessment & assessment roll for 2002 & 2003 operations and maintenance assessments.

Special Service Districts: Approve special service, cost estimates, service charges & list of service charges for 2003 in Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village & S Hennepin Av and order the work to proceed.

Public Works Special Assessments: Levy 2002 assessments upon various benefited properties.

New Nicollet Mall Reconstruction Project (Washington Av S to 11th St S): Adopt assessment roll for service charges collectable in 2003 for Downtown Special Service District.

Lowry Hill East Neighborhood Street Lighting Project: Designate location, street and improvements, special improve of existing Street #2249; receive cost estimate & list benefited properties; and designating project area as Street Lighting District #1295.

**PUBLIC WORKS AND ENGINEERING (268384)**

Police Department First Precinct Project: Authorize change order with Diversified Contracting Specialists Inc. in the amount of \$1,966,836.23.

Second Police Precinct: Authorize rezoning petition from Asia Imports for city-owned property.

Fridley Water Treatment Campus: Authorize proposals for architectural/engineering design for the Water Department Shop 1 and Stores Facility at 4100 Marshall St NE.

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

**PUBLIC WORKS AND ENGINEERING (268387)**

Downtown East Light Rail Transit Station Block Development Public Infrastructure Project (Parking Ramp): Authorize increase to change orders 1 - 5 with Glenn Rehbein Excavating, Inc.

Bids: OP #5328, increase contract with Western Lime Corporation, for furnishing Quick Lime; and accept, OP# 5961, the bid of Custom Products and Services for snow removal and sidewalk maintenance for Central Av and Hennepin Lake Special Service District.

Interceptor in Cedar Lake Road (between Olson Memorial Highway and James Av N): Authorize agreement with Metropolitan Council removal and reinstallation of a water main.

Technical engineering book collection: Accept donation from Dr. Shahin Rezaia, to the Department of Public Works Engineering Services Library.

**WAYS AND MEANS BUDGET:**

**COORDINATOR (268392)**

Greater Minneapolis Convention and Visitors Association: Quarterly Performance Report, 3rd Quarter of 2002.

**FINANCE DEPARTMENT (268388)**

3rd Quarter Financial Status Report.

Hiring Report: Finance Department hiring report for June through October 2002.

2001 State Auditor's Management Report.

**MAYOR (268389)**

2003 Budget: Mayor's recommendations for Community Development Block Grant funds.

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

**ATTORNEY (268390)**

Legal Settlements: Settle claims of Jordon Kushner, Ezechinyere Ejimadu, Amy Strom and Lisa Davis.

Legal Fees: Payment of fees for Officers J. Brickley, T. Lappegard and T. Friestleben.

**COORDINATOR (268391)**

Empowerment Zone Employment and Training Services: Authorize issuance of request for proposals for construction training services.

Grant Funds for Minneapolis Park and Recreation Board: Accept grant from the Urban Parks and Recreation Act Program for playground rehabilitation.

New Central Library Project - Schematic Design: Amend previous action to stipulate change in elevation at the area of 3rd St and Nicollet Av.

**FINANCE DEPARTMENT (268393)**

Managed Care and Employment Medical Services: Extend contract with CorVel Corporation.

Minneapolis Police Relief Association Board: Reappointment of J. Scott Renne and Rebecca Law as trustees representing the City.

**HUMAN RESOURCES (268394)**

Appointed and Non-Represented Salaries: Approve wage adjustments for 2003-2005, authorize move of Public Works Engineer Directors into the appointed list and direct the Human Resources Director to implement terms and conditions.

Reclassification of Clerk II and Clerk Typist II Positions: Approve reclassification of all Clerk II and Clerk Typist II positions and incumbents to new position of Office Support Specialist I with exception of Michael W. Freeman to be reclassified to Office Support Specialist II.

Minneapolis Building and Construction Trades Council: 2003 wage rates for Building Trades Inspectors.

Drug and Alcohol Testing Policy: Policy for testing of job applicants.

Salary Administration for Appointed Employees: Revision to administration plan authorizing the Human Resources Department to approve extraordinary salary increases.

Employee Life Insurance: Renew contract with ING Reliastar for basic and supplemental insurance.

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

HERITAGE PRESERVATION COMMISSION (268395)

Dorglass, Inc (re 10-20 E 19th St): Appeal filed from decision approving, w/conditions, Certificate of Appropriateness relating to windows.

PLANNING COMMISSION/DEPARTMENT (268396)

The Minneapolis Plan (re affordable housing): Amendments to modify the policy & regulatory context for residential development to foster growth of housing stock & affordable housing.

Affordable Housing (Zoning Code Text Amendments): Ordinances amending Title 20, Chapters 520, 525, 546, 547, 548, 549 & 551 to define the term "affordable housing," to authorize variance of lot area or lot width up to 30% & make a density bonus available to affordable housing projects.

PLANNING COMMISSION/DEPARTMENT (268397)

Appeals:

Greg Lemaire, et al (re Tangletown Properties, LLC, 3100 W 50th St): Appeal filed from decision approving applications for mixed-use development;

Marc Kruger, for Dream Home Development (1021-23 Morgan Ave N): Appeal filed from decision denying minor subdivision.

Rezoning:

Elieth Hoffman (3008-21st Ave S);

Walter Sentryz, dba Sentryz's Supermarket (3807 Fremont Ave N);

Embassy Enterprises, dba Super USA (3807 Fremont Ave N).

Vacation:

Hennepin County (Humboldt Greenway Project): Applications for portions of six alleys, two portions of 50th Ave N, Humboldt Ave N between 49th Ave N & 51st Ave N & four dedicated public alleys.

**PLANNING COMMISSION:**

MHP-CLINTON, LLP (268398)

Permission to vacate alley between 1725 3rd Av S & 1728 Clinton Av S.

SPECIAL SCHOOL DISTRICT #1 (268399)

Permission to vacate E 31st St between 19th Av S & 21st Av S.

**FILED:**

CITY CLERK/SPECIAL PERMITS (268400)

2nd St S, 750 (Imaginality Inc) sign;

44th Av S, 3239 (Leroy Signs) sign;

Chicago Av S, 4733 (Creative Signs Inc) sign;

Penn Av N, 2015 (Duane Perteet) move house;

River Pkwy W, 1101 (Let'sGetGraphic) sign.

HENNEPIN COUNTY (268401)

Annual List of Member-At-Large Appointments that terms are due to expire; 2003 Open Appointments for Volunteer Service.

METROPOLITAN URBAN INDIAN DIRECTORS (268402)

Demand for action: List of seven demands for Council action.

MINNEAPOLIS AMERICAN INDIAN CENTER (268403)

Community March for Justice: Notice of march to City Hall.

The Rules were suspended for the purpose of consideration of the resignation of Joe Biernat, Council Member of the Third Ward.

**RESOLUTION 2002R-432**

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

**Receiving and consent to the resignation of Joe Biernat, Council Member of the Third Ward.**

Whereas, the City Clerk on November 22, 2002, received the written resignation of Joe Biernat, Council Member of the Third Ward for the City of Minneapolis; and

Whereas, by operation of law the position of Third Ward Council Member is vacant, effective upon receipt by the City Clerk of the resignation on November 22, 2002; and

Whereas, the City Council is authorized to consent to the resignation pursuant to Minneapolis Charter Chapter 2, Section 17;

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

That the City Council consents to the written resignation of Joe Biernat, Council Member of the Third Ward, and confirms that the position is vacant.

Be It Further Resolved that the City Council approves the establishment of Third Ward Special Elections to be held December 30, 2002 (primary) and February 3, 2003 (general) and that filing dates for said election be established as December 3 through December 10, 2002, in accordance with Chapter 2, Section 16 of the Charter of the City of Minneapolis.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 22, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 26, 2002)

#### REPORTS OF STANDING COMMITTEES

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

**Claims** - Your Committee, having under consideration a claim filed against the City by Jeff Mackenzie, 4181 West 150th St, regarding towing charges, now recommends payment of \$160 to Mr. Mackenzie.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

**Comm Dev** - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying resolution, authorizing the execution of necessary documents related to the retirement of debt on the City of Minneapolis tax-exempt revenue bonds for the Saint Anthony Falls Corporation Project, Series 1977.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-433, authorizing the execution of necessary documents related to the retirement of debt on City of Minneapolis tax-exempt revenue bonds for the Saint Anthony Falls Corporation Project Series 1977, was passed November 22, 2002 by the City Council and approved November 27, 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-433**

**By Goodman**

**Authorizing the execution of necessary documents related to the retirement of debt on City of Minneapolis tax-exempt revenue bonds for the Saint Anthony Falls Corporation Project Series 1977.**

Whereas, the City of Minneapolis (the "City"), by the Constitution and laws of the State of Minnesota, including Sections 469.152 to 469.165, Minnesota Statutes (the "Act"), is authorized to issue and sell its revenue bonds for the purpose of undertaking authorized projects and to enter into contracts necessary or convenient in the exercise of the powers granted by the Act and to pledge revenues of such projects and otherwise secure such bonds; and

Whereas, pursuant to a Mortgage and Indenture of Trust, dated as of September 1, 1977, between the City and Northwestern National Bank of Minneapolis, as Trustee, (the "Trust Indenture"), the City (the "Municipality") has issued the Industrial Development Revenue Bonds, Series 1977, in the aggregate principal amount of \$2,105,000, under the Act; and

Whereas, the Municipality loaned the proceeds of the Bonds to Saint Anthony Falls Corporation (the "Tenant") upon the terms and conditions set forth in the Lease made as of September 1, 1977, between the Municipality and the Tenant (the "Lease"); and

Whereas, the Tenant has notified the City that the Bonds have been retired and it wishes to convey to the Tenant title to the Project as specified in the Lease;

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

That the Bill of Sale and Quitclaim Deed and other necessary documents shall be executed in the name and on behalf of the City by the Mayor, the Finance Officer (or the Assistant Finance Officer) and the City Clerk (or Assistant City Clerk) in substantially the form on file, but with all such changes therein, not inconsistent with the Act or other law, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT and INTERGOVERNMENTAL RELATIONS** Committees submitted the following report:

**Comm Dev & IGR** - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to grant local approval of State legislation providing for extension of the Southeast Minneapolis Industrial (SEMI) area redevelopment area Phase 4 tax increment financing district — the Midway Business Center (Lewis Nut and Bolt), and to authorize the City Clerk to provide the appropriate certification to State officials.

Your Committee further recommends passage and summary publication of the accompanying resolution approving Laws of Minnesota 2002, Chapter 377, Article 7, Section 10.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-434, approving Laws of Minnesota 2002, Chapter 377, Article 7, Section 10, was passed November 22, 2002 by the City Council and approved November 27, 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-434**  
**By Goodman and Benson**

**Approving Laws of Minnesota 2002, Chapter 377, Article 7, Section 10.**

Whereas, the Minnesota State Legislature has passed a law relating to extension of the Southeast Minneapolis Industrial (SEMI) area redevelopment area phase 4 tax increment financing district for a period of up to six years; and

Whereas, said law, by its terms, requires an affirmative vote of a majority of the members of the City Council before it may become effective;

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

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

**Comm Dev & T&PW** - Your Committee, having under consideration a request from Roamin' for SnowMN for an encroachment permit to place a limited number of snowman statues of various designs (created primarily by Minnesota artists) on the streets of Minneapolis from late November, 2002 through March, 2003, now recommends denial of said request, based on the concerns of the Minneapolis Arts Commission and the Minneapolis Planning Commission.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 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, having under consideration the Hiawatha and Lake Redevelopment Project, now recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying resolution adopting Modification #91 to the Common Development and Redevelopment and Common Tax Increment Finance Plan.

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-435, adopting Modification No 91 to the Common Development and Redevelopment and Common Tax Increment Finance Plan, was passed November 22, 2002 by the City Council and approved November 27, 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-435**  
**By Goodman and Johnson**

**Adopting Modification No 91 to the Common Development and Redevelopment and Common Tax Increment Finance Plan.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Recitals**

1.1 Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis Code of Ordinances, Chapter 422, as amended (the "Agency Laws") the Housing and Redevelopment Authority in and for the City of Minneapolis (the "City") has been reorganized, granted additional powers, and designated the Minneapolis Community Development Agency (the "Agency") with the authority to propose and implement city development districts, redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179 as amended; and Laws of Minnesota 1971, Chapter 677 (the "Project Laws").

1.2 In June 1999, the Minneapolis City Council established the Transit-Oriented Development (TOD) Program to fund redevelopment activities in stations areas along the Hiawatha Light Rail Transit (LRT) Corridor.

1.3 That by Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City of Minneapolis (the "City") has approved the creation by the Agency of the Common Development and Redevelopment and Common Tax Increment Financing Plans, (the "Common Project") relating hereto, all pursuant to Minnesota Laws.

1.4 That by Resolution No 2001R-164, duly adopted on April 23, 2001 the City approved Modification No 82 to the Common Project, expanding the Common Project boundary to include the same geographic area included within the existing Hiawatha-Lake Redevelopment Project Area.

1.5 That by Resolution No 2002R-259, duly adopted on July 26, 2002 the City approved Modification No 1 to the Hiawatha and Lake Redevelopment Plan, designating parcels that may be acquired within the Hiawatha and Lake Redevelopment Project Area.

1.6 It has been proposed that the Agency prepare Modification No 91 to the Common Project to designate said parcels as property that may be acquired within the Common Project, all pursuant to and in accordance with the Project Laws.

1.7 The Agency has prepared, and this City Council (the "Council") has examined the proposed Modification that describes more precisely the properties that may be acquired within the Project Area, all pursuant to and in accordance with the Project Laws.

1.8 The Agency and the City have performed all actions required by law to be performed prior to the adoption of the Modification, including, but not limited to, a review of the proposed Modification by the affected neighborhood groups and the Planning Commission for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

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

2.1 The Council hereby finds, determines and declares that the Modification will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area by private enterprise as the proposed redevelopment removes blight and blighting influences, facilitates Transit-Oriented Development, enhances the city's tax base, and will serve as an impetus for the provision of needed community redevelopment, including commercial and retail opportunities.

2.2 The Council further finds, determines and declares that the Modification conforms to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Modification was issued, is incorporated herein by reference, and is on file in the office of the City Clerk.

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

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

**Section 3. Approval of the Modification**

3.1 Based upon the findings set forth in Section 2 hereof, the Modification presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

**Section 4. Implementation of the Modification**

4.1 The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Modification, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, resolutions, documents and contracts necessary for this purpose.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a proposal to issue revenue bonds of up to \$6,000,000 on behalf of Zip Sort, Inc, 63 St. Anthony Parkway, and having held a public hearing thereon, now recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying resolution giving final approval to the issuance of up to \$6,000,000 in taxable MCDA limited tax-supported development revenue bonds, Common Bond Fund Series 2002, for Zip Sort, Inc, to be issued through the Minneapolis Common Bond Fund; and further to designate the bonds as being entitled to the security provided by City Ordinance No. 87-Or-084, the Tax Reserve and Pledge Ordinance.

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-436, giving final approval and authorizing a project on behalf of Zip Sort, Inc., and authorizing the issuance of \$6,000,000 in taxable Minneapolis Community Development Agency revenue bonds, was passed November 22, 2002 by the City Council and approved November 27, 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-436  
By Goodman and Johnson**

**Giving final approval to and authorizing a project on behalf of Zip Sort, Inc. (the "Company"), authorizing the issuance of revenue bonds of the Minneapolis Community Development Agency 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 the amount of not to exceed \$6,000,000 (the "Bonds") to finance the acquisition and equipping of an approximately 148,000 square foot building located at 63 St. Anthony Parkway in the City to be used in the bulk mailing 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, 2028, 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 of not to exceed \$6,000,000 for the purpose of financing the Project.

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 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-042 of the City adopted December 12, 1997.

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.

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.

That this approval of the City Council of the City is hereby given as required by Chapter 422.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the Metropolitan Council Livable Communities Demonstration Account Opportunity Grant, in the amount of \$50,000, to develop a five-year transit-oriented development implementation plan for the 46<sup>th</sup> and Hiawatha Light Rail Transit (LRT) Station Area Master Plan.

Your Committee further recommends passage of the accompanying resolution amending the 2002 General Appropriation Resolution, decreasing the Planning Department Agency appropriation in the General Fund by \$25,000 and increasing the Inter-fund Transfer Agency appropriation in the Grants - Other Fund by \$25,000, for transfer to the MCDA.

Your Committee further recommends passage of the accompanying resolution, amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing the appropriation in Fund SMN0 (State Grants and Loan Program) by \$50,000 and increasing the appropriation in Fund SDA0 (Development Account) by \$50,000, to provide the City's and the MCDA's portion of the local match.

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-437**  
**By Goodman and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) decreasing the appropriation for the Planning Department Agency in the General Fund (0100-380-3820-5070) by \$25,000 to provide funds for the Planning Department's portion of the local match; and

b) increasing the appropriation for the Inter-fund Transfer Agency in the Grants - Other Fund (0600-127-1270-3825) by \$25,000, for transfer to the Minneapolis Community Development Agency (MCDA).

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-438**  
**By Goodman and Johnson**

**Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) increasing the appropriation in Fund SMN0 by \$50,000 from the projected balance, and increasing the MCDA revenue budget in Fund SMN0 (3215-13 Other MN Grantor Agencies) by \$50,000; and

b) increasing the appropriation in Fund SDA0 by \$50,000 from the projected fund balance to provide the City's and the MCDA's portion of the local match.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying Resolution authorizing a "carryforward" of the City's 2002 housing revenue bonding authority into 2003, for an amount up to \$14,257,000 for multifamily housing projects.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.  
Passed. November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

Resolution 2002R-439, authorizing a "carryforward" of unused private activity bond volume cap into 2003, was passed November 22, 2002 by the City Council and approved November 27, 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-439**  
**By Goodman and Johnson**

**Authorizing "carryforward" of unused private activity bond volume cap.**

Whereas, the City of Minneapolis, Minnesota (the "City") is an "entitlement issuer" within the meaning of Minnesota Statutes, Section 474A.02, subdivision 7; and

Whereas, the City's entitlement allocation for 2002 under Minnesota Statutes, Chapter 474A.03, subdivision 2a is \$33,547,000; and

Whereas, the City has issued bonds attributable to such allocation, in the amount of \$19,290,000; and

Whereas, the City may, under Section 146(f) of the Internal Revenue Code of 1986, as amended, and under Minnesota Statutes, Chapter 474A, "carryforward" all or a portion of the City's unused entitlement allocation for the year 2002; and

Whereas, it is in the best interest of the public health, safety and welfare that the City carry forward for qualified "carryforward" purposes any part of its entitlement allocation which remains unused at the end of 2002;

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

That the City hereby elects to carry forward all of the City's remaining 2002 entitlement allocation for the purpose of qualified residential rental bonds.

Be It Further Resolved that the Executive Director of the Minneapolis Community Development Agency is hereby authorized and directed to execute and cause to be filed with the Internal Revenue Service a Form 8328 specifying the amount of entitlement allocation to be carried forward as described above. The Form 8328 shall be filed with the Internal Revenue Service on or before February 15, 2003. The Executive Director is further authorized to notify the Minnesota Department of Finance of such "carryforward" at such time and as required by Minnesota Statutes, Chapter 474A.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends approval of the Upper Harbor River Terminal Operating Budget for 2003, as submitted by River Services, Inc. (RSI), pursuant to Article VI of the Operating Agreement between the City of Minneapolis and RSI, as more fully set forth in the related staff report dated November 14, 2002.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the use of Chapter 595 Levy funds for affordable housing, in the amount of \$2,000,000, now recommends that the following loans from the Multi-Family Rental and Cooperative Housing Program be approved as the proposed use of a portion of said levy funds, in the amount of \$481,401, with additional grants totaling \$28,000 from the Non-Profit Development Assistance Program:

1) Multi-Family Program funds of up to \$108,186 and Non-Profit Development Assistance Program grant funds of \$12,000 for 2413 Emerson Avenue North by Catholic Charities;

2) Multi-Family Program funds of up to \$160,000 for 2011 Pillsbury Avenue South by Alliance Housing;

3) Multi-Family Program funds of up to \$113,705 for 1805 Portland Avenue South by Indian Neighborhood Club; and

4) Multi-Family Program funds of up to \$99,510 and Non-Profit Development Assistance Program grant funds of \$16,000 for 4525 Aldrich Avenue South, 4317 Elliot Avenue South, 4652-54 Minnehaha Avenue South, and 614 8<sup>th</sup> St SE by Restart, Inc.

Your Committee further recommends passage of the accompanying resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing the appropriation in Fund SCD0 (Special Revenue - Community Development) by \$481,401.

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-440**  
**By Goodman and Johnson**

**Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SCD0 by \$481,401 from the projected fund balance.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev, IGR, T&PW, & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Redevelopment Agreement #17152 and to execute related documents (including a parking design-build agreement and reciprocal easement and operating agreement) with the Guthrie Theater Foundation, subject to the terms set forth in the staff report dated November 21, 2002; and further, that all actions required for implementation be authorized.

Your Committee further recommends that the proper City officers be authorized to execute a purchase agreement, promissory note/mortgage, environmental escrow agreement and related documents with Hennepin County Regional Railroad Authority, in accordance with the terms set forth in said staff report.

Your Committee further recommends passage and summary publication of the accompanying resolution authorizing the sale of an air rights parcel to the Guthrie Theater Foundation.

Your Committee further recommends passage of the accompanying Resolution amending the 2002 Capital Improvement Appropriation Resolution, increasing the Public Works Transportation Capital Agency in the Municipal Parking Fund by the following amounts:

- a) \$360,000 to cover initial parking design costs; and
- b) \$2,588,296 for land acquisition.

Your Committee further recommends approval to rank the Guthrie request for State bond funds as one of the City's highest priority projects, subject to confirmation as part of the overall annual City legislative ranking process; and further, that appropriate staff of the Intergovernmental Relations Office be directed to include said request for State bond funds as part of the City's 2003 legislative agenda as a project of highest priority.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (MCDA) for execution of said Redevelopment Agreement amendment and related documents with the Guthrie Theater Foundation, subject to terms set forth in said staff report, and that all actions required for implementation be authorized.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed. November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-441, authorizing the sale of an air rights parcel, was passed November 22, 2002 by the City Council and approved November 27, 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-441**

**By Goodman, Benson, Colvin Roy and Johnson**

**Authorizing the sale of an air rights parcel.**

Whereas, the City plans to acquire property on the block bounded by Washington Avenue South, Second Street South, vacated Chicago Avenue South and vacated Ninth Avenue South, including said vacated streets; and

Whereas, the City plans to build a public parking facility on a portion of the above-described property; and

Whereas, a parcel is proposed to be created in the air rights above a portion of said parking facility; and

Whereas, the City Engineer has determined that this air rights parcel is not needed for City purposes; and

Whereas, the Guthrie Theater Foundation has offered to enter into a Redevelopment Agreement Amendment with the City, agreeing to pay the City \$11.00 per square foot for the air rights parcel; and

Whereas, the City Assessor has determined this transaction price to be reasonable and has reported this to the City Council; and

Whereas, the Planning Commission reviewed the sale on September 9, 2002 for conformance with the Comprehensive Plan, and a public hearing (notice of which was published in a newspaper of general circulation in Hennepin County at least 10 days in advance of the hearing) was held at a Committee of the Whole meeting on November 21, 2002, all in accordance with the Minneapolis Code of Ordinances, Section 14.120;

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

That the proper City officers be authorized to execute a Redevelopment Agreement Amendment and related documents and, subject to acquisition from Hennepin County, to take other necessary actions for sale of the land preliminarily legally described as:

An air rights parcel of about 207 feet by 118 feet over an area generally described as follows:

That part of the following tracts of land that lies above, but not below, a horizontal plane having an elevation of 857 feet above sea level according to the National Geodetic Vertical Datum, 1929 Adjustment:

All of Lots 6, 7 and 8, Block 97, Town of Minneapolis;  
The southeasterly 9 feet of Lot 9, Block 97, Town of Minneapolis;  
The northeasterly 18 feet of Lot 14, Block 97, Town of Minneapolis;  
The southeasterly 42 feet of the northeasterly 18 feet of Lot 11, Block 97, Town of Minneapolis;  
According to the recorded plat thereof and situated in Hennepin County, Minnesota.  
Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed. November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-442**  
**By Goodman, Benson, Colvin Roy and Johnson**

**Amending The 2002 Capital Improvement Appropriation Resolution.**

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

- a) increasing the appropriation for the Public Works Transportation - Capital Agency in the Municipal Parking Fund (7500-943-9464) by \$360,000 for Guthrie parking design costs; and
- b) increasing the appropriation for the Public Works Transportation - Capital Agency in the Municipal Parking Fund (7500-943-9464) by \$2,588,296 for land acquisition for the Guthrie Theater.

Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed. November 22, 2002.  
Approved November 27, 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 amend Contract No 18178 with Hennepin County to increase the contract by \$500,000 in federal TANF Home Visiting Funds, payable from Fund/Org 0300-860-8621, for a new contract total to not exceed \$2,200,000, with terms and conditions to remain the same.  
Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 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, having under consideration the subject matter of a mediation plan to address racial and ethnic concerns regarding law enforcement policies and procedures, and the Chief of Police having reported to Committee on the Police Department's work with the Department of Justice facilitator to develop a proposal for moving forward with a community mediation process, now recommends:

- H&HS** - a. approval of a mediation process to follow the twelve standard steps in the mediation process as outlined in Petn No 268370 on file in the Office of the City Clerk.
- b. The City will assign seven to nine representatives and alternates to include the Director of Civil Rights or designee, a representative from the Mayor's Office, a Council Member, the Chief of Police, two Inspectors, a Sergeant and a Police Officer. The Police Federation shall also participate.
- c. Weekly mediation meetings will be held for 90 days beginning December 10, 2002.
- d. Specific outcomes from the group will consist of a list of agreed upon actions to be taken by the City and the community to be presented to the City Council for resolution.

**PS&RS** - a. approval of a mediation process to follow the twelve standard steps in the mediation process as outlined in Petn No 268370 on file in the Office of the City Clerk.

b. The City will assign seven to nine representatives and alternates, with the names of people and organizations participating to be submitted to the City Council.

c. Weekly mediation meetings will be held for 90 days, beginning December 10, 2002.

d. Specific outcomes from the group will consist of a list of agreed upon actions to be taken by the City and the community to be presented to the City Council for resolution.

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

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 9; Nays, 2 as follows:

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

Nays - Lane, Colvin Roy.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

**H&HS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to conclude an agreement whereby the City will provide lead risk assessment and clearance services for The Park Apartments, in an amount not to exceed \$37,000 for said services, as part of an agreement to comply with federal lead disclosure requirements.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into contracts with the Minnesota Department of Economic Security to accept \$50,000 each for Title V funds to support HIRED's Better Futures Project and YouthCARE's Multicultural Youth Leadership Program.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

**IGR** - Your Committee, having under consideration Focus Minneapolis legislative issues relating to creation of the new Community Planning and Economic Development Department (CPED) as described in Petn No 268378, now recommends approval of Option 1, creating a CPED via amendments to Minneapolis Community Development Agency (MCDA) Special Law, and that the initiative be included in the City's 2003 legislative agenda. Option 1 is described as follows:

a) Creates CPED as a new department with the following divisions: Neighborhood and Community Development; Development Services; Housing Development; and Business Development;

b) Incorporates MCDA and Planning Department (Neighborhood Revitalization Program, Health & Family Support and Regulatory Services decisions pending January policy discussion);

- c) Existing Planning employees transferred to CPED;
- d) MCDA powers, financial assets and employees transferred to CPED;
- e) Charter change regarding Planning addressed in legislation;
- f) Employee transition issues addressed in legislation, similar to creation of the MCDA.

Benson moved to amend the first paragraph of the report by adding the language, "or reporting structure," after the language, "Community Planning and Economic Development Department (CPED)," and to amend provision "a" to read as follows:

"a) Creates CPED as either a new department or a reporting structure under the direction of the City Coordinator, with the following divisions: Neighborhood and Community Development; Development Services; Housing Development; and Business Development;" Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** - Your Committee, having under consideration legislative issues contained in the Civilian Review Authority Redesign Action Group Recommendations relating to residency requirement for Minneapolis Police; granting the civilian review function subpoena power; access to personnel records and openness/transparent process; and discipline, as set forth in Petn No 268377, now recommends approval of the following policy issues:

a) **Residency**: That the City should not pursue a residency requirement for police officers.

b) **Subpoena Power**: That the City should pursue subpoena power for the civilian review function through a City Charter amendment, passed by the affirmative vote of all members of the City Council, pursuant to Minnesota Statutes Section 410.12, Subd 7. Should this amendment fail, the issue should be included as part of the City's 2003 legislative agenda.

c) **Access to Personnel Records-Openness/Transparent Process**: That the City not seek amendments to the Minnesota Government Data Practices Act as part of its 2003 legislative agenda.

d) **Discipline**: That authority to discipline police officers should remain with the Police Chief.

Benson moved to divide the report so as to consider Items "a-d" separately. Seconded.

Adopted upon a voice vote.

Benson moved adoption of Item "a." Seconded.

Adopted. Yeas, 8; Nays, 3 as follows:

Yeas - Goodman, Lane, Colvin Roy, Schiff, Zerby, Niziolek, Benson, Ostrow.

Nays - Zimmermann, Lilligren, Johnson Lee.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** - Your Committee, having under consideration legislative issues contained in the Civilian Review Authority Redesign Action Group Recommendations relating to residency requirement for Minneapolis Police; granting the civilian review function subpoena power; access to personnel records and openness/transparent process; and discipline, as set forth in Petn No 268377, now recommends approval of the following policy issues:

b) **Subpoena Power**: That the City should pursue subpoena power for the civilian review function through a City Charter amendment, passed by the affirmative vote of all members of the City Council, pursuant to Minnesota Statutes Section 410.12, Subd 7. Should this amendment fail, the issue should be included as part of the City's 2003 legislative agenda.

The report lost. Yeas, 4; Nays, 7 as follows:

Yeas - Schiff, Zerby, Lilligren, Johnson Lee.

Nays - Goodman, Lane, Colvin Roy, Zimmermann, Niziolek, Benson, Ostrow.

Absent - Johnson.

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

Adopted upon a voice vote.

The report lost.

Yeas, 5; Nays, 6 as follows:

Yeas - Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee.

Nays - Goodman, Lane, Colvin Roy, Niziolek, Benson, Ostrow.

Absent - Johnson.

Lost November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** - Your Committee, having under consideration legislative issues contained in the Civilian Review Authority Redesign Action Group Recommendations relating to residency requirement for Minneapolis Police; granting the civilian review function subpoena power; access to personnel records and openness/transparent process; and discipline, as set forth in Petn No 268377, now recommends approval of the following policy issues:

c) **Access to Personnel Records-Openness/Transparent Process:** That the City not seek amendments to the Minnesota Government Data Practices Act as part of its 2003 legislative agenda.

Zerby moved that the report be tabled.

Lost upon a voice vote.

The report was adopted.

Yeas, 8; Nays, 3 as follows:

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

Nays - Zerby, Lilligren, Johnson Lee.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Johnson Lee moved to suspend the rules for the purpose of allowing representatives from the American Indian community to speak to the Council. Seconded.

Adopted upon a voice vote.

Ostrow provided five minutes for the presentation.

Clyde Bellecourt, Director of the American Indian Movement and a representative from the Minnesota Indian Women's Resource Center addressed the Council and presented a list of demands for action.

**IGR** - Your Committee, having under consideration legislative issues contained in the Civilian Review Authority Redesign Action Group Recommendations relating to residency requirement for Minneapolis Police; granting the civilian review function subpoena power; access to personnel records and openness/transparent process; and discipline, as set forth in Petn No 268377, now recommends approval of the following policy issues:

d) **Discipline:** That authority to discipline police officers should remain with the Police Chief.

Zerby moved that the report be tabled.

Lost upon a voice vote.

The report was adopted.

Yeas, 9; Nays none.

Absent - Johnson, Zimmermann, Johnson Lee.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** - Your Committee recommends that a request by the Department of Human Resources for a bill providing for certain positions to be in the unclassified service of the City of Minneapolis be included in the City's 2003 legislative agenda, as set forth in Petn No 268376.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** - Your Committee recommends adoption of the following sports facility policy statements to establish a set of criteria for the City to use when evaluating any stadium legislation or proposals. The conditions outlined in this policy protect the City's investment in professional sports and ensure that the City's infrastructure investments are fully maximized:

a) The facility must be built to leverage existing public infrastructure investments, including Light Rail Transit, parking facilities, water and sewer lines, and communications. This includes consideration for rehabilitation of existing facilities or sites;

b) The facility must be located in an area that makes most business sense for the team (examples: access to transit, parking, restaurants, employees, hotels, and entertainment);

c) The team must agree to remain in the facility for at least the duration of the financing agreements;

d) Facility plans must address potential neighborhood impacts productively;

e) Facility placement needs to avoid or minimize disruption to transit and transportation corridors.

Adopted. Yeas, 8; Nays, 1 as follows:

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

Nays - Zerby.

Absent - Johnson, Zimmermann, Johnson Lee.

Passed November 22, 2002.

Approved November 27, 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 3, Chapter 47 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority* and Title 13, Chapter 287 relating to *Licenses and Business Regulations: Filling Stations and Bulk Oil Plants*, requiring that all existing gasoline stations install and use a Stage I Vapor Recovery System on gasoline storage tanks by January 1, 2007, and having held a public hearing thereon, now recommends that said ordinances be given their second reading for amendment and passage with summary publication.

Niziolek moved that the report be postponed. Seconded.

Adopted upon a voice vote.

**PS&RS** - Your Committee, having under consideration the application of Sabri Holdings LLC, dba Jordan Stop, 640 E Lake St, for Gasoline Filling Station, Confectionery and Tobacco Licenses to expire April 1, 2003, now recommends that provisional licenses be granted, subject to the following conditions:

a. that a floor-mounted mop sink be installed in the restroom with hot and cold water;

b. that the furnace vent be repaired if the furnace is put back in service;

c. that the plumbing drain from the hand sink inside the station be repaired;

d. there shall be no storage of food on wood shelving in the back room;

e. that the ice maker be removed;

f. that the restroom walls be repaired and hand towels be made available in the restroom;

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

Adopted. Yeas, 9; Nays none.

Absent - Johnson, Lilligren, Johnson Lee.  
Passed November 22, 2002.  
Approved November 27, 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 November 9, 2002**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises November 9, 2002, 5:00 p.m. to 1:00 a.m., Wayzata Yacht Club);

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

Indian Restaurants of Minnesota LLC, dba New Delhi Bar & Restaurant, 1400 Nicollet Av.

**Temporary On-Sale Liquor**

Open Arms of Minnesota, dba Open Arms of Minnesota, 1414 E Franklin Av (November 2, 2002, 6:00 p.m. to Midnight at Park House, 2120 Park Av).

Adopted. Yeas, 8; Nays none.

Declining to Vote - Benson.

Absent - Johnson, Lilligren, Johnson Lee.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 22, 2002, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268380):

Amusement Devices; Bed & Breakfast Facility; Christmas Tree; Fire Extinguisher Servicing Class A; Boarding House; Food Distributor; Grocery; Food Manufacturer; Restaurant; Short Term Food Permit; Sidewalk Cafe; Vending Machine; Fuel Dealer; Gas Fitter Class A; Heating, Air Conditioning & Ventilating Class A; Hotel/Motel; Juke Box - Musical; Lodging House; Lodging House with Boarding; Motor Vehicle Dealer - Used Only; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Pet Shop; Plumber; Recycling/Salvage Yard; Secondhand Goods Class B; Antique Dealer Class B; Steam & Hot Water Systems Installer; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Limited; Taxicab Vehicle; Theater Zone I; Tobacco Dealer; and Wrecker of Buildings Class B.

Adopted. Yeas, 8; Nays none.

Declining to Vote - Benson.

Absent - Johnson, Lilligren, Johnson Lee.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

**Gambling-Lawful Class B**

Bolder Options, dba Bolder Options, 2020 1st Av S (Site: Arone's Bar, 500 Central Av SE);

**Gambling Lawful Exempt**

Minnesota Architectural Foundation, dba Minnesota Architectural Foundation, 275 Market Street Suite 275 (Raffle November 14, 2002 at Minneapolis Convention Center, 1302 2nd Av);

Muscular Dystrophy Association, dba Muscular Dystrophy Association, 4530 W 77th St Suite 132 (Raffle March 25, 2003 at Hyatt Regency Downtown Minneapolis, 1300 Nicollet Mall).

Adopted. Yeas, 9; Nays none.

Absent - Johnson, Lilligren, Johnson Lee.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration a report from the Licenses & Consumer Services Division on the Administrative Adjudication Pilot Project, now recommends the following:

- a. that Licenses & Consumer Services be authorized to continue using the administrative adjudication process;
- b. that staff be directed to explore the possibilities for centralizing some functions and data for the administrative process and to report back to Committee with options for improvements;
- c. that other departments be encouraged to institute administrative adjudication under existing procedures with the expectation of future incorporation into the more centralized process and data format;
- d. that the City Attorney's Office be directed to draft ordinance changes to enhance the effectiveness of fine collection, to allow for license or permit denial or non-renewal if administrative fines are unpaid, and to give department management the ability to dismiss or reduce fines where appropriate. Further, that staff include the appropriate checks for any dismissal or reduction of fines.

Adopted. Yeas, 9; Nays none.  
Absent - Johnson, Lilligren, Johnson Lee.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration a motion submitted by Las Americas seeking a rehearing and reconsideration of the adverse action previously taken by the City Council on July 26, 2002, or in the alternative to remand the matter to the Office of Administrative Hearings for further factual findings and recommendations, and having received from Las Americas new information to support said motion, now recommends the following:

- a. that the information submitted by Las Americas shall not be considered by the Committee;
- b. that the record before the Committee shall not be opened to allow for additional testimony or the submission of evidence;
- c. that the motion to reconsider the adverse action taken regarding Las Americas be denied;
- d. that the submissions, exhibits and arguments of counsel be forwarded to the Office of Administrative Hearings for a ruling as to whether the court finds them to be newly discovered evidence warranting additional actions by the court.

Adopted. Yeas, 8; Nays none.  
Declining to Vote - Benson.  
Absent - Johnson, Lilligren, Johnson Lee.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept \$260,000 in restitution from the United States District Court as a result of the lawsuit entitled *United States of America vs. Stanley J. Capistrant*, and that the Police Department be authorized to use said funds as a match for a federal grant that will be received during calendar year 2003.

Your Committee further recommends passage of the accompanying Resolution appropriating \$260,000 to the Police Department Agency to reflect receipt of said funds.

Adopted. Yeas, 9; Nays none.

Absent - Johnson, Lilligren, Johnson Lee.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-443**  
**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 Police Special Revenue Fund (210-400-4182) by \$260,000 and increasing the Revenue Source (210-400-4182 - Source 3755) by \$260,000.  
Adopted. Yeas, 9; Nays none.  
Absent - Johnson, Lilligren, Johnson Lee.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:  
**T&PW** – Your Committee, having under consideration the 50th Street West and France Avenue South Parking Facility, now recommends passage and summary publication of the accompanying Resolution adopting the special assessments, levying the special assessments and adopting the assessment roll for the 2002 and 2003 operation and maintenance of the Facility and directing the City Clerk to transmit a certified copy of the assessment roll to the Hennepin County Auditor.  
Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 22, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.  
(Published November 26, 2002)

Resolution 2002R-444, adopting the special assessments, levying the special assessments and adopting the assessment roll for the 2002 and 2003 operation and maintenance of the 50th St W and France Av S Parking Facility, was passed November 22, 2002 by the City Council and approved November 22, 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-444**  
**By Colvin Roy**

**Adopting the special assessments, levying the special assessments and adopting the assessment roll for the 2002 and 2003 operation and maintenance of the 50th St W and France Av S Parking Facility.**

Whereas, the total amount of the proposed special assessments is \$23,000 and consists of 2002 operation and maintenance costs estimated to be \$4,067, 2003 operation and maintenance costs estimated to be \$23,000 with a reduction for over-assessed operation and maintenance costs through December 31, 2001 in the amount of \$4,067; and

Whereas, a public hearing was held on November 14, 2002 in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429 to consider the operation and maintenance, to consider the proposed special assessments as shown on the proposed assessment roll on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed special assessments in the total amount of \$23,000 as on file in the Office of the City Clerk be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2003 real estate tax statements without interest charges.

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 22, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration the Uptown, Dinkytown, Central Avenue, Nicollet Avenue South, Stadium Village and South Hennepin Avenue Special Service Districts, now recommends passage and summary publication of the accompanying Resolution approving special services and cost estimates, service charges and the lists of service charges for 2003, directing the City Clerk to transmit certified copies of the lists of service charges to the Hennepin County Auditor, and directing the City Engineer to proceed with the work.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 22, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 26, 2002)

Resolution 2002R-445, approving special services, the cost estimates, service charges and the lists of service charges for 2003 in the Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village and S Hennepin Av Special Service Districts and directing the City Engineer to proceed with the work, was passed November 22, 2002 by the City Council and approved November 22, 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-445**

**By Colvin Roy**

**Approving special services, the cost estimates, service charges and the lists of service charges for 2003 in the Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village and S Hennepin Av Special Service Districts and directing the City Engineer to proceed with the work.**

Whereas, public hearings were held on November 14, 2002 in accordance with Laws of Minnesota, 1985, Chapter 302, Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38, Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28, Laws of Minnesota, 1996, Chapter 471, Article 8, Section 44 and Chapters 438, 444, 446, 448, 450 and 454 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges and the proposed lists of service charges as more particularly described in Petn No 268383 on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed special services, the proposed cost estimate in the total amount of \$99,500 for 2003 and the proposed service charges and the proposed list of service charges for 2003 in the total amount of \$89,217 (amount remaining after adjusting the cost estimate of \$99,500 for previous years' unexpended balances and additional costs as provided for in Section 438.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Uptown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$67,000 for 2003 and the proposed service charges and the proposed list of service charges for 2003 in the total amount of \$79,443 (amount remaining after adjusting the cost estimate of \$67,000 for previous years' unexpended balances and additional costs as provided for in Section 444.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Dinkytown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$61,500 for 2003 and the proposed service charges and the proposed list of service charges for 2003 in the total amount of \$74,867 (amount remaining after adjusting the cost estimate of \$61,500 for previous years' unexpended balances and additional costs as provided for in Section 446.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Central Av Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$72,000 for 2003 and the proposed service charges and the proposed list of service charges for 2003 in the total amount of \$59,014 (amount remaining after adjusting the cost estimate of \$72,000 for previous years' unexpended balances and additional costs as provided for in Section 448.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Nicollet Av S Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$50,700 for 2003 and the proposed service charges and the proposed list of service charges for 2003 in the total amount of \$62,323 (amount remaining after adjusting the cost estimate of \$50,700 for previous years' unexpended balances and additional costs as provided for in Section 450.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Stadium Village Special Service District.

Be It Further Resolved that the proposed special services be approved, that the proposed service charge in the amount of \$181.79 for the property at 2504-06 Hennepin Av S (PID 33-029-24-13-0086) be deleted per the recommendation of the S Hennepin Av Special Service District Advisory Board, that the proposed cost estimate in the total amount of \$50,155 be reduced to \$49,973 for 2002 and 2003 and that the proposed service charges and the proposed list of service charges for 2003 in the total amount of \$50,155 be reduced to \$49,973 (any adjustments based on actual expenditures to be made in accordance with the provisions of Section 454.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved as reduced herein for the S Hennepin Av Special Service District.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2003 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 22, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends that the special assessments for the projects and charges listed below be levied upon the benefited properties for the listed number of successive equal annual installments and interest rates (except as otherwise noted hereinafter), that the assessment rolls as

prepared by the City Engineer be adopted and that the City Clerk be directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor:

(1) Uptown (Hennepin–Lake Area) Streetscape Revitalization Project (including Supplemental), Special Improvement of Existing Street No 2897; 15% of cost category adjusted annually for land and building valuation and certified annually for 20 years; 5.3% interest; \$18,824.85 principal and interest for payable 2003 – Levy 01026 – Project 2897H.

(2) a. Washington Av N Reconstruction Lighting Project, Special Improvement of Existing Street No 6600; \$191,400.30 principal (reduced \$183,171.10, from \$374,571.40 due to project cost reduction); 20 installments for assessments of more than \$150 – 4.7% interest – Levy 01026 – Project 6600L; 1 installment for assessments of \$150 or less – 3.75% interest – Levy 01026 – Project L6600.

b. Giving final approval for Street Lighting District No. 1266 (said district having been established for the Washington Av N Reconstruction Lighting Project, Special Improvement of Existing Street No. 6600); annual operation and maintenance costs in said district - \$6200.00 without interest – Levy 01023 – Project 1266.

(3) a. Golden Valley Rd Street Lighting Project, Special Improvement of Existing Street No 6596; \$80,725 principal (reduced \$33,478.57 from \$114,203.57 due to reduced project cost); 20 installments for street lighting assessments of more than \$150 – 4.7% interest – Levy 01026 – Project 6596L; 1 installment for assessments of \$150 or less – 3.75% interest – Levy 01026 – Project L6596.

b. Giving final approval for Street Lighting District No. 1260 (said district having been established for the Golden Valley Rd Street Lighting Project, Special Improvement of Existing Street No. 6596); annual operation and maintenance costs in said district - \$265.00 without interest – Levy 01023 – Project 1260.

(4) a. Field Regina Street Lighting Project, Special Improvement of Existing Street No 2216; \$2,806,289.85 principal (reduced \$1,318,873.89 from \$4,125,163.74 due to reduced project cost); 20 installments for street lighting assessments of more than \$150 – 4.7% interest – Levy 01026 – Project 2216L; 1 installment for assessments of \$150 or less – 3.75% interest – Levy 01026 – Project L2216.

b. Giving final approval for Street Lighting District No. 1270 (said district having been established for the Field Regina Street Lighting Project, Special Improvement of Existing Street No. 2216); annual operation and maintenance costs in said district - \$2,873.10 without interest – Levy 01023 – Project 1270.

(5) a. East Isles Street Lighting Project, Special Improvement of Existing Street No 2211; \$675,493.86 principal (reduced by \$378,506.20 from \$1,054,500 due to reduction in final cost and \$255,000 contribution of NRP funds); 20 installments for assessments of more than \$150 – 4.7% interest - Levy 01026 Project 2211L; 1 installment for assessments of \$150 or less – 3.75% interest - Levy 01026 – Project L2211.

b. Giving final approval for Street Lighting District No. 1259 (said district having been established for the East Isles Street Lighting Project, Special Improvement of Existing Street No 2211); annual operation and maintenance costs in said district - \$520.44 without interest – Levy 01023 – Project 1259.

(6) a. Central Neighborhood Phase III Street Lighting Project, Special Improvement of Existing Street No 2218; \$381,353.04 principal (reduced \$31,646.96 from \$413,000 due to project cost reduction); 20 installments for assessments of more than \$150 – 4.7% interest – Levy 01026 – Project 2218L; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01026 – Project L2218.

b. Giving final approval for Street Lighting District No. 1272 (said district having been established for the Central Neighborhood Phase III Street Lighting Project, Special Improvement of Existing Street No 2218); annual operation and maintenance costs in said district - \$350.31 without interest – Levy 01023 – Project 1272.

(7) a. Riverview Street Lighting Project, Special Improvement of Existing Street No 2215; \$48,500 principal; 20 installments for assessments of more than \$150 – 4.7% interest – Levy 01026 – Project 2215L; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01026 – Project L2215.

b. Giving final approval for Street Lighting District No 1269 (said district having been established for the Riverview Street Lighting Project, Special Improvement of Existing Street No 2215); annual operation and maintenance costs in said district - \$0.00 without interest – Levy 01023 – Project 1269.

(8) a. Hennepin Av (Franklin – Groveland) Street Lighting Project, Special Improvement of Existing Street No 2217; \$13,962 principal; 20 installments for assessments of more than \$150 – 4.7% interest

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– Levy 01026 – Project 2217L; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01026 – Project L2217.

b. Giving final approval for Street Lighting District No 1271 (said district having been established for the Hennepin Av (Franklin – Groveland) Street Lighting Project, Special Improvement of Existing Street No 2217); annual operation and maintenance costs in said district - \$1725.00 without interest – Levy 01023 – Project 1271.

(9) a. Xerxes & 50<sup>th</sup> Area Street Lighting Project, Special Improvement of Existing Street No 2219; \$20,500 principal; 20 installments for assessments of more than \$150 – 4.7% interest - Levy 01026 – Project 2219L; 1 installment for assessments \$150 or less – 3.75% interest - Levy 01026 – Project L2219.

b. Giving final approval for Street Lighting District No 1273 (said district having been established for the Xerxes & 50<sup>th</sup> Area Street Lighting Project, Special Improvement of Existing Street No 2219); annual operation and maintenance costs in said district - \$91.19 without interest – Levy 01023 – Project 1273.

(10) a. Bryant & 50<sup>th</sup> Area Street Lighting Project, Special Improvement of Existing Street No 2220; \$13,375 principal; 20 installments for assessments of more than \$150 – 4.7% interest - Levy 01026 – Project 2220L; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01026 – Project L2220.

b. Giving final approval for Street Lighting District No 1274 (said district having been established for the Bryant & 50<sup>th</sup> Area Street Lighting Project, Special Improvement of Existing Street No 2220); annual operation and maintenance costs in said district - \$0.00 – Levy 01023 – Project 1274.

(11) a. Central Av NE Street Lighting Project, Special Improvement of Existing Street No 2207; \$325,000 principal; 20 installments for assessments of more than \$150 – 4.7% interest – Levy 01026 – Project No 2207L; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01026 – Project No L2207.

b. Giving final approval for Street Lighting District No 1240 (said district having been established for the Central Av NE Street Lighting Project, Special Improvement of Existing Street No 2207); annual operation and maintenance costs in said district - \$4501.70 – Levy 01023 – Project 1240.

(12) 3<sup>rd</sup> Av S Street Reconstruction Project, Special Improvement of Existing Street No 6538; \$346,722.48 principal; 20 installments for assessments of more than \$150 – 4.7% interest – Levy 01026 – Project 6538C.

(13) Viking Electric Center Turn Island Project, Special Improvement of Existing Street No 2237; \$41,000 principal; 10 installments - 4% interest – Levy 01026 – Project 2237R.

(14) 35<sup>th</sup> Street Renovation Project, Special Improvement of Existing Street No 2960; \$212,857 principal; 10 installments for assessments of more than \$150 – 4% interest – Levy 01026 – Project 2960R; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01026 – Project R2960.

(15) 36<sup>th</sup> Street Renovation Project, Special Improvement of Existing Street No 2961; \$180,858 principal; 10 installments for assessments of more than \$150 – 4% interest – Levy 01026 – Project 2961R; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01026 – Project R2961.

(16) Fulton Street SE Renovation Project, Special Improvement of Existing Street No 2954; \$26,444 principal; 10 installments for assessments of more than \$150 – 4% interest – Levy 01026 – Project 2954R; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01026 – Project R2954.

(17) Huron Blvd Intersection Reconstruction Project, Special Improvement of Existing Street No 6680; \$16,986 principal; 20 installments for assessments of more than \$150 – 4.7% interest – Levy 01026 – Project 6680C.

(18) Alley Construction (1500 Block between California and Grand Sts NE), Special Improvement of Existing Alley No FS01#11; \$69,325 principal; 20 installments for assessments of more than \$150 – 4.7% - Levy 01013 – Project FS111.

(19) a. Alley Renovation 2500 Block (Central Av NE to Jackson St NE), Special Improvement of Existing Alley No FS01#2; \$5,195.44 principal; 10 installments for assessments of more than \$150 – 4% interest - Levy 01013 – Project FS012; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01013 – Project 012FS.

b. Alley Renovation 3100 Block (Ulysses St NE to Johnson St NE), Special Improvement of Existing Alley No FS01#3; \$7,749.96 principal; 10 installments for assessments of more than \$150 – 4% interest – Levy 01013 – Project FS013.

c. Alley Renovation 2700 Block (Pierce St NE to Fillmore St NE), Special Improvement of Existing Alley No FS01#4; \$5,683.66 principal; 10 installments for assessments of more than \$150 – 4% interest – Levy 01013 – Project FS014.

d. Alley Retaining Wall 2700 Block (Pierce St NE to Fillmore St NE), Special Improvement of Existing Alley No FS01#5; \$5,229.06 principal; 10 installments for assessments of more than \$150 – 4% interest – Levy 01013 – Project FS015.

e. Alley Retaining Wall 4200 Block (Bryant Av N to Colfax Av N), Special Improvement of Existing Alley No FS01#6; \$16,012.39 principal; 10 installments for assessments of more than \$150 – 4 % interest – Levy 01013 – Project FS016.

f. Alley Retaining Wall 5000 Block (Penn Av S to Queen Av S), Special Improvement of Existing Alley No FS01#7; \$6,875 principal; 10 installments for assessments of more than \$150 – 4% interest – Levy 01013 – Project FS017.

g. Alley Retaining Wall 2400 Block (Pillsbury Av to Pleasant Av), Special Improvement of Existing Alley No FS01#8; \$5665.67 principal; 10 installments for assessments of more than \$150 – 4 % interest – Levy 01013 – Project FS018; 1 installment for assessments \$150 or less – 3.75 % interest – Levy 01013 – Project 018FS.

h. Alley Retaining Wall 5700 Block (28<sup>th</sup> Av S to 27<sup>th</sup> Av S), Special Improvement of Existing Alley No FS01#9; \$4229.76 principal; 10 installments for assessments of more than \$150 – 4% interest – Levy 01013 – Project FS019; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01013 – Project 019FS.

i. Alley Renovation 2500 Block (Central Av NE to Polk St NE), Special Improvement of Existing Alley No FS01#10; \$5266.69 principal; 10 installments for assessments of more than \$150 – 4% interest – Levy 01013 – Project FS110; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01013 – Project 110FS.

(20) 30<sup>th</sup> and Weeks Av Sanitary Sewer Project, Special Improvement of Existing Street No 4323; \$57,000 principal; 20 installments for assessments of more than \$150 – 4.7% interest – Levy 01021 Project 04323.

(21) 2002 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS02#1; \$68,976.64 principal; 5 installments for assessments of more than \$150 – 3.9% interest – Levy 01013 – Project FS021; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01013 – Project 021FS.

(22) 2002 Alley Retaining Wall Project, (1500 Block of 22<sup>nd</sup> Av N between Irving and Illion Avs N), Special Improvement of Existing Alley No FS02#2; \$7,500 principal; 5 installments for assessments of more than \$150 – 3.9% interest – Levy 01013 – Project FS022; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01013 – Project 022FS.

(23) Watermain re-route (24-inch watermain in 5<sup>th</sup> Av S from 10<sup>th</sup> St S to Grant St S); \$119,628.37 principal; 10 installments – 4% interest – Levy 01029 – Project 02003.

(24) Project No 2003, Snow and Ice Removals from Public Sidewalks; \$953.72 principal; 1 installment – 3.75% interest – Levy 01057 – Project 03S11.

(25) Project No 2003, Public Sidewalk Repair and Construction; \$1,132,315.07 principal (reduced from \$1,139,269.49 due to prepayments); 10 installments for assessments of more than \$1500 – 4% interest – Levy 01052 – Project 03S10; 5 installments for assessments of more than \$150 up to \$1500 – 3.9% interest – Levy 01052 – Project 03S05; 1 installment for assessments \$150 or less – 3.75% interest – Levy 01052 – Project 03S01.

(26) Project No 2003, Water and Sewer Service Line Repairs; \$516,451 principal (reduced from \$531,411 due to prepayments) for water service line repairs; 5 installments at 8% interest – Levy 01028 - Project 03WTR; and \$110,994.45 for sewer service line repairs; 5 installments at 8% interest – Levy 01083 – Project 03SWR.

(27) Street Maintenance annual assessments against non-governmental real property exempt from ad valorem taxes: \$0.45 per front foot.

(28) Street Lighting Operation and Maintenance annual assessment against non-governmental real property exempt from ad valorem taxes; assessment rates for Street Lighting Districts as listed in Petn No 268383.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.  
Passed November 22, 2002.  
Approved November 22, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.  
(Published November 26, 2002)

**T&PW** - Your Committee recommends passage and summary publication of the accompanying Resolution adopting the assessment roll for service charges to be imposed for collection in 2003 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project and directing the City Clerk to transmit a certified copy of the assessments roll to the Hennepin County Auditor.

Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 22, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.  
(Published November 26, 2002)

Resolution 2002R-446, adopting the assessment roll for service charges to be imposed for collection in 2003 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project, was passed November 22, 2002 by the City Council and approved November 22, 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-446**  
**By Colvin Roy**

**Adopting the assessment roll for service charges to be imposed for collection in 2003 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project.**

Whereas, Resolution 89R-412 passed September 29, 1989 established the annual amount of service charges to be charged to properties in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project to be \$888,191; and

Whereas, the annual amount of the service charges for payable 1990, 1991, 1992 and 1993 was \$888,191; and

Whereas, refunding bonds were issued in July, 1993 for the New Nicollet Mall Reconstruction Project with the annual amount of service charges to the district being reduced for payable 1994, 1995 and 1996 to \$680,000, said reduced annual amount reflecting the allocated share of the interest savings generated by the said refunding bonds, all as recited in Resolution 93R-430 passed November 12, 1993; and

Whereas, the annual amount of the service charges for payable 1997 through payable 2009 inclusive is to be restored to \$888,191; and

Whereas, the service charges have to be certified to the Hennepin County Auditor on an annual basis;

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

That the assessment roll listing the service charges in the amount of \$888,191 to be imposed for collection in 2003 and the affected properties as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.  
Passed November 22, 2002.  
Approved November 22, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee recommends passage and summary publication of the accompanying Resolution designating the location, streets, and improvements proposed to be made in the Lowry Hill East Neighborhood Street Lighting Project, Special Improvement of Existing Street No 2249.

Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

Resolution 2002R-447, designating the location, streets and improvements proposed to be made in the Lowry Hill East Neighborhood Street Lighting Project Special Improvement of Existing Street No 2249, was passed November 22, 2002 by the City Council and approved November 27, 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-447**  
**By Colvin Roy**

**Lowry Hill East Neighborhood Street Lighting Project**  
**Special Improvement of Existing Street No 2249**

**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:

Area bounded by, and not including, Hennepin Ave, and including Aldrich Ave South and West 28<sup>th</sup> Street;

Franklin Ave W, W 22<sup>nd</sup> St, W 24<sup>th</sup> St, W 25<sup>th</sup> St, W 26<sup>th</sup> St, W 27<sup>th</sup> St, and W 28<sup>th</sup> St from approximately the southeast ROW line of Hennepin Ave to the east ROW line of Aldrich Ave S; and Girard Ave S, Fremont Ave S, Emerson Ave S, Dupont Ave S, Colfax Ave S, Bryant Ave S, and Aldrich Ave South from approximately the southeast ROW line of Hennepin Ave to the south ROW line of W 28<sup>th</sup> St.

Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having received a cost estimate of \$1,800,000 for street lighting improvements and the list of benefited properties for the Lowry Hill East Neighborhood Street Lighting Project, Special Improvements of Existing Street No 2249, as designated by Resolution 2002R-447 passed November 22, 2002, now recommends that the City Engineer be directed to prepare a proposed Street Lighting Special Improvement Assessment in the amount of \$1,260,000 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 February 18, 2003, 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, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 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 1295 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated as Lowry Hill East Neighborhood (streets to receive lighting are as designated in the Lowry Hill East Neighborhood Street Lighting Project, Special Improvement of Existing Street No 2249).

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

Number of assessable parcels in said district	850
Total assessable frontage in feet	48000
Annual cost per foot	\$0.29

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 February 18, 2003, 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 1295.

Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration the Minneapolis Police Department First Precinct Project, now recommends that the proper City officers be authorized to execute Change Order #3 to Contract #02-17764 with Diversified Contracting Specialists Inc. dba GenCon increasing the contract by \$25,854 for a new total of \$1,966,836.23.

Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration a request for rezoning for the Second Police Precinct Project, and having been informed the City currently owns a portion of the adjoining property to Asia Imports, now recommends authorizing the Director of Property Services to sign a rezoning petition from Asia Imports located at 1851 Central Avenue to rezone their property from R5 to C1 for the city-owned property at 945 19th Avenue NE.

Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration the Fridley Water Treatment Campus, now recommends that the proper City officers be authorized to obtain proposals for architectural/engineering design services for the Water Department Shop 1 and Stores Facility at 4100 Marshall St NE.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 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 Downtown East Light Rail Transit Station Block Development Public Infrastructure Project (Parking Ramp), now recommends that the proper City officers be authorized to execute Change Order Nos. 1 through 5 increasing Contract No. 16544 with Glenn Rehbein Excavating, Inc by \$142,867.40, for a new contract total of \$1,908,367.40, payable from the existing project contingency.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No. 268387):

a) OP #5328, an increase of \$100,000 to Contract No. C00-15216 with Western Lime Corporation, for a new estimated expenditure of \$840,000 for furnishing Quick Lime; and

b) OP#5961, the bid of Custom Products and Services in the amount \$142,235 to provide snow removal and sidewalk maintenance for the Central Avenue Special Service District and the Hennepin Lake Special Service District, contingent on approval of the Civil Rights Department.

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration an 84-inch interceptor in Cedar Lake Road between Olson Memorial Highway and James Avenue North, now recommends that the proper City officers be authorized to execute an intergovernmental agreement with the Metropolitan Council, to provide for reimbursement to the City in the amount of \$250,000 for removal and reinstallation of the water main to allow for installation of the interceptor. Funding has been provided from the revenue source (7400-690-6993) which is reimbursable to the Water Works Funds.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee recommends approval for acceptance of a technical engineering book collection donated by Dr. Shahin Rezania, P.E. for the Department of Public Works Engineering Services Water Library.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

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

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Empowerment Zone (EZ) Executive Committee that the proper City officers be authorized to issue a Request for Proposals seeking construction and skill building training services for a joint effort of the EZ and Minneapolis Employment and Training Program (METP) to train EZ and City residents in construction trades.

Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 22, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.  
(Published November 26, 2002)

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the City Attorney that the following lawsuits be settled as follows:

- a) Jordan S. Kushner, by payment in the amount of \$7,026.70 to Mr. Kushner and his attorney James B. Lewis (payable from the Self Insurance Fund, 6900-150-1500-4000);
- b) Ezechinyere Ejimadu, by payment of \$22,272.35 to Mr. Ejimadu and his attorney Bobby Sea (payable from the Self Insurance Fund, 6900-150-1500-2800);
- c) Amy Strom, by payment of \$15,000 to Ms. Strom and her attorney Scott Lewis (payable from the Self Insurance Fund, 6900-150-1500-4000);
- d) Lisa Davis, by payment of \$14,713.62 to Ms. Davis and her attorney Charles Slane (payable from the Self Insurance Fund, 6900-150-1500-4000).

Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to effectuate said settlements and release of claims.

Adopted. Yeas, 10; Nays none.  
Declining to vote - Zimmermann  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval of the request of Officers James Brickley and Todd Lappégard for reimbursement of attorneys' fees in the amount of \$4,300.55, payable to Frederic Bruno and Associates from the Self Insurance Fund (6900-150-1500-4000).

Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval of the request of Officer Tammy Friestleben for reimbursement of attorneys' fees in the amount of \$3,514.24, payable to Frederic Bruno and Associates from the Self Insurance Fund (6900-150-1500-4000).

Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having been informed that the Minneapolis Park and Recreation Board (MPRB) has received a grant award in the amount of \$500,000 from the National Park Service's Urban Parks and Recreation Recovery Program (UPARR) to be used to rehabilitate the Harrison and Hall park playgrounds, now recommends:

a) That the proper officers of the MPRB be authorized to accept the 2002 UPARR grant awarded by the U.S. Department of the Interior and to execute the related grant agreement;

b) Passage of the accompanying resolution providing for the transfer of the grant funds from the City to the MPRB.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 22, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 26, 2002)

### **RESOLUTION 2002R-448**

**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 Interfund Transfer Agency in the Grants – Federal Fund (0300-127-430T) by \$500,000 for transfer to the Minneapolis Park and Recreation Board, and increasing the revenue source (0300-910 – Source 3210) by \$500,000.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 22, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 26, 2002)

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to extend the City's contract with CorVel Corporation to continue Workers' Compensation Managed Care and Employment Medical Services through December 31, 2003, with no increase in fees, payable from the Self Insurance Fund (6900-8290). A request for proposals (RFP) for said services will be released in the future in conjunction with release of the RFP for employee health care.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Executive Committee for approval of the 2003-2005 Salary Schedule for Appointed Positions and Non-Represented Employees and designation of certain positions as appointed, as follows:

a) Passage and summary publication of the accompanying amendment to the Salary Ordinance setting the salary for the Public Works Engineers Directors and moving those positions into the City's appointed salary schedule;

b) Approval of the salary schedule adjustments as indicated in Petn No 268394; and

c) Authorizing the Director of the Human Resources Department to implement the terms and conditions consistent with said salary schedule.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.  
 Passed November 22, 2002.  
 Approved November 27, 2002. R.T. Rybak, Mayor.  
 Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-173, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, setting the salary for the Public Works Engineer Director positions within the City's appointed salary schedule, was passed November 22, 2002 by the City Council and approved November 27, 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-173  
 By Johnson  
 1st & 2nd Readings: 11/22/2002**

**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 titles in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective January 1, 2003.

**Appointed Officials - Professional Engineers  
 Effective: January 1, 2003**

Job Code	FLSA OTC CLASSIFICATION TITLE	P	Step A Start rate	Step B After 1 "A" Year	Step C After 2 "B" Years	Step D After 3 "C" Years
	E1 Director, Engineering Services	A	96,910	102,010	105,071	107,111
	E1 Director, Field Services	A	100,410	105,695	108,866	110,980
	E1 Director, Property and Equip Services	A	97,330	102,452	105,526	107,575
C03350	E1 Director, Inspections	A	100,830	106,137	109,321	111,444
	E1 Director, Trans and Parking Services	A	97,330	102,452	105,526	107,575
C03540	E1 Director, Water Works	A	100,830	106,137	109,321	111,444

Adopted. Yeas, 11; Nays none.  
 Absent - Johnson.  
 Passed November 22, 2002.  
 Approved November 27, 2002. R.T. Rybak, Mayor.  
 Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the results of a class maintenance study conducted by the Department of Human Resources relative to the classifications of Clerk II and Clerk Typist II and having been informed that the study results recommend reclassification of both positions to a new classification entitled Office Support Specialist I, now recommends:

- a) Classification of the position of Office Support Specialist I with 210 points (Grade 4) to the Administrative Services Promotional Line, effective January 1, 2003;
- b) Reclassification of all Clerk II and Clerk Typist II incumbents (with the exception of Michael W. Freeman) to the Office Support Specialist I position, effective January 1, 2003, pursuant to the collective bargaining agreement;

c) Reclassification of Michael W. Freeman from Clerk Typist II to the position of Office Support Specialist II, effective April 23, 2002 (due to a previous classification study), pursuant to the collective bargaining agreement; and

d) Passage and summary publication of the accompanying amendment to the Salary Ordinance providing for said changes.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-174, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, setting the salary for the new classified position of Office Support Specialist I, was passed November 22, 2002 by the City Council and approved November 27, 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-174**  
**By Johnson**  
**1st & 2nd Readings: 11/22/2002**

**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:

**AFSCME LOCAL 9 (CAF)**  
**Effective January 1, 2003\***

Job Code	FLSA OTC	Classification title	P	3-Month rate	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step	7th Step
N2		Office Support Specialist I	H	13.473	14.333	14.853	15.392	15.950	16.528	17.128	17.749

\*These rates are subject to any across-the-board increase included in the collective bargaining agreement effective January 1, 2003.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends passage and summary publication of the accompanying amendment to the Salary Ordinance establishing the rates for 2003 for the Minneapolis Building Trades Council - Building Trades Inspectors.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-175, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the 2003 wage rates for the Minneapolis Building and Construction Trades Council - Building Trade Inspectors, was passed November 22, 2002 by the City Council and approved November 27, 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-175  
By Johnson  
1st & 2nd Readings: 11/22/2002**

**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:

**20.10.01 Council Jurisdiction.**

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates stated herein shall be the hourly pay rates unless stated otherwise.

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective January 1, 2003:

**Inspectors, Building and Construction Trades (CBI)  
Effective January 1, 2003**

FLSA	OTC	JOB		P	Step						
		CODE	CLASSIFICATION		1	2	3	4	5	6	7
N	3	05470C	Inspector, Building Trades	H	26.755	27.010	27.254	27.469	27.652	28.560	29.417

(A) Building (05470C); (B) Elevator (05490C); (C) Gas Heating (05540C); (D) Gas Processing (05550C); (E) Plumbing (05610C); (F) Heating-Refrigeration (05560C); (G) Refrigeration (05630C); (H) Steam & Hot Water (05650C); (I) Warm Air Heating-Air Conditioning (05770).

FLSA	OTC	JOB		P	Step						
		CODE	CLASSIFICATION		1	2	3	4	5	6	7
N	3	05960C	Lead Inspector, Building Trades	H	28.356	28.662	28.917	29.233	29.498	30.243	30.886

(A) Plumbing (06000C); (B) Heating & Refrigeration (05990C); (C) Warm Air Heating (06010C)

Provided that employees in this section shall receive the following longevity:

These payments shall be based on a maximum of 80 hours bi-weekly:

- \$.214 cents per hour additional at the beginning of the 10th year of service.
- \$.296 cents per hour additional at the beginning of the 15th year of service.
- \$.347 cents per hour additional at the beginning of the 20th year of service.
- \$.408 cents per hour additional at the beginning of the 25th year of service.

\*\*\*New Hires are not eligible for longevity.

Adopted. Yeas, 11; Nays none.  
Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends concurrence with the Executive Committee in approval of a new policy relating to drug and alcohol testing for job applicants. The policy and affected positions are set forth in Petn No 268394 on file in the Office of the City Clerk.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends concurrence with the Executive Committee in authorizing a revision to the Appointed Employee Salary Administration Plan that will make the plan consistent with 1989 City policy that grants the Human Resources Department administrative authority to approve extraordinary salary adjustments (as included in Petn No 268394 on file in the Office of the City Clerk).

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to renew the City's contract with ING Reliastar to continue providing Basic Life Insurance (including Accidental Death and Dismemberment coverage) and Supplemental and Dependent Insurance eligible City of Minneapolis employees for years 2003 through 2005, in concurrence with the recommendation of the Internal Review Committee and based on the results of a request for proposals process.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that J. Scott Renne and Rebecca Law be reappointed as Trustees of the Minneapolis Police Relief Association, both for two-year terms commencing on January 1, 2003 and expiring on December 31, 2004.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the New Central Library Implementation Committee that the report passed by the Council on October 25, 2002 approving the Schematic Design for the New Central Library be amended with regard to the building elevation at 3rd St and Nicollet Av to require that the difference in elevation between the sidewalk grade and the interior first floor elevation at said corner be less than 4 feet within normal design and construction tolerances; and that the project should continue to aggressively explore opportunities to make the corner of 3rd St and Nicollet Av a people-oriented, pedestrian friendly space.

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

Adopted upon a voice vote.

**W&M/Budget** - Your Committee recommends that the report passed by the Council on October 25, 2002 regarding the Schematic Design for the New Central Library be amended to include the stipulation that the difference in elevation between the sidewalk grade and the interior first floor elevation at 3<sup>rd</sup> St and Nicollet Av be no greater than 3 feet 9 inches; in addition, the project should continue to aggressively explore opportunities to make the corner of 3<sup>rd</sup> St and Nicollet Av a people oriented, pedestrian friendly space.

The report, as substituted, was adopted.

Yeas, 10; Nays, 1 as follows:

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

Nays - Niziolek.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

**Z&P** - Your Committee, having under consideration the appeal of Dorglass, Inc from the decision of the Heritage Preservation Commission (HPC) imposing the following conditions for approval of their application for a Certificate of Appropriateness to replace the original wood windows in the building at 10-20 E 19<sup>th</sup> St: a) that metal panning that matches the profile of the original, wood window mouldings must be installed around the windows in lieu of the requested breakmetal window wrap and HPC staff must approve the profile of the metal (panning); and b) that the approved color for the windows and panning be sand beige as originally proposed by the applicant in lieu of the later requested bronze color, and having conducted a public hearing thereon, now recommends that the findings of the HPC and staff be adopted and that said appeal be denied.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Greg Lemaire, et al, from the decision of the Planning Commission granting the application of Tangletown Properties, LLC, for a conditional use permit to allow nine dwelling units in a mixed-use development of residential, retail and possible food and beverage use at 3100 W 50<sup>th</sup> St, site plan review for five or more dwelling units, a variance to reduce the front yard setback (50<sup>th</sup> St) from eight feet to zero feet to allow continuous building frontage on 50<sup>th</sup> St, and a variance to reduce side yard setback (alley) from nine feet to four feet for a portion of the below-grade parking facility, and having conducted a public hearing thereon, now recommends that the findings prepared by the Planning Department be adopted, and that said appeal be denied.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Marc Kruger, for Dream Home Development, from the decision of the Planning Commission denying an application for a minor subdivision of the lot at 1021-23 Morgan Ave N to create two buildable lots, and having conducted a public hearing thereon, now recommends that the findings prepared by the Planning Department be adopted, and that said appeal be granted.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 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 Elieth Hoffman (BZZ-745) to rezone the property at 3008 - 21<sup>st</sup> Ave S to add the Transitional Parking (TP) Overlay District to the existing zoning to permit conversion of a vacant lot into an accessory parking lot for ten vehicles for the adjacent commercial building, and adopting the related findings prepared by the Planning Department.

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-176, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3008-21<sup>st</sup> Ave S to add the Transitional Parking Overlay District to the existing zoning was passed November 22, 2002 by the City Council and approved November 27, 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-176**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 11/22/2002**

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

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

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

A. That part of Lot 3, Block 1, Minnehaha Addition to Minneapolis (3008 - 21<sup>st</sup> Ave S - Plate 26) by adding the Transitional Parking (TP) Overlay District.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 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 Walter Sentryz, for Sentryz's Supermarket (BZZ-792), to rezone the property at 1604, 1606, 1608 - 2<sup>nd</sup> St NE from R2B to the C2 District to permit expansion of an existing grocery store and its parking lot, and adopting the related findings prepared by the Planning Department.

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-177, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1604, 1606, 1608 - 2<sup>nd</sup> St NE to the C2 District was passed November 22, 2002 by the City Council and approved November 27, 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-177**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 11/22/2002**

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

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

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

A. That part of Lot 1 lying East of the West 79 62/100 feet thereof and all of Lot 2, Block 20, Bottineaus 2nd Addition, Town of St. Anthony (1604, 1606 & 1608 - 2nd St NE - Plate 9) to the C2 District.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 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 Embassy Enterprises, dba Super USA (BZZ-447), to rezone the north 40 feet of the convenience store property at 3807 Fremont Ave N from R2B to the C1 District to allow the existing parking to remain, and adopting the related findings prepared by the Planning Department.

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-178, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3807 Fremont Ave N to the C1 District was passed November 22, 2002 by the City Council and approved November 27, 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-178**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 11/22/2002**

**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. All of Lot 6, Block 2, California Park Addition (3807 Fremont Ave N - Plate 4) to the C1 District.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the application of Hennepin County (#1382-1385) to vacate a) portions of six alleys within the plat of Camden Bungalow Addition to Minneapolis; b) portions of 50<sup>th</sup> Ave N located east and west of Humboldt Ave N; c) Humboldt Ave N between 49<sup>th</sup> & 51<sup>st</sup> Aves N; and d) four dedicated public alleys bounded by 49<sup>th</sup> & 51<sup>st</sup> Aves N and Girard and Irving Aves N for the Humboldt Greenway Project, a planned residential development consisting of single-family homes, townhouses and row houses, now concurs in the recommendation of the Planning Commission to grant said vacations, subject to retention of easement rights by the City of Minneapolis, Xcel Energy, Qwest and Time Warner Cable, and to adopt the findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying resolutions vacating the above-described property.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 22, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 26, 2002)

Resolution 2002R-449, vacating that part of six public alleys lying southerly and northerly of 50<sup>th</sup> Ave N between Girard and Dupont Aves N was passed November 22, 2002 by the City Council and approved November 22, 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-449**

**By Schiff**

**Vacating that part of six public alleys lying southerly and northerly of 50<sup>th</sup> Avenue North between Girard and Dupont Avenues North.**

Resolved by The City Council of The City of Minneapolis:

That all that part of the Alley dedicated in Block 7, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 7, to the northeast corner of Lot 17 in said Block 7, is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, Qwest Corporation, and Time Warner Cable, their successors and assigns, to enter upon that portion of the aforescribed alley, which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy: All that part of the Easterly 10 feet of the Alley dedicated in Block 7, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 7, to the northeast corner of Lot 17 in said Block 7;

As to Qwest Corporation: All that part of the Alley dedicated in Block 7, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 7, to the northeast corner of Lot 17 in said Block 7;

As to Time Warner Cable: All that part of the Alley dedicated in Block 7, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 7, to the northeast corner of Lot 17 in said Block 7;

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

Be It Further Resolved that all that part of the Alley dedicated in Block 6, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 6, to the northeast corner of Lot 17 in said Block 6, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel Energy, Qwest Corporation, and Time Warner Cable, their successors and assigns, to enter upon that portion of the aforescribed alley, which is described in regard to each of said corporation(s) as follows, to wit:

As to the City of Minneapolis: All that part of the Alley dedicated in Block 6, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 6, to the northeast corner of Lot 17 in said Block 6, for purposes of a drainage easement over, under and across all of the area to be vacated;

As to Xcel Energy: All that part of the Easterly 10 feet of the Alley dedicated in Block 6, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 6, to the northeast corner of Lot 17 in said Block 6;

As to Qwest Corporation: All that part of the Alley dedicated in Block 6, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 6, to the northeast corner of Lot 17 in said Block 6;

As to Time Warner Cable: All that part of the Alley dedicated in Block 6, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 6, to the northeast corner of Lot 17 in said Block 6;

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

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

Be It Further Resolved that all that part of the Alley dedicated in Block 5, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 5, to the northeast corner of Lot 17 in said Block 5, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel Energy, Qwest Corporation, and Time Warner Cable, their successors and assigns, to enter upon that portion of the aforescribed alley, which is described in regard to each of said corporation(s) as follows, to wit:

As to the City of Minneapolis: All that part of the Alley dedicated in Block 5, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 5, to the northeast corner of Lot 17 in said Block 5, for purposes of a drainage easement over, under and across all of the area to be vacated;

As to Xcel Energy: All that part of the Easterly 10 feet of the Alley dedicated in Block 5, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 5, to the northeast corner of Lot 17 in said Block 5;

As to Qwest Corporation: All that part of the Alley dedicated in Block 5, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 5, to the northeast corner of Lot 17 in said Block 5;

As to Time Warner Cable: All that part of the Alley dedicated in Block 5, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of a line drawn from the northwest corner of Lot 12 in said Block 5, to the northeast corner of Lot 17 in said Block 5;

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

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

Be It Further Resolved that all that part of the Alley dedicated in Block 10, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 10, to the southeast corner of Lot 26 in said Block 10, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel Energy, Qwest Corporation, and Time Warner Cable, their successors and assigns, to enter upon that portion of the aforescribed alley, which is described in regard to each of said corporation(s) as follows, to wit:

As to the City of Minneapolis: All that part of the Alley dedicated in Block 10, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 10, to the southeast corner of Lot 26 in said Block 10, for purposes of a drainage easement over, under and across all of the area to be vacated;

As to Xcel Energy: All that part of the Easterly 10 feet of the Alley dedicated in Block 10, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 10, to the southeast corner of Lot 26 in said Block 10;

As to Qwest Corporation: All that part of the Alley dedicated in Block 10, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 10, to the southeast corner of Lot 26 in said Block 10;

As to Time Warner Cable: All that part of the Alley dedicated in Block 10, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 10, to the southeast corner of Lot 26 in said Block 10;

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

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

Be It Further Resolved that all that part of the Alley dedicated in Block 11, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 11, to the southeast corner of Lot 26 in said Block 11, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel Energy, Qwest Corporation, and Time Warner Cable, their successors and assigns, to enter upon that portion of the aforescribed alley, which is described in regard to each of said corporation(s) as follows, to wit:

As to the City of Minneapolis: All that part of the Alley dedicated in Block 11, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 11, to the southeast corner of Lot 26 in said Block 11, for purposes of a drainage easement over, under and across all of the area to be vacated;

As to Xcel Energy: All that part of the Easterly 10 feet of the Alley dedicated in Block 11, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 11, to the southeast corner of Lot 26 in said Block 11;

As to Qwest Corporation: All that part of the Alley dedicated in Block 11, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 11, to the southeast corner of Lot 26 in said Block 11;

As to Time Warner Cable: All that part of the Alley dedicated in Block 11, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 11, to the southeast corner of Lot 26 in said Block 11;

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

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

Be It Further Resolved that all that part of the Alley dedicated in Block 12, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 12, to the southeast corner of Lot 26 in said Block 12, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel Energy, Qwest Corporation, and Time Warner Cable, their successors and assigns, to enter upon that portion of the aforescribed alley, which is described in regard to each of said corporation(s) as follows, to wit:

As to the City of Minneapolis: All that part of the Alley dedicated in Block 12, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 12, to the southeast corner of Lot 26 in said Block 12, for purposes of a drainage easement over, under and across all of the area to be vacated;

As to Xcel Energy: All that part of the Easterly 10 feet of the Alley dedicated in Block 12, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 12, to the southeast corner of Lot 26 in said Block 12;

As to Qwest Corporation: All that part of the Alley dedicated in Block 12, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 12, to the southeast corner of Lot 26 in said Block 12;

As to Time Warner Cable: All that part of the Alley dedicated in Block 12, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of a line drawn from the southwest corner of Lot 3 in said Block 12, to the southeast corner of Lot 26 in said Block 12;

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

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 22, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-450, vacating portions of 50<sup>th</sup> Ave N located east of the existing right-of-way of Humboldt Ave N, adjacent to Blocks 8 and 9, Camden Bungalow Addition to Minneapolis; and west of the existing right-of-way of Humboldt Ave N, adjacent to Blocks 1 and 6, Shingle Creek Addition was passed November 22, 2002 by the City Council and approved November 22, 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-450**

**By Schiff**

**Vacating portions of 50<sup>th</sup> Avenue North located east of the existing right-of-way of Humboldt Avenue North, adjacent to Blocks 8 and 9, Camden Bungalow Addition to Minneapolis; and west of the existing right-of-way of Humboldt Avenue North, adjacent to Blocks 1 and 6, Shingle Creek Addition.**

Resolved by The City Council of The City of Minneapolis:

All that part of the right of way of 50<sup>th</sup> Avenue North, dedicated by CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Beginning at the southwest corner of Block 8, said CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS; thence on an assumed bearing of North 89 degrees 57 minutes 21 seconds East along the southerly line of said Block 8, for 16.57 feet; thence southerly for 60.01 feet along a non-tangential curve concave to the west, radius 3306.86 feet and central angle 01 degrees 02 minutes 23 seconds, the chord of said curve bears South 01 degrees 11 minutes 27 seconds West, to the northerly line of Block 9, said CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS; thence South 89 degrees 57 minutes 21 seconds West, along said northerly line of Block 9, for 15.46 feet to the northwest corner of said Block 9; thence North 00 degrees 07 minutes 55 seconds East for 60.00 feet to the point of beginning, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel Energy, and Qwest Corporation, their successors and assigns, to enter upon that portion of the aforescribed right-of-way, which is described in regard to each of said corporation(s) as follows, to wit:

As to the City of Minneapolis: All that part of the South 25 feet of the North 30 feet and the North 5 feet of the South 30 feet of the proposed vacation areas, for purposes of a water main easement over, under and across all of said area; and all that part of the aforescribed right-of-way for purposes of a sewer easement over, under and across all of said area;

As to Excel Energy: All that part of the Northerly 10 feet of the aforescribed right-of-way;

As to Qwest Corporation: All that part of the Northerly 20 feet of the aforescribed right-of-way; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said right-of-way upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

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

Be It Further Resolved that all that part of the right of way of 50<sup>th</sup> Avenue North, dedicated by "Shingle Creek Addition", according to the recorded plat thereof, Hennepin County, Minnesota, which lies westerly of a line drawn from the northeast corner of Block 6 in said "Shingle Creek Addition" to the southeast corner of Block 1 in said "Shingle Creek Addition" and which lies easterly of the following described line: Commencing at the northeast corner of said Block 6; thence North 89 degrees 32 minutes 44 seconds West, assumed bearing, along the northerly line of said Block 6, for 146.02 feet to the actual point of beginning of the line to be described; thence North 15 degrees 11 minutes 12 seconds West for 28.33 feet; thence northwesterly for 33.76 feet along a tangential curve concave to the northeast, radius 694.61 feet and central angle 02 degrees 47 minutes 05 seconds to the southerly line of said Block 1 and there terminating is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel Energy, and Qwest Corporation, their successors and assigns, to enter upon that portion of the aforescribed right-of-way, which is described in regard to each of said corporation(s) as follows, to wit:

As to the City of Minneapolis: All that part of the South 25 feet of the North 30 feet and the North 5 feet of the South 30 feet of the proposed vacation areas, for purposes of a water main easement over, under and across all of said area; and all that part of South 20 feet of the North 30 feet, and the North 20 feet of the South 30 feet, for purposes of a sewer easement over, under and across all of said area;

As to Excel Energy: All that part of the Northerly 10 feet of the aforescribed right-of-way;

As to Qwest Corporation: All that part of the Northerly 20 feet of the aforescribed right-of-way; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said right-of-way upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 22, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-451, vacating all of Humboldt Ave N, between 49<sup>th</sup> Ave N and 51<sup>st</sup> Ave N, west of Blocks 8 and 9, Camden Bungalow Addition to Minneapolis was passed November 22, 2002 by the City Council and approved November 22, 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-451**  
**By Schiff**

**Vacating all of Humboldt Avenue North, between 49<sup>th</sup> Avenue North and 51<sup>st</sup> Avenue North, west of Blocks 8 and 9, Camden Bungalow Addition to Minneapolis.**

Resolved by The City Council of The City of Minneapolis:

All that part of the right of way of Humboldt Avenue North lying in the Northwest Quarter of Section 12, Township 118, Range 21, which lies easterly of the west line of said Northwest Quarter and which lies southerly of a line drawn westerly from the northwest corner of Block 8, CAMDEN BUNGALOW ADDITION TO MINNNEAPOLIS, to the northeast corner of Block 6, "Thorpe Bros. Maple Leaf Addition to Minneapolis", and which lies northerly of a line drawn westerly from the southwest corner of Block 9, said CAMDEN BUNGALOW ADDITION TO MINNNEAPOLIS, to the intersection of the north line of the South 33.00 feet of the Northeast Quarter of Section 11, Township 118, Range 21 with the southerly extension of the east line of Block 6, "Shingle Creek Addition", is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel Energy, Qwest Corporation, and Reliant Energy Minnegasco, their successors and assigns, to enter upon that portion of the aforescribed right-of-way, which is described in regard to each of said corporation(s) as follows, to wit:

As to City of Minneapolis: All that part of Westerly 5 feet of the aforescribed right-of-way, for purposes of a water main easement over, under and across all of said Westerly 5 feet;

As to Xcel Energy: All that part of aforescribed right-of-way which lies within a 15 foot wide strip of land, the centerline of said strip being the Westerly extension of the South line of Block 8, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS;

As to Qwest Corporation: All that part of the aforescribed right-of-way which lies within a strip of land 20 feet wide, the northerly line of said strip being a line drawn from the southwest corner of Block 8, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, to the southeast corner of Block 1, "Shingle Creek Addition";

As to Reliant Energy Minnegasco: All that part of the aforescribed right-of-way which lies north of the north right-of-way line of 49<sup>th</sup> Avenue North, and which lies south of the easterly extension of the south line of Lot 9, Block 6, Shingle Creek Addition;

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

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

Be It Further Resolved that all that part of the right of way of Humboldt Avenue North dedicated by "Thorpe Bros. Maple Leaf Addition to Minneapolis", which lies southerly of a line drawn westerly from the northwest corner of Block 8, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS", to the northeast corner of Block 6, said "Thorpe Bros. Maple Leaf Addition to Minneapolis", and which lies northerly of the easterly extension of the south line of said Block 6, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed right-of-way, which is described in regard to each of said corporation(s) as follows, to wit:

As to City of Minneapolis: All that part of Easterly 25 feet of the aforescribed right-of-way, for purposes of a water main easement over, under and across all of said Easterly 25 feet; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said right-of-way upon or within the above-described areas without first obtaining the written approval of the Director of Public Works of the City of Minneapolis authorizing them to do so.

Be It Further Resolved that all that part of the right of way of Humboldt Avenue North dedicated by "Shingle Creek Addition", which lies southerly of the easterly extension of the north line of Block 1, said "Shingle Creek Addition", and which lies northerly of the easterly extension of the south line of Block 6, said "Shingle Creek Addition", is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel Energy, Qwest Corporation, and Reliant Energy Minnegasco, their successors and assigns, to enter upon that portion of the aforescribed right-of-way, which is described in regard to each of said corporation(s) as follows, to wit:

As to City of Minneapolis: All that part of Easterly 25 feet of the aforescribed right-of-way, for purposes of a water main easement over, under and across all of said Easterly 25 feet;

As to Xcel Energy: All that part of a 15 foot strip of land within the aforescribed right-of-way being 7.5 feet on each side of the westerly extension of the South line of Block 8, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS;

As to Qwest Corporation: All that part of the aforescribed right-of-way which lies within a strip of land 20 feet wide, the northerly line of said strip being a line drawn from the southwest corner of Block 8, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, to the southeast corner of Block 1, "Shingle Creek Addition";

As to Reliant Energy Minnegasco: All that part of the aforescribed right-of-way which lies south of the easterly extension of the south line of Lot 9, Block 6, "Shingle Creek Addition"; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said right-of-way upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

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

Be It Further Resolved that all that part of the right of way of Humboldt Avenue North lying in the Northeast Quarter of Section 11, Township 118, Range 21, which lies westerly of the east line of said Northeast Quarter and which lies southerly of the easterly extension of the south line of Block 6, "Shingle Creek Addition" and which lies easterly of the southerly extension of the east line of said Block 6 and which lies northerly of a line drawn easterly from the point of intersection of said southerly extension of the east line of said Block 6 with the north line of the South 33.00 feet of said Northeast Quarter, to the southwest corner of Block 9, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis and Reliant Energy Minnegasco, their successors and assigns, to enter upon that portion of the aforescribed right-of-way, which is described in regard to each of said corporation(s) as follows, to wit:

As to City of Minneapolis: All that part of Easterly 25 feet of the aforescribed right-of-way, for purposes of a water main easement over, under and across all of said Easterly 25 feet;

As to Reliant Energy Minnegasco: All that part of the aforescribed right-of-way which lies north of the north right-of-way line of 49<sup>th</sup> Avenue North; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said right-of-way upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

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

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 22, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-452, vacating all of four dedicated public alleys bounded by 49<sup>th</sup> Ave N, 51<sup>st</sup> Ave N, Girard Ave N, and Irving Ave N, located in Blocks 8 and 9, Camden Bungalow Addition to Minneapolis, in Block 6, "Thorpe Bros. Maple Leaf Addition to Minneapolis", in Blocks 1 and 6, Shingle Creek Addition, and as undedicated alley which lies easterly of the southerly extension of the west line of the Alley dedicated in Block 6, Shingle Creek Addition, westerly of the southerly extension of the east line of said Alley, and northerly of the north right-of-way line of 49<sup>th</sup> Ave N was passed November 22, 2002 by the City Council and approved November 22, 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-452**

**By Schiff**

**Vacating all of four dedicated public alleys bounded by 49<sup>th</sup> Avenue North, 51<sup>st</sup> Avenue North, Girard Avenue North, and Irving Avenue North, located in Blocks 8 and 9, Camden Bungalow Addition to Minneapolis, in Block 6, "Thorpe Bros. Maple Leaf Addition to Minneapolis", in Blocks 1 and 6, Shingle Creek Addition, and as undedicated alley which lies easterly of the southerly extension of the west line of the Alley dedicated in Block 6, Shingle Creek Addition, westerly of the southerly extension of the east line of said Alley, and northerly of the north right-of-way line of 49<sup>th</sup> Avenue North.**

Resolved by The City Council of The City of Minneapolis:

All of the Alley dedicated in Block 6, "Thorpe Bros. Maple Leaf Addition to Minneapolis", according to the recorded plat thereof, Hennepin County, Minnesota; and all of the Alley dedicated in Block 1, "Shingle Creek Addition", according to the recorded plat thereof, Hennepin County, Minnesota, is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed right-of-way, which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy: All that part of the alley lying north of the easterly extension of the South line of Lot 4, Block 1, "Shingle Creek Addition" and lying south of the easterly extension of a line drawn parallel with and 15 feet north of the South line of said Lot 4, Block 1, "Shingle Creek Addition"; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to the above-named corporation, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said areas upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Be It Further Resolved that all of the Alley dedicated in Block 8, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the Xcel Energy, Qwest Corporation, and Time Warner Cable, their successors and assigns, to enter upon that portion of the aforescribed right-of-way, which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy: All of the Alley dedicated in Block 8, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota;

As to Qwest Corporation: All of the Alley dedicated in Block 8, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota;

As to Time Warner Cable: All of the Alley dedicated in Block 8, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said areas upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Be It Further Resolved that all of the Alley dedicated in Block 9, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the Xcel Energy, Qwest Corporation, and Time Warner Cable, their successors and assigns, to enter upon that portion of the aforescribed right-of-way, which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy: All of the Alley dedicated in Block 9, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota;

As to Qwest Corporation: All of the Alley dedicated in Block 9, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota;

As to Time Warner Cable: All of the Alley dedicated in Block 9, CAMDEN BUNGALOW ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said areas upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Be It Further Resolved that all of the Alley dedicated in Block 6, "Shingle Creek Addition", according to the recorded plat thereof, Hennepin County, Minnesota; and all that part of the Northeast Quarter of

Section 11, Township 118, Range 21, lying southerly of Block 6, "Shingle Creek Addition", according to the recorded plat thereof and which lies easterly of the southerly extension of the west line of the Alley dedicated in said Block 6 and which lies westerly of the southerly extension of the east line of the Alley dedicated in said Block 6 and which lies northerly of the northerly line of the southerly 33.00 feet of said Northeast Quarter, is hereby vacated.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 22, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the recommendation of the Planning Commission to approve proposed amendments to *The Minneapolis Plan* to modify the policy and regulatory context for residential development in order to foster the growth of the City's housing stock and of affordable housing in particular, now recommends adoption of the Planning Department staff recommendations, notwithstanding the recommendation of the Planning Commission, as set forth in Petn No 268396, subject to review and approval by the Metropolitan Council.

Your Committee further recommends that the proper City officers be authorized to submit said amendments to the Metropolitan Council.

Lilligren moved that Petn No 268396 referred to in the report be amended by adding the following language to Policy 4.9: "Develop a close dialog with community participants about appropriate locations and design standards for new affordable housing," and deleting the language, "Foster community dialog about housing growth in and adjacent to city neighborhoods." Seconded.

Adopted upon a voice vote.

Lilligren moved that Petn No 268396 referred to in the report be amended by adding the following language to Policy 4.9: "Diversify the locational distribution of affordable housing in order to allay the historic patterns of concentration of poverty that characterizes some neighborhoods." Seconded.

Adopted upon a voice vote.

Lilligren moved that Petn No 268396 referred to in the report be amended by adding the following language to Policy 4.9: "Develop a close dialog with community participants about appropriate locations and design standards for new housing." Seconded.

Adopted upon a voice vote.

Johnson Lee moved to reconsider the vote on the first amendment. Seconded.

Adopted upon a voice vote.

Lilligren moved that Petn No 268396 referred to in the report be amended by adding the following language to Policy 4.10: "Develop a close dialog with community participants about appropriate locations and design standards for new affordable housing" and to delete the language, "Foster community dialog about geographic distribution of affordable housing." Seconded.

Adopted upon a voice vote.

Zerby moved that the report be postponed for four cycles. Seconded.

Lost upon a voice vote.

The report, as amended, was adopted.

Yeas, 10; Nays, 1 as follows:

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

Nays - Zerby.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 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 define the term, "affordable housing;" to authorize a variance of lot area or lot width up to 30%; and to make a density bonus available to affordable housing projects, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that the following ordinances be given their second reading for amendment and passage:

- a) Amending Chapter 520 relating to *Zoning Code: Introductory Provisions*;
- b) Amending Chapter 525 relating to *Zoning Code: Administration & Enforcement*;
- c) Amending Chapter 546 relating to *Zoning Code: Residence Districts*;
- d) Amending Chapter 547 relating to *Zoning Code: Office Residence Districts*;
- e) Amending Chapter 548 relating to *Zoning Code: Commercial Districts*;
- f) Amending Chapter 549 relating to *Zoning Code: Downtown Districts*;
- g) Amending Chapter 551 relating to *Zoning Code: Overlay Districts*.

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

Schiff moved to divide the report so as to consider separately Items "a," "b," and "c-g." Seconded. Adopted upon a voice vote.

Schiff moved approval of Item "a." Seconded.

Lilligren moved a substitute motion to refer the report back to the Zoning & Planning Committee. Seconded.

Lost. Yeas, 4; Nays, 7 as follows:

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

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

Absent - Johnson.

The report, as amended, was adopted.

Yeas, 10; Nays, 1 as follows:

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

Nays - Lilligren.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-179 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, amending Section 520.160 by providing a definition for "affordable housing" was passed November 22, 2002 by the City Council and approved November 27, 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-179**  
**By Schiff and Goodman**

**Intro & 1<sup>st</sup> Reading: 4/19/2002**

**Ref to: Z&P**

**2<sup>nd</sup> Reading: 11/22/2002**

**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 Section 520.160 of the above-entitled ordinance be amended by adding thereto the following definition 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.

Affordable housing. Housing affordable to households whose income does not exceed fifty (50) percent of the metropolitan median household income, as determined by the U.S. Department of Housing and Urban Development. Housing must remain affordable continuously for a period of not less than fifteen (15) years to qualify as affordable housing.

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

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

Nays - Lilligren.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 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 define the term, "affordable housing;" to authorize a variance of lot area or lot width up to 30%; and to make a density bonus available to affordable housing projects, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that the following ordinance be given its second reading for amendment and passage:

b) Amending Chapter 525 relating to *Zoning Code: Administration & Enforcement*.

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

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

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

Nays - Lilligren, Johnson Lee.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-180 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration & Enforcement*, amending Section 525.520 by authorizing the variance of lot area or lot width requirements up to 30 percent, was passed November 22, 2002 by the City Council and approved November 27, 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-180**

**By Schiff and Goodman**

**Intro & 1<sup>st</sup> Reading: 4/19/2002**

**Ref to: Z&P**

**2<sup>nd</sup> Reading: 11/22/2002**

**Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.**

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

Section 1. That Section 525.520(2) of the above-entitled ordinance be amended to read as follows:

**525.520. Authorized variances.** Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment only in accordance with the requirements of section 525.500, and may be granted only in the following instances, and in no others:

(2) To vary the lot area or lot width requirements up to ~~twenty (20)~~ thirty (30) percent, except for the following uses, where the maximum variance of ~~twenty (20)~~ thirty (30) percent shall not apply.

a. To vary the lot area or lot width requirements up to fifty (50) percent for schools, grades K-12, located in the OR2, OR3 and commercial districts.

b. To vary the lot area or lot width requirements up to fifty-five (55) percent for newly constructed two-family dwellings located in the R2B District, provided the surrounding properties are primarily two-family dwellings developed on lots similar in size to the proposed development.

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

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

Nays - Lilligren, Johnson Lee.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 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 define the term, "affordable housing;" to authorize a variance of lot area or lot width up to 30%; and to make a density bonus available to affordable housing projects, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that the following ordinances be given their second reading for amendment and passage:

c) Amending Chapter 546 relating to *Zoning Code: Residence Districts*;

d) Amending Chapter 547 relating to *Zoning Code: Office Residence Districts*;

e) Amending Chapter 548 relating to *Zoning Code: Commercial Districts*;

f) Amending Chapter 549 relating to *Zoning Code: Downtown Districts*;

g) Amending Chapter 551 relating to *Zoning Code: Overlay Districts*.

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

Schiff moved to amend Sections 546.130(b), 547.130(b), 548.130(c), 549.110(b) and 551.380(b) of the above-entitled ordinances by adding the word "new" before the words "cluster developments" and "multiple-family dwellings." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 9; Nays, 2 as follows:

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

Nays - Lilligren, Johnson Lee.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-181 amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to *Zoning Code: Residence Districts*, amending Section 546.130, providing a density bonus for affordable housing was passed November 22, 2002 by the City Council and approved November 27, 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-181  
By Schiff and Goodman**

**Intro & 1<sup>st</sup> Reading: 4/19/2002**

**Ref to: Z&P**

**2<sup>nd</sup> Reading: 11/22/2002**

**Amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to Zoning Code: Residence Districts.**

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

That Section 546.130 of the above-entitled ordinance be amended to read as follows:

**546.130. Density bonuses, for enclosed parking.** (a) Bonus for enclosed parking. In the R3 through R6 Districts, the maximum number of dwelling units and the maximum floor area ratio of multiple-family dwellings may be increased by twenty (20) percent if all required parking is provided within the building, entirely below grade, or in a parking garage of at least two (2) levels.

(b) Bonus for affordable housing. The maximum number of dwelling units and the maximum floor area ratio of new cluster developments and new multiple-family dwellings of five (5) units or more may be increased by twenty (20) percent if at least twenty (20) percent of the dwelling units meet the definition of affordable housing.

Yeas, 9; Nays, 2 as follows:

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

Nays - Lilligren, Johnson Lee.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-182 amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to *Zoning Code: Office Residence Districts*, amending Section 547.130, providing a density bonus for affordable housing was passed November 22, 2002 by the City Council and approved November 27, 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-182  
By Schiff and Goodman**

**Intro & 1<sup>st</sup> Reading: 4/19/2002**

**Ref to: Z&P**

**2<sup>nd</sup> Reading: 11/22/2002**

**Amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to Zoning Code: Office Residence Districts.**

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

Section 1. That Section 547.130 of the above-entitled ordinance be amended to read as follows:

**547.130. Density bonuses, for enclosed parking.** (a) Bonus for enclosed parking. In the OR2 and OR3 office residence districts, the maximum number of dwelling units and the maximum floor area ratio of multiple-family dwellings may be increased by twenty (20) percent if all required parking is provided within the building, entirely below grade, or in a parking garage of at least two (2) levels.

(b) Bonus for affordable housing. The maximum number of dwelling units and the maximum floor area ratio of new cluster developments and new multiple-family dwellings of five (5) units or more may be increased by twenty (20) percent if at least twenty (20) percent of the dwelling units meet the definition of affordable housing.

Yeas, 9; Nays, 2 as follows:

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

Nays - Lilligren, Johnson Lee.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-183 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, amending Section 548.130, providing a density bonus for affordable housing was passed November 22, 2002 by the City Council and approved November 27, 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-183**

**By Schiff and Goodman**

**Intro & 1<sup>st</sup> Reading: 4/19/2002**

**Ref to: Z&P**

**2<sup>nd</sup> Reading: 11/22/2002**

**Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.**

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

Section 1. That Section 548.130 of the above-entitled ordinance be amended to read as follows:

**548.130. Density bonuses.** (a) *Bonus for enclosed parking.* The maximum number of dwelling units and the maximum floor area ratio of multiple-family dwellings may be increased by twenty (20) percent if all required parking is provided within the building, entirely below grade, or in a parking garage of at least two (2) levels.

(b) *Bonus for mixed commercial-residential buildings.* The maximum number of dwelling units and the maximum floor area ratio may be increased by twenty (20) percent ~~or ten (10) units, whichever is less~~, where residential uses are located above a ground floor in which at least fifty (50) percent of the gross floor area is devoted to commercial uses. In addition, in the C1 District, the maximum height of such structure may be increased to three (3) stories or forty-two (42) feet, whichever is less.

(c) Bonus for affordable housing. The maximum number of dwelling units and the maximum floor area ratio of new cluster developments and new multiple-family dwellings of five (5) units or more may be increased by twenty (20) percent if at least twenty (20) percent of the dwelling units meet the definition of affordable housing.

Yeas, 9; Nays, 2 as follows:

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

Nays - Lilligren, Johnson Lee.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-184 amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts*, amending Section 549.110, providing a density bonus for affordable housing was passed November 22, 2002 by the City Council and approved November 27, 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-184**  
**By Schiff and Goodman**

**Intro & 1<sup>st</sup> Reading: 4/19/2002**

**Ref to: Z&P**

**2<sup>nd</sup> Reading: 11/22/2002**

**Amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown Districts.**

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

Section 1. That Section 549.110 of the above-entitled ordinance be amended to read as follows:

**549.110. Density bonuses, for enclosed parking.** (a) Bonus for enclosed parking. The maximum floor area ratio of multiple-family dwellings may be increased by twenty (20) percent if all required parking is provided within the building, entirely below grade, or in a parking garage of at least two (2) levels.

(b) Bonus for affordable housing. The maximum floor area ratio of new cluster developments and new multiple-family dwellings of five (5) units or more may be increased by twenty (20) percent if at least twenty (20) percent of the dwelling units meet the definition of affordable housing.

Yeas, 9; Nays, 2 as follows:

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

Nays - Lilligren, Johnson Lee.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-185 amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, amending Section 551.380, providing a density bonus for affordable housing passed November 22, 2002 by the City Council and approved November 27, 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-185**  
**By Schiff and Goodman**

**Intro & 1<sup>st</sup> Reading: 4/19/2002**

**Ref to: Z&P**

**2<sup>nd</sup> Reading: 11/22/2002**

**Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.**

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

Section 1. That Section 551.380 of the above-entitled ordinance be amended to read as follows:

**551.380. Minimum lot area requirements.** *(a) In general.* Lot area requirements for residential uses in the IL Overlay District shall be a minimum of nine hundred (900) square feet of lot area per dwelling unit and a minimum of seven hundred fifty (750) square feet per rooming unit, except that in no instance shall the lot area be less than five thousand (5,000) square feet.

*(b) Bonus for affordable housing.* The maximum number of dwelling units and the maximum floor area ratio of new cluster developments and new multiple-family dwellings of five (5) units or more may be increased by twenty (20) percent if at least twenty (20) percent of the dwelling units meet the definition of affordable housing.

Yeas, 9; Nays, 2 as follows:

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

Nays - Lilligren, Johnson Lee.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

### MOTIONS

Zerby introduced the subject matter of an Ordinance amending Chapter 3, Section 22 of the City Charter relating to *Powers and Duties of Officers*, which was given its first reading and referred to the Intergovernmental Relations Committee (Amending provision relating to interest in City contracts to conform to State Statute).

Goodman moved to waive the 30-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Amy Korman, for Marshall Field's, for a business district block event to be held Thursday, November 28, 2002, between the hours of 3:00 p.m. and 6:00 p.m. on the Nicollet Mall between 7<sup>th</sup> and 8<sup>th</sup> Streets South, subject to approval being granted by the Police Department to grant said waiver. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Colvin Roy introduced the subject matter of an ordinance amending Title 5, Chapter 95.90 of the Minneapolis Code of Ordinances relating to *Building Code: Projections and Encroachments*, which was given its first reading and referred to the Transportation & Public Works Committee for a public hearing to be held December 19, 2002 (Allowing for partial removal of areaways and giving the City Engineer more latitude on how they shall be modified).

Colvin Roy moved that the Transportation & Public Works and Ways & Means/Budget Committee report passed by the Council June 21, 2002, relating to the Main Street SE - Commercial Project, be amended as follows:

**T&PW & W&M/Budget** - Your Committee, having under consideration the Main Street SE - Commercial Project and having been informed that the City will be responsible for payment of contractor costs but will receive the funds from the Minnesota Department of Transportation (MnDOT), now recommends passage of the accompanying resolution increasing the Public Works Streets and Malls appropriation by ~~\$183,500~~ \$563,435 for said costs.

Colvin Roy further moved passage of the accompanying Resolution amending Resolution 2002R-227 to reflect the corrected appropriation.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.  
Passed November 22, 2002.  
Approved November 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-453**  
**By Colvin Roy**

**Amending Resolution 2002R-227 entitled "Amending the 2002 Capital Improvement Appropriation Resolution."**

Resolved by The City Council of The City of Minneapolis.

That the above-entitled Resolution be amended by deleting the appropriation and revenue source increase of \$183,500 and inserting in lieu thereof an increase of \$563,435.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Niziolek moved to introduce the subject matter of an Ordinance relating to demolition or wrecking permits of residential structures and on all zoning approvals for residential uses for properties in the R3-R6 zoning districts within the officially recognized boundaries of the Lowry Hill East Neighborhood for first reading and referral to the Zoning & Planning Committee. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Schiff moved to refer the subject matter of the demands presented by the American Indian community to the Health & Human Services and Public Safety & Regulatory Services Committees. Seconded.

Benson moved to substitute a motion to refer the subject matter of the American Indian community to the Health & Human Services and Public Safety & Regulatory Services Committees. Seconded.

Adopted. Yeas, 7; Nays, 2 as follows:

Yeas - Zimmerman, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson.

Nays - Lane, Ostrow.

Absent - Goodman, Johnson, Colvin Roy.

Passed November 22, 2002.

**RESOLUTION**

Schiff offered a Resolution honoring Kim Tollefson for her service to the City of Minneapolis.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-454 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2002R-454**

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

**Honoring Kimberly R. Tollefson for her dedicated service to the City of Minneapolis.**

Whereas, Kimberly R. Tollefson has served the City of Minneapolis and the Planning Department as a Planner since 1999; and

Whereas, Kimberly's knowledge, skills and dedication to her profession has contributed to the successful planning and implementation of a multitude of residential, commercial and industrial projects that provided enormous benefits to the residents, neighborhoods and business community of Minneapolis for generations to come, including noteworthy examples:

North Phillips Overlay District, Riverview Condominiums, Marcy Park Apartments, Stone Arch Apartments, Hunt Gregory Project (Lupient Site), Depot East, Kowalski's, Downtown Library, Timbercraft, Gaar Scott Lofts, Creamettes Building, Cluster Development Text Amendment, EAW for the Wells Fargo Campus, Creation of the Site Plan Review Packets for Applicants; and

Whereas, Kimberly has made these contributions to the City of Minneapolis while also demonstrating exceptional dedication to her husband and coworkers; and

Whereas, Kimberly has defended the recommendations of the Planning Department; and

Whereas, Kimberly's knowledge, experience and contributions have earned her the respect and friendship of the community and her peers; and

Whereas, Kimberly has proved to be energetic, persistent, meticulous and dedicated as a City Planner and has provided consistent guidance and direction to those who work with her; and

Whereas, Kimberly's work has been very thorough and demonstrates an in-depth grasp of planning concepts, principles and policies; and

Whereas, Kimberly has exhibited an in-depth understanding of the zoning code; and

Whereas, Kimberly has maintained professionalism and a courteous manner to all clients and goes the extra mile to work with applications and applicants; and

Whereas, Kimberly has totally engaged in planning and the profession; and

Whereas, the City of Minneapolis and the Planning Department wishes to formally recognize the achievements of Kimberly and her dedicated service to the Department and City;

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

That we thank Kimberly Tollefson for her outstanding support and dedication to the City of Minneapolis and that we wish Kimberly much happiness, good health and personal fulfillment in the years to come knowing she will go on to fabulous new challenges and successes.

Adopted. Yeas, 11; Nays none.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**UNFINISHED BUSINESS**

Tariq Restaurant (137 E Franklin Av): Revoke Restaurant License for failure to complete site plan review process. (Postponed 6/7/2002, PS&RS)

Auto Mart (501 W Lake St): Revoke Site Plan Review Permit SP-215 and Motor Vehicle Dealer - Used Car (Additional Lot) License for failure to complete site plan review process. (Postponed 7/12/2002, PS&RS)

Benz Auto (4056 Washington Av N): Grant Provisional Motor Vehicle Repair Garage License, subject to conditions. (Postponed 8/23/2002, PS&RS)

Schiff moved to refer the above three reports back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

### NEW BUSINESS

Ostrow moved that the meeting be adjourned to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the following:

Lanz et al vs. City of Minneapolis and Federal Signal Corporation; and  
Metal-Matic vs. City of Minneapolis.

Seconded.

Adopted upon a voice vote.

Room 315 City Hall  
Minneapolis, Minnesota  
November 22, 2002 - 1:20 p.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Council Members Goodman, Lane, Colvin Roy, Zimmermann, Schiff (In at 1:44), Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Ostrow.

Absent - Johnson.

Jay Heffern, City Attorney, stated that this meeting may, upon a proper motion, be closed for the purpose of discussing attorney-client privileged matters involving the following lawsuits:

Lanz et al vs. City of Minneapolis and Federal Signal Corporation; and  
Metal-Matic vs. City of Minneapolis.

Lilligren moved that the meeting be closed for the purpose of consideration of the lawsuits pursuant to the City Attorney's statement. Seconded.

Adopted upon a voice vote.

The meeting was closed at 1:25 p.m.

Jim Moore, Assistant City Attorney, summarized the Lanz, et al vs. City of Minneapolis and Federal Signal Corporation lawsuit from 1:25 p.m. to 1:45 p.m.

Also present - Jay Heffern, City Attorney; Michael Norton, Deputy City Attorney; Jim Moore, Assistant City Attorney; Robert Olson, Police Chief; Peter Wagenius, Mayor's Office; Merry Keefe, City Clerk; Jan Hrcir, City Clerk's office.

Jim Moore, Assistant City Attorney, summarized the Metal-Matic vs. City of Minneapolis lawsuit from 1:45 p.m. to 2:00 p.m.

Also present - Jay Heffern, City Attorney; Michael Norton, Deputy City Attorney; Jim Moore, Assistant City Attorney; Peter Wagenius, Mayor's Office; Merry Keefe, City Clerk; Jan Hrcir, City Clerk's office.

The closed portion of the meeting was tape recorded with the tape on file in the office of the City Clerk.

Colvin Roy moved to open the meeting for the purpose of taking action on the *Lanz et al vs. City of Minneapolis and Federal Signal Corporation* lawsuit. Seconded.

Adopted upon a voice vote.

Lane moved that the City Attorney be authorized to settle the claim for costs incurred by Plaintiffs in the matter of *Erin Lanz, et al*, Hennepin County District Court File No. 98-18696 in the amount of \$105,000 payable to plaintiff's Erin Lanz, Mitchell Lanz and Michael Lanz and their attorneys, Richard Gill and Philip Sieff, Robins Kaplin Miller & Ciresi LLP. Such funds shall be payable from Fund/Org 690-150-1500-4000. The City Attorney's office is hereby authorized to execute all agreements in finalization of this settlement. Seconded.

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

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

Nays - Zerby.

Absent - Johnson.

Passed November 22, 2002.

Approved November 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Lilligren moved to adjourn to 9:00 a.m. on Wednesday, November 27, 2002, in the Council Chamber, Room 317 City Hall, for the purpose of considering issues related to the vacancy created by the resignation of Joe Biernat, Council Member of the Third Ward. Seconded.

Adopted upon a voice vote.

Adjourned.

Merry Keefe,  
City Clerk.

Created: 11/25/2002  
Modified: 11/27/2002  
Corrected: 12/11/2002;  
01/09/2002;  
04/28/2003