

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF SEPTEMBER 12, 2003

(Published September 20, 2003, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

September 12, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Lilligren moved acceptance of the minutes of the regular meeting held 8/22/03. 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

HEALTH AND HUMAN SERVICES:

CIVIL RIGHTS (269023)

Civilian Police Review Authority: Quarterly update report for period April 1 through June 30, 2003.

COMMISSION ON CIVIL RIGHTS (269024)

Commission on Civil Rights: Update report on Initiatives and comments on Civil Rights budget.

HEALTH AND FAMILY SUPPORT SERVICES (269025)

Shoulder to Shoulder - Raising Teen Together Project: Report.

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

HEALTH AND FAMILY SUPPORT SERVICES (269026)

Northside Weed & Seed: Submit grant application seeking \$300,000 from State of Minnesota Office of Justice Program to support law enforcement, community policing, community crime prevention, education to the community and neighborhood restoration activities in the Hawthorne, Jordan, Near North and Willard Hay Neighborhoods.

INTERGOVERNMENTAL RELATIONS:

GRANTS AND SPECIAL PROJECTS (269027)

Quarterly Report (through July 2003).

INTERGOVERNMENTAL RELATIONS (See Rep):

ATTORNEY (269028)

Minneapolis Capital Bonding Requests Criteria.

PUBLIC SAFETY AND REGULATORY SERVICES:

LICENSES AND CONSUMER SERVICES (269029)

Aquatennial Costs: Report on costs of waiving permit fees and police resources, with attachments.

MAYOR (269030)

Selection Process for new Chief of Police: Report.

POLICE DEPARTMENT (269031)

Teleserve Operations: Report back with action taken and future plans.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (269032)

Chapter 249 Property at 1111 17th Av N: Authorize demolition of property, with attachments.

INSPECTIONS DEPARTMENT (269033)

Rental Dwelling License at 1008 21st Av N: Approve reinstatement of license to be held by new owner Trisha Siwek.

LICENSES AND CONSUMER SERVICES (269034)

University Inn (925 4th St SE): Grant Hotel/Motel License, subject to conditions.

Licenses: Applications.

POLICE DEPARTMENT (269035)

Automated Pawn System: Execute licensing agreement with Unisys for submission of response to Request for Proposal to the Metropolitan Washington Council of Government for a Regional Automated Pawn Data Sharing System, provided that said agreement satisfied the minimum goals as recommended by staff.

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

FIRE DEPARTMENT (269036)

Laid Off Firefighters: Approve rehiring 32 laid off firefighters effective September 21, 2003.

POLICE DEPARTMENT (269037)

Safe & Sober Grant: Accept grant award of \$50,000 and execute grant agreement with Minnesota Department of Public Safety, Office of Traffic Safety to pay overtime for Traffic Unit officers to increase enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety; and Approve appropriation.

“Operation Nightcap” Grant: Accept \$15,000 grant award and execute grant agreement with Minnesota Department of Public Safety for a Driving While Intoxicated Saturation Program from September 1 through December 31, 2003.

TRANSPORTATION AND PUBLIC WORKS:

CITY CLERK (269038)

Critical Parking Area: Applications for designation of areas on 25th St E from 1st Av S to Stevens Av; and on Wentworth Av from 50th St to Prospect Av.

Sale of excess public land, vacated 3rd St N between 21st and 22nd Aves N: Set public hearing regarding the sale to Marigold Foods.

Annual Water & Sewer Line Repairs/Replacement from Sept. 2002 to Sept. 2003: Set an assessment public hearings for the purpose of assessing the charges for repairs that remain unpaid.

Annual Snow & Ice Removal from Public Sidewalks & Sidewalk Repair & Construction: Set an assessment public hearings for the purpose of assessing the charges that remain unpaid.

ST. ANTHONY FALLS HERITAGE BOARD (269039)

Riverfront District Master Plan for signage: Receive and file.

XCEL ENERGY (269040)

Xcel Energy/NSP: Installation of various poles and wires.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (269041)

Office Space Lease Agreement: Authorize execution of a new lease agreement in the Grain Exchange Building for the Civilian Review Authority staff.

Downtown Mpls Greening - 3rd Av Pilot Project: Authorize City Engineer to enter into agreements with private sector entities to undertake landscaping of 5 medians on 3rd Av from 12th St S to Washington Av S.

Special Boulevard Permit (1020 E Franklin Av): Grant permit on 11th Av S, betw existing public sidewalk & the property line, and not be granted on 10th Av S.

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

PUBLIC WORKS AND ENGINEERING (269042)

2003 Alley Retaining Wall Restoration Program: Passage of Resolutions: Ordering City Engineer to proceed with the work & adopting special assessments; & Requesting Board of Estimate & Taxation to issue and sell assessment bonds.

Transportation Equity Act for the 21st Century (TEA-21) Funding: Submit application for hazard elimination along Chicago Av S from Franklin Av to E 31 St.

Bid: OP #6126, low bid of Pro-Tec Design, Inc. for installation of electronic security system at the Minneapolis Water Works Fridley Facilities.

Bid: OP #6143, low bid of Killmer Electric Company, Inc. for Nicollet Mall lighting upgrade.

WAYS AND MEANS BUDGET:

BUDGET AND EVALUATION (269043)

2004 Budget: Presentation by Budget Director Tammy Omdal overviewing the Mayor's 2004 budget recommendation; Budget Development Calendar for 2004.

HUMAN RESOURCES (269044)

Workplace Diversity Report: Report entitled "Diversity in the Workplace - Utilization and Impacts of Reduction in Workforce".

PURCHASING (269045)

Staff Purchasing Letters.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (269046)

Legal Settlement: Claim of Charon and Mallik Dow.

Legal Services Panel: Issue request for proposals.

Policy Regarding Employee Defense and Indemnification: Clarify City procedures and application of policy.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269047)

Funds for Heritage Park Project: Accept funds from Local Initiatives Support Corporation and add to Empowerment Zone funds to be loaned to McCormack Baron Salazar for Heritage Park Phase III.

Empowerment Zone Funds for YWCA Childcare Center at Abbott Northwestern Hospital: Appropriate funds to the Minneapolis Community Development Agency as administrator.

COORDINATOR (269048)

New Central Library Project: Accept bids for concrete structure (Graham Penn Co), escalators (Shindler Elevator) and elevators (Shindler Elevator).

COUNCIL MEMBER SAMUELS (269049)

Funding for Intern Position: Accept funds from the University of Minnesota Urban Studies Program to fund intern position in Third Ward Council Office.

FINANCE DEPARTMENT (269050)

Employment and Workers' Compensation Services: Issue request for proposals for managed care organization/preferred provider organization and occupational health services.

Travel Card Program: Approve new program allowing employees to utilize a City card for travel expenses; Execute contract with US Bank for card services and terminate contract with American Express for current services.

Utility Bill Insert: Solid Waste & Recycling insert announcing street sweeping and final yard waste collection.

Refunding Bonds: Request the Board of Estimate and Taxation to issue and sell bonds to refund current general purpose bonds.

Pension Bonds: Request the Board of Estimate and Taxation to issue and sell bonds for the City's obligation to the Minneapolis Police Relief Association.

HUMAN RESOURCES (269051)

Hiring, Promotion and Reclassification Freeze: Update on Job Bank; recommendation to maintain freeze but allow departments to make decisions to fill vacancies without submitting a waiver when there is no one in the Job Bank.

Employee Group Dental Insurance: Issue request for proposals.

Labor Settlement - Plumbers Local #15: Executive summary of 24-month labor agreement for Water Works Maintenance Unit.

Classification of Community Planning and Economic Development Director: Approve new classification and salary.

Reclassification of Director, Planning Position: Approve reclassification and new salary.

Reclassification of Transportation Director Positions in Public Works Department: Reclassify appointed position to Deputy Director Transportation Coordination and reclassify the appointed position of Deputy Director to Director of Transportation.

PURCHASING (269052)

Bid: Accept low bid of Sunrise Painting and Wall covering, Inc. for wall fabric at the Minneapolis Convention Center.

WAYS AND MEANS BUDGET and ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (269053)

Art in Public Places Program: Accept ownership and maintenance responsibility for East Harriet Farmstead Neighborhood Gateway.

Minneapolis Plan for Art and Culture: Accept funds from the McKnight Foundation for creation of plan.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (269054)

Station 13 Mpls Fire Department (4201 Cedar Ave S): Recommendation for landmark designation.

PLANNING COMMISSION/DEPARTMENT (269055)

Rezoning Applications:

Walter & Mary Iverson (5536 Chicago Ave); ADDD Investments, LLC (Glenwood Apartments, 1707 Glenwood Ave).

PLANNING COMMISSION:

SHAMROCK DEVELOPMENT INC (269056)
Permission to vacate alley between 2nd & 3rd Aves N, NE of 1st St N.

MOTIONS (See Rep):

REGULATORY SERVICES (269056.1)
Environmental Response Funds: Expending \$100,000 by Hennepin County for lead hazard reduction and childhood lead poisoning prevention in the city.

FILED:

CITY CLERK/SPECIAL PERMITS (269057)
11th & Nicollet Mall, Peavey Plaza (Downtown Council) James Page 5K race events;
42nd Av S, 3809 (Mary Lynn Oglesbee) Harvest Moon Fest events;
Blaisdell Av S, 2800 (Uriel Mejia) tent;
Central Av NE, 301, East Gate Shopping Center (Shad-Tracy Signs) sign;
Chicago S, 2550 (Amtech Lighting) sign;
Dupont Av N, 4518 (Minneapolis Public Housing Authority) move duplex;
Hayes St NE, 2309 (Bethany Covenant Village) farm animals;
Kirby Puckett Pl, 34 (Minnesota Twins) petting zoo;
Marquette Av, 1001 (John Block) petting zoo;
Nicollet S, 4553 (Amtech Lighting) sign;
Penn Av S, 6004 (Amtech Lighting) sign;
Riverside, 2817 (Amtech Lighting) sign;
University Av NE, 2300 (Marian Pierlchalski) tent.
O'CONNOR, KATE (269058)
Letter re: Public Hearing on 2004 Property Taxes.

The following reports were signed by Mayor Rybak on 9/12/03, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

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

H&HS - Your Committee, to whom was referred an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, requiring that Civilian Police Review Authority Board Members attend portions of the Citizen's Academy training within two years of appointment, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 9/12/03.

Yeas - 12; Nays, 1 as follows:

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

Nays - Zerby.

Ordinance 2003-Or-112 amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, amending Section 172.30(c) to require that Civilian Police Review Authority Board Members attend portions of the Citizen's Academy training within two years of appointment, was passed 9/12/03 by the City Council. 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 2003-Or-112
By Johnson
Intro & 1st Reading: 7/25/03
Ref to: H&HS
2nd Reading: 9/12/03

Amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Civilian Police Review Authority.

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

Section 1. That section 172.30(c) of the above-entitled ordinance be amended to read as follows:

(c) Minimum training requirements.

1. All members must participate in an annual training session as arranged by the Minneapolis Department of Civil Rights.
2. All new members must complete training in the following subject areas as arranged by the Minneapolis Department of Civil Rights: police use of force, Minnesota Government Data Practices Act, Open Meeting law and Minnesota Public Employee Labor Relations Act, conflict of interest.
3. Within two years of appointment, all new members must complete the portions of the Citizen's Academy as determined by the Minneapolis Department of Civil Rights. Members will be compensated \$50.00 for each Citizen's Academy session attended.

Adopted 9/12/03.

Yeas - 12; Nays, 1 as follows:

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

Nays - Zerby.

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

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to submit a grant application seeking \$300,000 in crime prevention grant funds from the State of Minnesota, Office of Justice Program, to support the North Side Weed and Seed Initiatives (law enforcement, community policing, community crime prevention, community crime prevention education to the community and neighborhood restoration activities in the Hawthorne, Jordan, Near North and Willard Hay Neighborhoods).

Adopted 9/12/03.

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

IGR - Your Committee, having under consideration a report from the City Attorney regarding requirements to be complied with by public officers and agencies regarding the use and sale of state bond financed property, now recommends approval of "Minneapolis Capital Bonding Requests Criteria" document, set forth in Petn No 269028.

Adopted 9/12/03.

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

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*, extending the area in which tailgating can occur, now recommends that said ordinance be given its second reading for amendment and passage.

Zerby moved to amend Section 319.310 of the ordinance by adding the following language:
"This amendment shall expire on September 12, 2004." Seconded.
Adopted upon a voice vote.
The report was adopted 9/12/03.

Ordinance 2003-Or-113 amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*, amending Section 319.310 to extend the area in which tailgating can occur, was passed 9/12/03 by the City Council. 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 2003-Or-113
By Zerby
Intro & 1st Reading: 8/8/03
Ref to: PS&RS
2nd Reading: 9/12/03

Amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots.

The City Council of the City of Minneapolis do ordain as follows:
Section 1. That Section 319.310(c) of the above-entitled ordinance be amended to read as follows:
319.310. Prohibited acts.

(c) No licensee of a parking lot, nor an agent or employee of a licensee, shall encourage, knowingly allow or knowingly permit the possession or consumption of intoxicating liquor or nonintoxicating malt liquor, as defined by Minnesota Statutes, Section 340A.101, by any person on the licensed premises except where such possession or consumption has been expressly permitted by license or permit granted under Title 13 or Title 14. ~~Such exceptions shall be limited~~ This prohibition shall not apply to parking lots located between South Washington Avenue and the Mississippi River within an area defined as one commencing at the southwesterly bank of the Mississippi River where said riverbank is intersected by the centerline of 4th Avenue South, extended; thence southwesterly along the centerline of 4th Avenue South to the centerline of 6th Street South; thence southeasterly along the centerline of 6th Street South to the centerline of 11th Avenue South; thence northeasterly along the centerline of 11th Avenue South, extended to the southwesterly bank of the Mississippi River, thence northwesterly along said riverbank to the point of beginning. This amendment shall expire on September 12, 2004.

Adopted 9/12/03.

PS&RS - Your Committee, having under consideration the application of Wyngate Hospitality Inc, dba T G F Betas Restaurant, 2100 Summer St NE, for Restaurant, Confectionery and Tobacco Dealer Licenses (new business) to expire April 1, 2004, now recommends that a provisional license be granted.

Adopted 9/12/03.

Approved by Mayor Rybak 9/12/03.

(Published 9/16/03)

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of University Inn, 925 4th St SE, for a Hotel/Motel License, subject to conditions.

Adopted 9/12/03.

Resolution 2003R-409, granting the application of University Inn, 925 4th St SE, for a Hotel/Motel License, was passed 9/12/03 by the City Council. 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 2003R-409

By Niziolek

Granting the application of University Inn, 925 4th St SE, for a Hotel/Motel License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Gopher Motel Inc, dba University Inn, 925 4th St SE, for a Hotel/Motel License (new proprietor) to expire November 1, 2003, subject to the following conditions:

a. the licensee shall maintain and supply all security improvements placed in the site plan approved by the Planning Commission. The licensee also will install security cameras in areas of the interior and exterior of the building as approved by the Police Department (to be operational before the reopening).

b. the licensee shall maintain 24-hour per day on-site management. The on-site management shall report all suspected criminal behavior to the Police Department in a timely manner.

c. the licensee shall have criminal background checks performed on all employees of the University Inn.

d. the licensee shall require identification of all individuals over the age of 14 either renting or residing in the room. Hotel management will maintain a register and allow the Police Department and License Division officials access to the register on a monthly basis. The licensee shall maintain an alphabetized list to be used by the on-site management to refuse customers previously involved in nuisance activity from staying at the hotel.

e. the licensee shall only let to persons under the age of 18 with written parental consent.

f. the licensee shall develop, in cooperation with the Police Department CCP/SAFE Division a behavioral agreement that all persons letting rooms at the University Inn will sign upon check in. The University Inn shall remove any individual or group that fails to follow the behavior agreement.

g. the licensee may not lease to any one person longer than a ten-month period.

h. a license review shall be set for six months and one year after the opening of the University Inn. If during this time period criminal nuisance behavior has been deemed excessive by the Police Department and License Division, the requirements for off-duty police, outlined in the 1999 City Council decision, shall be reinstated.

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

Adopted 9/12/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 9/12/03.

Declining to Vote - Benson.

Resolution 2003R-410, granting liquor, wine and beer licenses, was passed 9/12/03 by the City Council. 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 2003R-410

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

Off-Sale Liquor, to expire July 1, 2004

Minnesota Vikings Ventures Inc, dba Minnesota Vikings Ventures Inc, 500 11th Av S;

Off-Sale Liquor, to expire October 1, 2004

JPOC Inc, dba Union Liquor Store, 3219 Penn Av N;

McDonalds Liquor Inc, dba McDonalds Liquor Store, 5010 34th Av S;

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2004

Conga Corporation, dba Conga Latin Bistro, 501 E Hennepin Av;

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2004

Tay-Mac Inc, dba Whiskey Junction, 901 Cedar Av S;

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2004

Green Mill Enterprises Inc, dba Green Mill Too, 2626 Hennepin Av (sidewalk cafe expansion);

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2004

Minnesota Vikings Ventures Inc, dba Minnesota Vikings Ventures Inc, 500 11th Av S;

Thao Brothers LLC, dba Sushi Tango, 3001 Hennepin Av;

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2004

Fuji Two Inc, dba Fuji Ya Restaurant, 600 W Lake St;

Levit Holdings Ltd, dba Ichiban Japanese Steakhouse, 1333 Nicollet Mall;

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

Temporary On-Sale Liquor

Basilica of St. Mary, dba Basilica of St. Mary, 88 17th St N (Reunion dinner August 23, 2003, 6:00 p.m. to 10:00 p.m.; Licensed Facilitator: D'Amico Catering);

On-Sale Wine Class E with Strong Beer, to expire April 1, 2004

Trans Global Tech Inc, dba Bombay Bistro, 820 Marquette Av (sidewalk cafe expansion);

Temporary On-Sale Wine

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (September 6, 2003, Noon to 7:00 p.m. at Peavey Plaza);

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (September 20, 2003, 8:00 a.m. to 4:00 p.m. at Peavey Plaza);

Milkweed Editions Inc, dba Milkweed Editions, 1011 Washington Av S (October 11, 2003, 5:00 p.m. to 11:00 p.m. at Open Book, 1011 Washington Av S);

On-Sale Beer Class E, to expire April 1, 2004

W J Associates Inc, dba Joe's Tavern, 107 E 26th St;

Captains Choice Inc, dba Commodore, 2500 Bloomington Av;

Nelmatt LLC, dba Matt's Bar, 3500 Cedar Av S;

Jo-Chek Inc, dba Casey's Bar, 3510 Nicollet Av;

Temporary On-Sale Beer

MacNally Thomas, dba 7th Annual Borton Block Party, 5517 Lyndale Av S (August 16, 2003, 5:00 p.m. to 10:30 p.m. at 5428 Lyndale Av S);

Cedar Lake Park Association, dba Cedar Lake Park Association, 2000 Aldrich Av S (August 17, 2003, Noon to 9:00 p.m. at Bryn Mawr Meadows, 400 Morgan Av S);

St. Marys Greek Orthodox Church, dba Greek Festival, 3450 Irving Av S (September 5, 2003, 4:30 p.m. to 10:00 p.m.; September 6, 2003, Noon to 10:00 p.m.; and September 7, 2003, Noon to 7:00 p.m. at Church Hall & Parking Lot);

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (September 20, 2003, 4:00 p.m. to 10:00 p.m.; and September 21, 2003, Noon to 9:00 p.m.);

Church of St. Helena, dba Church of St. Helena, 3204 E 43rd St (September 12, 2003, 6:00 p.m. to 9:00 p.m.; September 13, 2003, Noon to 9:00 p.m.; and September 14, 2003, Noon to 6:00 p.m.).

Adopted 9/12/03.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 9/12/03.

Resolution 2003R-411, granting applications for Business Licenses, was passed 9/12/03 by the City Council. 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 2003R-411
By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That 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 September 12, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269034):

Car Wash; Place of Entertainment; Fire Extinguisher Servicing Class A; Caterers; Confectionery; Food Distributor; Food Distributor Out of Town; Grocery; Food Manufacturer; Mobile Food Vendor; Mobile Food Prepackaged Perishable Food; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Fuel Dealer; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Dealer - Cycles & Motorbikes; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Pet Shop - Mobile; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class A; Taxicab Vehicle; Taxicab Vehicle Nontransferable; Tobacco Dealer; Tree Servicing; and Wrecker of Buildings Class A.

Adopted 9/12/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 9/12/03.

Resolution 2003R-412, granting applications for Gambling Licenses, was passed 9/12/03 by the City Council. 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 2003R-412
By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Class B

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Westrums, 4415 Nicollet Av);

Multiple Sclerosis Society Minnesota Chapter, dba Multiple Sclerosis Society Minnesota Chapter, 200 12th Av S (Site: Stasius Bar, 2500 University Av NE);

National Multiple Sclerosis Society, dba National Multiple Sclerosis Society, 200 12th Av S (Site: Viking Bar, 1829 Riverside Av);

Gambling Lawful Exempt

Our Lady of Peace, dba Our Lady of Peace, 5425 11th Av S (Raffle September 21, 2003 at Our Lady of Peace School, 5435 11th Av S).

Adopted 9/12/03.

PS&RS - Your Committee, having under consideration the Rental Dwelling License for the property located at 1008 21st Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards with all Housing Maintenance Code violations having been corrected, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by the new owner, Trisha Siwek. (Petr No 269033)

Adopted 9/12/03.

PS&RS - Your Committee, having under consideration the property located at 1111 17th Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 1, Block 17 Gales Subdivision in Sherburne & Beebe's Addition to Minneapolis (PID #16-029-24-42-0139), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 9/12/03.

PS&RS - Your Committee, having under consideration the property located at 2717 Emerson Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and on February 28 and July 25, 2003 having authorized rehabilitation of the property subject to conditions, now recommends that the new property owner be allowed to continue with rehabilitation of the property, subject to the following conditions:

- a. the owner is ordered to have a code compliance inspection completed no later than October 1, 2003.
- b. the owner is ordered to pay the required \$2,000 code compliance deposit and pull the necessary permits no later than October 31, 2003.
- c. the owner is ordered to complete rehabilitation and secure a certificate of code compliance no later than May 1, 2004.
- d. if the owner fails to abide by this order, the Inspections Department shall immediately notify the Committee which may order immediate demolition or amend its order.

Adopted 9/12/03.

PS&RS - Your Committee recommends that the proper City Officers be authorized to execute a licensing agreement with Unisys for the sole purpose of Unisys to submit a response to a Request for Proposal by September 17, 2003 to the Metropolitan Washington Council of Government (COG) for a Regional Pawn Data Sharing System, providing that said agreement satisfies the minimum goals as recommended by staff as set forth in Petr No 269035 on file in the Office of the City Clerk.

Adopted 9/12/03.

Approved by Mayor Rybak 9/12/03.

(Published 9/16/03)

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

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a *Safe & Sober* grant award of \$50,000 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety to fund overtime for Traffic Unit officers for increased enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other

enforcement to reduce accidents and increase driver safety. Further, passage of the accompanying Resolution appropriating \$50,000 to the Police Department.

Adopted 9/12/03.

Resolution 2003R-413, appropriating a *Safe and Sober* grant of \$50,000 to the Police Department for increased enforcement by the Traffic Unit to reduce accidents and increase driver safety, was passed 9/12/03 by the City Council. 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 2003R-413
By Niziolek and Johnson**

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT13) by \$50,000 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$50,000.

Adopted 9/12/03.

PS&RS & W&M/Budget - Your Committee recommends that the Fire Department be authorized to rehire 32 laid off firefighters, effective September 21, 2003.

Adopted 9/12/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept an "Operation Nightcap" grant award of \$15,000 and execute a grant agreement with the Minnesota Department of Public Safety, State Patrol Division, for a Driving While Intoxicated Saturation Program during the period September 1 through December 31, 2003, to reimburse overtime costs to officers for increased enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety. Further, passage of the accompanying Resolution appropriating \$15,000 to the Police Department.

Adopted 9/12/03.

Resolution 2003R-414, appropriating \$15,000 to the Police Department for a Driving While Intoxicated Saturation Program for increased enforcement by the Traffic Unit to reduce accidents and increase driver safety, was passed 9/12/03 by the City Council. 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 2003R-414
By Niziolek and Johnson**

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT13) by \$15,000 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$15,000.

Adopted 9/12/03.

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

T&PW - Your Committee recommends that the proper City Officers be authorized to execute a new lease agreement for office space in the Minneapolis Grain Exchange Building on behalf of the Civilian Review Authority's (CRA) staff, payable from the Department of Civil Right's budget with no appropriation increase is required. The proposed lease has the same provisions as the current lease with the following exception:

- a) The rent will be reduced to \$1,981 per month;
 - b) The new lease has a month-to-month renewal term with 30 days notice required for cancellation;
- and
- c) The new lease allows termination by the City for any reason without a penalty.
- Colvin Roy moved that the report be postponed. Seconded.
Adopted upon a voice vote.

T&PW - Your Committee, having under consideration the Downtown Minneapolis Greening Partnership Third Avenue Pilot Project, now recommends that the City Engineer be authorized to enter into agreements with the private sector entities to undertake the landscaping of the five (5) medians in the public rights-of-way on 3rd Avenue from 12th Street South to Washington Avenue South, as set forth in Petn No 269041 on file in the Office of the City Clerks.

Adopted 9/12/03.

T&PW - Your Committee having reviewed the request from Rene Plumart, of DJR Architecture, on behalf of the owner of the Franklin Bakery (1020 East Franklin Avenue) for a Special Boulevard Permit to widen the public sidewalk along both 10th and 11th Avenues South, between the existing public sidewalk and the property line, now recommends that the permit on 11th Avenue South, be granted.

Your Committee further recommends that the request for a Special Boulevard Permit on 10th Avenue South, not be granted.

Adopted 9/12/03.

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

T&PW & W&M/Budget – Your Committee, having under consideration the 2003 Alley Retaining Wall Restoration Program, Special Improvement of Alleys No FS03#2 (3600 15th Avenue South), now recommends passage of the accompanying Resolutions:

- a) Ordering the City Engineer to proceed with the work and adopting the special assessments for said project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$10,000, with the bonds to be paid for from special assessments.

Adopted 9/12/03.

Approved by Mayor Rybak 9/12/03.

(Published 9/16/03)

Resolution 2003R-415, ordering the work to proceed and adopting the special assessments for the 2003 Alley Retaining Wall Restoration Program, was passed 9/12/03 by the City Council. 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 2003R-415
By Colvin Roy and Johnson

2003 Alley Retaining Wall Restoration Program
Special Improvement of Alleys No FS03#1.

Ordering the work to proceed and adopting the special assessments for the 2003 Alley Retaining Wall Restoration Program.

Whereas, a public hearing was held on August 26, 2003 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2003R-341, passed July 25, 2003 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved The City Council of The City of Minneapolis that the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2003R-341, passed July 25, 2003.

Be It Further Resolved that the proposed special assessments in the total amount of \$10,000 and on file in the Office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments for alley retaining wall restoration of more than \$150 may be paid, shall be fixed at five (5) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2005 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments on the 2005 real estate tax statement.

Adopted 9/12/03.

Approved by Mayor Rybak 9/12/03.

(Published 9/16/03)

Resolution 2003R-416, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$10,000 for certain purposes other than the purchase of public utilities, was passed 9/12/03 by the City Council. 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 2003R-416
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$10,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of alley improvements in the 2003 Alley Retaining Wall Restoration Program, Special Improvement of Alleys No. FS03#2, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 9/12/03.

Approved by Mayor Rybak 9/12/03.

T&PW & W&M/Budget - Your Committee recommends approval to submit one grant application for federal Transportation Equity Act for the 21st Century (TEA-21) funding for hazard elimination along Chicago Avenue South from Franklin Avenue to East 31st Street.

Your Committee further recommends to commit up to \$64,000 of local resources per federal requirements to support the approved TEA-21 project including a 10% local match, local funding for all ineligible expenses related to the project, and commit to implementing funding for ongoing operations and maintenance expenses.

Adopted 9/12/03.

T&PW & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #6126, (Petn No 269042) submitted by Pro-Tec Design, Inc. in the amount of \$579,870, for installation of a electronic security system at the Minneapolis Water Works Fridley Facilities.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project/service, contingent on approval of the Civil Rights Department.

Adopted 9/12/03.

Approved by Mayor Rybak 9/12/03.

(Published 9/16/03)

T&PW & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #6143, (Petn No 269042) submitted by Killmer Electric Company, Inc. in the amount of \$25,260, for Nicollet Mall lighting upgrade.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project/service, contingent on approval of the Civil Rights Department.

Adopted 9/12/03.

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

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving a legal settlement, as recommended by the City Attorney.

Adopted 9/12/03.

Resolution 2003R-417, approving a legal settlement with Charon and Mallik Dow, was passed 9/12/03 by the City Council. 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 2003R-417

By Johnson

Approving legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the recommendation of the City Attorney to settle the following legal matter be approved and a payment authorized as indicated:

Charon and Mallik Dow, by payment of \$6,500 to Ms. Dow along with a letter of apology to Ms. Dow's children and provision of additional training as part of scheduled in-service training in 2004 addressing the topics of accident investigation and police-community relations (as outlined in Petn No 269046)

Be It Further Resolved that the payments shall be made from the Self Insurance Fund (6900) and the City Attorney is authorized to execute any documents necessary to effectuate the settlement.

Adopted 9/12/03.

W&M/Budget – Your Committee recommends that the City Attorney be authorized to issue a Request for Proposals (RFP) seeking legal services for panels that will provide services when special expertise is required, assistance in complex or lengthy litigation or when a conflict of interest exists for the City Attorney's Office.

Adopted 9/12/03.

W&M/Budget – Your Committee recommends concurrence with the recommendation of the City Attorney that the City Policy and Procedure for Defense and Indemnification of Employees (Petn No 263244) passed November 7, 1997, be amended to clarify that the City may invoke the procedures in its policy without a written request to defend submitted by the employee, and that officers employed by the City sitting on independent boards and commissions are subject to the Policy. (Petn No 269046)

Adopted 9/12/03.

W&M/Budget – Your Committee recommends passage of the accompanying resolution awarding bids related to the New Central Library Project.

Adopted 9/12/03.

Approved by Mayor Rybak 9/12/03.

(Published 9/16/03)

Resolution 2003R-418, awarding bids for concrete structure, escalators and elevators for the New Central Library Project, was passed 9/12/03 by the City Council. 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 2003R-418

By Johnson

Awarding bids relating to the New Central Library Project.

Resolved by The City Council of The City of Minneapolis:

That the following bids (as further outlined in Petn No 269048) be accepted:

a) OP #6135, accept the low bid of Graham Penn Co for concrete structure, to deliver all labor, equipment and incidentals necessary to accomplish the work of Contract 4, Structures, all in accordance with the plans, specifications and addenda prepared by Architectural Alliance and titled "Minneapolis Central Library Bid Package No. 3 – Structure/Conveying" for a total contract price of \$13,208,000.

b) OP #6152, accept the low bid of Shindler Elevator for escalators, to deliver all material, labor, equipment and incidentals necessary to accomplish the work of Contract 5B, Escalators, all in accordance with the plans, specifications and addenda prepared by Architectural Alliance and titled "Minneapolis Central Library Bid Package No. 3A – Structure/Conveying" for a total contract price of \$185,875.

c) OP # 6152, accept the low bid of Shindler Elevator for elevators, to deliver all material, labor, equipment and incidentals necessary to accomplish the work of Contract 5A, Elevators, all in accordance with the plans, specifications and addenda prepared by Architectural Alliance and titled "Minneapolis Central Library Bid Package No. 3A – Structure/Conveying" for a total contract price of \$1,212,999.

Be It Further Resolved that the proper City officers be authorized and directed to execute any contracts related to said services and in accordance with specifications.

Adopted 9/12/03.

Approved by Mayor Rybak 9/12/03.

(Published 9/16/03)

W&M/Budget – Your Committee recommends passage of the accompanying resolution authorizing issuance of a Request for Proposals seeking Managed Care Organization (MCO)/Preferred Provider Organization (PPO)/Occupational Health Clinic Services including employment and workers' compensation services.

Adopted 9/12/03.

Approved by Mayor Rybak 9/12/03.

(Published 9/16/03)

Resolution 2003R-419, authorizing issuance of a Request for Proposals seeking Managed Care Organization (MCO)/Preferred Provider Organization (PPO)/Occupational Health Clinic Services, was passed 9/12/03 by the City Council. 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 2003R-419

By Johnson

Authorizing issuance of a Request for Proposals (RFP) seeking Managed Care Organization (MCO)/Preferred Provider Organization (PPO)/Occupational Health Clinic Services.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to issue a RFP seeking MCO/PPO/Occupational Health Clinic Services including employment and workers' compensation services and, further, that said officers be authorized to select and negotiate a contract with the selected vendor to do administration for City employees in their employment health needs, subject to review and approval of said contract by the City Coordinator, City Finance Officer, City Attorney and approval by the City Council previous to contract execution.

Adopted 9/12/03.

Approved by Mayor Rybak 9/12/03.

(Published 9/16/03)

W&M/Budget – Your Committee recommends approval of a new Travel Card Policy (as included in Petn No 269050) providing for a new program whereby travel charges charged on a City travel card will be paid centrally by the City and further that the Finance Department be directed to develop procedures for the new Travel Card program.

Your Committee further recommends that the proper City officers be authorized to negotiate and execute an agreement with US Bank to provide said travel card services and that the City's current program through American Express be terminated.

Adopted 9/12/03.

W&M/Budget - Your Committee recommends approval of the request of the Solid Waste and Recycling Division to place an insert in the October 2003 utility bills, announcing street sweeping and final yard waste collection for the year.

Adopted 9/12/03.

W&M/Budget - Your Committee, having under consideration the recommendation of the Finance Officer to capture savings by refunding existing debt of the Series 1993 General Obligation Parking Bonds and Series 1993A General Obligation General Purpose Bonds, now recommends passage of the accompanying resolution requesting the Board of Estimate and Taxation to issue said bonds.

Adopted 9/12/03.

Resolution 2003R-420, requesting the Board of Estimate and Taxation to issue and sell bonds in the amount of \$17,000,000 for the purpose of refunding the Series 1993 General Obligation Parking and Series 1993A General Purpose bonds, was passed 9/12/03 by the City Council. 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 2003R-420
By Johnson

Requesting the Board of Estimate and Taxation to issue and sell Minneapolis general obligation refunding bonds in the amount of \$ 17,000,000 for certain purposes other than the purchase of public utilities.

Resolved by the City Council of the City of Minneapolis:

That the Board of Estimate & Taxation be requested to incur indebtedness and issue and sell City of Minneapolis general obligation refunding bonds in the amount of \$ 17,000,000 the proceeds of which are to be used to refund the existing general obligation parking bonds, Series 1993 sold August 18, 1993 and the current coupon portion of the general obligation general purpose bonds, Series 1993A sold May 11, 1993.

Adopted 9/12/03.

W&M/Budget – Your Committee, having under consideration the City's statutory 2004 funding for the Minneapolis Police Relief Association, now recommends passage of the accompanying resolution requesting the Board of Estimate and Taxation to issue and sell General Obligation Bonds in the amount of \$18,000,000 for a portion of the City's pension obligation to the Minneapolis Police Relief Association.

Adopted 9/12/03. Yeas, 11; Nays, 2 as follows:

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

Nays - Benson, Goodman.

Resolution 2003R-421, requesting the Board of Estimate and Taxation to issue and sell bonds in the amount of \$18,000,000 for the purpose of funding a portion of the City's pension obligation to the Minneapolis Police Relief Association, was passed 9/12/03 by the City Council. 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 2003R-421
By Johnson

Requesting the Board of Estimate and Taxation to issue and sell Minneapolis general obligation bonds in the amount of \$18,000,000 for certain purposes other than the purchase of public utilities.

Resolved by the City Council of the City of Minneapolis:

That the Board of Estimate & Taxation be requested to incur indebtedness and issue and sell City of Minneapolis general obligation pension bonds in the amount of \$18,000,000 the proceeds of which are to be used to meet part of the City's 2004 statutory funding requirements for the Minneapolis Police Relief Association (MPRA) and that the bond proceeds will be transmitted to MPRA on the same dates and proportions as the property tax levy component.

Adopted 9/12/03. Yeas, 11; Nays, 2 as follows:

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

Nays - Benson, Goodman.

W&M/Budget – Your Committee recommends concurrence with the recommendation of the Empowerment Zone (EZ) Governance Board that additional EZ funding in the amount of \$211,500 be provided to the YMCA Childcare Center at Abbott Northwestern Hospital (formerly named the Great Lake Child Care Center Project) to assist in development of the center, and authorization to execute an agreement with the Minneapolis Community Development Agency (MCDA) to administer the funds and setting forth the terms and conditions.

Your Committee further recommends passage of the accompanying resolutions providing for the transfer of said EZ funds in the amount of \$211,500 to the Minneapolis Community Development Agency as administrator of the funds.

Adopted 9/12/03.

RESOLUTION 2003R-422

By Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Decreasing the City Coordinator Agency in the Grants-Federal Fund (0300-840-8460) by \$211,500;

b) Increasing the appropriation for the Inter-fund Transfer Agency in the Federal Grants Fund (0300-127-FEZT-9001) by \$211,500.

Adopted 9/12/03.

RESOLUTION 2003R-423

By Johnson

Amending The 2003 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 FEZ (Federal Empowerment Zone) by \$211,500 and increasing the revenue budget (3820 – Transfer from Special Revenue) in Fund FEZ by \$211,500.

Adopted 9/12/03.

W&M/Budget – Your Committee recommends concurrence with the recommendation of the Empowerment Zone (EZ) Executive Committee that funds in the amount of \$210,000 be accepted from the Local Initiatives Support Corporation (LISC) to be added to \$210,000 in EZ funds and that said funds in the amount of \$420,000 are authorized to be loaned to McCormack Baron Salazar (or their limited partnership, Heritage Park Partners, L.P.) for Phase III of the Heritage Park Project; and further that the proper City officers be authorized to enter into the appropriate agreements with LISC and McCormack Baron Salazar.

Your Committee further recommends passage of the accompanying resolution appropriating the loan funds.

Adopted 9/12/03.

RESOLUTION 2003R-424

By Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

- a) Increasing the appropriation for the City Coordinator Agency in the Grants - Other Fund (0600-840-8460) by \$210,000 and increasing the revenue source (0600-840-8460 - Source 3820) by \$210,000;
- b) Increasing the appropriation for the City Coordinator Agency in the Grants - Federal Fund (0300-840-8460) by \$210,000 and increasing the revenue source (0600-840-8460 - Source 3820) by \$210,000.
- Adopted 9/12/03.

W&M/Budget – Your Committee recommends that the Hiring, Promotion and Reclassification Freeze be amended to allow departments to make management decisions to fill vacancies without submitting a waiver to the Human Resources Department when there are no employees in the Job Bank.

Niziolek moved to remove the City's Hiring, Promotion and Reclassification Freeze. Seconded.

Samuels moved a substitute motion that the report be referred back to the Ways & Means/Budget Committee. Seconded.

Adopted by unanimous consent.

Samuels motion was adopted upon a voice vote.

W&M/Budget – Your Committee recommends that the Human Resources Department be authorized to issue a Request for Proposals (RFP) seeking competitive proposals from dental care providers for employee group dental insurance coverage effective January 1, 2004.

Adopted 9/12/03.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 24-month labor agreement with the Plumbers Local #15 – Water Works Maintenance Unit.

Adopted 9/12/03.

Resolution 2003R-425, approving the terms of a 24-month labor agreement with the Plumbers Local #15 – Water Works Maintenance Unit, was passed 9/12/03 by the City Council. 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 2003R-425

By Johnson

Approving the terms of a collective bargaining agreement with the Plumbers Local #15 – Water Works Maintenance Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and Plumbers Local #15, (Petn No 269051), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 9/12/03.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Executive Committee to establish a new appointive position of Director, Community Planning and Economic Development (CPED) with an annual salary range of \$111,760 to \$123,524, effective August 20, 2003. As a result of the Governor's Cap, said position will have a maximum annual salary of \$114,288.

Your Committee further recommends passage of the accompanying amendment to the Salary Ordinance adopting the salary for said position.

Adopted 9/12/03. Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson Lee.

Ordinance 2003-Or-114 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the new appointed position of Director, Community Planning and Economic Development (CPED), was adopted 9/12/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office the City Clerk.

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

**ORDINANCE 2003-Or-114
By Johnson
1st & 2nd Readings: 9/12/03**

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- ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)
Effective: August 20, 2003**

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Director, Community Planning and Econ Dev	A	\$111,760	\$117,642	\$121,171	\$123,524

Adopted 9/12/03. Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson Lee.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Executive Committee to reclassify the appointed position of Director, Planning, changing the position from Grade 17 to Grade 16 with an annual salary range of \$99,933 to \$110,452.

Your Committee further recommends passage of the accompanying amendment to the Salary Ordinance adopting the salary for the reclassified position.

Adopted 9/12/03. Yeas, 11; Nays, 2 as follows:

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

Nays - Johnson Lee, Niziolek.

Ordinance 2003-Or-115 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the reclassified position of Director, Planning, was adopted 9/12/03 by the City Council. 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 2003-Or-115
By Johnson
1st & 2nd Readings: 9/12/03

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- ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective: August 27, 2003

FLSA	OTC	CLASSIFICATION	P	Step A	Step B	Step C	Step D
				Start rate	After 1 "A" year	After 2 "B"	After 3 "C"
E	1	Director, Planning	A	\$99,933	\$105,192	\$108,348	\$110,452

Adopted 9/12/03. Yeas, 11; Nays, 2 as follows:

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

Nays - Johnson Lee, Niziolek.

W&M/Budget - Your Committee recommends concurrence with the following recommendations of the Executive Committee:

a) Reclassify the position of Director of Transportation, Public Works (Grade 15) to Deputy Director Transportation Coordination (Grade 17) of the Appointive Service, with an annual salary range of \$106,050 to \$117,213, effective July 10, 2003. As a result of the Governor's Cap, said position will have a maximum annual salary of \$114,288;

b) Passage of the accompanying ordinance adopting the salary for the Deputy Director Transportation Coordination.

c) Effective January 1, 2004, reclassify the position Deputy Director, Public Works to the position Director of Transportation with the 2002 classification description and appropriate salary.

Adopted 9/12/03. Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson Lee.

Ordinance 2003-Or-116 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the reclassified position Deputy Director Transportation Coordination, was adopted 9/12/03 by the City Council. 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 2003-Or-116
By Johnson
1st & 2nd Readings: 09/12/03

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: (Annual Rates)

Appointed Officials (CAP)

Effective: July 10, 2003

FLSA	OTC CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" Years	Step After 3 "C" Years
E	1 Deputy Director Transportation Coordination	A	\$106,050	\$111,632	\$114,981	\$117,213

Adopted 9/12/03. Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson Lee.

W&M/Budget - Your Committee recommends that the City accept grant funds in the amount of \$3,000 from the University of Minnesota Urban Studies Program as reimbursement for seventy-five percent of the wages of Kelly Phillips who will be working in the Third Ward City Council Office during the 2003-2004 academic year.

Your Committee further recommends passage of the accompanying resolution increasing the City Council appropriation by \$3,000 to reflect the receipt of said funds.

Adopted 9/12/03.

RESOLUTION 2003R-426

By Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the City Council Agency in the Grant-Other Fund (0600-240-2403) by \$3,000 and increasing the revenue source (0600-240-2403 - Source 3225) by \$3,000.

Adopted 9/12/03.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #6140 of Sunrise Painting and Wallcovering, Inc. in the amount of \$104,315 to furnish and deliver all labor, materials, equipment and necessary incidentals for the removal and replacement of wall fabric at the Minneapolis Convention Center and authorization to execute a contract for said services in accordance with specifications.

Adopted 9/12/03.

Approved by Mayor Rybak 9/12/03.

(Published 9/16/03)

The **WAYS & MEANS/BUDGET** and **ZONING & PLANNING** Committees submitted the following reports:

W&M/Budget & Z&P - Your Committee, having under consideration the East Harriet Farmstead Neighborhood Gateway, a series of seven sculptural cairns located in Lyndale Park, along 40th St and

Roseway Rd, now recommends that the City accept ownership and maintenance responsibility for said artwork.

Adopted 9/12/03.

W&M/Budget & Z&P - Your Committee recommends acceptance of funds from the McKnight Foundation in the amount of \$40,000 for the creation of the Minneapolis Plan for Arts and Culture.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Planning Department to reflect the receipt of said funds.

Adopted 9/12/03.

RESOLUTION 2003R-427

By Johnson and Schiff

Amending The 2003 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 Planning Department Agency in the Grants-Other Fund (0600-380-3810) by \$40,000 and increasing the revenue source (0600-380-3860 - Source 3720) by \$40,000.

Adopted 9/12/03.

(Republished October 18, 2003)

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

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Walter and Mary Iverson (BZZ-1306) to rezone the property at 5536 Chicago Ave from R2B to the OR1 District to permit a mixed-use building that contains one dwelling unit and an office, and adopting the related findings prepared by the Planning Department.

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

Adopted 9/12/03.

Ordinance 2003-Or-117, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 5536 Chicago Ave to the OR1 District, was passed 9/12/03 by the City Council. 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 2003-Or-117

By Schiff

1st & 2nd Readings: 9/12/03

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 10, Block 6, Park Avenue Terrace Addition to Minneapolis (5536 Chicago Ave - Plate 37) to the OR1 District.

Adopted 9/12/03.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of ADDD Investments, LLC (BZZ-1215) to rezone the property at 1707 Glenwood Ave from R2B to the R5 District to make the existing 26-residential building (Glenwood Apartments) a conforming use, and adopting the related findings prepared by the Planning Department.

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

Adopted 9/12/03.

Ordinance 2003-Or-118, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1707 Glenwood Ave to the R5 District, was passed 9/12/03 by the City Council. 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 2003-Or-118
By Schiff
1st & 2nd Readings: 9/12/03

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 17, Auditor's Subdivision Number 26, except the South 16 feet thereof, measured by right angles to the South line thereof, Hennepin County, Minnesota (1707 Glenwood Ave - Plate 12) to the R5 District.

Adopted 9/12/03.

Z&P - Your Committee concurs in the recommendation of the Heritage Preservation Commission that Station 13 Minneapolis Fire Department, 4201 Cedar Ave S, be designated as a local landmark, pursuant to Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to heritage preservation, and that the related findings be adopted.

Your Committee further recommends passage of the accompanying resolution designating Station 13 Minneapolis Fire Department as a local landmark.

Adopted 9/12/03.

Resolution 2003R-428, designating Station 13 Minneapolis Fire Department at 4201 Cedar Ave S as a historic local landmark, was passed 9/12/03 by the City Council. 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 2003R-428
By Schiff

Designating Station 13 Minneapolis Fire Department as a Local Landmark.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held a public hearing on August 19, 2003 and recommended to the Standing Committee on Zoning and Planning that Station 13

Minneapolis Fire Department, 4201 Cedar Avenue South, legally described as Lots 29 and 30 and the north 20 ft. of Lot 28, Block 4, Cedar Avenue Heights Addition to Minneapolis, be designated as a local landmark; and

Whereas, prior to such recommendation and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation, the HPC did refer to subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on August 4, 2003; and further did refer the subject matter to the Minnesota State Historic Preservation Officer (SHPO) for review and comment, such favorable comment being made in a letter of July 9, 2003; and

Whereas, on August 28, 2003 the Standing Committee on Zoning and Planning recommended designation as a local landmark;

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

That Station 13, Minneapolis Fire Department, 4201 Cedar Avenue South, is hereby designated as a local landmark, and that the City Clerk is directed to file a certified copy of this resolution with the Office of the Hennepin County Recorder or Registrar of Titles.

Adopted 9/12/03.

MOTIONS

Niziolek introduced the subject matter of an Ordinance amending Title 9, Chapter 176 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Burglar and Holdup Alarm Systems*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending false alarm penalties and when police response can be suspended).

Schiff introduced the subject matter of an Ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, which was given its first reading and referred to the Zoning & Planning Committee (Amending section 525.160 relating to fees for zoning applications).

Zerby moves that Environmental Response Funds through the Hennepin County Department of Transit and Community Works in the amount of \$100,000 be expended within the next two years for the purpose of reducing lead hazards and prevention of childhood lead poisoning within the City. Seconded.

Adopted 9/12/03.

Schiff introduced the subject matter of an Ordinance amending title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to *Zoning Code: Industrial Districts*, which was given its first reading and referred to the Zoning & Planning Committee (Adding caterers as an allowed use in the I1 District).

NEW BUSINESS

Schiff introduced an Ordinance amending Title 17, Chapter 435 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Building Numbering*, which was given its first reading and referred to the Public Safety & Regulatory Services and Transportation & Public Works Committees (To develop an address standard, define the business processes for addressing).

Schiff introduced an Ordinance amending Title 17 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks*, by adding a new Chapter 436 entitled *Establishing and Naming of Streets*, which was given its first reading and referred to the Public Safety & Regulatory Services and Transportation & Public Works Committees.

Niziolek introduced an Ordinance amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees*, which was given its first reading and referred to the Health & Human Services Committee (Amending the fee schedule for food establishments).

Lilligren moved to adjourn to Room 315 City Hall to consider the following matters:

- (a) *Hollman et al. vs. Martinez et al.* (initially the *Hollman et al. v. Cisneros et al.* case)
- (b) *Greenberg vs. City of Minneapolis et al.*
- (c) *Roberto Mesto vs. City of Minneapolis*

Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

September 12, 2003 - 11:00 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

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

Also present - Peter Ginder, Acting Deputy City Attorney; Carol Lansing and Tim Skarda, Assistant City Attorneys; Chuck Lutz, Community Planning & Economic Development; Keefe, City Clerk; Erik Takeshita, Mayor's Office; Jan Hrcir, City Clerk's Office.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the following lawsuits:

- a) *Hollman et al. vs. Martinez, et al.* (initially the *Hollman et al. vs. Cisneros, et al.* case)
- b) *Greenberg vs. City of Minneapolis, et al.*
- c) *Roberto Mesto vs. City of Minneapolis.*

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

Adopted upon a voice vote.

The meeting was closed at 11:02 a.m.

Lansing summarized the *Hollman et al. vs. Martinez, et al. lawsuit* from 11:03 a.m. to 11:16 a.m.

Skarda summarized the *Roberto Mesto vs. City of Minneapolis lawsuit* from 11:16 a.m. to 11:28 a.m.

Lansing and Lutz left the meeting at 11:28 a.m.

Skarda summarized the *Greenberg vs. City of Minneapolis, et al. lawsuit* from 11:28 a.m. to 12:25 p.m.

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

Lilligren moved that the meeting be opened for the purpose of taking actions relating to the matter of *Roberto Mesto vs. City of Minneapolis lawsuit*. Seconded.

Adopted upon a voice vote.

Lilligren moved that the City Council authorize settlement in the amount of \$13,000.00, payable \$5,200.00 to Milavetz, Gallop & Milavetz, attorneys for Roberto Mesto, and \$7,800.00 payable to Roberto Mesto; authorize certain non-monetary relief in full and final settlement in the matter of *Robert Mesto vs. City of Minneapolis*, M.D.H.R. Case No.: 41084; E.E.O.C. file No. 26EA300267, and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims, payable from Fund/Org. 6900 150 1500 6750. Seconded.

Adopted 9/12/03.

By unanimous consent, the meeting was adjourned at 12:25 p.m.

Merry Keefe,
City Clerk.

Created: 9/15/2003
Modified: 9/16/2003
Corrected: 11/12/2003
02/24/2004; 03/05/2004