

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF APRIL 2, 2004

(Published April 10, 2004, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
April 2, 2004 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Lilligren moved acceptance of the minutes of the regular meeting held March 19. 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:

METROPOLITAN COUNCIL (269492)

Metropolitan Livable Communities Act Livable Communities Demonstration Account: Awards for Cedar Lake Midtown Revival, Greenleaf Lofts, 1035 E Franklin, 1508 E Lake St. and Franklin-Portland Gateway projects.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269493)

2% Small Business Loan Program: Year-End Delinquency Report and recommendation to charge-off the loan to Ginko, Inc.

Community Planning and Economic Development Department: Business Plan.

3310-14 Nicollet Av: Grant exclusive development rights to Prima Land, Inc and Lyndale Neighborhood Development Corporation.

Perpetual Affordability Program: Guidelines.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269493.1)

School Site Project: Memorandum of Understanding with the Minneapolis Public Housing Authority, Family Housing Fund, Youth Coordinating Board/Minneapolis Redesign, Minneapolis Public Schools and Lutheran Social Services regarding the "It's All About Kids" demonstration project.

GRANTS AND SPECIAL PROJECTS (269494)

2004 Consolidated Plan: Authorize submission of plan to the US Department of Housing and Urban Development.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269495)

Target Center: Terms of Assignment of Operating Agreement.

Antiques Minnesota Building (1508 E Lake St): Authorize staff to continue analysis of proposal with Neighborhood Development Center, prepare redevelopment plan and tax increment financing plan.

FINANCE DEPARTMENT (269496)

Reprogramming of Community Development Block Grant (CDBG) Funds: Reappropriation of unspent balance of CDBG funds.

GRANTS AND SPECIAL PROJECTS (269497)

1999 Metropolitan Livable Communities Act Livable Communities Demonstration Account Grant: Extend agreement terms for grant to Urban Village Project.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (269498)

Downtown Neighborhood: Modification to Action Plan.

HEALTH AND HUMAN SERVICES:

HEALTH AND FAMILY SUPPORT SERVICES (269499)

Community Development Block Grant Process by Public Health Advisory Committee: Update on Committee's planning progress toward June 1st goal of providing recommendations to Mayor and City Council on CDBG public service funding priorities and process.

Community Emergency Response Teams: Overview of project and current status.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (269500)

2004 Alliance Home Visiting Program: Amend contract with Hennepin County to update terms and conditions for services targeting Spanish speaking families with children who are ineligible for services under State's Program.

Data Analysis: Execute no cost contract with State of Minnesota for access to State birth, death and population data.

Early Learning Opportunity Act Project: Amend contract with Youth Coordinating Board to extend termination date to September 29, 2004 to provide books for children ages 0-4 through health clinics and other locations to support school readiness and early literacy.

Public Health Advisory Committee: amending enabling Resolution to increase Committee from 21 to 22 members by adding new position to be appointed by Mayor.

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

HEALTH AND FAMILY SUPPORT SERVICES (269501)

Minnesota Children's Health Security Act: Endorse Minnesota Children's Health Security Act Legislative proposal.

HEALTH AND HUMAN SERVICES & PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

REGULATORY SERVICES (269502)

Food Code: Return to Author Ordinances amending Title 10 of Code relating to Food Code— Chapter 186 entitled In General, adding definitions relating to public markets; Chapter 188 entitled Administration and Licensing, including licensing of institutional foods; adding Chapter 201 entitled Public Market; Chapter 202 amending the Title from Public Market to Municipal Market; and Appendix J entitled Licensing Fees Schedule, adding fees for institutional foods.

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

HEALTH AND FAMILY SUPPORT SERVICES (269503)

Covering All Kids and Families Project: Accept \$10,000 from Children's Defense Fund to assist new arrival families at New Family Center with immunizations, applications for health insurance, and referrals to medical and other community services; and Approve appropriation.

Taxpayer Assistance Services: Receive additional \$1,594 in State funds from Nokomis Healthy Seniors for services to low income and disadvantaged residents; and Approve appropriation.

2003 Phillips Weed & Seed: Transfer \$5,311 from Police Department to Health & Family Support to reallocate law enforcement training and Nextel Service funds back into core grant activities.

2003 Northside Weed & Seed: Transfer \$5,210 from Police Department to Health & Family Support to reallocate law enforcement office supply funds back into core grant activities.

INTERGOVERNMENTAL RELATIONS:

MINNEAPOLIS CENTRAL LABOR UNION COUNCIL (269504)

Stadium Community Benefits Agreements.

INTERGOVERNMENTAL RELATIONS (See Rep):

PARK BOARD (269505)

Holcim Cement Property (3939 N 1st St): Request inclusion in City's 2004 legislative agenda for support for Federal appropriation to acquire property for park area.

PLANNING COMMISSION/DEPARTMENT (269506)

MSP Noise Oversight Committee: Appointment of Merland Otto as additional City alternate to Committee.

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

FINANCE DEPARTMENT (269507)

Minneapolis Closed Pension Plans: Support legislation relating to Mpls Employees Retirement Fund, Mpls Police Relief Association & Mpls Firefighters' Relief Association meeting certain principles.

PUBLIC SAFETY AND REGULATORY SERVICES:

REGULATORY SERVICES (269508)

Booting Pilot Project: Report on options available for pilot project.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (269509)

The Seville Club (15 Glenwood Av): Grant On-Sale Liquor Class A with Sunday Sales License, subject to Adult Entertainment conditions; with attachment.

LICENSES AND CONSUMER SERVICES (269510)

Tax Delinquency - Brandons 923 Club (923 Washington Av N): Revoke On-Sale Liquor Class E with Sunday Sales License; and immediately discontinue business in City until tax clearance certificate is issued.

Snelling Motor Inn (5346 Minnehaha Av): Grant Hotel/Motel License subject to conditions.

Licenses: Applications.

REGULATORY SERVICES (269511)

Residential Combination Inspector: Authorize establishment of new position to serve as inspector for all building systems within one and two family construction; and Establish salary; with attachment.

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

FIRE DEPARTMENT (269512)

Fire Prevention Work Outside Regular Business Hours: Authorize charge businesses/contractors a fee for fire prevention inspection work performed outside regular business hours, to be based on top stop of Fire Inspection Coordinator position rate of pay; Apply administrative and processing fee of 20% of total pay; and Authorize deposit revenues in Fire Department General Fund.

Hennepin County Hazard Mitigation Plan: Adopt Hennepin County Hazard Mitigation Plan as part of City of Minneapolis Emergency Operations Plan.

Minneapolis Emergency Operations Plan: Approve revised Emergency Operations Plan, to include terrorism annex.

2003 Homeland Security Grant: Accept Part 2 Collapse Structure Equipment grant award of \$500,000 from Division of Homeland Security and Emergency Management; Execute any other sub-recipient agreements necessary to implement grant; and Approve appropriation.

POLICE DEPARTMENT (269513)

Seatbelt Safety Initiative: Accept grant award of \$10,000 and execute grant agreement with Minnesota Department of Public Safety for advertising and reimbursement of officer overtime for enforcement in May 2004; and Approve appropriation.

Homeland Security and Emergency Management Grant: Accept grant award of \$34,569 and execute grant agreement with Minnesota Department of Public Safety to fund officer overtime expenses incurred during December/January period of heightened national security; and Approve appropriation.

Central Weed and Seed: Accept grant award of \$98,091 and execute grant agreement with Pillsbury United Communities to fund officer overtime services as deemed necessary to fulfill goals of Richard Green Central Weed and Seed Steering Committee; and Approve appropriation.

REGULATORY SERVICES (269514)

Permit Fees: Ordinance amending Title 5, Chapter 91 of Code establishing a Director's Fee Schedule, subject to adjustment, and amending the refund policy.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (269515)

Transtop Minnesota, Inc.: Receive and file report on franchise fee received.

XCEL (269516)

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

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (269517)

Pilot City (1315 - 1319 Penn Av N): a) Approve sale to Pilot City Neighborhood Services, b) Authorize purchase agreement and other documents to complete the sale transaction, and c) Authorize an agreement of subordination of the Seller's interest to the interest of a mortgage holder that secured loan is for the PCNS social services.

New Fire Station No. 14: Authorize an agreement with Ankeny Kell Architects in an for architectural and engineering design services.

Municipal State Aid (MSA) Street System: Requesting the deletions and additions to the MSA Street System within the City.

Fridley Maintenance Facility: Authorize change order with Carl Bolander and Sons, for soil corrections and surcharges.

Loring Bicycle Bridge Project: Initiate condemnation proceedings for obtaining a permanent easement at 1936 Lyndale Av S, Vision Loss Resources for improvements related to the bicycle bridge project.

PUBLIC WORKS AND ENGINEERING (269518)

W Broadway St Reconstruction Proj (Girard Av N to West City Limits): Designating location and streets with improvements. Receipt of cost estimate and direction to the City Engineer to prepare assessments against the benefited properties and set a public hearing.

W Broadway Street Lighting Project (Girard Av N to West City Limits): Designating the location and streets with improvements. Receipt of cost estimate and direction to the City Engineer to prepare assessments against the benefited properties and set a public hearing. Adopt designating the street lighting project area as Street Lighting District No. 1304 and set a public hearing.

LaSalle Av Reconstruction Project: Designating the location, streets with improvements. Receipt of cost estimate and direction to the City Engineer to prepare assessments against the benefited properties and set a public hearing.

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

PUBLIC WORKS AND ENGINEERING (269519)

Bids: a) OP #6210, low bid of Fischer Sand & Aggregate for fine aggregate; b) OP #6214, low bids from Midwest Asphalt Corporation and Bituminous Roadways for bituminous mixtures during the period of 4/1/04 through 3/31/05; c) OP #6221, low bid of James Steele Construction Company for new building construction of the Fridley Maintenance Facility; and d) OP #6227, low bid of ACT Electronic, Inc. for traffic signal control cabinets and equipment.

Critical Parking Permits: Ordn amend Title 18, Chap 478 relating to Traffic Code: Parking, Stopping, and Standing, increasing current permit fees for critical parking permits, prorate permit fees, and change the duration of visitor and service permits to match the duration of the standard permit.

Joint Water Commission (JWC): Authorize a Memorandum of Understanding with JWC for an interim water rate increase effective 1/1/04 and terminating a long term water purchase agreement or with discontinuance of water service.

City's Residential Recycling Program: Authorization to negotiate a contract with Recycle America Alliance for processing and marketing the City's recycleable material.

PUBLIC WORKS AND ENGINEERING (269520)

15th Ave SE Reconstruction Project: a) Ordering the work to proceed and adopting the special assessments; b) Requesting the Board of Estimate and Taxation to issue and sell bonds; and c) Ordering the City Engineer to abandon and remove the areaways located in the public street r/w in conflict with the project.

Richfield Road Reconstruction Project: a) Ordering the work to proceed and adopting the special assessments; b) Requesting the Board of Estimate and Taxation to issue and sell bonds; and c) Ordering the City Engineer to abandon and remove the areaways located in the public street r/w in conflict with the project.

Hennepin County Recycling Grant Application for 2004: Authorize submission of the 2004 grant application with Hennepin County for S.C.O.R.E. funding.

Fridley Water Works Plant: Authorize contract with Black and Veatch Corporation for professional engineering consulting services for chemical disinfectant use at the plant.

Fridley Maintenance Facility (FMF): Increasing appropriation of FMF Project by reallocating remaining funds in the Meter Replacement Project to the FMF Project.

WAYS AND MEANS BUDGET:

COORDINATOR (269521)

New Central Library Project: Construction Change Management Actions; Receipt of E. R. Berwald Roofing Co. Inc. bid for roofing.

ATTORNEY (269521.1)

Minneapolis Telecommunications Network (MTN) Board: Procedures for appointing Board of Directors.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (269522)

Legal Settlements: Authorize settle the claims of Delia Castle, Lamont Johnson, Dorothy Head and Michael W. Sweat.

COMMUNICATIONS (269523)

Utility Bill Insert: Information on reduction of smog and air pollutants on behalf of Clean Air Minnesota and Hennepin County.

COORDINATOR (269524)

New Central Library Project: Extend project office lease agreement with CCT Building, LLC.

COUNCIL PRESIDENT OSTROW (269525)

Minneapolis Telecommunication Network (MTN) Board: Recommend appointment of Marido Huber.

FINANCE DEPARTMENT (269526)

Workers' Compensation Contract: Authorize negotiation of contract with Encore Unlimited/Alpha Review Corporation for provider network, case management, bill review and employment services.

Finance Department: Business Plan.

2003 Budget: 4th Quarter Financial Status Report and request for reappropriations to department budgets.

MAYOR (269527)

Minneapolis Telecommunications Network (MTN) Board: Recommend appointment of Marido Huber.

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT (269528)

Appeals:

Howard Roston, for James Cashman (re Tryg's Restaurant, 3118 W Lake St).

ZONING AND PLANNING (See Rep):

ARTS COMMISSION (269529)

Proposed Public Art Policies: Phase II.

PLANNING COMMISSION/DEPARTMENT (269530)

Appeals:

Cindy Banovets (re Kowalski's Market, 5327 Lyndale Ave S).

PLANNING COMMISSION/DEPARTMENT (269531)

Zoning Board of Adjustment: Appointments of Paul Gates & Daniel Flo.

Bridge Place Condominium Project (220-2nd St S & 225-1st St N): Findings of fact & record of decision on Environmental Assessment Worksheet.

Light Rail Transit (LRT): Resolution authorizing a neighborhood LRT station area rezoning study.

PLANNING COMMISSION:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269532)

Permission to vacate the alley between the property at 2012 Willow Av N and 2010 Willow Av N.

FILED:

CITY CLERK/SPECIAL PERMITS (269533)

1st St S, 225 (Creative Sign) temporary sign;

Cedar Av S, 309 (Midwest Mountaineering) tents;

Franklin Av W, 2101 (Kenwood Park) mobile zoo;

James Av S, 5116 (Nancy Johnson) pony;

Laurel Av, 2218 (Pyramid Sign Co) sign;

Mississippi River west bank, north of Broadway Av bridge (Twin City River Rats) use city owned property;

Riverside Av, 2817 (Amtech Lighting) sign.

PUBLIC WORKS AND ENGINEERING/FINANCE DEPARTMENT (269534)

City's Residential Recycling Program: Response to questions. (See T&PW Report).

The following reports were signed by Mayor Rybak on April 6, 2004, 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 **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee, having received a Year-End Report on the 2% Small Business Loan Program, now recommends concurrence with the Community Planning and Economic Development (CPED) Department recommendation to charge-off the loan to Ginko, Inc. dba St. Anthony's Wharf with a principal balance of \$7,287.96.

Adopted 4/2/04.

Comm Dev - Your Committee recommends approval of the Community Planning and Economic Development (CPED) Business Plan, dated March 10, 2004 (Petn No 269493).

Adopted 4/2/04. Yeas, 12; Nays, 1 as follows:

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

Nays - Niziolek.

Comm Dev - Your Committee, having under consideration the property at 3310-14 Nicollet Av that was acquired by the Minneapolis Community Development Agency (MCDA) and the results of a Request for Proposals (RFP) process for the redevelopment of said property, now recommends concurrence with the recommendation of the Community Planning and Economic Development (CPED) Department and the Lyndale Neighborhood Association to grant exclusive development rights for 3310-14 Nicollet Av for the period of twelve months to Prima Land, Inc. and Lyndale Neighborhood Development Corporation to draft a redevelopment plan and allow the developer to secure financing.

Adopted 4/2/04.

Comm Dev - Your Committee recommends approval of the program guidelines for a Perpetual Affordability Program to provide home ownership opportunities for people at or below 50% of the metropolitan median income (MMI). The program guidelines are included in Petn No 269493 on file in the Office of the City Clerk.

Adopted 4/2/04.

Comm Dev - Your Committee, having held public hearing to hear comments on the 2004 Consolidated Plan (the City's application to the U.S. Department of Housing and Urban Development for 2004 Community Development Block Grant, Home Investment Partnerships, Emergency Shelter Grant, Housing Opportunities for Persons with AIDS and 2003/2004 American Dream Downpayment Initiative funding), now recommends that staff's request for authorization to submit said plan to HUD on April 15, 2004 be **sent forward without recommendation**.

Goodman moved to amend the report by deleting the language "sent forward without recommendation" and inserting in lieu thereof the language "approved". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/2/04.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration Modification No. 5 to the Downtown Neighborhood Revitalization Program (NRP) Action Plan that reallocates \$480,683.24 to existing strategies and seven new strategies, now recommends concurrence with the NRP Policy Board recommendation to approve said modification and specifically those portions of the Plan Modification that fall under City jurisdiction; further that the proper City officers be authorized to enter into any contracts or agreements needed to implement said modification.

Johnson Lee moved to amend the report by adding the following:

"The effective date of this approval shall be retroactive to January 1, 2004." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/2/04.

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

Comm Dev - Your Committee recommends that the proper City officers be authorized to enter into a Memorandum of Understanding with the Minneapolis Public Housing Authority, Family Housing Fund, Youth Coordinating Board/Minneapolis Redesign, the Minneapolis Public Schools and Lutheran Social Services regarding collaboration in the "It's All About the Kids" demonstration project.

Adopted 4/2/04.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration a request to extend the grant contract for 1999 Metropolitan Livable Communities Act Livable Communities Demonstration Account (LCDA) funds for the Urban Village Project to allow for full utilization of the grant funds, now recommends:

a) That the proper City officers be authorized to execute an amendment and extension of said LCDA grant agreement (#SG-99-176) for the Urban Village Project in the amount of \$1,140,000 (with a remaining grant balance of \$250,000);

b) That the proper City officers be authorized to develop, execute and/or amend appropriate legal agreements to implement projects with the selected vendors according to specified terms and respective funding requirements, effective upon execution of the agreement and terminating on December 31, 2004;

c) Authorization to accept the remaining grant balance of \$250,000 from the Metropolitan Council; and

d) Passage of the accompanying resolution increasing the appropriation by \$250,000 to make the funds available to the Urban Village Project.

Adopted 4/2/04.

RESOLUTION 2004R-108
By Goodman and Johnson

Amending The 2004 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 Non-Departmental Agency in the Grants-Other Fund (0600-123-1232-5130) by \$250,000 and increasing the revenue source (0600-123-1232 - Source 3215) by \$250,000.

Adopted 4/2/04.

Comm Dev & W&M/Budget - Your Committee, having been informed that the City has received an application from the Neighborhood Development Center requesting tax increment financing assistance for renovation of the former Antiques Minnesota building at 1508 E Lake St, now recommends that the proper City staff be authorized to continue analysis of the proposal for renovation of 1508 E Lake St, to negotiate terms and conditions of a redevelopment contract with the Neighborhood Development Center, and to prepare a redevelopment plan modification and tax increment financing plan for said property within the Lake and Bloomington project area.

Adopted 4/2/04.

Comm Dev & W&M/Budget - Your Committee, having under consideration a request and proposal that the City consent to the assignment of the Target Center Operating Agreement from Clear Channel Entertainment (CCE) to Midwest Entertainment Group LLC, now recommends:

a) Approval of the principal terms of an Agreement Regarding Assignment and Assumption of Arena Lease, Operating, Management, Use and Assurances Agreement by and among the Minneapolis Community Development Agency, Clear Channel Target Center Arena Mgmt LLC, and Midwest Entertainment Group LLC as described in Petn No 269495;

b) That the proper City and Minneapolis Community Development Agency (MCDA) officers be authorized to execute such Assignment and Assumption Agreement and conforming amendments to other Arena documents consistent with the approved principal terms;

c) That this matter be referred to the Board of Commissioners of the MCDA.

Adopted 4/2/04.

Comm Dev & W&M/Budget - Your Committee, having under consideration a report outlining options for reprogramming of unspent balance of Community Development Block Grant (CDBG) funds appropriated through Year 27 (1999), administrative funds from CDBG Year 28 and updating and clarifying reprogramming policy, now recommends concurrence with the recommendation of the Finance Officer that unspent CDBG funds be reappropriated as follows:

2002 Administrative Funds totaling \$357,415:

a) \$80,000 of the unspent Civil Rights Department funds reappropriated to 2004;

b) \$3,479 to be rolled over to various departments;

c) \$273,936 to the Non-Departmental Agency to be applied against the CDBG over extension resulting from Block E, reducing the over entitlement of CDBG funds from \$7,381,236 to \$7,107,300;

CDBG funding originating prior to 2002 totaling \$572,282:

a) \$572,282 to the Non-Departmental Agency to be applied against the CDBG over extension resulting from Block E, reducing the over entitlement of CDBG funds from \$7,107,300 to \$6,535,018.

Your Committee further recommends passage of the accompanying resolution providing for changes to reflect said reappropriations.

Zerby moved to amend the report to reappropriate unspent CDBG funds as follows:

2002 Administrative Funds totaling \$357,415:

a) \$80,000 of the unspent Civil Rights Department funds reappropriated to 2004;

b) \$3,479 to be rolled over to various departments;

c) \$40,000 rollover of unspent other administrative funds to the Civil Rights Department for 2004 (0400-300-3010);

d) \$233,936 to the Non-Departmental Agency to be applied against the CDBG over extension resulting from Block E, reducing the over entitlement of CDBG funds from \$7,381,236 to \$7,147,300;

CDBG funding originating prior to 2002 totaling \$572,282:

a) \$572,282 to the Non-Departmental Agency to be applied against the CDBG over extension resulting from Block E, reducing the over entitlement of CDBG funds from \$7,147,300 to \$6,575,018.

Your Committee further recommends passage of the accompanying resolution providing for changes to reflect said reappropriations and directing Civil Rights Department staff to support the Civilian Review Authority with non-CDBG appropriations. Seconded.

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

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

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

The report was adopted 4/2/04.

**RESOLUTION 2004R-109
By Goodman and Johnson**

Amending The 2004 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 to reflect the reappropriation of unspent Community Development Block Grant (CDBG) funds:

a) Increasing the Civil Rights Agency in the CDBG Fund (0400-300-3010) by \$80,000;

b) Increasing the Neighborhood Services Agency in the CDBG Fund (0400-860) by \$3,479;

c) Increasing the Non-Departmental Agency in the CDBG Fund (0400-123-1232) by \$846,218 to be applied against the CDBG over extension resulting from Block E.

Adopted 4/2/04.

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

H&HS – Your Committee, having under consideration the Alliance Home Visiting Program, now recommends that the proper City Officers be authorized to amend Contract #19397 with Hennepin County to update terms and conditions for the project for 2004 to provide home visiting services targeting Spanish speaking families with children who are ineligible for services under the State’s TANF Home Visiting Program; said services shall be provided through subcontracts with the Minnesota Visiting Nurse Agency and other community partners.

Adopted 4/2/04.

H&HS – Your Committee recommends that the proper City Officers be authorized to execute a no cost contract with the State of Minnesota, through its Department of Health, to allow the City access to State birth, death and population data.

Adopted 4/2/04.

H&HS – Your Committee recommends that the proper City Officers be authorized to amend Contract #20107 with the Youth Coordinating Board to extend the termination date to September 29, 2004 for the Early Learning Opportunity Act Project, which provides books for children age 0-4 through health clinics and other locations to support school readiness and early literacy.

Adopted 4/2/04.

H&HS – Your Committee recommends passage of the accompanying Resolution amending Resolution 76R-089 entitled “Establishing a Public Health Advisory Committee for the Minneapolis Health Department to review and make recommendations regarding Health Department programs”, passed March 26, 1976, to increase the PHAC from 21 to 22 members by adding a new position to be filled through appointment by the Mayor.

Adopted 4/2/04.

Resolution 2004R-110, amending Resolution 76R-089 entitled “Establishing a Public Health Advisory Committee for the Minneapolis Health Department to review and make recommendations regarding Health Department programs”, passed March 26, 1976, to increase the PHAC from 21 to 22 members by adding a new position to be filled through appointment by the Mayor, was passed 4/2/04 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 2004R-110
By Johnson Lee

Amending Resolution 76R-089 entitled “Establishing a Public Health Advisory Committee for the Minneapolis Health Department to review and make recommendations regarding Health Department programs”, passed March 26, 1976 and amended October 27, 1978 and February 12, 1982.

Resolved by The City Council of The City of Minneapolis:

That the first paragraph of Section 1B of the above-entitled Resolution be amended to read as follows:

“B. Size and Composition

The PHAC will have 22 members composed of 13 persons appointed by individual Council Members to represent each respective ward, one person appointed by the Mayor, and 8 persons who are health provider representatives appointed by the full City Council. At least 7 of the 13 Council Member appointees must be persons who are consumers as defined by the Minnesota Community Health Services Act and Rules: “Consumer means a person who is not a licensed or credentialed health professional or the spouse of such person, a person who does not have a material financial interest in the provision of professional health services and a person who is not directly related to health services planning and development, except as a consumer member of health related boards”.”

Adopted 4/2/04.

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

H&HS & IGR – Your Committee recommends endorsement of the Minnesota Children’s Health Security Act Legislative Proposal (Petr No 269501) which would:

- a. Provide universal health care coverage for all children in Minnesota;
- b. Move away from employer-based coverage;
- c. Promote continuity of care for children;
- d. Put children into one health care purchasing pool; and
- e. Provide better primary prevention and disease management for healthier children and families.

Adopted 4/2/04.

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

H&HS & PS&RS – Your Committee, to whom was referred ordinances amending Title 10 of the Minneapolis Code of Ordinances relating to *Food Code*, now recommends that the following ordinances be returned to author:

- a. Chapter 186 entitled *In General*, adding definitions relating to public markets;
- b. Chapter 188 entitled *Administration and Licensing*, including licensing of institutional foods;
- c. adding Chapter 201 entitled *Public Market*;
- d. Chapter 202 amending the Title from *Public Market* to *Municipal Market*;
- e. amending Appendix J entitled *Licensing Fees Schedule*, adding licensing fees for institutional food.

Schiff moved to divide the report so as to consider separately that portion relating to items “a”, “c”, “d” and “e”. Seconded.

Adopted by unanimous consent.

Schiff moved that items “a”, “c” and “d” be referred back to the Health & Human Services Committee, and that item “e” be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

Schiff moved adoption of the balance of the report. Seconded.

Adopted 4/2/04.

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

H&HS & W&M/Budget – Your Committee, having under consideration the Covering All Kids and Families Project at the New Family Center, now recommends that the proper City Officers be authorized to accept an award of \$10,000 from the Children’s Defense Fund to assist new arrival families with immunizations, applications for health insurance, and referrals to medical and other community services during the period July 1, 2003 through June 30, 2004. Further, passage of the accompanying Resolution appropriating \$10,000 to Health & Family Support.

Adopted 4/2/04.

RESOLUTION 2004R-111
By Johnson Lee and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8621) by \$10,000 and increasing the Revenue Source (060-860-8621 – Source 3720) by \$10,000.

Adopted 4/2/04.

H&HS & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to receive an additional \$1,594 in State funds from Nokomis Healthy Seniors to provide taxpayer assistance services through the Senior Ombudsman and Skyway Senior Center Offices to low income and disadvantaged residents through the purchase of computers and software for filing taxes electronically, and for training and program marketing. Further, passage of the accompanying Resolution appropriating \$1,594 to Health & Family Support.

Adopted 4/2/04.

RESOLUTION 2004R-112
By Johnson Lee and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8607) by \$1,594 and increasing the Revenue Source (060-860-8607 – Source 3215) by \$1,594.

Adopted 4/2/04.

H&HS & W&M/Budget – Your Committee recommends passage of the accompanying Resolution transferring \$5,311 from the Police Department to Health & Family Support to reallocate unspent 2003 Federal Weed & Seed Law Enforcement Training and Nextel Service funds from the Third Precinct back into core grant activities within the Phillips Weed & Seed target area/community.

Adopted 4/2/04.

RESOLUTION 2004R-113
By Johnson Lee and Johnson

Amending The 2004 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 appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$5,311 and decreasing the Revenue Source (030-400-P300 - Source 3210) by \$5,311.

b. increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$5,311.

Adopted 4/2/04.

H&HS & W&M/Budget – Your Committee recommends passage of the accompanying Resolution transferring \$5,210 from the Police Department to Health & Family Support to reallocate unspent 2003 Federal Weed & Seed Law Enforcement Office Supply funds from the Fourth Precinct back into core grant activities for prevention and intervention within the Northside Weed & Seed target area/community.

Adopted 4/2/04.

RESOLUTION 2004R-114
By Johnson Lee and Johnson

Amending The 2004 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 appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P400) by \$5,210 and decreasing the Revenue Source (030-400-P400 - Source 3210) by \$5,210.
- b. increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$5,210.

Adopted 4/2/04.

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

IGR – Your Committee recommends passage of the accompanying resolution appointing Merland Otto, Planning Department, as an additional alternate for the City of Minneapolis on the MSP Noise Oversight Committee.

Adopted 4/2/04.

Resolution 2004R-115, designating Merland Otto as an additional alternate appointment for the City of Minneapolis on the MSP Noise Oversight Committee, was passed 4/2/04 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 2004R-115

By Benson

Regarding appointment of a City representative to the MSP Noise Oversight Committee.

Whereas, the City of Minneapolis is participating as a member of the MSP Noise Oversight Committee (NOC) with other affected communities and airport user groups to discuss noise abatement measures and to make advisory recommendations to the Metropolitan Airports Commission regarding noise issues; and

Whereas, the bylaws of the NOC provide for discussion at meetings only by designated representatives and alternates; and

Whereas, the City of Minneapolis is represented on the NOC by Council Member Scott Benson and Council Member Sandra Colvin Roy is a designated alternate;

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

That Merland Otto, Principal Planner, shall be designated as an additional alternate for the City of Minneapolis on the MSP Noise Oversight Committee effective immediately.

Be It Further Resolved that the City Clerk transmit a copy of this resolution to the MAC and to Mr. Vern Wilcox, chairman of the affected communities.

Adopted 4/2/04.

IGR – Your Committee recommends passage of the accompanying resolution regarding a Constitutional prohibition against gay marriage.

Benson moved to substitute a new resolution for the above-described resolution. Seconded.

Adopted upon a voice vote.

The report was adopted 4/2/04.

Resolution 2004R-116, opposing Senate File 2715 and House File 2798 and any other amendment to the Minnesota or United States Constitution that restricts or jeopardizes the equal rights of members of the gay, lesbian, bisexual and transgender community or limits the recognition of domestic partnerships or civil unions, was passed 4/2/04 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 2004R-116

By Benson, Lilligren, Schiff, Zerby, Niziolek, Ostrow, Colvin Roy, Zimmermann

Regarding a Constitutional Prohibition Against Gay Marriage.

Whereas, the City of Minneapolis has a rich history in the civil rights movement and rightfully considers itself a progressive city regarding its policies ensuring equal rights for all citizens; and

Whereas, the City recognizes the status and rights of all persons regardless of race, color, creed, religion, ancestry, national origin, sex, including sexual harassment, sexual orientation, disability, age, or marital status; and

Whereas, the City has a long record of protecting the civil liberties of and advocating for equal rights for members of the Gay, Lesbian, Bisexual and Transgender (GLBT) community including protecting Minneapolis GLBT residents from employment discrimination, seeking to extend equal employment benefits to the City's GLBT employees and the employees of the City's contractors, registering domestic partnerships, and recognizing the domestic partnerships and civil unions of other jurisdictions; and

Whereas, the Senate File 2715 and House File 2798 could jeopardize these efforts by proposing the following constitutional amendment: "Only the union of one man and one woman shall be valid or recognized as a marriage in Minnesota. Any other relationship shall not be recognized as a marriage or its legal equivalent;"

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

That the City of Minneapolis opposes Senate File 2715 and House File 2798 and any other amendment to the Minnesota or United States Constitution that restricts or jeopardizes the equal rights of members of the Gay, Lesbian, Bisexual and Transgender community or limits the recognition of domestic partnerships or civil unions.

Adopted 4/2/04.

IGR - Your Committee recommends that the City's agenda for the 2004 Legislative Session, adopted January 16, 2004, be amended to include support for a request for a Federal appropriation for the acquisition of the Holcim Cement property, 3939 N 1st St, for development and inclusion in the surrounding park areas.

Adopted 4/2/04.

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

IGR & W&M/Budget – Your Committee, having under consideration legislation relating to closed pension funds of the City of Minneapolis (the Minneapolis Employees Retirement Fund, the Minneapolis Police Relief Association, and the Minneapolis Firefighters' Relief Association), and the recommendation of the Finance Department that the City support legislation that meets one or more of the following principles:

- a) Reduces the City's funding obligations;
- b) Supports improved investment and administrative management practices;
- c) Contains a local approval clause that gives the City Council the right to approve any legislation relating to the closed pension plans,

now recommends:

IGR – Approval of the staff recommendation, with the following addition: "d) Maintains existing financing and funding options."

W&M/Budget – Approval of the staff recommendation.

Benson moved that the report be amended to approve the Intergovernmental Relations Committee recommendation and to delete the Ways & Means/Budget Committee recommendation. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/2/04.

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

PS&RS - Your Committee, having under consideration the application of Mindwalk Enterprises Inc, dba Bobino Cafe, 222 E Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License to expire January 1, 2005, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/2/04.

Declining to Vote - Benson.

Absent - Lane.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of The Seville Club, 15 Glenwood Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Niziolek moved to amend the Resolution to add the following license condition:

"f. that dancers be employees, not independent contractors." Seconded.

Adopted upon a voice vote.

The report was adopted 4/2/04.

Declining to Vote - Benson.

Resolution 2004R-117, granting the application of The Seville Club, 15 Glenwood Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was passed 4/2/04 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 2004R-117

By Niziolek

Granting the application of The Seville Club, 15 Glenwood Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Seville Operations LLC, dba The Seville Club, 15 Glenwood Av, for an On-Sale Liquor Class A with Sunday Sales License (new ownership from Valhalla Bar Inc) to expire July 1, 2005, subject to the following conditions:

a. the licensee will not allow any activities to occur on its premises which include or involve nude dancing, exposed genitals, genitals covered with non-opaque substance, revealing or inappropriate employee attire, lap or couch dancing, mud wrestling or wrestling in any other substance, employee wrestling with customers or with other employees or individuals, sexual contact (whether clothed or unclothed) or sexually suggestive touching, and other similar types of activities.

b. the licensee agrees to abide by all the provisions of all applicable ordinances and laws governing the licensee's business, including those ordinances and laws enacted subsequent to the licensee's submission or approval of it's application for an On-Sale Liquor Class A license, which shall include any ordinance pertaining to adult entertainment on the licensed premises. In the event of a conflict between the provisions of said ordinance and the License Addendum Agreement (Petn No 269509), the ordinance shall control.

c. violation of the terms of the License conditions shall provide a basis for suspension, revocation or denial of renewal of the City's consent for the licensee to operate the Class A Liquor license. Sanctions may also include administrative fines.

d. all parties agree that the License Addendum Agreement is specifically enforceable and that in any litigation involving said Agreement, no defense will be raised as to its enforceability.

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

f. that dancers be employees, not independent contractors.

Adopted 4/2/04.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of Snelling Motor Inn, 5346 Minnehaha Av, for a Hotel/Motel License, subject to conditions. Adopted 4/2/04.

Resolution 2004R-118, granting the application of Snelling Motor Inn, 5346 Minnehaha Av, for a Hotel/Motel License, subject to conditions, was passed 4/2/04 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 2004R-118

By Niziolek

Granting the application of Snelling Motor Inn, 5346 Minnehaha Av, 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 Shivshakti Corporation, dba Snelling Motor Inn, 5346 Minnehaha Av, for a Hotel/Motel License (new proprietor) to expire November 1, 2004, subject to the following conditions:

a. the licensee will install security cameras in areas of the interior and exterior of the building as approved by Officer Judy Perry of the Minneapolis 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 on all employees of the Snelling Motor Inn. These checks can be obtained at the Bureau of Criminal Apprehension located in the City of St. Paul.

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 Licenses 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 will only let to persons under the age of 18 with written parental consent.

f. the licensee shall develop, in cooperation with Officer Perry, a behavioral agreement that all persons letting rooms will sign upon check-in. The licensee shall remove any individual or group that fails to follow the behavior agreement.

g. the licensee understands that the Snelling Motor Inn cannot establish a tenancy with any person using the Inn. Hotels are transient or temporary occupancy. Long-term stays will not be permitted (typically over one month).

h. the Licenses Division reserves the right to require on site security. The licensee agrees to hire outside security/off-duty police for three nights per week. These evenings shall not be the same from week to week and at least one night shall be a Friday or Saturday night.

i. the licensee shall not allow any rental under a full 24-hour period.

j. the licensee shall at all times maintain all rooms and the entire premises in compliance with all Housing, Health, Fire and Safety Codes in the City of Minneapolis. Due to the history of poor maintenance, the principals of the Snelling Motor Inn understand that failure to further comply with all Housing, Health, Fire and Safety Codes may result in revocation or denial of the Hotel/Motel License. Further, the City of Minneapolis may close individual rooms for lack of cleanliness and maintenance until such time as the room is deemed to be in compliance with the Minneapolis Code of Ordinances.

Adopted 4/2/04.

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

Adopted 4/2/04.

Declining to Vote - Benson.

Resolution 2004R-119, granting applications for Liquor, Wine and Beer Licenses, was passed 4/2/04 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 2004R-119

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 April 1, 2005

D'Amico Catering LLC, dba D'Amico Catering at the Atrium, 275 Market St, Ste C25;

R H M Inc, dba Gopher Liquor Store, 335 Monroe St NE;

Cedar Riverside Liquor Store Inc, dba Cedar Riverside Liquor Store, 525 Cedar Av;

Skellys Liquor Store Inc, dba Skellys Liquor Store, 700 W Broadway;

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2005

University Gateway Corp, dba The Gateway Cafe, 200 Oak St SE;

D'Amico Catering LLC, dba D'Amico Catering at the Atrium, 275 Market St, Ste C25;

Minikahda Club, dba Minikahda Club, 3205 Excelsior Blvd;

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

Pepito's Mexican Foods Inc, dba Pepito's, 4820 Chicago Av;

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2005

Arthurs Riverfront Properties Inc, dba Moose on Monroe, 356 Monroe St NE;

Minneapolis Club, dba Minneapolis Club, 729 2nd Av S

On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2005

Chiapas Enterprises Inc, dba Pancho Villa Restaurant, 2539 Nicollet Av;

On-Sale Liquor Class D with Sunday Sales, to expire April 1, 2005

Black Forest Inn Inc, dba Black Forest Inn, 1 E 26th St;

Pacific Asian Restaurants Inc, dba Kikugawa, 43 Main St SE;

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2005

Watermark Restaurants LLC, dba Mission American Kitchen & Bar, 80 S 8th St (change in ownership from Aquavit Minnesota LLC);

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2005

Pizza Lucé Inc, dba Pizza Lucé, 119 4th St N;

Dan Kelly's Corporation, dba Dan Kelly's Bar & Grill, 212 S 7th St;

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

Lafayette Cafe LLC, dba Vincent, 1100 Nicollet Mall;

Oceanaire Restaurant Company Inc, dba Oceanaire Seafood Room, 1300 Nicollet Mall;

On-Sale Liquor Class E with Sunday Sales, to expire March 25, 2004

Restaurant Properties Inc, dba Figlio, 3001 Hennepin Av - Calhoun Square (temporary expansion of premises March 25, 2004, 6:00 p.m. to 10:00 p.m. at vacant area in Calhoun Square);

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

Rui One Corp, dba Palomino, 825 E Hennepin Av (temporary expansion of premises, January 20, 2004, 6:00 p.m. to 11:00 p.m.);

On-Sale Wine Class A with Strong Beer, to expire April 1, 2005

Anderson Restaurant Corporation, dba Dulono's Pizza, 607 W Lake St;

On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2004

Herrera's Inc, dba Sol Y Luna, 331 E Lake St;

On-Sale Wine Class E with Strong Beer, to expire April 1, 2005

Manny's Tortas LLC, dba Manny's Tortas, 2700 E Lake St;

Reyes & Reyes LLC, dba Carne Asada Fresh Mexican Grill, 809 E Lake St;

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

Espresso Monkeys Inc, dba Acadia Cafe, 1931 Nicollet Av;

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

Pop! Restaurant Inc, dba Pop! A Neighborhood Restaurant, 2859 Johnson St NE;

Nguyen-Vu Family Corp Inc, dba Saigon Uptown Restaurant, 3035 Lyndale Av S;

Kamprud Enterprises Inc, dba Pizza Pie & I, 4205 E 34th St;

Food Services Inc, dba 5-8 Club, 5800 Cedar Av S;

Off-Sale Beer, to expire April 1, 2005

JPR Inc, dba Eighth St Market, 630 8th St SE;

Bakri Eddie I, dba Twins Stop N Go, 641 Broadway St NE;

RBF Corp of Wisconsin, dba Rainbow Foods, 1540 New Brighton Blvd;

Cedar Petroleum Inc, dba Stop-N-Shop, 1700 E Lake St;

Dave & Ron's Inc, dba Stop-N-Go, 1847 Johnson St NE;

Penwood Market Inc, dba Penwood Market, 2125 Glenwood Av;

Momin Mehboob H, dba Lyndale Country Boy, 2551 Lyndale Av S;

Dokken's Inc, dba Dokken's Superette, 2809 E 42nd St;

Jerry's Enterprises, Inc, dba Cub Foods-Lake St, 2850 26th Av S;

Aboud Ossama S, dba Market Express, 3159 Chicago Av;

South Side Food Market LLC, dba South Side Food Market, 3501 23rd Av S;

Wadi Rami A, dba Best Food Market, 3756 Nicollet Av;

Arpinar Orhan, dba Xerxes Market, 5555 Xerxes Av S;

On-Sale Beer Class E, to expire April 1, 2005

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

Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 1138 Hennepin Av;

Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 1414 W Lake St;

Tands Inc, dba Penn Station, 2203 44th Av N;

Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 2500 Riverside Av;

Pizza on the Parkway Inc, dba Carbone's Pizza on the Parkway, 4724 Cedar Av S

Temporary On-Sale Beer

Church of Annunciation, dba St. Patricks Dinner, 509 W 54th St (March 13, 2004, 6:00 p.m. to 10:00 p.m. at 509 W 54th St);

Church of the Ascension, dba St. Patricks Day Dinner and Celebration, 1723 Bryant Av N (March 20, 2004, 5:00 p.m. to 10:00 p.m. at 1704 Dupont Av N);

Lake Superior Water Trail, dba Outdoor Adventure Expo, 309 Cedar Av S (April 23, 2004, 4:00 p.m. to 9:00 p.m.; April 24, 2004, 10:00 a.m. to 6:00 p.m.; and April 25, 2004, 11:00 a.m. to 5:00 p.m.).

Adopted 4/2/04.

Declining to Vote - Benson.

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

Niziolek moved to amend the Petition on Page 58, #546, to grant the application of Nancy Locken, dba Auntie Em's, 5 W Diamond Lk Rd, for a Food Manufacturer License (new business), to expire April 1, 2004. Seconded.

Adopted upon a voice vote.

The report was adopted 4/2/04.

Resolution 2004R-120, granting applications for Business Licenses, was passed 4/2/04 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 2004R-120
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 April 2, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269510):

Amusement Devices; Bowling Alley; Dry Cleaner - Nonflammable; Laundry; Fire Extinguisher Servicing Class A; Caterers; Confectionery; Food Distributor; Grocery; Food Manufacturer; Meat Market; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Lodging House with Boarding; Commercial Parking Lot Class A; Peddler - Special Religious; Plumber; Pool Table; Refrigeration Systems Installer; Residential Specialty Contractor; Sign Hanger; Solid Waste Hauler; Suntanning Facility; Swimming Pool - Public; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tobacco Dealer; Tree Servicing; and Wrecker of Buildings Class B.

Adopted 4/2/04.

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

Adopted 4/2/04.

Resolution 2004R-121, granting applications for Gambling Licenses, was passed 4/2/04 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 2004R-121
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

Minneapolis Jaycees Charitable Foundation, dba Minneapolis Jaycees Foundation, 2020 1st Av S (Site: Popeyes, 3601 E Lake St);

Gambling Lawful Exempt

Greater Minneapolis Crisis Nursery, dba Greater Minneapolis Crisis Nursery, 1895 Hampshire Ln N, Golden Valley (Raffle March 13, 2004 at Minneapolis Marriott City Center, 30 S 7th St);

Academy of Holy Angels, dba Academy of Holy Angels, 6600 Nicollet Av S, Richfield (Bingo April 17, 2004 at 1300 Nicollet Mall, Minneapolis Hyatt Hotel);

Basilica of St. Mary, dba Basilica of St. Mary, 88 17th St N (Raffle July 9 & 10, 2004).

Adopted 4/2/04.

PS&RS - Your Committee, having under consideration the On-Sale Liquor Class E with Sunday Sales License held by Brandons 923 Inc, dba Brandons 923 Club, 923 Washington Av N, and having received notification from the State of Minnesota Department of Revenue that Brandons 923 Club has an outstanding tax liability, now recommends that said license be revoked and the licensee immediately discontinue business within the City of Minneapolis until a tax clearance certificate is obtained from the State.

Adopted 4/2/04.

Declining to Vote - Benson.

PS&RS - Your Committee, to whom was referred back by the Council on March 19, 2004 a Ways & Means/Budget Report relating to the establishment of the new position of Residential Combination Inspector, to have the duties of inspecting work on all building systems within one and two family construction, now recommends concurrence with the recommendation of the Director of Human Resources for the establishment of the new Inspector position; and passage of the accompanying Salary Ordinance establishing the salary for the position.

Adopted 4/2/04. Yeas, 11; Nays, 2 as follows:

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

Nays - Johnson Lee, Benson.

Ordinance 2004-Or-029, approving the salary for the new position of Residential Combination Inspector, was passed 4/2/04 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 2004-Or-029
By Johnson
Intro & 1st Reading: 3/19/04
Ref to: PS&RS & W&M/Budget
2nd Reading: 4/2/04

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

Section 1. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective October 17, 2003:

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.
Inspectors, Building and Construction Trades (CBI)
Effective October 17, 2003

FLSA	OTC	CLASSIFICATION	P	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
N	3	Residential Combination Inspector	H	27.022	27.295	27.571	27.849	28.130	29.000	30.152

Adopted 4/2/04. Yeas, 11; Nays, 2 as follows:

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

Nays - Johnson Lee, Benson.

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

PS&RS & W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, establishing a Director's Fee Schedule, subject to adjustment April 2004 and then automatically adjusted each April thereafter by established indexes, and amending the refund policy, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/2/04.

Ordinance 2004-Or-030 amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, amending Sections 91.15; 91.20; 91.35; 91.40; 91.55; 91.70; 91.90; 91.105; 91.115; 91.120; 91.150; 91.190; 91.220; 91.270; 91.320; 91.330; 91.380; 91.390; 91.410; 91.420; 91.465; 91.570; 91.610; 91.620; 91.740; 91.750; 91.760; 91.770; and 91.780 to establish a Director's Fee Schedule, subject to adjustment, and amending the refund policy, was passed 4/2/04 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 2004-Or-030
By Niziolek
Intro & 1st Reading: 2/27/04
Ref to: PS&RS
2nd Reading: 4/2/04

Amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to the Building Code: Permit Fees.

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

Section 1. That Section 91.15 of the above-entitled ordinance be amended to read as follows:

91.15. Fee refunds. (a) There shall be no refund of any permit fee or plan checking fee collected by the director of inspections in accordance with this chapter when the amount of the fee so collected is fifty dollars (\$50.00) or less equal to or less than the minimum fee established in Section 91.40 and the director's fee schedule. However, claims for full refund of permit fees only, based on department of inspections error, may be granted.

(b) All claims for refunds of permit fees in accordance with this section shall be made to the director of inspections within one hundred eighty (180) calendar days of the payment of said fees.

(c) For permits which are cancelled after issuance, where no authorized work has begun, a refund of fifty (50) percent of the permit fees claimed in excess of fifty dollars (\$50.00) the minimum fee established in Section 91.40 may be granted less a processing fee of twenty dollars (\$20.00) as established in the director's fee schedule pursuant to Section 91.70; in no case shall such fees retained by the director of inspections exceed one hundred dollars (\$100.00) a maximum retained fee as specified in the director's fee schedule, if no work has been started. If any work authorized by a permit has been started, the department may retain a percentage of the fee for such permit over and above the one-hundred-dollar (\$100.00) maximum retained fee set out herein commensurate with the percentage of the work completed.

(d) The director of inspections shall cause to be placed in the director of inspections' office notices of such size and readability that persons making application for permits and paying the fees therefor shall be notified of the refund policies of the department.

All claims for refunds of permit fees in accordance with this section shall be made to the director of inspections within one hundred eighty (180) calendar days of the payment of said fees.

(e) Refunds due under the foregoing provisions shall be made upon written request of the permit applicant. The city finance officer shall refund such monies by issuing a check to the applicant for the refund amount due, upon receipt of a check request approved by the director of inspections. Said request shall contain the name and address of the permit applicant, the permit number, and the amount of refund due under this section.

Section 2. That Section 91.20 of the above-entitled ordinance be amended to read as follows:

91.20. Street permits. The director of inspections, before issuing any permit for the use or occupancy of any portion of any street, shall require the payment by the applicant for such permit, in the manner herein provided, of a fee in the amount of fifty dollars (~~\$50.00~~) as established in the director's fee schedule pursuant to Section 91.70. Notwithstanding the aforementioned fee as set out in this section, ~~the a separate and lesser~~ fee for placing a proper building refuse container (dumpster), or a portable, temporary storage container on the street, to be used during the course of a building project on a one- or two-family dwelling, shall be ~~fifteen dollars (\$15.00)~~ specified in the director's fee schedule.

Section 3. That Section 91.35 of the above-entitled ordinance be amended to read as follows:

91.35. Service charges. (a) When an agency or person ~~other than the owner-occupant of a one- or two-family dwelling~~ requests that research work or service be performed by the department of inspections, ~~an hourly~~ research fee of ~~fifty dollars (\$50.00)~~ per hour as established in the director's fee schedule pursuant to Section 91.70, at a minimum charge of one hour, shall be imposed.

(b) For each check returned as nonnegotiable due to insufficient funds, closed account or other reason, a bad-check charge of thirty dollars (\$30.00) shall be collected together with the face amount of the returned check. In the future, this amount shall change to follow Minnesota State Statute ~~332.50~~ 604.113, subd. 2(~~da~~), as amended.

Section 4. That Section 91.40 of the above-entitled ordinance be amended to read as follows:

91.40. Minimum fee. For any work to be done for which a permit is required, and for which a permit fee has not been established by some other section of this Code, statute, rule, or ordinance, the minimum fee shall be ~~fifty dollars (\$50.00)~~ as established in the director's fee schedule pursuant to Section 91.70.

Section 5. That Section 91.55 of the above-entitled ordinance be amended to read as follows:

91.55. Re-inspection fees. Any person doing permitted work in a manner so as to require additional inspections over and above the normal inspections required by the Minnesota State Building Code and its amendments, shall be required to pay a re-inspection fee of ~~fifty dollars (\$50.00)~~ as established in the director's fee schedule pursuant to Section 91.70 for each and every additional inspection required to be made until all such work is found to be in compliance with the applicable code.

Section 6. That Section 91.70 of the above-entitled ordinance be amended to read as follows:

91.70. Unit based permit fee surcharge adjustment; director's fee schedule. (a) The minimum fee as shown in section 91.40 and certificate, permit, service or other fees calculated on a unit item or other basis, as shown in sections ~~91.15, 91.20, 91.35, 91.55, 91.105, 91.115, 91.120, 91.150, 91.190, 91.210, 91.220, 91.260, 91.270, 91.280, 91.320, 91.330, 91.380, 91.390, 91.410, 91.420, 91.465, 91.570, 91.810, 91.820, and 91.830,~~ 91.610, 91.620, 91.740, 91.750, 91.770, 91.780 and 108.30 shall be subject to ~~a surcharge~~ automatic adjustment based on annual increases in the construction cost index (CCI) for the City of Minneapolis as published quarterly by the Engineering News Record. Such surcharge adjustment, rounded off to the nearest one (1) percent, shall be effective on April first of each year based on the construction cost index for the period ending December 31 of the preceding calendar year. ~~For purposes of determining the surcharge, the fees stated in those sections above shall be first adjusted April 1, 1996, on the basis that no CCI adjustment was required prior to January 1, 1995. Such surcharge will be rounded off to the nearest one (1) percent.~~

(b) The director of inspections shall publish, maintain and make available to the public via all readily available means, including posting to the city's designated Internet site(s), a schedule of all such fees referenced in subsection (a). Such schedule shall be titled the director's fee schedule and shall be promptly revised and updated by the director on April first of each year. The council shall approve the initial director's fee schedule to be effective April 1, 2004. Thereafter the director's fee schedule shall be subject to automatic annual adjustment pursuant to the terms of subsection (a) and shall be made available to the public at least thirty (30) days prior to going into effect.

Section 7. That Section 91.90 of the above-entitled ordinance be amended to read as follows:

91.90. Required generally. (a) The director of inspections before issuing (1) any permit for the wrecking, moving, raising and holding or the erection of any building or structure, or portion thereof, or for (2) any permit for any addition to any existing building or structure or for any alterations or repairs to any existing building or structure, or (3) any annual maintenance permit as provided for in the Minnesota State Building Code, upon application therefor, shall require the payment by the applicant for such permit of value-based fees in the amounts herein set forth.

(b) Building valuation for the purpose of establishing building permit fees shall be as set forth by the valuation data published by the Building Code Division, Department of Administration, State of Minnesota, as may be amended from time to time, or the applicant's value, including all labor and materials, whichever greater. The valuation to be used in computing the permit and plan-check fees shall be the total contract price of all construction or maintenance work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment. Nothing in this method of determining valuation for building permit fees shall be construed as supplementing or decreasing the fees for other permits required by this Code.

(c) The building permit fee amounts herein established shall be effective April 1, 2004 and shall be subject to automatic annual adjustment each April first thereafter in a percentage equal to annual increases in the consumer price index (CPI) for the period ending December 31 of the preceding calendar year. Such building permit fees and subsequently adjusted building permit fees shall be published and maintained in the director's fee schedule referenced in Section 91.70 and shall be based on the following valuation categories:

TABLE INSET:

Total Valuation Categories	Fee
\$1.00 to \$500.00	\$24.00
\$500.00 <u>501.00</u> to \$2,000.00	\$24.00 for the first \$500.00 plus \$3.25 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$72.75 for the first \$2,000.00 plus \$14.25 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$400.50 for the first \$25,000.00 plus \$10.30 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$658.00 for the first \$50,000.00 plus \$7.25 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$1,020.50 for the first \$100,000.00 plus \$5.75 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3,320.50 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$5,820.50 for the first \$1,000,000.00 plus \$3.75 for each additional \$1,000.00 or fraction thereof.

Section 8. That Section 91.105 of the above-entitled ordinance be amended to read as follows:

91.105. Special inspection fees. The fee for special inspections of a transitory project, including but not limited to carnivals, festivals and special events, or for special inspections to be performed during hours other than the normal working hours established by the director of inspections shall require the payment of the following an hourly fee as established in the director's fee schedule pursuant to Section 91.70: Fifty dollars (\$50.00) per hour or any fraction thereof for all such inspection time with , including a minimum specified fee of one hundred dollars (\$100.00), such fees to be paid to the city treasurer by the contractor, building owner or agent, or any other person requesting the special inspection.

Section 9. That Section 91.115 of the above-entitled ordinance be amended to read as follows:

91.115. Surcharge for excavation Utility location fee. When any work for which a permit is required pursuant to the building code is to include any excavation as defined in the Minnesota One Call Excavation Notice System pursuant to Minnesota Statutes, Chapter 216D, there shall be paid in addition to all other permit fees for the work, a surcharge of twenty-four dollars (\$24.00) as established in the director's fee schedule pursuant to Section 91.70 to compensate the city in respect to its locating and marking of utilities pursuant to Minnesota Statutes, Chapter 216D.

Section 10. That Section 91.120 of the above-entitled ordinance be amended to read as follows:

91.120. Fees for temporary certificates of occupancy. Temporary or partial certificates of occupancy may be issued at the discretion of the director of inspections upon prepayment of a fee in the an amount of one hundred fifty dollars (\$150.00) as established in the director's fee schedule pursuant to Section 91.70 for each such temporary or partial certificate of occupancy requested and so issued. Temporary certificates of occupancy may be renewed upon prepayment of the renewal fee in the an amount of one hundred fifty dollars (\$150.00) equal to the fee for issuance at the discretion of the director of inspections.

Section 11. That Section 91.150 of the above-entitled ordinance be amended to read as follows:

91.150. Fee schedule. Electrical fees shall be paid according to the following director's fee schedule as established in Section 91.70:

- (1) The minimum fee for each separate installation, replacement, alteration or repair as set out in the state building code shall be ... \$50.00 as established in the director's fee schedule.
- (2) Services, changes of services, temporary services, additions, alterations or repairs on either primary or secondary services ... 50.00 shall carry fees as established in the director's fee schedule, which shall be based upon the following categories of ampere capacity:
 - a. 0 ampere to and including 400 ampere capacity;
 - b. 401 ampere to an including 800 ampere capacity;
 - c. Ampere capacity above 800;

Where multiple disconnects are grouped at a single location and are supplied by a single set of supply conductors the cumulative rating of the overcurrent devices shall be used to determine the supply ampere capacity.

- (3) Circuits, installations of, additions, alterations or repairs of each circuit or subfeeder shall be computed separately including circuits fed from subfeeders and including the equipment served. Further, when a service is installed, each new or existing branch circuit or feeder circuit connected to the service panelboard(s) or switchboard(s) shall be included ... 8.75 and shall carry fees as established in the director's fee schedule.
- (4) For each permit for electrical heat or wiring, installing and connecting transformers, capacitors or generators used for lighting, heat or power or other apparatus rated in watts, kilovolt amperes or kilovolt amperes reactive:

For each kilovolt ampere or kilovolt ampere reactive capacity, or fraction thereof there shall be a fee of ... 0.65 as established in the director's fee schedule.
- (5) For each sign or outline lighting installation ... 31.25 there shall be a fee as established in the director's fee schedule.
- (6) For installation of low voltage systems of less than 50 volts ... 37.50 there shall be a fee as established in the director's fee schedule.

Plus, for each opening ... 1.25 there shall be a fee as established in the director's fee schedule.

- (7) For inspection of transient projects, including but not limited to carnivals and circuses, the inspection fees shall be computed based on the time required for inspection at the hourly rate specified in section 91.105. Power supply units, as required by this section. A like fee will be required on power supply units at each engagement during the season.
- (8) Electrical construction work. The fee for electrical construction work directly related to and necessary for a complete electrical installation and for which a permit fee has not been assessed, shall be computed based on the time required for inspection at the hourly rate specified in section 91.105.

Section 12. That Section 91.190 of the above-entitled ordinance be amended to read as follows:

91.190. Basic fees. (a) The fees for all plumbing permits shall be computed on the basis of the number of fixture openings, plumbing fixtures or devices provided for in such permits, and the fee for each shall be as established in the director's fee schedule pursuant to Section 91.70 follows based on the following categories:

- (1) Plumbing fixture installed, including waste and/or vent piping ~~...~~ \$25.00
- (2) Plumbing fixture set only ~~...~~ 25.00
- (3) Waste and vent piping only ~~...~~ 25.00
- (4) Rainwater leader, for 10 stories or fraction thereof ~~...~~ 25.00

(b) For the purpose of calculating fees, plumbing fixtures counts include but are not limited to lavatories, water closets, bath tubs, dishwashers, disposals, ice makers, sumps, floor drains, indirect wastes, heat exchangers, sewer ejectors, solar heat exchangers, receiving tanks, cross-connection control devices, ~~water treating devices~~, electric or steam water heaters, water storage tanks and food service equipment when connected to the water supply.

(c) Water service, supply and distribution system. The director of inspections, before issuing any permit for the installation or replacement of, or extension to any water service, water supply or water distribution pipe or system of piping in any building or structure, shall require the payment by the applicant for such permit of fees as established in the director's fee schedule pursuant to Section 91.70 and based on the following categories in the amount hereinafter provided:

- (1) For any permit for installing a water meter or fire meter ~~...~~ \$25.00
- (2) For any permit for installing, repairing, overhauling, or testing of reduced-pressure-zone (RPZ) backflow preventers ~~...~~ 25.00
RPZ permits are exempt from the minimum fee requirement as called for in section 91.150.
- (3) For any permit for replacing or extending water distribution piping for each one hundred (100) lineal feet or fraction thereof ~~...~~ 25.00
- (4) For any extension of the water pipe to a water-using device or fixture for which a plumbing permit is required, such plumbing permit and the fee paid shall cover the installation of both the device or fixture and the water piping for such device or fixture (subject to minimum fees, section 91.40).

Section 13. That Section 91.220 of the above-entitled ordinance be amended to read as follows:

91.220. Alterations, repairs. For each permit for the alteration or repair of existing plumbing or for other plumbing work not included above, the fee ~~shall be twenty-five dollars (\$25.00)~~ for the first five hundred dollars (\$500.00) or fraction thereof of the estimated cost of such proposed work shall be as established in the director's fee schedule pursuant to Section 91.70 and ~~twenty-five dollars (\$25.00)~~ plus a separate fee for each additional five hundred dollars (\$500.00) or fraction thereof of such estimated cost.

Section 14. That Section 91.270 of the above-entitled ordinance be amended to read as follows:

91.270. Gas burners. (a) For any permit for installing gas stoves, ranges, gas water heaters, process gas burners, gas burning devices not used in connection with a heating system, or other similar gas burning devices, the fee charged shall be as established in the director's fee schedule pursuant to Section 91.70 follows for each device included in such permit based on the following categories:

Input Fee

- Not exceeding 199,999 Btu ~~...~~ \$43.75
- 200,000 Btu but not exceeding 399,999 Btu ~~...~~ 87.50
- 400,000 Btu but not exceeding 999,999 Btu ~~...~~ 175.00
- 1,000,000 Btu but not exceeding 2,499,999 Btu ~~...~~ 250.00
- 2,500,000 Btu and over ~~...~~ 625.00

(b) Where more than one gas burner or multiple gas burners are to be installed in a single boiler, furnace or other device, they shall, for the purpose of establishing permit fees therefor, be considered as a single burner with the fee based on the combined total Btu capacity.

(c) For any permit for alterations or repairs to any existing gas burner or gas burner equipment or the installation of piping for a propane tank, or for any permit for gas piping, the fee shall be based on the valuation table contained in section 91.460.

(d) For inspection of transient projects, including, but not limited to carnivals and circuses, the inspection fees shall be computed based on the time required for inspection at the hourly rate specified in section 91.105.

Section 15. That Section 91.320 of the above-entitled ordinance be and is hereby repealed:

91.320. Wrecking permit. For any permit for the wrecking of any building, or portion thereof, the fee so charged for each such building included in such permit shall be based on the cubical contents thereof and shall be at the rate of five dollars (\$5.00) for each one thousand (1,000) cubic feet, or fraction thereof.

For structures which would be impractical to cube, the wrecking permit fee shall be based on the total cost of wrecking such structure at the rate of eighteen dollars and twenty-five cents (\$18.25) for each five hundred dollars (\$500.00) or fraction thereof.

Notwithstanding the provisions of section 91.40 of this Code, in no case shall the fee charged for any wrecking permit be less than thirty-six dollars (\$36.00):

Section 16. That Section 91.330 of the above-entitled ordinance be and is hereby repealed:

91.330. Moving permits. (a) For holding up, raising or moving any building or structure on the same lot, the fee shall be thirty-six dollars (\$36.00):

(b) For such permit where the cost of the proposed work exceeds five hundred dollars (\$500.00), an additional fee shall be eight dollars and seventy-five cents (\$8.75) for each two hundred dollars (\$200.00), or fractional part thereof, in excess of five hundred dollars (\$500.00) of the cost of the proposed work.

(c) "Minor buildings," as used in this section, shall be taken to mean accessory buildings, including, but not limited to private garages, sheds, construction shacks, etc., as shall be determined by the director of inspections:

(d) For a permit for moving any building, except a minor building as herein defined, from one location to another on private property, or to a different lot over the streets of the city, the fee shall be two hundred and twenty-five dollars (\$225.00). For a permit for moving any minor building as herein defined from one lot to another over the streets of the city, the fee shall be sixty dollars (\$60.00). The same permit fees shall apply to any building being moved through the city from a place outside the city to another location outside the city:

Section 17. That Section 91.380 of the above-entitled ordinance be amended to read as follows:

91.380. Sign fees established. The permit fee for off-premises advertising billboards shall be six hundred and twenty-five dollars (~~\$625.00~~) as established in the director's fee schedule pursuant to Section 91.70. For all other signs, the permit fee for a sign shall be ninety-three dollars and seventy-five cents (~~\$93.75~~) as established in the director's fee schedule and shall require a fee for the first one hundred (100) square feet of area, plus thirty-one dollars and twenty-five cents (~~\$31.25~~) a fee for each additional fifty (50) square feet of area, or fraction thereof. An additional thirty-one dollars and twenty-five cents (~~\$31.25~~) fee shall be required specified in the director's fee schedule for projecting sign permits.

Section 18. That Section 91.390 of the above-entitled ordinance be amended to read as follows:

91.390. Annual registration. Annual registration fees as set forth herein shall be required for billboards, ground signs, roof signs, and also projecting signs which project more than fifteen (15) inches over public property, except such minor signs for which a permit is not required by section 109.30. In addition, all advertising signs which are visible to, and which in the opinion of the director of inspections are primarily intended to advertise or attract attention of operators and occupants of motor vehicles on state and federal highways, shall be required to pay the annual fees as set out herein. Non-advertising signs which are a part of a marquee, canopy or other architectural appendage projecting over public property for which an encroachment bond and insurance is required by the provisions of Chapter 95 of this Code are exempt from annual registration fees. The annual registration fee per face for billboards shall be one hundred fifty dollars (~~\$150.00~~) per face as established in the director's fee schedule pursuant to Section 91.70, two hundred fifty dollars (~~\$250.00~~) and a separate per face fee shall be specified for

those billboards having highway visibility. For all other signs, ~~the an~~ annual registration fee shall be established in the director's fee schedule for signs not exceeding three hundred (300) square feet in area shall be ~~forty dollars (\$40.00)~~ and the ~~a separate~~ annual registration fee for signs in excess of three hundred (300) square feet shall be ~~fifty dollars (\$50.00)~~ specified. No annual registration fee shall be required for temporary signs. The total annual registration fee for signs owned by one person, which are located at any one street, mailing, building or business address shall not exceed ~~three hundred fifty dollars (\$350.00)~~ a maximum fee as established in the director's fee schedule.

An "advertising sign" for the purpose of this section shall be a sign that directs attention to a business commodity, service or entertainment, not related to the premises where such sign is located or to which it is affixed.

Failure to pay the fees set forth in this section on or before the due date shall result in a penalty in the amount equal to the regular fees herein provided.

Section 19. That Section 91.410 of the above-entitled ordinance be amended to read as follows:

91.410. Temporary signs. The fee for temporary signs and construction signs shall be ~~twenty-one dollars and twenty-five cents (\$21.25)~~ up to one hundred (100) square feet in area shall be as established in the director's fee schedule pursuant to Section 91.70, ~~and thirty dollars (\$30.00)~~ An additional fee shall be specified in the director's fee schedule for such temporary and construction signs exceeding one hundred (100) square feet in area.

Section 20. That Section 91.420 of the above-entitled ordinance be and is hereby repealed:

91.420. Alteration permits. The permit fee for making structural alterations shall be ~~twenty-five dollars (\$25.00)~~ for the first one thousand dollars (\$1,000.00) of cost and ~~seventeen dollars and fifty cents (\$17.50)~~ for each additional one thousand dollars (\$1,000.00) of cost, or fraction thereof.

Section 21. That Section 91.465 of the above-entitled ordinance be amended to read as follows:

91.465. Refrigeration system permits. For each refrigeration system up to and including thirty-six thousand (36,000) Btu's of delivered refrigeration effect, the fee shall be ~~forty-one dollars and twenty-five cents (\$41.25)~~ as established in the director's fee schedule pursuant to Section 91.70. The ~~A~~ separate fee shall be specified in the director's fee schedule for each additional thirty-six thousand (36,000) Btu's of delivered refrigeration effect, or any fraction thereof, ~~shall be twenty-one dollars and twenty-five cents (\$21.25)~~. The fee for alterations, additions and repair to existing refrigeration systems shall be based on the valuation table contained in section 91.460.

Section 22. That Section 91.570 of the above-entitled ordinance be and is hereby repealed:

91.570. Electrical heating system "T" permits. The following fees shall be charged for electric heating system "T" permits:

For first 5 kilowatts . . . \$25.00

Each additional 10 kilowatts or fraction thereof . . . 13.75

In addition to the electric heating system "T" permits, the usual electrical permit shall be required as provided for in Article III of this chapter.

The installation of electric heating units to provide supplemental heat for a given space will require an electric permit but not the "T" permit.

Section 23. That Section 91.610 of the above-entitled ordinance be amended to read as follows:

91.610. Installation permits. The fee for permits for the installation, alteration, repair or replacement of elevators, dumbwaiters, escalators, moving walks, wheelchair lifts, vertical reciprocating conveyors and other similar vertical transportation devices shall be as set out in paragraph (A 1) below:

(A 1) One and one half (1.5) percent of the total valuation of the work with a maximum permit fee for any single device of eight hundred forty-two dollars (\$842.00).

(1) Installation of manlifts, restricted use (freight), and other limited use elevators shall require payment of a permit fee of seventy-six dollars and fifty cents (\$76.50).

(B 2) Permits for temporary construction use of an elevator shall require payment of a permit fee of ~~seventy-six dollars and fifty cents (\$76.50)~~ as established in the director's fee schedule pursuant to Section 91.70.

(C) Annual registration fees:

(1) Power-driven passenger and freight elevator:

- Up to 5 floors or levels served . . . \$25.00
- 6 to 10 floors or levels served . . . 30.00
- 11 to 20 floors or levels served . . . 35.00
- 21 or more floors or levels served . . . 40.00

The above fees may be reduced fifty (50) per cent for elevators covered by a full service contract with an elevator construction company approved by the director of inspections. Further, the building owner or his agent shall furnish to the director of inspections at the time the reduced payment is remitted, certification that such a contract was in effect and enclose test results and inspection reports that have been made. Any person submitting a certification as required above, which is improper or unacceptable, shall pay a service charge of twenty-five dollars (\$25.00); further, a similar service charge shall be made for all necessary correspondence originating from the department of inspections relating to such improper certification until the total charges become equal to the full annual registration fee. Failure to make payment for the annual registration fee will result in the department of inspections seeking further legal remedy:

- (2) Dumbwaiter . . . 20.00
- (3) Moving stairway (each individual) . . . 20.00
- (4) Docklift . . . 20.00
- (5) Hand-powered elevator . . . 20.00
- (6) Manlift . . . 20.00

Such annual registration shall expire on the first day of November of each year. If registration is not filed and/or the registration fees therefor are not paid on or before the fifteenth day of December of each year, the fees herein provided for such annual registration shall be doubled.

No annual registration fee as set out in paragraph (C) of this section shall be required of elevators located entirely within single-family dwelling units within the city. Inspection of elevators located in single-family dwellings shall be by appointment only and shall require a prepaid twenty-five dollar (\$25.00) inspection fee:

Section 24. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 91.620 to read as follows:

91.620. Annual registration fees. Annual registration fees for elevators shall be as established in the director's fee schedule pursuant to Section 91.70 based on the following categories:

- (1) Power-driven passenger and freight elevator
- (2) Dumbwaiter
- (3) Moving stairway (each individual)
- (4) Docklift
- (5) Hand-powered elevator
- (6) Manlift

Such annual registration shall expire on the first day of November of each year. If registration is not filed and/or the registration fees therefor are not paid on or before the fifteenth day of December of each year, the fees herein provided for such annual registration shall be doubled.

No annual registration fee shall be required of elevators located entirely within single-family dwelling units within the city.

Section 25. That Section 91.740 of the above-entitled ordinance be amended to read as follows:

91.740. One- and two-family dwellings. The fee for a one- or two-family dwelling shall be ~~three hundred dollars (\$300.00)~~ as established in the director's fee schedule pursuant to Section 91.70.

Section 26. That Section 91.750 of the above-entitled ordinance be amended to read as follows:

91.750. Multiple dwellings. The fee for multiple dwellings such as apartment buildings, shared-bath dwellings, rooming houses, boardinghouses, dormitories, fraternity and sorority houses, any building containing combinations of the above types of occupancy, and other similar type buildings shall be ~~three hundred dollars (\$300.00)~~ as established in the director's fee schedule pursuant to Section 91.70 for the first dwelling, shared-bath or rooming unit, plus ~~sixty dollars (\$60.00)~~ an additional fee as specified for each additional dwelling or shared-bath unit, and ~~twenty dollars (\$20.00)~~ a separate specified fee for each additional rooming unit.

Section 27. That Section 91.760 of the above-entitled ordinance be and is hereby repealed:

91.760. Hotels. The fee for hotels shall be ~~three hundred dollars (\$300.00) for the first dwelling or rooming unit or hotel sleeping room, plus thirty dollars (\$30.00) for each additional dwelling unit; fifteen dollars and (\$15.00) for each rooming unit or hotel sleeping room; and twenty-five dollars (\$25.00) for each one thousand (1,000) square feet, or fraction thereof, of public rooms or areas (dining rooms, ballrooms, bars, lobbies, etc.)~~.

Section 28. That Section 91.770 of the above-entitled ordinance be amended to read as follows:

91.770. Commercial or industrial buildings. The fee for commercial or industrial buildings shall be ~~three hundred dollars (\$300.00)~~ as established in the director's fee schedule pursuant to Section 91.70 for the first one thousand (1,000) square feet, or fraction thereof, of floor area, plus ~~thirty dollars (\$30.00)~~ an additional specified fee for each additional one thousand (1,000) square feet of floor area, or fraction thereof.

Section 29. That Section 91.780 of the above-entitled ordinance be amended to read as follows:

91.780. Temporary certificate of code compliance. The fee for any temporary certificate of code compliance shall be ~~seventy-five dollars (\$75.00)~~ as established in the director's fee schedule pursuant to Section 91.70 and ~~empty~~ compliance with section 87.265 of this Code shall be required.

Adopted 4/2/04.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to charge businesses/contractors a fee for Fire Prevention Inspection work performed outside of regular business hours. The fee will be based on the top step of the Fire Inspection Coordinator position rate of pay, at time and one-half. An administrative and processing fee of 20% of the total pay rate fee for the day will be applied.

Further, that revenues received be deposited in the Fire Department General Fund (010-280-2870) to reimburse the cost to the Fire Department for this service.

Adopted 4/2/04.

PS&RS & W&M/Budget - Your Committee recommends adoption of the Hennepin County Hazard Mitigation Plan as part of the City of Minneapolis Emergency Operations Plan.

Adopted 4/2/04.

PS&RS & W&M/Budget - Your Committee recommends approval of the revised City of Minneapolis Emergency Operations Plan (Petn No 269512), to include a terrorism annex.

Adopted 4/2/04.

PS&RS & W&M/Budget - Your Committee, having under consideration the 2003 Homeland Security Part 2 Collapse Structure Equipment Grant, now recommends that the proper City Officers be authorized to:

a. accept a grant award of \$500,000 from the Division of Homeland Security and Emergency Management; and

b. execute any other sub-recipient agreements as necessary to implement the grant.

Further, passage of the accompanying Resolution appropriating \$500,000 to the Fire Department.

Adopted 4/2/04.

**RESOLUTION 2004R-122
By Niziolek and Johnson**

Amending The 2004 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 Fire Department Agency in the Grants - Federal Fund (030-280-2800) by \$500,000 and increasing the Revenue Source (030-280-2800 - Source 3210) by \$500,000.

Adopted 4/2/04.

PS&RS & W&M/Budget - Your Committee, having under consideration a Seatbelt Safety Initiative, now recommends that the proper City Officers be authorized to accept a grant award of \$10,000 and execute a grant agreement with the Minnesota Department of Public Safety, for advertising and to reimburse officer overtime costs for an increased seatbelt enforcement effort in May 2004, in cooperation with the State Patrol, University of Minnesota Police, and the Hennepin County Sheriff. Further, passage of the accompanying Resolution appropriating \$10,000 to the Police Department.

Adopted 4/2/04.

RESOLUTION 2004R-123
By Niziolek and Johnson

Amending The 2004 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 \$10,000 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$10,000.

Adopted 4/2/04.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$34,569 and execute a grant agreement with the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, for funding to reimburse officer overtime incurred for extra security details at public facilities, including City Hall, the Metrodome and Nicollet Mall during the period of heightened national security in December 2003 and January 2004. Further, passage of the accompanying Resolution appropriating \$34,569 to the Police Department.

Adopted 4/2/04.

RESOLUTION 2004R-124
By Niziolek and Johnson

Amending The 2004 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-P300) by \$34,569 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$34,569.

Adopted 4/2/04.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a one-year grant award of \$98,091 and execute a grant agreement with Pillsbury United Communities to fund officer overtime services as deemed necessary to fulfill the goals of the Richard Green Central Weed and Seed Steering Committee. Further, passage of the accompanying Resolution appropriating \$98,091 to the Police Department.

Adopted 4/2/04.

RESOLUTION 2004R-125
By Niziolek and Johnson

Amending The 2004 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-P300) by \$98,091 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$98,091.

Adopted 4/2/04.

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

T&PW - Your Committee, having under consideration the sale of the Pilot City Regional Center (PCRC) located at 1315 - 1319 Penn Ave N. and, having held a public hearing thereon, now recommends:

a) Approval of the sale of city owned property at 1315 - 1319 Penn Ave N. to the Pilot City Neighborhood Services (PCNS) for \$1.00 and other consideration;

b) Authorize the proper City officers to negotiate a purchase agreement with PCNS. Further, authorize to execute any necessary documents to complete the sale transaction; and

c) Authorize the proper City officers to enter into a reasonable agreement of subordination for the Seller's interest in the property to the interest of a mortgage holder to the extent that the secured loan is for the PCNS social services.

Adopted 4/2/04.

T&PW - Your Committee, having been inform that the current Fire Station No. 14 is no longer adequate to serve today's fire department operational needs, now recommends that the proper City officers be authorized to negotiate and execute an Architectural and Engineering Design Services Agreement with Ankeny Kell Architects, in an amount not to exceed \$265,500 for constructing a New Fire Station No. 14 at 2002 Lowry Av.

Adopted 4/2/04.

T&PW - Your Committee recommends passage of the accompanying Resolution, which requests the deletion of streets on the Municipal State Aid Street System within the City of Minneapolis.

Adopted 4/2/04.

Resolution 2004R-126, requesting deletions and additions to the "Municipal State Aid Street System" within the City of Minneapolis, was passed 4/2/04 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 2004R-126

By Colvin Roy

Requesting deletions and additions to the "Municipal State Aid Street System" within the City of Minneapolis.

Whereas, it appears to the City Council of the City of Minneapolis that the streets hereinafter described should be deleted from, or added to the system of "Municipal State Aid Streets" under the provisions of Minnesota Statutes of 1983, Chapter 162; and

Whereas, it is the desire of said City Council that said streets be deleted from, or added to the system of "Municipal State Aid Streets" as previously established;

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

That said streets described and numbered as follows and designated as "Municipal State Aid Streets" as previously established be deleted from the system subject to the approval of the Commissioner of Transportation of the State of Minnesota:

No. 171 - Dupont Ave. S. from 46th St. W. to 50th St. W.

No. 269 - 46th St. W. from Bryant Ave. S. to Dupont Ave. S.

No. 402 - Currie Ave from 10th St S to 9th St S.

No. 285 - 4th St. S. from 20th Ave. S. to 21st Ave. S.

No. 169 - Dowling Ave. from Washington Ave. N. to 1st St. N.

No. 238 - 25th St. E. from 36th Ave. S. to West River Road

No. 253 - 38th St. E. from 46th Ave. S. to Edmund Blvd

No. 260 - 42nd St. W. from King's Highway to Bryant Ave. S.

No. 382 - Market Plaza from Excelsior Blvd. to W Calhoun Pkwy.

Be It Further Resolved that the streets described and numbered as follows be designated as "Municipal State Aid Streets" of said City subject to the approval of the Commissioner of Transportation of the State of Minnesota:

Route Extensions:

No. 430 - Nicollet Ave. from Lake St. to 29th St.

No. 433 - Granary Drive from Oak St. SE to Malcolm St. SE

No. 448 - Malcolm St. SE from 4th St. SE to Kasota Ave. SE

Be It Further Resolved that upon Approval of the Commissioner of Transportation of the State of Minnesota of said streets, such approved streets shall comprise deletions from and additions to the "Municipal State Aid Street System" of the City of Minneapolis and that the same be constructed, improved and maintained in accordance with the rules and regulations of the Commissioner of Transportation and the provisions of Minnesota Statutes of 2001, Section 162.09.

Adopted 4/2/04.

T&PW – Your Committee recommends that the proper City officers be authorized to execute Change Order No. 1 increasing Contract No. C-20148 with Carl Bolander and Sons by \$397,658 for a new revised contract amount of \$726,458, for soil corrections and surcharging for the Fridley Maintenance Facility, with no additional appropriation required.

Adopted 4/2/04.

T&PW - Your Committee recommends passage of the accompanying Resolution authorizing the proper City officers to begin condemnation proceedings for a permanent bicycle trail easement and temporary construction easements on certain land at 1936 Lyndale Av S for improvements related to the Loring Bicycle Bridge Project.

Colvin Roy moved to delete from agenda. Seconded.

Adopted upon voice vote.

T&PW – Your Committee recommends passage of the accompanying Resolution designating the location and streets to be improved in the W Broadway (Girard Av N to W City Limits) Street Reconstruction Project, Special Improvement of Existing Street No. 6710.

Adopted 4/2/04.

Resolution 2004R-127, designating the improvements of certain Existing Streets No. 6710 in the W Broadway (Girard Av N to W City Limits) Street Reconstruction Project, was passed 4/2/04 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 2004R-127

By Colvin Roy

**W Broadway (Girard Av N to W City Limits) Street Reconstruction Project,
Special Improvement of Existing Street No. 6710**

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 provision of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

W Broadway from Girard Avenue North to the West City Limits.

Adopted 4/2/04.

T&PW - Your Committee, having received a cost estimate of \$7,076,502 for street reconstruction improvements and a list of benefited properties for the W Broadway (Girard Av N to W City Limits) Street Reconstruction Project, Special Improvement of Existing Street No. 6710, as designated by Resolution 2004R-127, passed April 2, 2004, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2004 Uniform Assessment Rates as per Resolution 2004R-057 passed February 13, 2004.

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 May 4, 2004, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated project and to consider the amount of proposed to be assessed to each benefited property and the amount to be funded by the City.
Adopted 4/2/04.

T&PW - Your Committee recommends passage of the accompanying Resolution designating the location and streets to be improved in the W Broadway (Girard Av N to W City Limits) Street Lighting Project, Special Improvement of Existing Street No. 6710.
Adopted 4/2/04.

Resolution 2004R-128, designating the improvements of certain Existing Streets No. 6710 in the W Broadway (Girard Av N to W City Limits) Street Lighting Project, was passed 4/2/04 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 2004R-128

By Colvin Roy

**W Broadway (Girard Avenue North to the West City Limits)
Street Lighting Project, Special Improvement of Existing Street No 6710**

Designating the improvement of certain 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 6 of the Minneapolis City Charter, by installing street lights, together with all the necessary appurtenances and work related to the hereinafter described improvements:

W Broadway from Girard Av N to the West City Limits (both sides).

Adopted 4/2/04.

T&PW - Your Committee, having received a cost estimate of \$771,402.80 for street lighting improvements and a list of benefited properties for the W Broadway (Girard Av N to W City Limits) Street Lighting Project, Special Improvement of Existing Street No 6710, as designated by Resolution 2004R-128, passed April 2, 2004, further recommends that the City Engineer be directed to prepare a proposed Street Lighting Special Improvement Assessment in the amount of \$771,402.80 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 May 5, 2004, 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 4/2/04.

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 No 1304 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated generally as W Broadway from Girard Av N to the W City Limits (street to receive lighting is as designated in the W Broadway (Girard Av N to W City Limits) Street Lighting Project, Special Improvement of Existing Street No 6710).

The annual cost to be assessed will be \$1,946. 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 public hearing to be held by the Transportation and Public Works Committee on May 4, 2004 in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances to consider the establishment of said proposed Street Lighting District No 1304.

Adopted 4/2/04.

T&PW - Your Committee recommends passage of the accompanying Resolution designating the location and streets to be improved in the LaSalle Avenue Reconstruction Project, Special Improvement of Existing Street No. 6603.

Adopted 4/2/04.

Resolution 2004R-129, designating the improvement of certain Existing Street No. 6603 in the LaSalle Av Reconstruction Project, was passed 4/2/04 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 2004R-129

By Colvin Roy

**LaSalle Av Reconstruction Project,
Special Improvement of Existing Street No. 6603**

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 provision of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

LaSalle Avenue from Grant Street to approximately 250 feet south of Franklin Avenue.

Adopted 4/2/04.

T&PW - Your Committee, having received a cost estimate of \$2,953,000 for street reconstruction improvements and a list of benefited properties for the LaSalle Avenue Reconstruction Project, Special Improvement of Existing Street No. 6603, as designated by Resolution 2004R-129, passed April 2, 2004, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2004 Uniform Assessment Rates as per Resolution 2004R-057 passed February 13, 2004.

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 May 5, 2004, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated project and to consider the amount of proposed to be assessed to each benefited property and the amount to be funded by the City.
Adopted 4/2/04.

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

T&PW & W&M/Budget – Your Committee, having under consideration the Fifteenth Avenue SE Street Reconstruction Project, Special Improvement of Existing Street No. 6372 and, having held a public hearing thereon, now recommends passage of the accompanying Resolutions:

a) Ordering the work to proceed and adopting the special assessments for the Fifteenth Avenue SE Street Reconstruction Project;

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$105,350 for certain purposes other than the purchase of public utilities; and

c) Ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the street reconstruction project in the Fifteenth Avenue SE area.

Adopted 4/2/04.

Resolution 2004R-130, ordering the work to proceed and adopting the special assessments for the Fifteenth Avenue SE Street Reconstruction Project, was passed 4/2/04 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 2004R-130
By Colvin Roy and Johnson

Fifteenth Avenue SE Street Reconstruction Project
Special Improvement of Existing Street No. 6372

Ordering the work to proceed and adopting the special assessments for the Fifteenth Avenue SE Street Reconstruction Project.

Whereas, a public hearing was held on March 23, 2004, 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 2004R-083, passed February 27, 2004 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2004R-083, passed February 27, 2004.

Be It Further Resolved that the proposed special assessments in the total amount of \$105,365.50 for the Fifteenth Avenue SE Street Reconstruction Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Fifteenth Avenue SE Street Reconstruction Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) 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 assessments 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 statements.

Adopted 4/2/04.

Resolution 2004R-131, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$105,350 for certain purposes other than the purchase of public utilities, was passed 4/2/04 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 2004R-131
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$105,350 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Fifteenth Avenue SE Street Reconstruction Project, Special Improvement of Existing Street No. 6372, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/2/04.

Resolution 2004R-132, ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the street reconstruction project in the Fifteenth Avenue SE area, was passed 4/2/04 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 2004R-132
By Colvin Roy and Johnson

Ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the street reconstruction project in the Fifteenth Avenue SE area.

Whereas, the City of Minneapolis has scheduled the reconstruction improvements during 2004 in the Fifteenth Avenue SE area of Minneapolis; and

Whereas, there are areaways located in the public street r/w that are in conflict with said reconstruction; and

Whereas, a public hearing was held on March 23, 2004, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street r/w adjoining the properties along Fifteenth Avenue SE (both sides) from Como Avenue to 5th Street SE.

Adopted 4/2/04.

T&PW & W&M/Budget – Your Committee, having under consideration the Richfield Road Reconstruction Project, Special Improvement of Existing Street No. 6696, now recommends passage of the accompanying Resolutions:

a) Ordering the work to proceed and adopting the special assessments for the Richfield Road Reconstruction Project;

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$30,400 for certain purposes other than the purchase of public utilities; and

c) Ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the street reconstruction project in the Richfield Road Reconstruction Project.

Adopted 4/2/04.

Resolution 2004R-133, ordering the work to proceed and adopting the special assessments for the Richfield Road Reconstruction Project, was passed 4/2/04 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 2004R-133
By Colvin Roy and Johnson

Richfield Road Reconstruction Project
Special Improvement of Existing Street No. 6696

Ordering the work to proceed and adopting the special assessments for the Richfield Road Reconstruction Project.

Whereas, a public hearing was held on March 23, 2004, 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 2004R-058, passed February 13, 2004 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2004R-058, passed February 13, 2004.

Be It Further Resolved that the proposed special assessments in the total amount of \$30,415.15 for the Richfield Road Reconstruction Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Richfield Road Reconstruction Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) 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 assessments 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 statements.

Adopted 4/2/04.

Resolution 2004R-134, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$30,400 for certain purposes other than the purchase of public utilities, was passed 4/2/04 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 2004R-134
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$30,400 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Richfield Road Reconstruction Project, Special Improvement of Existing Street No. 6696, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/2/04.

Resolution 2004R-135, ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the street reconstruction project in the Richfield Road area, was passed 4/2/04 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 2004R-135
By Colvin Roy

Ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the street reconstruction project in the Richfield Road area.

Whereas, the City of Minneapolis has scheduled the reconstruction improvements during 2004 in the Richfield Road area of Minneapolis; and

Whereas, there are areaways located in the public street r/w that are in conflict with said reconstruction; and

Whereas, a public hearing was held on March 23, 2004, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street r/w adjoining the properties along Richfield Road (both sides) from 36th St W to Sheridan Av S.

Adopted 4/2/04.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit the Hennepin County Recycling Grant Application for Year 2004 requesting S.C.O.R.E. funds for the Minneapolis recycling program.

Your Committee further recommends that the proper City officers be authorized to sign the 2004 contract with Hennepin County for the funding and the Minneapolis recycling program for the period of January 1, 2004 through December 31, 2004.

Adopted 4/2/04.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a contract with Black and Veatch Corporation, in an amount not to exceed \$75,000 for professional engineering consulting services to perform an assessment of the risk and alternatives for chemical disinfectant use at the Fridley Water Works Plant. Funds are available within the existing project budget.

Adopted 4/2/04.

Approved by Mayor Rybak 4/2/04.

(Published 4/6/04)

T&PW & W&M/Budget - Your Committee recommends concurrence with the recommendation of the Public Works Director that the water revenue funding in the amount of \$655,000 be reallocated from the completed Meter Replacement Project, to increase the available funds for the Fridley Maintenance Facility Project.

Your Committee further recommends passage of the accompanying Resolution reallocating said funds within the 2004 capital budget.

Adopted 4/2/04.

RESOLUTION 2004R-136
By Colvin Roy and Johnson

Amending The 2004 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

- a) Decreasing the appropriation for the PW - Water Capital Agency in the Water Revenue Fund for the meter replacement project (7400/950/9501/MTR01020) by \$655,000; and
- b) Increasing the appropriation for the PW - Water Capital Agency in the Water Revenue Fund for the Fridley Maintenance Facility (FMF) Project (7400/950/9535/C7502010) by \$655,000.

Adopted 4/2/04.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving bids submitted to Public Works Department all in accordance with City specifications.

Adopted 4/2/04.

Resolution 2004R-137, granting approval of the bids for projects and/or services for the City of Minneapolis, was passed 4/2/04 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 2004R-137
By Colvin Roy and Johnson

Granting approval of the bids for projects and/or services for the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City Officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications. Contingent of approval of the Civil Rights Department. (Petn. No. 269519)

a) OP #6210, low bid of Fisher Sand & Aggregate for an estimated annual expenditure of \$125,600 to furnish and deliver fine aggregate;

b) OP #6214, low responsive bids to furnish and deliver bituminous mixtures as needed during the period of April 1, 2004 through March 31, 2005 as follows:

- Midwest Asphalt Corporation for an estimated annual expenditure of \$1,137,800; and
- Bituminous Roadways, Inc. for an estimated annual expenditure of \$337,500.

c) OP #6221, low responsive bid of James Steele Construction Company in the amount of \$4,428,400 to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the Fridley Maintenance Facility new building construction; and

d) OP #6227, low responsive bid of ACT Electronics, Inc. in the amount of \$444,196 to furnish and deliver traffic control signal cabinets and equipment.

Adopted 4/2/04.

T&PW & W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping, and Standing*, increasing the current permit fees to bring fees in line with actual program costs, prorate the permit fees, and change the duration of visitor and service permits to match the duration of the standard permit (1-year renewals), and having conducted a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/2/04.

Ordinance 2004-Or-031 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping, and Standing*, Critical traffic and parking area, amending Section 478.710 to increasing the current permit fees to bring fees in line with actual program costs, prorate the permit fees, and change the duration of visitor and service permits to match the duration of the standard permit (1-year renewals), was passed 4/2/04 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 2004-Or-031
By Colvin Roy and Johnson
Intro & 1st Reading: 1/16/04
Ref to: T&PW
2nd Reading: 4/2/04

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping, and Standing.

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

Section 1. That Section 478.710 of the above-entitled ordinance be amended to read as follows:

478.710. Critical traffic and parking areas.

(a) *Establishment authorized.* The city council may, after recommendation of the city engineer, and after receiving a an official written application as specified in this section, designate a critical traffic and parking area consisting of certain streets or parts thereof in a compact and contiguous area. The city council shall also specify special traffic and parking restrictions within each critical traffic and parking area thus established.

(b) *Findings.* No critical traffic and parking area may be established unless the city council shall have made the following findings:

- (1) ~~That one of the following circumstances pertain to the area:~~
 - A: The area is detrimentally impacted by parking of commuter, student, customer or visitor/guest vehicles generated by area businesses, institutions or recreational/entertainment facilities during the proposed hours of restriction;
- (2) The area does not have sufficient off-street vehicular parking for the use and convenience of the residents thereof in the vicinity of their homes;
- (3) Vehicle noise, pollution or congestion will work unacceptable hardships on the residents of the area if present parking is allowed to continue unregulated;
- (4) The health, safety and welfare of residents of the area and the city as a whole and the attractiveness and livability of specific neighborhoods will be promoted by a system of preferential parking enacted under this section.

(c) *Procedure for establishment.* A An official written application signed by one resident in each of at least seventy-five (75) percent of the dwelling units located within the proposed critical traffic and parking area shall be required before the city council may consider the designation of a specified critical traffic and parking area. The applicant is responsible for selecting one of the following alternatives:

- (1) Permit parking, time limited (residents with permit no limit), general public (subject to posted time limit, days and hours of enforcement).
- (2) Permit parking, residents with permit only, specified hours/days.
- (3) Permit parking, resident with permit only anytime.

Such application shall be made to the city clerk who shall certify whether the application contains the required signatures and then refer it to the city council and the city engineer. The city council may then direct the city engineer to conduct a traffic and parking survey of the traffic conditions in the vicinity of the proposed zone and recommend either the granting or the denial of such designation, based on a verification of proper "findings" and compliance with the following qualifying criteria:

- a. Permit parking, time limited. Requires a determination that the number of resident vehicles within the requested critical traffic and parking area exceeds the number of off-street parking spaces in the area.
- b. Permit parking, resident with permit only, specified hours/days. Requires a determination that the number of resident vehicles within the requested critical traffic and parking area exceeds the number of ~~on~~ off-street parking spaces in the area, or a determination that the number of non-resident parkers during the requested hours/days of enforcement exceeds thirty three (33) percent of the number of on-street spaces in the area.
- c. Permit parking, resident with permit only, anytime. Requires a determination that the number of resident vehicles within the requested critical traffic and parking area exceeds the number of on-street and off-street parking spaces in the area.

Minimum size area shall be one block face.

(d) *Residential parking permit authority.* The establishment of a critical traffic and parking area shall provide for the issuance of parking permits subject to the following requirements:

- (1) The city engineer shall identify the location, boundaries, size, hours and days to be regulated by the parking permit procedure.
- (2) An application for a permit shall be on a form prepared by the city engineer and shall contain the name and address of the owner, make, model and license number of the vehicle, driver's license number and such other information as is reasonably necessary to enforce the provisions of this section. This application shall be presented with a valid driver's license and such other information as may be necessary to prove residency within the designated critical traffic and parking area. No person shall furnish false information in an application for a vehicle permit. A false application shall be grounds for revocation of the permit and is punishable pursuant to section 1.30 of the Minneapolis City Code.
- (3) ~~A nonrefundable permit application fee of ten dollars (\$10.00) shall accompany each initial application. An additional fee of ten dollars (\$10.00) shall be charged for each vehicle permit renewed annually or transferred (duplicate). A maximum of two (2) permits will be issued per licensed driver. A non-refundable fee shall accompany each application as follows:~~

-
- a. Twenty-five dollars (\$25.00) for each permit renewed annually, transferred (duplicate), or for replacement of stolen or lost permit.
 - b. Ten dollar (\$10.00) additional fee for each application in a newly established area (prior to the first renewal period).
 - c. In addition, the following pro-rated fee schedule shall apply to each residential parking permit issued:
 - 1. Twenty-five dollars (\$25.00) for permits purchased during the first six (6) months of the permit cycle;
 - 2. Fifteen dollars (\$15.00) for permits purchased during the second five (5) months of the permit cycle;
 - 3. A one (1) month grace period prior to the annual renewal date will be given for new permits issued;
 - 4. A maximum of two (2) residential parking permits will be issued per licensed driver.
 - (4) The permit decal shall be placed on the center of the vehicle's rear bumper or as close as possible to the rear license plate.
 - (5) Permits shall be made available on a yearly, renewable basis within for those areas recommended in the city engineer's report and authorized by the city council action and issued to the following individuals:
 - a. Residents;
 - b. An owner, manager, or their designee, of a business, institution, or recreational/entertainment facility located within the designated critical traffic and parking area. Maximum of two (2) permits unless otherwise approved by city council member.
 - (6) Temporary parking permits for bona fide visitors vehicles or service vehicles shall be available to residents of a critical traffic and parking area on the following basis:
 - Visitor permits—One transferable permit issued at a ~~three~~ one year fee of ten dollars (\$10.00) to each requesting dwelling unit. Additional temporary permits available at a cost of ~~one dollar (\$1.00)~~ two dollars (\$2.00) per permit for specific dates or five dollars (\$5.00) each for extended periods of two (2) to thirty (30), not reusable.
 - Service vehicle permits—One transferable permit issued at a ~~one-time~~ year fee of ~~five~~ ten dollars (~~\$5~~ 10.00) to each requesting dwelling unit. Additional temporary permits issued to residents at a cost of ~~one dollar (\$1.00)~~ two dollars (\$2.00) per permit or five dollars (\$5.00) each for extended periods of two (2) to thirty (30) days for specific dates, not reusable.
 - (7) The provisions of this chapter shall not abrogate the scope of parking privileges granted handicapped persons as defined in sections 478.520 through 478.560 of this Code or by statutes of the State of Minnesota, or the provisions of the snow emergency ordinance section 478.1000 relating to parking. In addition the provisions of this chapter shall not abrogate the authority of the city to post temporary or permanent parking restrictions for safety, traffic flow, construction or maintenance purposes.
 - (8) ~~[Reserved.]~~ Any permit issued is only valid within the specified area for which it was issued.
 - (9) The following vehicle types are not eligible for residential parking permits: recreational vehicles, trailers, buses, trucks with ICC or LCC license plates, taxicabs, commercial vehicles and commercial passenger vehicles as prohibited under section 478.240.
 - (10) The city council may establish special terms, time limits, day and hours of enforcement, and number of permits after a study and recommendation by the city engineer.

(e) *Disestablishment or modification.* The city council may disestablish a critical traffic and parking area after finding that the circumstances that originally prompted the establishment of the area no longer pertain. The city council may modify the streets included in a critical traffic and parking area if it determines that a change of circumstances warrants such modification. The city council member and transportation and public works committee may amend time limits and hours of enforcement of a critical traffic and parking area if it determines circumstances warrant such modification and the residents within the area support the change.

Adopted 4/2/04.

T&PW & W&M/Budget - Your Committee, having under consideration the Joint Water Commission agreement under which the City provides water to the cities of Crystal, Golden Valley and New Hope, now recommends that the proper City officers be authorized to enter into a Memorandum of Understanding with the Joint Water Commission (JWC) providing for an interim water rate increase effective as of January 1, 2004 and terminating with a long term Water Purchase Agreement or with discontinuance of water service to the JWC.

Adopted 4/2/04.

T&PW & W&M/Budget - Your Committee, having under consideration the results of a Request for Proposals (RFP) process for the processing and marketing of City recyclables and the proposals submitted by BFI Waste Services of the Twin Cities, Eureka! Recycling and the Recycle America Alliance, and having under consideration the recommendation of an evaluation team and the City Finance Officer that the proper City officers be authorized to negotiate with Recycle America Alliance for said contract, now recommends that the matter be sent forward without recommendation.

Additional motions not resulting in amendments to the report are available in the office of the City Clerk.

Johnson's motion that the report be amended by deleting the following language, "with Recycle America Alliance for said contract, now recommends that the matter be sent forward without recommendation." and inserting in lieu thereof the following language, "first with BFI Waste Services of the Twin Cities, second with Recycle America Alliance, and third with Eureka! Recycling, for said contract, now recommends approval", was adopted by unanimous consent.

The report, as amended, was adopted 4/2/04. Yeas, 7; Nays, 6 as follows:

Yeas - Goodman, Samuels, Johnson, Colvin Roy, Lilligren, Johnson Lee, Benson.

Nays - Lane, Zimmermann, Schiff, Zerby, Niziolek, Ostrow.

The following is the complete text of the additional motions.

Lilligren moved that the report be amended by deleting the language, "with Recycle America Alliance for said contract, now recommends that the matter be sent forward without recommendation." and inserting the following language in lieu thereof, "first with BFI Waste Services of the Twin Cities for said contract, now recommends approval." Seconded.

Johnson moved a substitute motion that the report be amended by deleting the language, "with Recycle America Alliance for said contract, now recommends that the matter be sent forward without recommendation." and inserting the following language in lieu thereof, "first with Eureka! Recycling for said contract, now recommends approval." Seconded.

On the motion to substitute, it was adopted. Yeas, 8; Nays, 5 as follows:

Yeas - Goodman, Samuels, Johnson, Colvin Roy, Zerby, Lilligren, Johnson Lee, Ostrow.

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

Johnson's motion to amend Lilligren's motion was adopted. Yeas, 7; Nays, 6 as follows:

Yeas - Goodman, Samuels, Johnson, Colvin Roy, Lilligren, Johnson Lee, Ostrow.

Nays - Lane, Zimmermann, Schiff, Zerby, Niziolek, Benson.

The report, as amended by Johnson, lost. Yeas, 6; Nays, 7 as follows:

Yeas - Zimmermann, Schiff, Zerby, Niziolek, Benson, Ostrow.

Nays - Goodman, Lane, Samuels, Johnson, Colvin Roy, Lilligren, Johnson Lee.

On Lilligren's motion, it lost. Yeas, 6; Nays, 7 as follows:

Yeas - Goodman, Samuels, Johnson, Colvin Roy, Lilligren, Johnson Lee.

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

Benson moved approval of the staff recommendation to authorize negotiations with Recycle America Alliance for the contract for processing and marketing of the City's recyclables. Seconded.

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

Yeas - Lane, Benson.

Nays - Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Ostrow.

Niziolek moved that the report be amended by deleting the language, "with Recycle America Alliance for said contract, now recommends that the matter be sent forward without recommendation." and inserting the following language in lieu thereof, "in the following order: 1) Eureka! Recycling, 2) Recycle America Alliance, 3) BFI Waste Services." Seconded.

Zimmermann moved to amend Niziolek's motion to negotiate in the following order: 1) Eureka! Recycling, 2) BFI Waste Services, 3) Recycle America Alliance. Seconded.

Johnson called for a point of order that Zimmermann's motion is the same as a motion previously acted on.

Ostrow ruled that Zimmermann's motion had not been previously acted on.

The appeal from the decision of the Chair was upheld. Yeas, 7; Nays, 6 as follows:

Yeas - Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Benson, Ostrow.

Nays - Goodman, Lane, Samuels, Johnson, Colvin Roy, Johnson Lee.

Zimmermann's motion lost upon a voice vote.

Niziolek's motion lost. Yeas, 5; Nays, 8 as follows:

Yeas - Zimmermann, Schiff, Zerby, Niziolek, Benson.

Nays - Goodman, Lane, Samuels, Johnson, Colvin Roy, Lilligren, Johnson Lee, Ostrow.

Johnson moved that the report be amended by deleting the language, "with Recycle America Alliance for said contract, now recommends that the matter be sent forward without recommendation." and inserting the following language in lieu thereof, "in the following order: 1) BFI Waste Services, 2) Recycle America Alliance, 3) Eureka! Recycling." Seconded.

Zerby moved a substitute motion to negotiate in the following order: 1) Eureka! Recycling, 2) BFI Waste Services, 3) Recycle America Alliance. Seconded.

Ostrow ruled that Zerby's motion was out of order as it had previously been acted on.

Schiff moved that the report be tabled. Seconded.

Lost upon a voice vote.

Schiff moved that the report be postponed. Seconded.

Lost. Yeas, 6; Nays, 7 as follows:

Yeas - Zimmermann, Schiff, Zerby, Niziolek, Benson, Ostrow.

Nays - Goodman, Lane, Samuels, Johnson, Colvin Roy, Lilligren, Johnson Lee.

Zimmermann moved that the report be referred back to committee. Seconded.

Lost upon a voice vote.

On Johnson's motion to negotiate in the following order: 1) BFI Waste Services, 2) Recycle America Alliance, 3) Eureka! Recycling, it lost. Yeas, 6; Nays, 7 as follows:

Yeas - Goodman, Samuels, Johnson, Colvin Roy, Lilligren, Johnson Lee.

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

Lilligren in the Chair.

Ostrow moved to reconsider the motion to approve the staff recommendation to authorize negotiations with Recycle America Alliance for the contract for processing and marketing of the City's recyclables. Seconded.

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

Yeas - Lane, Zerby, Benson, Ostrow.

Nays - Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Lilligren, Johnson Lee, Niziolek.

Benson moved that the report be amended to negotiate by deleting the language, "with Recycle America Alliance for said contract, now recommends that the matter be sent forward without recommendation." and inserting the following language in lieu thereof, "in the following order: 1) Recycle America Alliance, 2) BFI Waste Services, 3) Eureka! Recycling." Seconded.

Lost. Yeas, 3; Nays, 10 as follows:

Yeas - Goodman, Lane, Benson.

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

Zimmermann moved that Recycle America Alliance be removed from the first order for negotiations. Seconded.

Ostrow ruled that Zimmermann's motion was out of order.

Niziolek moved to reconsider Zimmermann's motion to refer the report back to Committee. Seconded.

Samuels moved that the report be amended by deleting the language, "with Recycle America Alliance for said contract, now recommends that the matter be sent forward without recommendation." and inserting the following language in lieu thereof, "in the following order: 1) BFI Waste Services, 2) Eureka! Recycling, 3) Recycle America Alliance." Seconded.

Lost. Yeas, 6; Nays, 7 as follows:

Yeas - Goodman, Samuels, Johnson, Colvin Roy, Lilligren, Johnson Lee.

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

Benson moved to reconsider Johnson's motion that the report be amended to negotiate in the following order: 1) BFI Waste Services, 2) Recycle America Alliance, 3) Eureka! Recycling. Seconded.

The motion to reconsider was adopted. Yeas, 8; Nays 5 as follows:

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

Nays - Zimmermann, Schiff, Zerby, Niziolek, Ostrow.

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

W&M/Budget - Your Committee, having under consideration the results of a request for proposal (RFP) process for Workers' Compensation Claims and Employment Services for the City, now recommends that the proper City officers be authorized to negotiate a contract with Encore Unlimited/Alpha Review Corporation for the provision of a Workers' Compensation Preferred Provider Network, Disability Case Management Services, Bill Review functions and employment services coordination.

Adopted 4/2/04.

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

Adopted 4/2/04.

Resolution 2004R-138, approving legal settlements with Delia Castle, Lamont Johnson, Dorothy Head and Michael L. Sweat, was passed 4/2/04 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 2004R-138
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 matters be approved and payments authorized as indicated:

- a) Delia Castle by payment of \$57,500 to Ms. Castle and her attorneys, Schwebel Goetz & Sieben;
- b) Lamont Johnson, by payment of \$1,000 to Mr. Johnson and his attorneys, Goins & Woods, P.C.;
- c) Dorothy Head, by payment of \$35,000 to Ms. Head;
- d) Michael L. Sweat, by payment of \$30,000 to Mr. Sweat and his attorney, Deno Berndt.

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 settlements.

Adopted 4/2/04.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends that the proper City officers be authorized to execute a First Amendment to the Lease Agreement with CCT Building, LLC for the project office, extending the term of the lease for an additional 18 months (with a 3 month extension option), payable from the project budget.

Adopted 4/2/04.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Mayor and City Council President that Marido C. Huber, 3026 Ulysses St NE, be appointed to the Minneapolis Telecommunications Network (MTN) Board for a term to expire on January 15, 2006.

Adopted 4/2/04.

W&M/Budget - Your Committee recommends approval to place an insert in the May utility bills offering information to residents on the reduction of smog and air pollutants on behalf of Clean Air Minnesota and Hennepin County.

Adopted 4/2/04.

W&M/Budget - Your Committee recommends approval of the Finance Department Business Plan (Petn No 269526).

Adopted 4/2/04.

W&M/Budget - Your Committee, having reviewed the City of Minneapolis 2003 4th Quarter Finance Report, now recommends passage of the accompanying resolution amending the 2004 General Appropriation Resolution to provide for reappropriation of 2003 funds to 2004 as recommended by the Finance Officer.

Adopted 4/2/04.

Resolution 2004R-139 amending the 2004 General Appropriation Resolution providing for reappropriation of 2003 funds to 2004, was passed 4/2/04 by the City Council. A complete copy of the 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 2004R-139
By Johnson**

Amending The 2004 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:

Reappropriation of 2003 funds to 2004.

Fund	Agency	Agency Name	Appropriation	Description(Describe what rollover is for)
0100	240	2401 Council Ward 1	\$11,245	
0100	240	2403 Council Ward 3	\$22,382	
0100	240	2405 Council Ward 5	\$12,758	
0100	240	2406 Council Ward 6	\$14,254	
0100	240	2407 Council Ward 7	\$4,485	
0100	240	2408 Council Ward 8	\$1,579	
0100	240	2409 Council Ward 9	\$9,155	
0100	240	2410 Council Ward 10	\$14,462	
0100	240	2411 Council Ward 11	\$19,241	
0100	240	2412 Council Ward 12	\$12,174	
0100	240	2413 Council Ward 13	\$27,245	
		Total for 0100/240	\$148,980	
0100	280	Fire Department	\$132,385	Council resolution 2003R-641. Encumbrance set-up in 2003.
0100	280	Fire Department	\$302,000	CA approved: 10/24/03 Budgetary Savings for retirement incentive program
0100	280	Fire Department	\$870,788	Contract settlement costs (Will be rolled to Contingency Fund).
		Total for 0100/280	\$1,305,173	
0100	375	Mayor	\$12,228	Operating expenses
		Total for 0100/375	\$12,228	
0100	400	Police Department	\$50,000	Mediation Training, minority recruitment
		Total for 0100/400	\$50,000	
0100	815	Human Resources	\$40,000	PeopleTools upgrade (HRIS & WinXP)
		Total for 0100/815	\$40,000	
0100	820	Finance Department	\$300,000	Consultant work related to Financial System Upgrade
0100	820	Finance Department	\$30,000	PeopleTools Upgrade (HRIS & WinXP)
0100	820	Finance Department	\$80,000	Enterprise E-pay project for the Development Review Center.
		Total for 0100/820	\$410,000	

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0100	835	Licenses and Consumer Services	\$300,000	Development Workflow Project
0100	835	Licenses and Consumer Services	\$30,045	To PW Capital Replacement of AC Trucks.
		Total for 0100/835	\$330,045	
0100	840	City Coordinator	\$30,000	To set up a contract with MAP for Nonprofits for business planning for the Minnesota Planetarium and Space Discovery Center.
		Total for 0100/840	\$30,000	
0100	850	Inspections	\$600,000	Development Workflow Project
0100	850	Inspections	\$332,583	To PW Capital Create Gradual vehicle replacement
0100	850	Inspections	\$330,000	Equipment & Moves to Dev. Rev. Center (Fire, etc.)
		Total for 0100/850	\$1,262,583	
0100	860	Health and Family Support	\$42,916	Installing multilingual signage in City Hall. This is in accordance with City Council resolution 2003R-547
		Total for 0100/860	\$42,916	
0100	600	Engineering Design	\$112,296	Changeable Traffic signage \$75,000
0100	607	Field Services	\$1,248,974	One-time sealcoating st. maint. \$373,772
				Citizen Relationship Management \$300,000
				Development Workflow \$50,000
				City-Wide Transportation Planning \$300,000
				Asset Management \$275,000
				Room 203 Renovation \$50,000
				Mentoring Program/Employee Survey \$50,000
0100	650	Administrative Services	\$11,502	
		Total for 0100/6XX	\$1,473,772	
0100	N/A	N/A	\$485,000	To fully fund current projected capital costs related to Development Workflow.
		Total for 0100 Fund	\$5,590,697	
0760	MCC	Convention Center	\$66,096	Removal & replacement of 56 wall sconce light fixtures. Budgeted in 2003. Work was not completed. Contract 19878 was issued in 2003.
0760	MCC	Convention Center	\$200,000	Office remodeling for Business Services, Facilities & Production staff. This amount was budgeted in 2003 but unable to complete work as planned.
		Total for 0760/MCC	\$266,096	
7300	607	PW Streets & Malls - Cleaning	\$127,000	2003 Fall Leaf Disposal Costs
		Total for 7300/607	\$127,000	

Your Committee further recommends that one open position remain vacant on the nine member board at this time.

Adopted 4/2/04.

Z&P - Your Committee, having under consideration the environmental review process for the Bridge Place Condominium Project at 220 S 2nd St and 225 N 1st St, and having received the recommendation of Planning Department staff that the Environmental Assessment Worksheet is adequate, now recommends that the Council not order the development of an Environmental Impact Statement and therefore make a Negative Declaration, and that the Findings of Fact and Record of Decision be adopted.

Adopted 4/2/04.

Approved by Mayor Rybak 4/2/04.

(Published 4/6/04)

Z&P – Your Committee recommends passage of the accompanying resolution directing the Community Planning and Economic Development (CPED) Planning Division to undertake a rezoning study in each of the neighborhood Light Rail Transit station areas, as designated in CPED's 2004 Work Plan.

Adopted 4/2/04.

Resolution 2004R-140, directing the Planning Division of Community Planning & Economic Development to undertake a study of possible changes in zoning designations in each of the neighborhood Light Rail Transit station areas, was passed 4/2/04 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 2004R-140

By Schiff

Authorizing a Neighborhood Light Rail Transit Station Area Rezoning Study.

Whereas, the City Council amended the Minneapolis Plan on December 18, 2002 to designate neighborhood Transit Station Areas (TSA's), and incorporate policies that encourage transit-oriented and pedestrian-friendly development near stations; and

Whereas, the City Council has adopted station area master plans for the Cedar-Riverside, Franklin Avenue, Lake Street/Midtown, and 46th Street stations; and

Whereas, the Planning Division of Community Planning and Economic Development (CPED) is completing a master plan for the 38th Street station area for Planning Commission review; and

Whereas, growth and development around Light Rail Transit (LRT) stations will create focal points for new investment thereby improving the City's tax base and accommodating new jobs and housing opportunities; and

Whereas, appropriately managed growth and development around LRT stations will result in fewer vehicle trips than growth and development elsewhere, consistent with City policies encouraging greater use of alternatives to the automobile; and

Whereas, the City Council wishes to align regulatory and programmatic tools such that station area plans are implemented over time;

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

That the City Council directs the Planning Division of CPED to undertake a study of possible changes in zoning designations in each of the neighborhood LRT station areas, as designated in CPED's 2004 Work Plan.

Be It Further Resolved that the City Council directs the Planning Division of CPED to consider possible zoning code text changes to accomplish the policy goals established in the Minneapolis Plan and adopted station area master plans.

Adopted 4/2/04.

Z&P - Your Committee recommends approval of the Phase II proposed new public art policies and procedures as recommended by the Minneapolis Arts Commission, as set forth in Petn No 269529.

Adopted 4/2/04.

Z&P - Your Committee, to whom was referred back from Council on 3/19/04 an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, prohibiting exterior security barriers on non-residential building walls and windows facing public streets, and having held further discussion thereon, 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.

Adopted 4/2/04. Yeas, 12; Nays, 1 as follows:

Yeas – Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Ostrow.

Nays – Lane.

Ordinance 2004-Or-032 amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, prohibiting retractable metal security gates or grilles on the exterior of any portion of an enclosed principal non-residential building façade facing a public street, was passed 4/2/04 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 2004-Or-032
By Johnson and Schiff
Intro & 1st Reading: 10/24/03
Ref to: Z&P
2nd Reading: 4/2/04

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

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

Section 1. That Section 535.40 of the above-entitled ordinance be amended to read as follows:

535.40. Enclosed building requirement. *(a) In general.* All production, processing, storage, sales, display or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in this zoning ordinance.

(b) Exterior security barriers. No retractable metal security gates or grilles shall be placed on the exterior of any portion of an enclosed principal non-residential building façade facing a public street.

Adopted 4/2/04. Yeas, 12; Nays, 1 as follows:

Yeas – Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Ostrow.

Nays – Lane.

MOTIONS

Zerby introduced the subject matter of an Ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, which was given its first reading and referred to the Ways & Means/Budget Committee (Amending Section 20.455 relating to severance pay).

Lilligren introduced the subject matter of an Ordinance amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to *Zoning Code: Residence Districts*, which was given its first reading and referred to the Zoning & Planning Committee (Amending the lot dimension and building bulk requirements for the R2B District).

Lilligren 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 the authorized variance of lot area and lot width).

Lilligren introduced the subject matter of an Ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending the spacing limitation).

Schiff's motion that Chapters 186, 201, 202 and Appendix J of the Minneapolis Code of Ordinances relating to *Food Code*, be referred back to the Health & Human Services and Public Safety & Regulatory Services Committees for a public hearing April 5, 2004, was deleted from the agenda.

RESOLUTIONS

Schiff offered a Resolution honoring Frank Theater's Fifteenth Anniversary.
Adopted 4/2/04.
(Not published. See Resolution 2004R-141 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2004R-141 By Schiff

Honoring Frank Theater's Fifteenth Anniversary.

Whereas, Frank Theatre is a professional theatre company committed to producing unique work which stretches the skills of the artists who create the work while simultaneously challenging the everyday perceptions of the audience through the exploration of ideas and issues of social, political and/or cultural concern; and

Whereas, Frank Theatre was founded with the desire to produce work that provides opportunities for artists to grow, to stretch, to work outside of and beyond the typical opportunities provided by theatres with a greater commercial interest; and

Whereas, Frank Theatre has successfully pursued this goal for the past 15 years through the consistent staging of works that require the actors, designers, and director to challenge themselves and their audience; and

Whereas, Frank Theatre is a Twin Cities based company, founded in 1989 by Artistic Director Wendy Knox and performer Bernadette Sullivan; and

Whereas, Frank Theatre's first production in 1989 was FARMYARD, presented on the 4th floor of the Rossmor building in St. Paul featuring Bernadette Sullivan, Phyllis Wright, Paul Smith, Sean Devitt and Cody, the dog; and

Whereas, in its fifteen year history, Frank Theatre has staged thirty-three productions; and

Whereas, Frank Theatre is actively involved in the life of the community, helping to revitalize the former Sears building on Lake Street by performing two plays in the abandoned department store, THE CRADLE WILL ROCK and SICILIAN NIGHTS, which were attended by nearly 3,000 people; and

Whereas, The Star Tribune of Minneapolis has said, "Frank Theatre always embraces provocative themes with a bold ambiguity and complex character development, leaving audiences with more questions than answers" and in 2001, "Wendy Knox didn't wait for someone to build her a space. This fall, she demonstrated again the vital role Frank Theatre plays in the theatre ecosystem."; and

Whereas, The City Pages has said, "As the driving force behind Frank Theatre, Wendy Knox is the ideal mix of pragmatist and dreamer: She is as artistically adventurous as any director in town, but also sensible enough never to let her ambition overleap her company's resources."; and

Whereas, in March 2004, Minnesota Public Radio hailed Frank Theatre at the top of the list for local artistic risk-taking, saying "Frank doesn't have two nickels to rub together to begin with, and yet with Sicilian Nights, they are betting the rent money on the dark horse in the sixth race at Canterbury. It's those kinds of what-the-hell-let's-go-for-it ideas that keep the arts strong. They recreate that sense of improbable invincibility that can lead to great things."; and

Whereas, Frank Theatre is committed to producing work which reflects the world in which we live;

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

That the City of Minneapolis recognizes Frank Theatre for its fifteen years of contributions to the city's cultural and artistic vitality.

Adopted 4/2/04.

Schiff and Zimmermann offered a Resolution on emergency Phillips Neighborhood arsenic cleanup.

Adopted 4/2/04.

(Not published. See Resolution 2004R-142 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2004R-142
By Schiff and Zimmermann**

On Emergency Phillips Neighborhood Arsenic Cleanup.

Whereas, the City of Minneapolis has a long history of successful partnerships with the United States Environmental Protection Agency; and

Whereas, the City of Minneapolis has partnered with the United States Environmental Protection Agency on several imminent public health hazards sites within Minneapolis; and

Whereas, a significant arsenic contamination has occurred at the CMC Heartland Partners site and has severely impacted adjacent residential properties; and

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

Asks that EPA Region 5 declares the residential area northwest of the CMC Heartland Partners Site in need of emergency cleanup requiring immediate action to address the public health concerns.

Adopted 4/2/04.

UNFINISHED BUSINESS

Replacement of Natural Gas Main (Bryant Av & 7th St): Authorize payment of \$35,437.27 to CenterPoint (Minnegasco) for damage caused by City crews

T&PW - Approval.

W&M/Budget - Sent forward without recommendation.

(Postponed 10/24/03, T&PW & W&M/Budget)

Spincycle Coin Laundry (2937 Dupont Av S): **Sent forward without recommendation** application for Laundry License. (Postponed 2/13/04, PS&RS)

By unanimous consent, the above two reports continued to be postponed.

NEW BUSINESS

Niziolek introduce an ordinance amending Title 5, Chapter 108 of the Minneapolis Code of Ordinances relating to *Building Code: Parking Ramps*, for first reading and referral to the Public Safety & Regulatory Services Committee (Amending Section 108.30 to amend fees for a parking ramp operating certificate).

Lilligren moved to adjourn to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the following lawsuits.

a) Moreno et al. v. City of Minneapolis et al.; and

b) Paul Warnert d/b/a Bobby and Steve's Autoworld v. City of Minneapolis.

Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

April 2, 2004 – 1:45 p.m.

The Council met pursuant to adjournment.

Vice President Lilligren in the Chair.

Present - Goodman, Lane, Samuels, Colvin Roy, Zimmermann (arrived 1:52 p.m.), Schiff (arrived 1:55 p.m.; departed 2:09 p.m.), Zerby (arrived 1:55 p.m.), Lilligren, Johnson Lee (departed 1:57 p.m.), Niziolek (arrived 2:19 p.m.), Benson, Ostrow (departed 1:45 p.m.).

Absent – Johnson.

Also present - Jay Heffern, City Attorney; Peter Ginder, Acting Deputy City Attorney; Carol Lansing and Tim Skarda, Assistant City Attorneys; Barbara Sporlein, Planning Director; Blake Graham, Manager of Zoning & Development Controls; Jim Voll, Planning Division; Merry Keefe, City Clerk; Irene Kasper, City Clerk's Office.

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

a) Moreno et al. v. City of Minneapolis et al.; and

b) Paul Warnert d/b/a Bobby and Steve's Autoworld v. City of Minneapolis.

Goodman moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

The meeting was closed at 1:50 p.m.

Lansing summarized the Moreno et al. v. City of Minneapolis et al lawsuit from 1:51 p.m. to 1:58 p.m.

APRIL 2, 2004

Skara summarized the Paul Warnert d/b/a Bobby and Steve's Autoworld v. City of Minneapolis lawsuit from 1:58 p.m. to 2:21 p.m.

Zerby moved that the meeting be opened. Seconded.
Adopted upon a voice vote.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.
Adopted upon a voice vote.

Merry Keefe,
City Clerk.

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