

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF MAY 14, 2004

(Published May 22, 2004, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
May 14, 2004 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Lilligren moved acceptance of the minutes of the adjourned session held April 29 and the regular meeting held April 30, 2004. 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:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269606)

Tax Exempt Multi-Family Entitlement Rental Housing Revenue Bonds: 2004 Status Report.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269607)

Oakland Square Project (2600 block of Portland and Oakland Aves): Restructure plan for CPED loan.

Contamination Cleanup Grant for Greenleaf Lofts Project: Accept grant from the Minnesota Department of Employment and Economic Development and Metropolitan Livable Communities.

Franklin-Portland Gateway Phase II - The Jourdain: Authorize analysis of the commercial/residential project proposed by Hope Community and Central Community Housing Trust.

Historic State, Orpheum and Pantages Theatres: Study Committee Report and direction to issue a request for proposals for the managed and booking of theatres; Appoint chair of the Minneapolis Arts Commission to Study Committee.

Midtown Exchange (Sears) Redevelopment Project: Term sheet for Ryan Companies development, authorize preparation of redevelopment agreement and tax increment financing and redevelopment plan modifications.

COMMUNITY DEVELOPMENT and INTERGOVERNMENTAL RELATIONS (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269608)

Biotechnology & Health Science Industry Zone: Designation Agreement with State Department of Employment & Economic Development.

COMMUNITY DEVELOPMENT and PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (269609):

Nuisance Properties: Ordinance amendment to allow the City the option of rehabilitating a nuisance property under certain conditions.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269610)

The Wall-Phase 2 (SEMI) Site: Accept Minnesota Department of Employment and Economic Development Contamination Cleanup Program grant.

HOME Program Budget: Approve Fiscal Year 2004 budget.

HEALTH AND HUMAN SERVICES:

HEALTH AND FAMILY SUPPORT SERVICES (269611)

Public Health Emergency Preparedness: Quarterly update on planning activities.

HEALTH AND HUMAN SERVICES (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269612)

Airline Industry Dislocations: Execute Amendment #2 to Grant Agreement with Hennepin County to extend completion date to March 31, 2005; and reducing grant total by \$29,064.

HEALTH AND FAMILY SUPPORT SERVICES (269613)

Blue Ribbon Panel on Public Health in Minneapolis: Accept report of the Blue Ribbon Panel on Public Health in Minneapolis and Directing staff follow-up.

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

HEALTH AND FAMILY SUPPORT SERVICES (269614)

“Secret Shopper” Research Project: Receive \$11,425 from Minnesota Workforce Council Association for City’s participation in 2003 Research Project; and Approve appropriation.

Phillips Weed and Seed: Execute contract with State of Minnesota to receive \$175,000 in Year 2004 federal funds to support law enforcement efforts in Phillips Neighborhood, and the development and implementation of 2004 crime prevention strategies; and Approve appropriation.

INTERGOVERNMENTAL RELATIONS (See Rep):

GRANTS AND SPECIAL PROJECTS (269615)

VA/HUD Budget for FY 2005: Projects to be added to the City’s Federal Legislative Priorities.

PUBLIC SAFETY AND REGULATORY SERVICES:

INSPECTIONS DEPARTMENT (269616)

Rental Licensing Safety Sweeps in University of Minnesota Area: Update report.

LEGAL AID SOCIETY OF MINNEAPOLIS (269617)

Fire Department/Housing Inspections: Comments submitted regarding utilizing Fire Department for complaint-based housing inspections.

POLICE DEPARTMENT (269618)
2004 Safe Summer Initiative.
National Night Out: Request for special block event fees.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (269619)

Nuisance Night Hearing Program: Receive & File second quarterly report; and Direct staff to
a) implement payment over the phone option by credit card; b) report back to Committee with specific
cost requirements for enforcement of administrative citation program through Conciliation Court or
collection agency process; and c) report back to Committee with evaluation of offenses by resolution;
with attachments.

INSPECTIONS DEPARTMENT (269620)

Hearing Officer for Inspections Department: Approve appointment of Kristi Synstebly.

LICENSES AND CONSUMER SERVICES (269621)

Quiznos Sub (1122 Harmon Pl): Grant Sidewalk Cafe License.

Coffee Eclectic (3445 Cedar Av S): Grant Sidewalk Cafe License.

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

Wild Noodle (1221 W Lake St): Grant On-Sale Wine Class E with Sunday Sales License, with
conditions.

Licenses: Applications.

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

HEALTH AND FAMILY SUPPORT SERVICES (269622)

Public Health and Medical Services: Execute five-year agreement with Hennepin County to allow
County to utilize City owned facilities and equipment as needed for public health emergency
preparedness or medical emergencies.

INSPECTIONS DEPARTMENT (269623)

Sustainable City Center Demonstration Project: Accept grant award of \$100,000 from United States
Environmental Protection Agency to reduce heating of urban core through planting of trees, with the
understanding that there will be maintenance agreements for all trees planted; and Approve appropriation.

REGULATORY SERVICES (269624)

Vacant and Boarded Buildings: Authorize City to fund the demolition of Vacant and Boarded
Buildings without matching Neighborhood Revitalization Program funds in certain instances.

TAXES (BOARD OF EQUALIZATION) (See Rep):

CITY CLERK (269625)

Board of Equalization: Report of Special Board of Review.

TRANSPORTATION AND PUBLIC WORKS:

COUNCIL MEMBER COLVIN ROY'S OFFICE (269626)

Final Environmental Assessment: Implementation of a Departure Procedure off Runway 17 at
MSP (Compact Disk).

PUBLIC WORKS AND ENGINEERING (269627)

I-35W/Crosstown Project: MnDOT presentation on Municipal Consent Submittal.

2004 Public Works Capital Projects Overview: Receive & File.

XCEL ENERGY/NSP (269628)

Utility Pole: Replace existing pole.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (269629)

South Transfer Station: Receive & File Update.

2004 Minneapolis Stormwater Management Program and Annual Report: Adopt.

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

PUBLIC WORKS AND ENGINEERING (269630)

LaSalle Ave S, Project 6603: Reconstruction assessment public hearing & project approval w/comments.

W Broadway Ave (W City Limits to Girard Ave N) Project No. 6710 (Hennepin County Project No. 9753 & 9772): Reconstruction & lighting project assessment public hearing & project approval w/ comments.

Fridley Membrane Filtration Plant: Correct Implementation Support Services Agreement with HDR Engineering, Inc.

Bids: OP 6239, Sunram Construction, Inc for modular block retaining wall; OP 6246, Belair Excavating for excavation & disposal of asbestos containing electrical conduit; OP 6253 J. Fletcher Creamer & Son, Inc for cleaning & lining of cast iron water mains; OP 6259, Aggregate Industries for Class 5 base aggregate.

WAYS AND MEANS BUDGET:

BUDGET AND EVALUATION (269631)

2005 Budget Schedule.

COORDINATOR (269632)

Greater Minneapolis Convention & Visitors Association (GMCVA): 2004 1st Quarter Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (269633)

Legal Settlements: Claims of Galina Izraelev, Troy Bargel, Jason Rand, Illinois Farmers Insurance Co., City versus Arkay Construction and Ingram Excavating and Rebecca Caulfield.

Case Management System: Issue request for proposals.

Community Prosecution: Accept grant from the U.S. Department of Justice.

City Attorney's Office Business Plan.

COUNCIL MEMBER ZERBY (269634)

Livable Wage: Resolution and background information regarding establishment of a livable wage policy for City employees; Cost information provided by Finance Department.

FINANCE DEPARTMENT (269635)

Financial Services Contract: Authorize use of Community Planning and Economic Development panel contract with Deloitte & Touche.

HUMAN RESOURCES (269636)

Labor Agreement with AFSCME Local 9 (General Unit).

New Position of Assistant City Coordinator, Regulatory Services and Emergency Preparedness: Approve reclassification.

LIBRARY, MINNEAPOLIS PUBLIC (269637)

Community Libraries Improvement Program: Appropriation capital funds for improvements at various community libraries and projects at Sumner Community Library and Walker Community Library Parking Ramp Replacement.

PURCHASING (269638)

Intergrated Voice Response Equipment: Increase contract with Norstan Communications.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (269639)

Historic Variances:

SegWay Ministries (315-16th Ave SE): Re coffee shop & parking for existing fraternity;

RSP Architects, Inc (Grain Belt Brewery, 1220 Marshall St NE): Re reception/meeting hall & parking.

INSPECTIONS/BOARD OF ADJUSTMENT (269640)

Appeals:

Sipiros Zorbalas (3120 Holmes Ave S): Enforcement of zoning ordinance re maximum occupancy.

PLANNING COMMISSION/DEPARTMENT (269641)

Rezoning:

Clare Housing, Inc (200-10th St NE & 1000, 1004, 1006-3rd Ave NE);

Central Community Housing Trust (929-3rd Ave NE & 828 Spring St NE);

Mpls Public Housing Authority (828 Spring St NE & 929-3rd Ave NE);

Security Warehouse Lofts, LLC (404 Washington Ave N & 201-5th Ave N).

Vacations:

Clare Housing, Inc (200-10th St NE & 1000, 1004, 1006-3rd Ave NE) (see Rezoning).

PLANNING COMMISSION:

TEMPLE ISRAEL (269642)

Permission to vacate two alley stubs protruding into cemetery property: 1) extension of alley between 3rd Av S & Clinton Av; 2) extension of alley between Clinton Av & 4th Av S.

FILED:

MINNESOTA STATE OFFICES-State Auditor (269644)

Community Planning & Economic Development Dept, Minneapolis State, Orpheum & Pantages Theatres Agreed-Upon Procedures, 12/31/2003.

CITY CLERK/SPECIAL PERMITS (269643)

43rd Av S, 4629 (Steve Bannell) petting zoo;

47th St W, 3414 (Arrow Designs) sign;

Cedar Av S, 2646 (Universal Sign Co) sign;

Lake St E (Sabri Properties) ponies.

The following reports were signed by Mayor Rybak on May 19, 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 under consideration a proposal to restructure the mortgage and loan for the Oakland Square development located on the 2600 block of Portland Av, now recommends that the term of the \$150,000 loan to the project from the Community Planning and Economic Development (CPED) Department be extended from 2015 to 2034 with the interest rate to remain the same.

Adopted 5/14/04.

Comm Dev - Your Committee, having under consideration the Greenleaf Lofts Project at Franklin Av and Nicollet Av and having been informed that the project has been approved for two contamination cleanup grants for soil remediation on the site, now recommends:

a) Acceptance of a Minnesota Department of Employment and Economic Development Contamination Cleanup Grant (#CGGP-03-0021-Z-FY04) in the amount of \$166,663 and a Metropolitan Livable Communities Act Tax Base Revitalization Account Grant (#SG2003-124) in the amount of \$166,663;

b) Passage of the accompanying resolution increasing the Community Planning and Economic Development Department appropriation and revenue estimate by \$332,326 to reflect the receipt of said grants;

c) Authorization for the proper City officers to execute appropriate grant and subrecipient agreements.

Adopted 5/14/04.

RESOLUTION 2004R-207
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 Community Planning and Economic Development Agency in the State and Local Grants Fund (SMN0-890-8952) by \$332,326 and increasing the revenue source (SMN-890-8490 - Source 3215-13) by \$332,326.

Adopted 5/14/04.

Comm Dev - Your Committee, having under consideration the proposal of Central Community Housing Trust and Hope Community to develop the Franklin-Portland Gateway Phase II - The Jourdain project on the southwest corner of Franklin and Portland Avenues, now recommends that the proper staff be authorized to continue analysis of said project.

Adopted 5/14/04.

Comm Dev - Your Committee, having under consideration a report outlining the recommendations of the Theatre Study Committee that was established to develop principles for guiding long-term management and booking of the three City-owned theatres (the Historic State Theatre, the Historic Orpheum Theatre and the Pantages Theatre), now recommends:

a) Approval of the Study Committee Report (included in Petn No 269607);

b) That the proper staff of the Community Planning and Economic Development (CPED) Department be directed to prepare and issue a request for proposals (RFP) for the management and booking of the theatres as outlined in the Study Committee Report;

c) That the Chair of the Minneapolis Arts Commission be appointed to the Theatre Study Committee; and

d) Referral of the subject matter to the Board of Commissioners of the Minneapolis Community Development Agency (MCDA).

Adopted 5/14/04.

Comm Dev - Your Committee, having under consideration the Midtown Exchange (formerly Sears) redevelopment project and a report outlining the proposed terms of the project (as included in Petn No 269607), now recommends:

a) Approval of the term sheet for Ryan Companies' Midtown Exchange Project;

b) Authorization to prepare a redevelopment agreement and related documents consistent with said terms;

c) Approval of the project employment goals as set forth in the term sheet;

d) Authorization to prepare a redevelopment and tax increment financing plan modification concurrently with a project analysis;

e) Authorize sub-grant of existing Metropolitan Council Tax Base Revitalization Account funds to Ryan Companies for environmental testing and remediation at the Midtown Exchange;

f) Waiver of the City's procurement policy to allow United Properties to continue management of the former Sears properties until transfer of property to the developer;

g) Referral of the subject matter to the Board of Commissioners of the Minneapolis Community Development Agency (MCDA).

Adopted 5/14/04. Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson Lee.

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

Comm Dev & IGR - Your Committee, having under consideration the two areas in the City that are designated as Bioscience Sub-zones of the Minnesota Biotechnology and Health Science Industry Zone (Minneapolis Lifesciences Corridor and University Research Park), now recommends that the proper City officers be authorized to negotiate and execute a Biotechnology and Health Science Industry Zone Designation Agreement with the State Department of Employment and Economic Development as outlined in Petn No 269608.

Adopted 5/14/04.

The **COMMUNITY DEVELOPMENT** and **PUBLIC SAFETY & REGULATORY SERVICES** Committees submitted the following reports:

Comm Dev & PS&RS - Your Committee, to whom was referred back from the City Council on December 29, 2003, an ordinance amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, allowing the City the option of rehabilitating a nuisance property, provided the estimated cost may not exceed 50% of the estimated after-rehabilitation market value; and allowing the imposition of a performance bond as a condition to rehabilitate a nuisance property, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 5/14/04.

Ordinance 2004-Or-051, amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, allowing the City the option of rehabilitating a nuisance property, provided the estimated cost may not exceed 50% of the estimated after-rehabilitation market value; and allowing the imposition of a performance bond as a condition to rehabilitate a nuisance property was passed 5/14/04 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-051

By Ostrow

Intro and 1st Reading: 12/15/03

Ref to: PS&RS

2nd Reading: 5/14/04

Amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to Housing: Vacant Dwelling or Building, Nuisance Condition.

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

Section 1. That Section 249.50 of the above-entitled ordinance be amended to read as follows:

249.50. Alternatives to demolition. (a) The committee and the city council may consider as an alternate to demolition:

(1) Ordering the owner of any nuisance condition to rehabilitate the building and specifying the time within which such rehabilitation shall occur.

If rehabilitation is the alternative required by the city council, the owner shall present a plan for rehabilitation to the director of inspections that shall contain a commitment of funds to accomplish the plan.

If the plan required herein is not received by the director of inspections within the time ordered by the council, the city shall proceed to demolish the building.

(2) If the owner is, for any reason, unwilling or unable to immediately without funds to rehabilitate the building, the city may elect to rehabilitate and assess the cost thereof provided that the estimated cost may not exceed the cost to demolish the building fifty (50) percent of the estimated after-rehabilitation market value of the property. Such costs shall be assessed against the property, in the manner provided for in section 249.60.

(3) Notwithstanding the limitations of section 249.50(a)(2), and in order to make funds available for rehabilitation, the city may, to the extent neighborhood action plans of the neighborhood revitalization program allow, create a revolving fund for housing purposes to be used in the neighborhood for which the funds have been earmarked. The city may receive applications and consider, where appropriate, loans to owners for housing rehabilitation purposes.

(b) After the hearing, the committee shall recommend demolition or rehabilitation of the building. Division of inspections staff shall prepare findings and an order based upon the evidence and record of the hearing. The committee shall make the findings and such order as it deems appropriate based upon the evidence and record of the hearing. The committee may also impose any and all conditions it deems appropriate. These conditions may include the posting of a performance bond in an amount not to exceed the estimated cost of rehabilitation. The committee may postpone its decision and order the owner to update the committee at a future date on the progress of rehabilitation. After council approval the order shall be mailed to the last known address of the owner to whom the building is registered with the division of inspections or, if not registered, to persons shown to have an interest in the property as ascertained by the files and records of the registrar of deeds or registrar of titles in and for Hennepin County.

(c) The owner of the subject property shall comply with the city council's decision and order. If the owner fails to abide by the order, the director of inspections shall immediately notify the committee that may order immediate demolition or otherwise amend its order.

Adopted 5/14/04.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the The Wall Phase 2 Project (Southeast Minneapolis Industrial/University Research Park Area), now recommends:

a) Acceptance of a Minnesota Department of Employment and Economic Development Contamination Cleanup Grant (#CCGP-03-0018-Z-FY04) in the amount of \$50,000 for the Wall Phase 2 project;

b) Passage of the accompanying resolution increasing the appropriation in the CPED Agency to reflect the receipt of said grant funds;

c) That the proper City officers be authorized to execute the appropriate grant and subrecipient agreements.

Adopted 5/14/04.

RESOLUTION 2004R-208
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 Community Planning and Economic Development Agency in the State and Local Grants Fund (SMN-890-8933) by \$50,000 and increasing the revenue source (SMN-890-8490 - Source 3215-13) by \$50,000.

Adopted 5/14/04.

Comm Dev & W&M/Budget - Your Committee, having under consideration Fiscal Year 2004 HOME Program funds totaling \$3,934,916, now recommends approval of the following allocations:

Program	Allocation
Affordable Housing Trust Fund	\$2,941,425
Home Ownership Works	600,000
CPED Admin	378,491
Grants & Special Projects Admin	15,000
Total	\$3,934,916

Adopted 5/14/04.

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

H&HS - Your Committee, having under consideration a dislocated worker program for the Airline Industry, now recommends that the proper City Officers be authorized to execute Amendment #2 to Grant Agreement #C-19396 with Hennepin County to extend the grant end date an additional six months to March 31, 2005 to allow Northwest Airline employees laid off since the spring of 2003 to secure comparable employment before the end of the project; and reducing the contract total by \$29,064, for a new amount of \$72,660, as a result of fewer dislocated workers being served by the two Minneapolis Workforce Centers than the amount that was projected.

Adopted 5/14/04.

H&HS - Your Committee recommends passage of the accompanying Resolution accepting the report of the Blue Ribbon Panel on Public Health in Minneapolis and Directing staff follow-up.

Adopted 5/14/04. Yeas, 12; Nays, 1 as follows:

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

Nays - Lane.

Resolution 2004R-209, accepting the report of the Blue Ribbon Panel on Public Health in Minneapolis and Directing staff follow-up, was passed 5/14/04 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-209
By Johnson Lee

Accepting the report of the Blue Ribbon Panel on Public Health in Minneapolis and Directing staff follow-up.

Whereas, in the summer of 2003, the Minneapolis City Council and the Hennepin County Board of Commissioners adopted Resolutions to establish the Blue Ribbon Panel on Public Health in Minneapolis to examine present public health delivery systems and to make recommendations for the structure, governance and financing of said systems; and

Whereas, the City Council instructed the panel to use the following principles to guide their analysis: focus on beneficiaries; listen and respond to community voices; demand a focus on the uniqueness of the urban environment; provide leadership; promote entrepreneurship; require efficiency and effectiveness; and use data to drive action; and

Whereas, the Blue Ribbon Panel was co-chaired by Council Member Natalie Johnson Lee and Hennepin County Commissioner Gail Dorfman, with panel members: Mary Ann Blade, Doug Davis, Sharon Day, Sharon Henry-Blythe, Kinshasha Kambui, Jim Koppel, Jan Malcolm, Christopher Reif, Stella Sola, Edward Ehlinger, Huda Farah, Cha Lee, Tony Looking Elk, Marnie Wells, and John Williams. City and County public health department staff provided administrative support, technical expertise, and information about the City and County Departments as requested by panel members; and

Whereas, the Panel Members met five times in the fall of 2003. They reviewed public health models and surveyed National and International "best practices" in urban public health. They developed a set of principles to guide their work. They reviewed research and data on the public health needs of Minneapolis residents. Finally, they examined the two public health departments and tackled the question of whether the current two-department structure is the best one; and

Whereas, the report shows several key public health issues facing Minneapolis residents:

- Growing at-risk population who experience health disparities;
- Student performance lagging behind the Statewide average;
- Risk of bioterrorism and emerging infectious diseases in densely populated areas;
- Growing risk of outbreaks of infectious diseases and their effect on vulnerable populations;
- Growing number of uninsured people; and

Whereas, based on these findings, the panel made the following recommendations:

- a. The City and County Public Health Departments should not be merged.
- b. Establish accountability for a shared Urban Health Agenda.
- c. Set public health priorities based on expected outcomes in relation to the amount invested.
- d. Improve and formalize working relationships between the City and County Public Health Departments;

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

That staff from the two Health Departments report to the Health & Human Services Committee of the City Council by September 1, 2004 with a plan for an ongoing process that will improve the formalized working relationships between the City and County Public Health Departments and establish accountability for development of a joint Urban Health Agenda.

Be It Further Resolved that the report to the Health & Human Services Committee will include the following:

1. Develop a document describing key roles and responsibilities as it related to Minneapolis residents.
2. Create an ongoing mechanism for working with residents, health and human service, and community leaders in Minneapolis in collaboration with the local Public Health Advisory Committees.
3. Propose a process for the elected officials to approve and oversee an Urban Health Agenda.

Adopted 5/14/04. Yeas, 12; Nays, 1 as follows:

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

Nays - Lane.

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

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to receive \$11,425 from the Minnesota Workforce Council Association for the City's participation in the

2003 "Secret Shopper" Research Project. Further, passage of the accompanying Resolution appropriating \$11,425 to the Health & Family Support Agency.
Adopted 5/14/04.

RESOLUTION 2004R-210
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 (060-860-8618) by \$11,425 and increasing the Revenue Source (060-860-8618 - Source 3720) by \$11,425.
Adopted 5/14/04.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a contract with the State of Minnesota, Office of Justice Programs, for the receipt of 2004 Federal Weed & Seed funds, in the amount of \$175,000, for the Phillips Weed and Seed site, to be used to support law enforcement efforts in the Phillips Neighborhood, and the development and implementation of the community's 2004 crime prevention strategies. Further, passage of the accompanying Resolution appropriating \$175,000 to the Health & Family Support Agency.
Adopted 5/14/04.

RESOLUTION 2004R-211
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 - Federal Fund (030-860-8606) by \$175,000 and increasing the Revenue Source (030-860-8606 - Source 3210) by \$175,000.
Adopted 5/14/04.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:
IGR – Your Committee recommends that the Council action of 4/2/04 relating to closed pension funds of the City of Minneapolis be clarified with regard to the Minneapolis Employees Retirement Fund, Minneapolis Police Relief Association and the Minneapolis Fire Relief Association, in that the City would support legislation that contains a local approval clause that gives the City Council the right to approve any legislation relating to the Minneapolis closed pension plans, and advances the following goals:

- a) Reduces the City funding obligations;
 - b) Supports improved investment and administrative management practices; and
 - c) Maintains existing financing and funding options.
- Adopted 5/14/04.

IGR – Your Committee recommends that the following City projects be added to the City's Federal Legislative Priorities for the FY 2005 Housing and Urban Development/Veterans Administration Budget:

- a) The Minneapolis Empowerment Zone - \$1 million;
- b) The Minnesota Planetarium and Space Discovery Center - \$4 million;
- c) The Combined Sewer Overflow - \$2 million; and
- d) Global Marketplace in the Midtown Exchange - \$1 million.

Adopted 5/14/04.

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

PS&RS - Your Committee, having under consideration the application of MKB Enterprises LLC, dba Coffee Eclectic, 3445 Cedar Av, for a Sidewalk Cafe License (new business) to expire April 1, 2005, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/14/04.

PS&RS - Your Committee, having under consideration the application of Sub Incorporated, dba Quiznos Sub #4158, 1122 Harmon Pl, for a Sidewalk Cafe License (new business) to expire April 1, 2005, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/14/04.

PS&RS - Your Committee, having under consideration the application of H & K Enterprises of Minnesota LLC, dba Rainbow Rooster Diner, 501 Washington Av S, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2005, now recommends that said license be sent forward without recommendation.

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

Adopted upon a voice vote.

PS&RS - Your Committee, having under consideration the application of Noodle 1 LLC, dba Wild Noodle, 1221 W Lake St #112, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2005, now recommends that said license and the following conditions be sent forward without recommendation:

- a. that the parking lot shall have one or more signs that clearly state that the lot is for use by Uptown Row patrons only.
- b. that the hours of operation shall be limited to 11:00 a.m. to 10:00 p.m. Sunday through Thursday, and 11:00 a.m. to 11:00 p.m. Friday and Saturday.
- c. that delivery hours shall be limited to 7:00 a.m. to 6:00 p.m. weekdays and 8:00 a.m. to Noon on Saturday.
- d. that trash hauling shall not be permitted before 8:00 a.m.
- e. that the outdoor seating area shall close by 9:00 p.m.
- f. that alcoholic beverages shall be served only to those patrons whom have ordered, are consuming or have consumed a meal.
- g. final inspection and compliance with all provisions of applicable codes and ordinances.

Niziolek moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted". Seconded.

Adopted by unanimous consent.

Niziolek moved that the report, as amended, be further amended by substituting the following license conditions for items "a" through "g": Seconded.

"a. that the hours of operation shall be limited to 11:00 a.m. to 9:00 p.m. Sunday through Thursday and 11:00 a.m. to 10:00 p.m. Friday and Saturday.

b. that delivery hours shall be limited to 7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to Noon on Saturdays.

c. that the outdoor seating area shall close by 9:00 p.m. daily.

d. that the licensee shall establish a policy to the effect that alcoholic beverages shall be served only to those patrons whom have ordered, are consuming or have consumed a meal. The licensee shall train and instruct all employees to strictly abide by the policy and shall prominently display a sign at the point of sale, subject to approval by the City of Minneapolis, within the premise that informs patrons of the policy.

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

Goodman moved to amend the Niziolek motion by deleting license condition "d". Seconded.

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

Yeas - Johnson, Colvin Roy, Zimmermann, Goodman, Lane, Samuels, Ostrow.

Nays - Schiff, Zerby, Lilligren, Johnson Lee, Niziolek.

Declining to Vote - Benson

The Niziolek motion, as amended, was adopted by unanimous consent.

The report, as amended, was adopted 5/14/04.

Declining to Vote - Benson.

Approved by Mayor Rybak 5/14/04.

(Published 5/18/04)

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 5/14/04.

Resolution 2004R-212, granting the application of Snelling Motor Inn, 5346 Minnehaha Av, for a Hotel/Motel License, subject to conditions, was passed 5/14/04 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-212

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 Minnehaha Corp, 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 shall 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 Minneapolis Police in a timely manner.

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

d. the licensee shall require identification for one party over the age of 14 either renting or residing in the room. All parties letting a room shall be identified in the register. Any party not listed on the register shall be removed upon discovery. Hotel management will maintain a register and allow Minneapolis Police and License Division officials access to the register on a monthly basis. The licensee shall maintain an alphabetized list to be used by the on-site management to refuse customers previously involved in nuisance activity from staying at the hotel.

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

f. the licensee shall develop, in cooperation with Officer Judy Perry of the Minneapolis Police, a behavioral agreement that all persons letting rooms at will sign upon check-in. Employees of the Snelling Motor Inn shall remove any individual or group that fails to follow the behavior agreement.

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

h. the License 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 at the Snelling Motor Inn that is 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 principles of the Snelling Motor Inn understand that all further failure to comply with Housing, Health, Fire and Safety Codes may result in revocation or denial of the Hotel License. Further, the City of Minneapolis may close individual rooms for lack of cleanliness and maintenance until at such time the room is deemed in compliance with Minneapolis Codes.

Adopted 5/14/04.

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

Adopted 5/14/04.

Declining to Vote - Benson.

Resolution 2004R-213, granting applications for Liquor, Wine and Beer Licenses, was passed 5/14/04 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-213

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:

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

I & E Inc, dba Bunker's, 761 Washington Av N, 1st floor;

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

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

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

B B & D Inc, dba Leaning Tower of Pizza, 2324 Lyndale Av S (license upgrade from Class E);

On-Sale Liquor Class C-1 with Sunday Sales, to expire May 16, 2004

Mill City Coffee Inc, dba Mill City Café, 2205 California St NE (temporary expansion of premises with outdoor entertainment, May 14, 2005, 5:00 p.m. to 10:00 p.m.; May 15, 2004, Noon to 10:00 p.m.; and May 16, 2004, Noon to 7:00 p.m.);

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

Steve Benowitz, dba The Rail Station Bar & Grill, 3675 Minnehaha Av (change in ownership);

Temporary On-Sale Liquor

Heywood Benedict John, dba No Name Gallery, 510 5th St SE (April 24, 2004, 7:00 p.m. to 2:00 a.m. at Marquette Plaza, 250 Marquette Av);

Walker Art Center, dba Rock the Garden 2004, 725 Vineland Pl (with entertainment June 18, 2004, 4:00 p.m. to 11:00 p.m. at Vineland Pl from Hennepin/Lyndale Av S to Bryant Av S);

Basilica of St. Mary, dba Basilica Block Party '04, 88 17th St N (July 9 & 10, 2004, 5:00 p.m. to 10:30 p.m. on Basilica Grounds, 16th St N, Parking Lot Linden & 15th St N);

Restaurant Entertainment Group Inc, dba Jimmy Buffet Party, 322 1st Av N (with entertainment, May 20, 2004, Noon to 10:30 p.m. at 5th St between 1st & 2nd Avs N);

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

Ruiz-Flores Pedro, dba Cinco De Mayo Festival, 349 E Lake St (temporary expansion of premises, May 8, 2004);

Jamms Palace Inc, dba Taj of India, 2819 Hennepin Av (new business);

Temporary On-Sale Wine

Minnesota Medical Foundation, 200 Oak St SE #300 (fundraiser May 6, 2004, 2:00 p.m. to 5:50 p.m. and 7:00 p.m. to 9:00 p.m. at Historic Depot, 225 3rd Av S, 1st floor);

Minnesota Medical Foundation, 200 Oak St SE #300 (fundraiser May 14, 2004, 6:30 p.m. to 9:30 p.m. and May 14, 2004, 5:30 p.m. to Midnight at Historic Depot, 225 3rd Av S);

Off-Sale Beer, to expire April 1, 2005

Elnada Corp, dba Skyline Food Market, 2400 10th Av S (new proprietor);
QT Superette Inc, dba Flag Foods, 2820 E 42nd St (new proprietor);
Speedway Super America LLC, dba Super America #4388, 101 W Grant St;
Speedway Super America LLC, dba Super America #4056, 300 Broadway St NE;
Speedway Super America LLC, dba Super America #4060, 801 W Lake St;
Holiday Stationstores Inc, dba Holiday Stationstore #335, 1301 Industrial Blvd;
Totem Foods Inc, dba Totem Foods, 2951 Central Av NE;
Speedway Super America LLC, dba Super America #4382, 3744 Chicago Av;

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

C & H Inc, dba U Garden Restaurant, 2725 University Av SE (regular expansion of premises);

Temporary On-Sale Beer

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (Pep rally for the Minnesota Timberwolves, April 30, 2004, time to be determined, 6th St betw Hennepin & 1st St N).

Adopted 5/14/04.

Declining to Vote - Benson.

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

Adopted 5/14/04.

Approved by Mayor Rybak 5/14/04.

(Published 5/18/04)

Resolution 2004R-214, granting applications for Business Licenses, was passed 5/14/04 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-214

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 May 14, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269621):

Bowling Alley; Boarding House; Dance Hall; Place of Entertainment; All Night Special Food; Caterers; Confectionery; Food Distributor; Grocery; Indoor Food Cart; Food Manufacturer; Meat Market; Mobile Food Vendor; Drive In Food; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Gasfitter Class A; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Plumber; Rental Halls; Residential Specialty Contractor; Secondhand Goods Class B; Steam & Hot Water Systems Installer; Swimming Pool - Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Taxicab Vehicle Non-transferable; Medical Contract Carrier; Tobacco Dealer; Combined Trades; Tree Servicing; and Wrecker of Buildings Class A.

Adopted 5/14/04.

Approved by Mayor Rybak 5/14/04.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.
Adopted 5/14/04.

Resolution 2004R-215, granting applications for Gambling Licenses, was passed 5/14/04 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-215
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

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Site: Scotts 1029, 1029 Marshall St NE);

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Site: Dustys, 1319 Marshall St NE);

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Site: Champions Saloon & Eatery, 105 W Lake St);

Aliveness Project Minneapolis, dba Aliveness Project Minneapolis, 730 E 38th St (Site: 19 Bar, 19 W 15th St);

Aliveness Project Minneapolis, dba Aliveness Project Minneapolis, 730 E 38th St (Site: Minneapolis Eagle, 515 Washington Av S);

Aliveness Project Minneapolis, dba Aliveness Project Minneapolis, 730 E 38th St (Site: Brass Rail, 422 Hennepin Av);

Aliveness Project Minneapolis, dba Aliveness Project Minneapolis, 730 E 38th St (Site: Saloon, 830 Hennepin Av);

Edison Community Sports Foundation, dba Edison Sports Foundation, 700 22nd Av NE (Site: Spring St Bar & Grill, 355 Monroe St);

Edison Community Sports Foundation, dba Edison Sports Foundation, 700 22nd Av NE (Site: Little Jacks Steak House, 201 Lowry Av);

Edison Community Sports Foundation, dba Edison Sports Foundation, 700 22nd Av NE (Site: 331 Club, 331 13th Av NE);

Gambling Lawful Exempt

Our Lady of Victory Catholic Church, dba Our Lady of Victory Catholic Church, 5155 Emerson Av N (Raffle May 2, 2004, Chicken Dinner);

Goldbrick Club, dba Goldbrick Club, 1828 4th St NE (Raffle June 13, 2004 at Minneapolis Police Federation Hall, 1811 University Av NE);

District 202, dba District 202, 1601 Nicollet Av (Raffle September 20, 2004).

Adopted 5/14/04.

PS&RS - Your Committee recommends appointment of Kristi T. Synstebly, 3101 Townview Av, St. Anthony, as a hearing officer for the Department of Inspections, in accordance with Section 227.100 of the Minneapolis Code of Ordinances (*Abatement of Offensive Conditions and Vegetation*), to conduct hearings on pending assessments levied by Inspections.

Adopted 5/14/04.

PS&RS - Your Committee, having received the second quarterly report on the Nuisance Night Hearing Program, now recommends the following:

- a. that said report be Received & Filed.
- b. that staff from the City Attorney's Office and the Police Department be directed to work with the Finance Department to implement a payment over the phone option by credit card.
- c. that staff from the City Attorney's Office be directed to report back to the Public Safety & Regulatory Services Committee with specific cost requirements for seeking enforcement of the administrative citation program through Conciliation Court or the collection agency process.
- d. that staff from the City Attorney's Office be directed to report back to the Public Safety & Regulatory Services Committee with an evaluation of offenses by resolution to ensure the effectiveness of the Nuisance Night Hearing Program.

Adopted 5/14/04.

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

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a five-year agreement with Hennepin County to allow the County, through its Public Health/ Human Services Department and the Hennepin County Medical Center, to utilize City-owned space, facilities, and equipment as needed for public health or medical emergencies. The primary public health purpose for said agreement shall be to provide sites for mass dispensing or vaccination clinics for City and County emergency responders and/or residents of the City of Minneapolis.

Adopted 5/14/04.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$100,000 and execute a grant agreement with the United States Environmental Protection Agency to fund a "Sustainable City Center" demonstration project designed to reduce heating of the urban core through the planting of trees in the downtown area to mitigate pollution and reduce ambient temperatures. Acceptance of these grant funds is with the understanding that there will be maintenance agreements for all the trees planted so that long term maintenance does not unexpectedly fall on the Public Works Department. Further, passage of the accompanying Resolution appropriating \$100,000 to the Licenses - Environmental Services Agency.

Adopted 5/14/04.

RESOLUTION 2004R-216
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 Licenses & Consumer Services Agency in the Grants - Federal Fund (030-835-8396) by \$100,000.

Adopted 5/14/04.

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing the City to fund the demolition of Vacant and Boarded Buildings without matching Neighborhood Revitalization Program funds in certain instances.

Adopted 5/14/04.

Resolution 2004R-217, authorizing the City to fund the demolition of Vacant and Boarded Buildings without matching Neighborhood Revitalization Program funds in certain instances, was passed 5/14/04 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-217

By Johnson

Authorizing the City to fund the demolition of Vacant and Boarded Buildings without matching Neighborhood Revitalization Program funds in certain instances.

Whereas, the City of Minneapolis has a number of vacant and boarded buildings that have been vacant and boarded for multiple years; and

Whereas, neighborhoods have limited resources to deal with these buildings currently; and

Whereas, the number of vacant and boarded buildings requiring demolition has declined over the last few years; and

Whereas, this reduction in demolitions has sometimes resulted in some City funds for demolition still being available at the end of the year; and

Whereas, in some circumstances these vacant and boarded buildings remain a magnet for nuisance problems and crimes to the detriment of the neighborhood and City; and

Whereas, previous Council direction was to establish the Hazardous/Boarded Building budget based on neighborhood commitments and other financial considerations;

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

That the City may, under the circumstances specified above, and when funds are available, demolish or rehabilitate such vacant and boarded buildings without matching Neighborhood Revitalization Program dollars.

Adopted 5/14/04.

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

**BOARD OF EQUALIZATION
REPORT OF SPECIAL BOARD OF REVIEW**

Pursuant to the provisions of an ordinance passed May 30, 1975, by the Minneapolis City Council relating to assessments of market value of real estate, providing for the creation of a Special Board of Review, and a resolution passed on February 27, 2004, providing for the procedure to be followed by said Board, and one committee report passed on February 27, 2004, appointing members to the Special Board of Review, the City Clerk submits the report of the Special Board of Review which met on Monday, April 19, 2004, in the City of Lakes Building in the City of Minneapolis. The Board was duly sworn and after being so sworn entered upon the discharge of duties imposed by law on such Board.

The Board continued to meet to and including Friday, May 7, 2004. The Board equalized the assessments of the various assessment rolls of real and personal property located in the City of Minneapolis, County of Hennepin, Minnesota, and recommended approval of the Assessor's rolls containing the assessment of real estate and personal property in the various districts of the City of Minneapolis, as so revised, amended, equalized and granted by the Board.

The Board recommended to the City Clerk that copies of the adjustments and corrections made to such assessment rolls be transmitted to the City Council for approval or correction and if approved, such assessment rolls as approved and/or corrected be transmitted to the City Assessor, County Board of Equalization and State Tax Commissioner with the request that they take such action within their powers as authorized by law to give full effect to the correction and adjustments recommended and made by the Board. (Petn No 269625)

Adopted 5/14/04.

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

T&PW - Your Committee, having under consideration the 2004 Minneapolis Stormwater Management Program and Annual Report (Petn No 269629), and having held a public hearing on April 20, 2004, now recommends passage of the accompanying Resolution to adopt the program and report, pursuant to Chapter 2, Section 14, of the City of Minneapolis National Pollutant Discharge Elimination System (NPDES) Permit #MN0061018.

Adopted 5/14/04.

Resolution 2004R-218 adopting the 2004 Stormwater Management Program and Annual Report as the City's Stormwater Management Plan, was passed 5/14/04 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-218

By Colvin Roy

Adopting the Minneapolis 2004 Stormwater Management Program and Annual Report.

Whereas, the City of Minneapolis is committed to improving the water quality in the lakes, wetlands, and streams; and

Whereas, on December 1, 2000, Minneapolis was issued National Pollutant Discharge Elimination System Municipal Separate Storm Sewer Permit #MN0061018 (Permit); and

Whereas, as required under the Permit, a Public Hearing was conducted and now the 2004 Stormwater Management Program and Annual Report will be submitted to the Minnesota Pollution Control Agency;

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

That the Minneapolis City Council hereby adopts the 2004 Stormwater Management Program and Annual Report as the City's Stormwater Management Plan.

Adopted 5/14/04.

T&PW - Your Committee recommends receiving and filing the South Transfer Station Update (Petn No 269629).

Your Committee further recommends that the proper City officers be directed to negotiate terms and conditions of an option for the sale of the City-owned property at 2850 20th Avenue South to the Green Institute for the purpose of a proposed combined heat and power biomass plant and to return to the Transportation and Public Works Committee by its July 13, 2004, meeting with proposed terms and conditions for such an option.

Zerby moved to amend the report by adding the following paragraph:

"By this action the Council expresses its will as to the preferred disposition of the South Transfer Station if it is sold, but reserves the decision to sell it pending review of the Solid Waste Plan to be presented by the Public Works Department in June."

Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 5/14/04. Yeas, 12; Nays, 1 as follows:

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

Nays - Lane.

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

T&PW & W&M/Budget - Your Committee, having under consideration the LaSalle Avenue South Street Reconstruction, Project 6603, and having held a public hearing thereon, now recommends:

- a) Passage of a Resolution ordering the City Engineer to proceed and do the work and adopting the special assessments in the total amount of \$341,744.65 for the Project;
 - b) Passage of a Resolution requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$341,700; and
 - c) Passage of a Resolution ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with this Project.
- Adopted 5/14/04.

Resolution 2004R-219 ordering the work to proceed and adopting the special assessments for the LaSalle Avenue Street Reconstruction Project, was passed 5/14/04 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-219
By Colvin Roy and Johnson

LaSalle Avenue South Street Reconstruction, Project 6603

Ordering the work to proceed and adopting the special assessments for the LaSalle Avenue South Street Reconstruction Project.

Whereas, a public hearing was held 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 the proposed improvements as designated in Resolution 2004R-129, passed April 2, 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-129, passed April 2, 2004.

Be it Further Resolved that the proposed assessment on the property identified as 1914 LaSalle Av, Property ID No. 27-029-24-34-0066, be reduced by \$12,536.62 from \$18,721.36 to \$6,184.74.

Be it Further Resolved that the proposed special assessments in the total revised amount of \$341,744.65, due to the above reduction, for the LaSalle Avenue South 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 LaSalle Avenue South 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 5/14/04.

Resolution 2004R-220 requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$341,700 for the LaSalle Avenue South Street Reconstruction Project, was passed on 5/14/04 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-220
By Colvin Roy and Johnson

LaSalle Avenue South Street Reconstruction, Project 6603

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$341,700 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 LaSalle Avenue South Street Reconstruction, Project 6603, 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 5/14/04.

Resolution 2004R-221 ordering the City Engineer to abandon and remove areaways located in the public street right-of-way that are in conflict with the LaSalle Avenue South Street Reconstruction Project, was passed on 05/14/04 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-221
By Colvin Roy and Johnson

LaSalle Avenue South Street Reconstruction, Project 6603

Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction project in the LaSalle Avenue South area.

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

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction; and

Whereas, a public hearing was held on May 4, 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 Minneapolis:

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along LaSalle Avenue South (both sides) from Grant Street West to approximately 250 feet South of Franklin Avenue East.

Adopted 5/14/04.

T&PW & W&M/Budget - Your Committee, having under consideration the West Broadway Ave (West City Limits to Girard Ave N) Reconstruction Project No 6710 (Hennepin County Project No 9753 & 9772), and having held a public hearing thereon, now recommends:

a) Passage of a Resolution ordering the City Engineer to proceed and do the work and adopting special assessments in the amount of \$935,748.40 for the Reconstruction Project;

b) Passage of a Resolution requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$935,700 for the Reconstruction Project, with the bonds to be paid for from special assessments;

c) Passage of a Resolution ordering the City Engineer to proceed and do the work and adopting special assessments in the amount of \$771,403 for the Lighting Project;

d) Passage of a Resolution requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$771,400 for the Lighting Project, with the bonds paid for from special assessments;

e) Adoption of a Committee Report giving preliminary approval to establish the street lighting project areas as Street Lighting District Number 1304;

f) Approval of City/County Cooperative Agreement (County Agreement No PW 40-20-03) pending satisfactory review by the City Attorney's Office; and

g) Passage of a Resolution ordering the City Engineer to abandon and remove the areaways located in the public right-of-way that are in conflict with the Reconstruction and Street Lighting Projects.

Adopted 5/14/04.

Resolution 2004R-222 ordering the work to proceed, adopting the special assessments for the West Broadway Avenue Street Reconstruction Project, and approval of the City/County Cooperative Agreement, was passed on 5/14/04 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-222
By Colvin Roy & Johnson**

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

**Ordering the work to proceed, adopting the special assessments for the W Broadway Av
Street Reconstruction Project and approval of the City/County Cooperative Agreement.**

Whereas, a public hearing was held 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 the proposed improvements as designated in Resolution 2004R-127, passed April 2, 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-127, passed April 2, 2004.

Be It Further Resolved that the proposed special assessments in the total amount of \$935,748.40 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 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 interest be charged at the same rate as 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 assessment bonds are sold for with collection of the special assessments on the 2005 real estate tax statements.

Be It Further Resolved that the City/County Cooperative Agreement (County Agreement No. PW 40-20-03) be approved pending satisfactory review by the City Attorney.

Adopted 5/14/04.

Resolution 2004R-223 requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$935,700 for the West Broadway Avenue Street Reconstruction Project, was passed on 5/14/04 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-223
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$935,700 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 W Broadway Av Street Reconstruction Project, Special Improvement of Existing Street No 6710, 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 5/14/04.

Resolution 2004R-224 ordering work to proceed and adopting special assessments for the West Broadway Avenue Street Lighting Project, was passed on 5/14/04 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-224
By Colvin Roy and Johnson

W Broadway Av (Girard Av N to the W City Limits) Street Lighting Project
Special Improvement of Existing Street No 6710

Ordering the work to proceed and adopting the special assessments for the W Broadway Av Street Lighting Project.

Whereas, a public hearing was held 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 the proposed improvements as designated in Resolution 2004R-128 passed April 2, 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 Resolution 2004R-128 passed on April 2, 2004.

Be It Further Resolved that the proposed special assessments in the total amount of \$771,403 as on file in the Office of the City Clerk are hereby adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and the interest be 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 the 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 5/14/04.

Resolution 2004R-225 requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$771,400 for the West Broadway Avenue Street Lighting Project, was passed on 5/14/04 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-225

By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$771,400 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 W Broadway Av Street Lighting Project, Special Improvement of Existing Street No 6710, 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 5/14/04.

Resolution 2004R-226 ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the West Broadway Avenue Street Reconstruction and Lighting Projects, was passed on 5/14/04 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-226

By Colvin Roy and Johnson

Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction and street lighting projects in the W Broadway (Girard Av N to the W City Limits) Reconstruction area.

Whereas, the City of Minneapolis has scheduled the reconstruction and street lighting improvements during 2004 in the W Broadway Av Reconstruction area of Minneapolis; and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction and street lighting installation; and

Whereas, a public hearing was held on May 4, 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 right-of-way adjoining the properties along W Broadway Av (both sides) from Girard Av N to the W City Limits.

Adopted 5/14/04.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be directed to correct the professional services agreement with HDR Engineering, Inc., by adding \$58,798 for "Additional Services," as defined in the Request for Proposals, for a total contract amount not to exceed \$1,536,169. Funds are available within the project budget.

Adopted 5/14/04.

Approved by Mayor Rybak 5/14/04.

(Published 5/18/04)

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving bids submitted to the Public Works Department, all in accordance with City specifications (Petn No 269630).

Adopted 5/14/04.

Resolution 2004R-227 accepting the following bids: a) Sunram Construction, Inc. for a mortar-less modular block retaining wall; b) Belair Excavating for asbestos removal; c) J. Fletcher Creamer & Son, Inc. for cleaning and lining of water mains; and d) Aggregate Industries for aggregate, was passed on 5/14/04 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-227
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 and contingent upon approval of the Civil Rights Department. (Petn. No. 269630)

a) OP #6239, Accept low responsive bid of Sunram Construction, Inc. in the amount of \$70,012.50 to construct a mortar-less modular block retaining wall;

b) OP #6246, Accept low bid of Belair Excavating for an estimated annual expenditure of \$115,724 for removal and disposal of asbestos-containing electrical conduit;

c) OP #6253, Accept low bid of J. Fletcher Creamer & Son, Inc. for an estimated expenditure of \$396,616 for the cleaning and lining of cast iron water mains; and

d) OP #6259, Accept low responsive bid of Aggregate Industries for an estimated annual expenditure of \$714,000 to furnish and deliver aggregate to Public Works.

Adopted 5/14/04.

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

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

Adopted 5/14/04.

Resolution 2004R-228, approving legal settlements with Galina Izraelev, Troy Bargel, Jason Rand, Illinois Farmers Insurance Company, Arkay Construction and Ingram Excavating and Rebecca Caulfield, was passed 5/14/04 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-228

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) Galina Izraelev by payment of \$35,000;
- b) Payment of the judgment in the amount of \$10,000 plus costs to Troy Bargel and his attorney Russell Norum and settlement of the subrogation claim of Progressive Insurance Company and its attorney James Young by payment of \$5,400;
- c) Jason Rand by payment of \$10,000 to Mr. Rank and his attorney, Robert Bennett;
- d) Illinois Farmers Insurance Company by payment of \$5,346;
- e) Acceptance of payment in the amount of \$8,150 from Arkay Construction and \$2,500 from Ingram Excavating;
- f) Rebecca Caulfield by payment of \$25,000 to Ms. Caulfield and her attorney, Judith K. Schermer, and non-monetary relief as outlined in Petn No 269633.

Be It Further Resolved that the City Attorney is authorized to execute any documents necessary to effectuate the settlements.

Adopted 5/14/04.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) seeking an advanced Case Management System software package to be used by the City Attorney's Office criminal and civil divisions.

Adopted 5/14/04.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant in the amount of \$150,000 from the United States Department of Justice, Bureau of Justice Assistance, to be used for community prosecution; and to execute the necessary grant documents.

Your Committee further recommends passage of the accompanying resolution increasing the City Attorney's Office appropriation to reflect the receipt of the grant funds and adding two grant funded positions (one FTE Assistant City Attorney I and .5 FTE Paralegal) to the City Attorney's Office authorized staffing level.

Adopted 5/14/04.

RESOLUTION 2004R-229

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 by increasing the appropriation for the Attorney Agency in the Federal Grants Fund (0300-140-1410) by \$150,000 and one FTE Assistant City Attorney I and one .5 FTE Paralegal position; and increasing the revenue source (0300-140-1410 - Source 3210) by \$150,000.

Adopted 5/14/04.

W&M/Budget - Your Committee recommends that the Finance Department be authorized to use the Community Planning and Economic Development (CPED) panel contract (C-17681) with Deloitte and Touche for an estimated expenditure of \$200,000 for various required financial services including assistance with the 2003 Comprehensive Annual Report (CAFR). The cost of the contract is payable from the existing Finance Departmental budget.

Adopted 5/14/04.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 24-month labor agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local #9 (General Unit).

Adopted 5/14/04.

Resolution 2004R-230, approving the terms of a 24-month labor agreement with the American Federation of State, County and Municipal Employees (AFSCME), Local #9, was passed 5/14/04 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-230

By Johnson

Approving the terms of a collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME), Local 9, General Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and AFSCME, District Council 14, Local Union No. 9, AFL-CIO - Clerical and Technical Unit (Petn No 269636) for the period of January 1, 2004 through December 31, 2005 be approved.

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

Adopted 5/14/04.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee recommendation to reclassify the position of Assistant City Coordinator, Operations and Regulatory Services (Grade 17, 790 points) to Assistant City Coordinator, Regulatory Services and Emergency Preparedness (Grade 17, 785 points) with an annual salary of \$106,537-\$117,751, effective March 31, 2004; and passage of the accompanying amendment to the Salary Ordinance establishing the salary for the reclassified positions.

Adopted 5/14/04.

Ordinance 2004-Or-052, approving the salary for the reclassified position of Assistant City Coordinator, Regulatory Services and Emergency Preparedness, was passed 5/14/04 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-052

By Johnson

1st & 2nd Readings: 5/14/04

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

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

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

Appointed Officials (CAP)

Effective: March 31, 2004

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Asst City Coordinator Regu- latory Services & Emergency Preparedness	A	\$106,537	\$112,144	\$115,508	\$117,751

Adopted 5/14/04.

W&M/Budget - Your Committee, having received a request from the Minneapolis Public Library for appropriation of capital funds for improvements to community libraries, now recommends passage of the accompanying resolutions:

a) Amending the Capital Improvement Appropriation Resolution to approve capital funding to the following community library projects:

East Lake	\$30,000
Hosmer	\$48,000
Nokomis	\$48,000
North Regional	\$30,000
Northeast	\$48,000
Roosevelt	\$18,000
Southeast	\$48,000
Walker	\$48,000
Washburn	\$48,000
Webber Park	\$48,000

b) Amending the Capital Improvement Appropriation Resolution by adding \$2,000,000 for the Sumner Community Library Capital Project; and

c) Requesting the Board of Estimate and Taxation to issue and sell bonds in the amount of \$2,414,000 for said library projects, to be reimbursed by future referendum bond proceeds.

Adopted 5/14/04.

Resolutions 2004R-231 and 2004R-232, amending the Capital Improvement Appropriation Resolution to include funds for improvements to various community libraries and requesting the Board of Estimate and Taxation to issue and sell bonds for the projects, was passed 5/14/04 by the City Council. A complete copy of each 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-231

By 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 by adding \$414,000, the proceeds of which are to be used for capital improvements for the following community library projects:

East Lake	\$30,000
Hosmer	\$48,000
Nokomis	\$48,000
North Regional	\$30,000
Northeast	\$48,000
Roosevelt	\$18,000

Southeast	\$48,000
Walker	\$48,000
Washburn	\$48,000
Webber Park	\$48,000

and by adding \$2,000,000 for the Sumner Community Library Capital Project.
Adopted 5/14/04.

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

RESOLUTION 2004R-232
By Johnson

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$2,414,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds in the amount \$2,414,000, the proceeds of which are to be used for community library capital improvements and to be reimbursed by future referendum bond proceeds.

Adopted 5/14/04

W&M/Budget - Your Committee, having received a request from the Minneapolis Public Library for appropriation of capital funds for the Walker Community Library Parking Ramp Replacement Project, now recommends passage of the accompanying resolutions:

- a) Amending the Capital Improvement Appropriation Resolution by adding \$440,000 for the Walker Community Library Parking Ramp Replacement Project;
- b) Requesting the Board of Estimate and Taxation to issue and sell bonds in the amount of \$440,000 for said project, to be reimbursed by future referendum bond proceeds.

Lost 5/14/04. Yeas, 3; Nays, 9 as follows:

Yeas - Johnson, Zerby, Ostrow.

Nays - Zimmermann, Schiff, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels.

Absent - Colvin Roy

W&M/Budget - Your Committee, having under consideration the accepted bid of Norstan Communications on OP #6225 for Integrated Voice Response Equipment and having been informed that customer requests for service have exceeded the original estimate, now recommends that the proper City officers be authorized to increase the amount of expenditure on said bid by \$229,137, for a new estimated expenditure of \$379,137, for provision of all equipment and labor required.

Adopted 5/14/04.

W&M/Budget - Your Committee, having under consideration the accompanying resolution adopting a livable wage policy for employees of the City of Minneapolis that was referred with approval by the Executive Committee, now recommends that said resolution be sent forward without recommendation.

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

Adopted by unanimous consent.

The report, as amended, lost 5/14/04. Yeas, 6; Nays, 7 as follows:

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

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

W&M/Budget - Your Committee recommends approval of the City Attorney's Office Business Plan (Petn No 269633).

Adopted 5/14/04.

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

Z&P - Your Committee, having under consideration the appeal filed by Spiros Zorbalas from the decision of the Board of Adjustment upholding the decision of the Zoning Administrator, Director of Inspections, Planning Director and other officials involved in the administration or enforcement of the zoning ordinance, specifically Section 546.50 relating to maximum occupancy for the property at 3120 Holmes Ave S, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Planning Department staff be adopted.

Adopted 5/14/04.

Z&P - Your Committee concurs in the recommendations of the Planning Commission relating to the following applications of Clare Housing, Inc (BZZ-1659) to permit a supportive housing facility serving 31 people at 957 Central Ave NE, 200 – 10th St NE and 1000, 1004 and 1006 – 3rd Ave NE, and adopting the related findings prepared by the Planning Department:

a) Granting an application to rezone the properties, including a portion of vacated 3rd Ave NE and vacated 10th St NE, from R5 to the OR2 District, by passage of the accompanying ordinance amending the Zoning Code;

b) Approving an application to vacate that part of 10th St NE that lies west of Central Ave NE, northeast of (as built) 3rd Ave NE and southeast of (non-vacated and non-built) 3rd Ave NE, by passage of the accompanying resolution;

c) Approving an application to vacate that part of 3rd Ave NE lying northeast of 3rd Ave NE, north of 10th St NE and southwest of Central Ave NE, subject to retention of easements, by passage of the accompanying resolution.

Adopted 5/14/04.

Ordinance 2004-Or-053, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 957 Central Ave NE, 200 – 10th St NE and 1000, 1004 and 1006 – 3rd Ave NE to the OR2 District, was passed 5/14/04 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-053
By Schiff
1st & 2nd Readings: 5/14/04

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

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

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning districts for the following parcels of land (957 Central Ave NE, 200 - 10th St NE and 1000, 1004 and 1006 – 3rd Ave NE – Plate 15) to the OR2 District, pursuant to MS 462.357:

A. PID #14-029-24-44-0051, Warranty Deed Document No. 3825205: That part of Lot 2, Block 4, lying northwesterly of Central Ave in Wolford, Sidle and Reid's Addition to St. Anthony, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

B. PID #14-029-24-44-0053, Warranty Deed Document No. 5645817, All the parts of Lots Three (3) and Four (4), Block Four (4), Wolford, Sidle and Reid's Addition to the Town Plat of Saint Anthony, lying Northwesterly of Central Ave.

C. PID #14-029-24-44-0074, Certificate of Title No. 789329, That part of Lot 1, Block 4, Wolford, Sidle & Reid's Addition to the Town Plat of St. Anthony, lying Northwesterly of Central Ave which lies Northeasterly of the Southwesterly 30.00 feet of said Lot 1.

D. PID #14-029-24-44-0075, Quit Claim Deed Document No. 5850057, The southwesterly 30 feet of Lot 1, Block 4, Wolford, Sidle and Reid's Addition to Town Plat of St. Anthony, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, excepting therefrom that part thereof lying within the boundaries of Central Ave.

E. PID #14-029-24-44-0101, Certificate of Title No. 773533, The Northeasterly 30 feet of Tract A, Registered Land Survey No. 1135, as measured along the Northwesterly line of said Tract A except that part thereof lying Southeasterly of a line run parallel with and distant 100 feet Northwesterly of the Northwesterly line of Central Ave.

That part of Tract A, Registered Land Survey No. 1135, Files of the Registrar of Titles, Hennepin County, Minnesota which lies southwesterly of the Northeasterly 30.00 feet thereof, and which lies northeasterly of a line drawn parallel with and distant 90.00 feet northeasterly of Line "A" described as follows: Commencing at the most Westerly corner of Lot 5, Block 5, Wolford, Sidle and Reid's Addition to Minneapolis; thence North 62 degrees 00 minutes 00 seconds East, assumed bearing, along the Northwesterly line of said Lot 5 and its Northeasterly extension 357.31 feet to the point of beginning of said Line "A"; thence Easterly 75.80 feet along a tangential curve to the right concave to the Southwest having a radius of 150.00 feet and a central angle of 28 degrees 57 minutes 17 seconds; thence Southeasterly 139.91 feet along a tangential curve to the right concave to the Southwest having a radius of 275.86 feet and a central angle of 29 degrees 03 minutes 33 seconds; thence South 59 degrees 59 minutes 10 seconds East tangent to said curve 86.16 feet to its intersection with the Southeasterly line of said Tract A, Registered Land Survey No. 1135, and there terminating. (Said Line "A" described in Quit Claim Deed Document No. 5218241); and

That part of Tract A, Registered Land Survey No. 1135, Files of the Registrar of Titles, Hennepin County, Minnesota, which lies Southeasterly of a line run parallel with and distant 100.00 feet Northwesterly of the Northwesterly line of Central Ave, and which lies northeasterly of a line drawn parallel with and distant 90.00 feet northeasterly of Line "A" described as follows: Commencing at the most Westerly corner of Lot 5, Block 5, Wolford, Sidle and Reid's Addition to Minneapolis; thence North 62 degrees 00 minutes 00 seconds East, assumed bearing, along the Northwesterly line of said Lot 5 and its Northeasterly extension 357.31 feet to the Point of Beginning of said Line "A"; thence Easterly 75.80 feet along a tangential curve to the right concave to the Southwest having a radius of 150.00 feet and a central angle of 28 degrees 57 minutes 17 seconds; thence Southeasterly 139.91 feet along a tangential curve to the right concave to the Southwest having a radius of 275.86 feet and central angle of 29 degrees 03 minutes 33 seconds; thence south 59 degrees 59 minutes 10 seconds East tangent to said curve 86.16 feet to its intersection with the Southeasterly line of said Tract A, Registered Land Survey No. 1135, and there terminating. (Said Line "A" described in Quit Claim Deed Document No. 5218241).

That part of 3rd Ave NE which lies westerly of the Northwesterly line of Central Ave NE, and which lies easterly of a line drawing parallel with and distant 90.00 feet northeasterly of Line "A" described as follows: Commencing at the most Westerly corner of Lot 5, Block 5, Wolford, Sidle and Reid's Addition to Minneapolis; thence North 62 degrees 00 minutes 00 seconds East, assumed bearing, along the Northwesterly line of said Lot 5 and its Northeasterly extension 357.31 feet to the point of beginning of said Line "A"; thence Easterly 75.80 feet along a tangential curve to the right concave to the Southwest having a radius of 150.00 feet and a central angle of 28 degrees 57 minutes 17 seconds; thence Southeasterly 139.91 feet along a tangential curve to the right concave to the Southwest having a radius of 275.86 feet and a central angle of 29 degrees 03 minutes 33 seconds; thence south 59 degrees 59 minutes 10 seconds East tangent to said curve 86.16 feet to its intersection with the Southeasterly line of Tract A, Registered Land Survey No. 1135, Files of the Registrar of Titles, Hennepin County, Minnesota, and there terminating. (Said Line "A" described in Quit Claim Deed Document No. 5218241)

NOTE: The portion of the above described vacation lying within Proposed Lot 2, Clare Addition, would be described as "lying easterly of a line parallel with and distant 119.50 feet easterly of the westerly line of Outlot B, St. Anthony East, and its southerly extension".

That part of 10th Street NE which lies southeasterly of the northeasterly extension of the Northwesterly line of Tract A, Registered Land Survey No. 1135, Files of the Registrar of Titles, Hennepin County, Minnesota, and which lies northwesterly of the Northwesterly line of Central Ave NE, and which lies northeasterly of a line drawn parallel with and distant 90.00 feet northeasterly of line "A" described as follows: Commencing at the most Westerly corner of Lot 5, Block 5, Wolford, Sidle and Reid's Addition

to Minneapolis; thence North 62 degrees 00 minutes 00 seconds East, assumed bearing, along the Northwesterly line of said Lot 5 and its Northeasterly extension 357.31 feet to the point of beginning of said Line "A"; thence Easterly 75.80 feet along a tangential curve to the right concave to the Southwest having a radius of 150.00 feet and a central angle of 28 degrees 57 minutes 17 seconds; thence Southeasterly 139.91 feet along a tangential curve to the right concave to the Southwest having a radius of 275.86 feet and a central angle of 29 degrees 03 minutes 33 seconds; thence South 59 degrees 59 minutes 10 seconds East tangent to said curve 86.16 feet to its intersection with the Southeasterly line of said Tract A, Registered Land Survey No. 1135, and there terminating. (Said Line "A" described in Quit Claim Deed Document No. 5218241).

Adopted 5/14/04.

Resolution 2004R-233, vacating that part of 10th St NE that lies west of Central Ave NE, northeast of (as built) 3rd Ave NE and southeast of (non-vacated and non-built) 3rd Ave NE, was passed 5/14/04 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-233
By Schiff

Vacating that part of 10th St NE that lies west of Central Ave NE, Northeast of 3rd Ave NE and Southeast of 3rd Ave NE.

Resolved by The City Council of The City of Minneapolis:

That all that part of 10th St NE that lies west of Central Ave NE, NE of 3rd Ave NE and southeast of 3rd Ave NE is hereby vacated; That part of 10th St NE which lies Southeasterly of the Northeasterly extension of the Northwesterly line of Tract A, Registered Land Survey No. 1135, Files of the Registrar of Titles, Hennepin County, Minnesota, and which lies Northwesterly of a line drawn parallel with and distant 90.00 feet Northeasterly of Line "A" described as follows: Commencing at the most Westerly corner of Lot 5, Block 5, Wolford, Sidle, and Reid's Addition to Minneapolis; thence North 62 degrees 00 minutes 00 seconds East, assumed bearing, along the Northwesterly line of said Lot 5 and its Northeasterly extension 357.31 feet to the point of beginning of said Line "A" thence Easterly 75.80 feet along a tangential curve to the right concave to the Southwest having a radius of 275.86 feet and a central angle of 29 degrees 03 minutes 33 seconds; thence South 59 degrees 59 minutes 10 seconds East tangent to said curve 86.16 feet to its intersection with the Southeasterly line of said Tract A, Registered Land Survey No. 1135, and there terminating. (Said Line "A" described in Quit Claim Deed Document No. 5218241).

Adopted 5/14/04.

Resolution 2004R-234, vacating that part of 3rd Ave NE lying northeast of 3rd Ave NE (as dedicated in Hennepin County (MN) Deed Document No. 52118241), north of 10th St NE and southwest of Central Ave NE, was passed 5/14/04 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-234
By Schiff

Vacating that part of 3rd Ave NE lying northeast of 3rd Ave NE (as dedicated in Hennepin County (MN) Deed Document No. 52118241), north of 10th St NE, and Southwest of Central Ave NE.

Resolved by The City Council of The City of Minneapolis:

That part of 3rd Ave NE which lies westerly of the Northwesterly line of Central Ave NE, and which lies easterly of a line drawn parallel with and distant 90.00 feet northeasterly of line "A" described as follows: Commencing at the most Westerly corner of Lot 5, Block 5, Wolford, Sidle, and Reid's Addition to Minneapolis; thence North 62 degrees 00 minutes 00 seconds East, assumed bearing, along the Northwesterly line of said Lot 5 and it's Northeasterly extension 357.31 feet to the point of beginning of said line "A"; thence Easterly 75.80 feet along a tangential curve to the right concave to the Southwest having a radius of 150.00 feet and a central angle of 28 degrees 57 minutes 17 seconds; thence Southeasterly 139.91 feet along a tangential curve to the right concave to the Southwest having a radius of 275.86 feet and a central angle of 29 degrees 03 minutes 33 seconds; thence South 59 degrees 59 minutes 10 seconds East tangent to said curve 86.16 feet to its intersection with the Southeasterly line of Tract A, Registered Land Survey No, 1135, Files of the Registrar of Titles, Hennepin County, Minnesota, and there terminating. (Said Line "A" described in Quit Claim Deed Document No. 52118241); is hereby vacated except that such vacation shall not affect the existing easement right and authority of Qwest, Minnegasco, Xcel Energy and the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed public street which is described in regard to each of said corporations as follows, to wit:

As to Qwest: All of 3rd Ave NE to be vacated;

As to Minnegasco: The southerly 40.00 feet of 3rd Ave NE to be vacated;

As to Xcel Energy: The northerly 10.00 feet of the southerly 16.00 feet of that part of 3rd Ave NE to be vacated;

As to the City of Minneapolis: An easement for an existing Water Main and Storm Sewer, over, under and across the entire length and width of 3rd Ave NE to be vacated (60.00 feet); to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said public street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

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

Adopted 5/14/04.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Central Community Housing Trust (BZZ-1603) to rezone a portion of the property at 929 – 3rd Ave S from R1A to the R3 District, and a portion of 828 Spring St NE from R5 to the R3 District to permit an eight-unit, for-sale, townhouse development, and adopting the related findings prepared by the Planning Department.

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

Adopted 5/14/04.

Ordinance 2004-Or-054, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning a portion of the properties at 929 – 3rd Ave S and 828 Spring St NE to the R3 District, was passed 5/14/04 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-054
By Schiff
1st & 2nd Readings: 5/14/04

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

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

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

A. That part of Outlot B, St. Anthony East, except that part described as that part of vacated Jackson Street NE and Outlot B of St. Anthony East described as follows: Commencing at the intersection of the centerline of said vacated Jackson Street NE and the Northwesterly line of 3rd Ave NE; thence S 62 degrees 00 feet 00 inches W, along said Northwesterly line of 3rd Ave NE and the Southeasterly line of said Outlot B, a distance of 129.43 feet; thence N 00 degrees 00 feet 00 inches E a distance of 135.90 feet to the Northwesterly line of said Outlot B; thence N 62 degrees 00 feet 00 inches E, along said Northwesterly line and its Northeasterly extension, a distance of 65.39 feet to the centerline of said vacated Jackson Street NE; thence S 28 degrees 07 feet 00 inches E, along said centerline, a distance of 119.99 feet to the point of beginning. Said parcel contains 11,688 square feet.

And that part of 3rd Ave NE which lies westerly of the Northwesterly line of Central Ave NE, and which lies easterly of a line drawing parallel with and distant 90.00 feet northeasterly of Line "A" described as follows: Commencing at the most Westerly corner of Lot 5, Block 5, Wolford, Sidle and Reid's Addition to Minneapolis; thence North 62 degrees 00 minutes 00 seconds East, assumed bearing, along the Northwesterly line of said Lot 5 and its Northeasterly extension 357.31 feet to the point of beginning of said Line "A"; thence Easterly 75.80 feet along a tangential curve to the right concave to the Southwest having a radius of 150.00 feet and a central angle of 28 degrees 57 minutes 17 seconds; thence Southeasterly 139.91 feet along a tangential curve to the right concave to the Southwest having a radius of 275.86 feet and a central angle of 29 degrees 03 minutes 33 seconds; thence south 59 degrees 59 minutes 10 seconds East tangent to said curve 86.16 feet to its intersection with the Southeasterly line of Tract A, Registered Land Survey No. 1135, Files of the Registrar of Titles, Hennepin County, Minnesota, and there terminating (Said Line "A" described in Quit Claim Deed Document No. 5218241) (NOTE: The portion of the above described vacation lying within Proposed Lot 3, Clare Addition, would be described as "lying westerly of a line parallel with and distant 119.50 feet easterly of the westerly line of Outlot B, St. Anthony East, and its southerly extension") (portion of 929 - 3rd Ave NE, including a portion of vacated 3rd Ave NE – Plate 15) to the R3 District.

B. That part of Lots 17 and 18, Block 2, Wolford, Sidle and Reid's Addition to St. Anthony and Lots 3, 4 and 5, Block 9, Sibley Addition to St. Anthony, described as follows: Commencing at the Southwesterly corner of Outlot B of St. Anthony East; thence N 00 degrees 00 feet 00 inches E, along the Westerly line of said Outlot B, a distance of 170.27 feet to the Northwesterly corner of said Outlot B; thence N 62 degrees 00 feet 00 inches E, along the Northerly line of said Outlot B, a distance of 1.13 feet to the Easterly line of the alley easement as described in Document No. 3852004, said point being the point of beginning of the parcel of land to be described; thence North 00 degrees 00 feet 00 inches East, along said Easterly line, a distance of 44.80 feet; thence North 89 degrees 59 feet 04 inches East a distance of 118.50 feet; thence South 00 degrees 00 feet 00 inches West a distance of 27.12 feet to the Northwesterly line of said Outlot B; thence South 62 degrees 00 feet 00 inches West, along said Northwesterly line, a distance of 100.92 feet to a corner of said Outlot B; thence North 28 degrees 07 feet 00 inches West, along a line of said Outlot B, a distance of 40.00 feet to a corner of said Outlot B; thence South 62 degrees 00 feet 00 inches West a distance of 11.94 feet to the point of beginning to the R3 District. Said parcel contains 6,041 square feet (portion of 828 Spring St NE – Plate 15).

Adopted 5/14/04.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of the Minneapolis Public Housing Authority (BZZ-1617) to rezone a portion of the property at

929 – 3rd Ave NE from R1A to the R5 District to permit a multiple-family housing development, and adopting the related findings prepared by the Planning Department.

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

Adopted 5/14/04.

Ordinance 2004-Or-055, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning a portion of the property at 929 – 3rd Ave NE to the R5 District, was passed 5/14/04 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-055
By Schiff
1st & 2nd Readings: 5/14/04

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

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

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

A. That part of vacated Jackson Street NE and Outlot B of St. Anthony East described as follows: Commencing at the intersection of the centerline of said vacated Jackson Street NE and the Northwesterly line of 3rd Ave NE; thence S 62 degrees 00 feet 00 inches W, along said Northwesterly line of 3rd Ave NE and the Southeasterly line of said Outlot B, a distance of 129.43 feet; thence N 00 degrees 00 feet 00 inches E a distance of 135.90 feet to the Northwesterly line of said Outlot B; thence N 62 degrees 00 feet 00 inches E, along said Northwesterly line and its Northeasterly extension, a distance of 65.39 feet to the centerline of said vacated Jackson Street NE; thence S 28 degrees 07 feet 00 inches E, along said centerline, a distance of 119.99 feet to the point of beginning. Said parcel contains 11,688 square feet (portion of 929 – 3rd Ave NE – Plate 15) to the R5 District.

Adopted 5/14/04.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Security Warehouse Lofts, LLC (BZZ-1627) to rezone the property at 404 Washington Ave N and 201 – 5th Ave N from I2 with the Downtown Parking and Industrial Living Overlay Districts to the C3A District, and removing the Industrial Living Overlay District, to permit a mixed-use planned unit development with 215 dwelling units, and adopting the related findings prepared by the Planning Department.

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

Adopted 5/14/04.

Ordinance 2004-Or-056, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 404 Washington Ave N and 201 – 5th Ave N to the C3A District and removing the Industrial Living Overlay District, was passed 5/14/04 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-056
By Schiff
1st & 2nd Readings: 5/14/04

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

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

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land (404 Washington Ave N and 201 – 5th Ave N – Plate 13) to the C3A District, and removing the Industrial Living Overlay District, pursuant to MS 462.357:

A. (Torrens/Certificate No. 819853) The Southeasterly 22 feet of Lot 2; All of Lots 3 and 4; That part of Lot 5 lying Northerly of a line drawn from the most Westerly corner of said Lot 5 to a point on the Northeasterly line of said Lot 5 distant 5 feet Northwesterly from the most Easterly corner of said Lot 5; The Southwesterly 34 feet of Lot 6; That part of the Southwesterly Half of the vacated alley adjoining said Lots 3, 4 and 5 lying between the extensions across it of the Northwesterly line of the Southeasterly 22 feet of said Lot 3 and the Southeasterly line of that part of said Lot 5 above described; That part of the Northeasterly Half of the vacated alley adjoining said Lot 6 and between the extensions across it of the Northwesterly and Southeasterly lines of said Lot 6; Block 32, Town of Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota.

B. (Abstract) Lot 6, except the rear 34 feet thereof, and all of Lots 7, 8, 9 and 10, in Block 32, original plat of the Town of Minneapolis, according to the recorded plat thereof, together with that part of the vacated alley in said Block 32 which accrues thereto by reason of the vacation thereof, as evidenced by City Council Resolution filed August 13, 1942 as Document No. 2151656 and Resolution filed as Document No. 7659489.

C. (Torrens) That portion of the vacated alley accruing thereto by reason of the vacation thereof, Resolution No. 2002R-025.

Adopted 5/14/04.

Z&P – Your Committee concurs in the recommendation of the Heritage Preservation Commission in approving the application of SegWay Ministries for a historic variance to allow use of the first floor of 315 – 16th Ave SE as a coffee shop, and a historic variance of parking from 11 to 10 spaces to allow the two additional beds in the existing fraternity, and adopting the related findings prepared by the HPC staff, subject to conditions: a) the applicant must maintain the hours for the coffee shop as outlined in the Minneapolis Zoning Code for the R6 District; and b) the applicant is allowed one ground sign with exterior illumination. The sign cannot exceed 12 square feet in area and is limited to 4 feet in height, with the final design to be approved by City staff.

Adopted 5/14/04.

Z&P – Your Committee concurs in the recommendation of the Heritage Preservation Commission in approving the application of RSP Architects, Inc for a historic variance to allow the Grain Belt Boiler House, the Brew House atrium and the five Brew House conference rooms at 1220 Marshall St NE to be used as a reception/meeting hall and to vary the parking requirement for that use in those spaces to zero parking spaces, and adopting the related findings prepared by the HPC staff, subject to the following conditions:

a) The variance shall be subject to a requirement that the Boiler House shall be rehabilitated pursuant to the applicable guidelines of the Heritage Preservation Commission. Such rehabilitation work shall be approved by the Heritage Preservation Commission and shall be completed by December 28, 2006. If the rehabilitation of the Boiler House is not completed within the specified timeframe, the variance shall terminate;

b) The maximum allowed capacity of the meeting/reception hall use shall be 470 persons;

c) The use of the Boiler House, the Brew House atrium, and conference rooms in the Brew House, as a reception/meeting hall use shall be limited to the following hours: Monday through Friday, from 6:00

p.m. to 2:00 a.m.; Saturday and Sunday, from 6:00 a.m. to 2:00 a.m. On days when the principal office use in the Brew House is not open, the hours for the meeting/reception hall use shall be 6:00 a.m. to 2:00 a.m.;

d) If the property ceases to be used as a reception/meeting hall, the historic variance shall terminate;
e) The historic variance the City Council approved for this property on December 28, 2001 is terminated.

Adopted 5/14/04.

MOTIONS

Johnson moved that the regular payrolls for all City employees under City Council jurisdiction for the month of June, 2004, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 5/14/04.

Zimmermann introduced the subject matter of an Ordinance amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation*, which was given its first reading and referred to the Health & Human Services and Public Safety & Regulatory Services Committees (Adding Section 234 related to "Indoor Air Quality").

Johnson introduced the subject matter of an Ordinance amending Title 2, Chapter 16 of the Minneapolis Code of Ordinances relating to *Administration: Finance*, which was given its first reading and referred to the Ways & Means/Budget Committee for a public hearing to be held on May 24, 2004 (Reflecting the charter change related to streamlining the contract signature process, and housekeeping changes).

Johnson introduced the subject matter of an Ordinance amending Title 2, Chapter 18 of the Minneapolis Code of Ordinances relating to *Administration: Purchasing*, which was given its first reading and referred to the Ways & Means/Budget Committee for a public hearing to be held on May 24, 2004 (Reflecting the charter change related to streamlining the contract signature process, and housekeeping changes).

RESOLUTIONS

RESOLUTION 2004R-235

By Johnson Lee

Honoring Carl Eller for his induction into the National Football League Hall of Fame.

Whereas, Carl Eller's outstanding contribution to the sport of football has earned him induction into the National Football League Hall of Fame on August 8, 2004; and

Whereas, his exemplary performance and extraordinary example of athletic excellence are deserving of this high honor and distinction; and

Whereas; fifteen of his illustrious sixteen year career were spent here in Minnesota as a member of the Minnesota Vikings' "Purple People Eaters" Defensive line; and

Whereas; during his career, and after his retirement from professional football, he has chosen North Minneapolis as his home and has continued to be a committed community member, supporter and friend;

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

That the City Council wishes to extend our best wishes and sincere congratulations to Carl Eller for his distinguished career and noteworthy achievement of being inducted into the National Football League Hall of Fame.

Adopted 5/14/04.

Zerby offered a Resolution establishing a procurement policy relating to the purchase or rental of items of apparel from only responsible manufacturers and factories able to demonstrate good faith efforts at compliance with laws regarding wages and benefits, workplace health and safety, forced and child care, which was referred to the Ways & Means/Budget Committee.

Yeas, 7; Nays, 5 as follows:

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

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

Absent - Niziolek.

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 introduced Ordinances amending Title 6 of the Minneapolis Code of Ordinances relating to Civil Defense and Disaster Relief, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing to be held May 19, 2004 (Changing the Title and amending Chapter 128 to transfer duties and responsibilities of the office of emergency preparedness and management from the Fire Chief to the Assistant City Coordinator of Regulatory Services and Emergency Preparedness).

Niziolek introduced an Ordinance amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Fire, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing to be held May 19, 2004 (Eliminating the duties and responsibilities of the Office of Emergency Preparedness and Management from the Fire Department and the Fire Chief).

Niziolek introduced an Ordinance amending Appendix J of the Minneapolis Code of Ordinances relating to License Fees Schedule, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (To include a license fee for growlers in Appendix J).

Niziolek introduced 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 (To allow the Municipal Building Commission and the Minneapolis Library Board to operate under a caterer's permit).

Council Member Johnson Lee introduced and welcomed members of Americore, visitors to the Council today.

Council President Ostrow moved that the City Council recess to allow the Taxes Committee to reconvene to consider the Board of Equalization report. Seconded.

Adopted by unanimous consent.
The Council recessed at 12:13 p.m.
The Council reconvened at 12:14 p.m.

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

Lilligren moved to adjourn to Room 315 City Hall immediately following the Adjourned Executive Committee Session to consider the following matters:

- a) *Polley vs. Hobbs and Meili*; and
- b) *Cortez-Sanchez, Silvertre vs. City of Minneapolis*.

Seconded.

Adopted upon a voice vote.

Room 315 City Hall
Minneapolis, Minnesota
May 14, 2004 - 12:22 p.m.
The Council met pursuant to adjournment.
Vice President Lilligren in the Chair.
Present - Johnson, Colvin Roy, Zerby, Lilligren, Niziolek, Benson, Lane, Samuels.
Absent - Zimmermann, Schiff, Johnson Lee, Goodman, Ostrow.

Also present - Jay Heffern, City Attorney; Peter Ginder, Acting Deputy City Attorney; Jim Moore and Tim Skarda, Assistant City Attorneys; Peter Wagenius, Mayor's Office; Merry Keefe, City Clerk; Jan Hrcncir, City Clerk's Office.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Polley vs. Hobbs and Meili*; and *Cortez-Sanchez, Silvertre vs. City of Minneapolis* lawsuits.

At 12:28 p.m., Zerby moved that the meeting be closed. Seconded.
Adopted upon a voice vote.

Council President Ostrow in the Chair.

Present - Johnson, Colvin Roy (Out at 1:03), Zimmermann (In at 12:36), Schiff (In at 12:29), Zerby, Lilligren (Out at 1:37), Johnson Lee (In at 12:29), Niziolek (Out at 1:29), Benson, Goodman (In at 12:29; Out at 12:45), Lane, Samuels, Ostrow (In at 12:28).

Also present - Jay Heffern; Peter Ginder; Merry Keefe (Out at 1:15); David Fey, Mayor's office; and Jan Hrcncir.

Jim Moore summarized the *Polley vs. Hobbs and Meili* lawsuit from 12:28 p.m. to 1:36 p.m.

Tim Skarda summarized the *Cortez-Sanchez, Silvertre vs. City of Minneapolis* lawsuit from 1:36 to 1:43 p.m.

At 1:43 p.m., Zimmermann moved that the meeting be opened. Seconded.
Adopted upon a voice vote.

MAY 14, 2004

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

By unanimous consent, the meeting was adjourned.

Merry Keefe, City Clerk.

Unofficial Posting: 5/17/2004
Official Posting: 5/20/2004
Corrections: 6/30/2004