

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF MAY 28, 2004

(Published June 5, 2004, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
May 28, 2004 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Absent - Johnson Lee.

Lilligren moved acceptance of the minutes of the regular meeting held May 14, 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 (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269644)

Common Bond Fund: Authorize execution of documents relating to the transitioning of the Minneapolis Common Bond Fund to the City and enter joint partnership with Hennepin County.

Mortgage Foreclosure Prevention Program: Approve Community Development Block Grant funds for the Home Ownership Center to continue operation of program.

Zinsmaster Apartments (2900 & 2916 Park Av): Approve revised repayment terms for Community Planning & Economic Development loan to the project.

Morrison Village Apartments (2630 & 2636 1st Av S, 2636 & 2801 Pillsbury Av and 2708 Grand Av S): Approve revised repayment terms for Community Planning and Economic Development and HODAG loans.

Affordable Housing Trust Fund Allocations: Approve project funding for eleven projects.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269645)

Transfer of Positions and Supporting Budgets from the Community Planning and Economic Development Department to the Finance Department: Notification two positions are being transferred.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269646)

Antiques Minnesota Building (1508 E Lake St): Adopt tax increment financing plan and modification to the Lake and Bloomington Redevelopment Plan, redevelopment contract, issuance of a Limited Revenue Pay-As-You-Go Tax Increment Financing Note to the Neighborhood Development Center, and allocation of Community Economic Development Funds for project.

Heritage Park Rental Phase III: Accept Metropolitan Council Local Housing Incentive Account Grant.

Heritage Park Redevelopment Contract: Amendment to Phase 1 and 2 of contract with Heritage Housing, LLC.

American Dream Downpayment Initiative Program: Program guidelines.

ELECTIONS (See Rep):

ELECTIONS DEPARTMENT (269646.1)

2004 Elections: Designating polling places and add Precinct 11 to Ward 2.

HEALTH AND HUMAN SERVICES:

CIVIL RIGHTS (269647)

Twin Cities Marathon: Response to staff direction of May 3, 2004 to report back with language relating to discrimination on the basis of national origin with respect to the Twin Cities Marathon.

HENNEPIN COUNTY (269648)

African American Men's Project: Progress report.

HEALTH AND HUMAN SERVICES (See Rep):

ATTORNEY (269649)

Civilian Police Review Authority: Ordinance amending Title 9, Chapter 172 of Code relating to Fire and Police Protection: Civilian Police Review Authority, increasing the CRA Board from 7 to 11 members; authorizing a case investigator, as well as the manager, to present a case at a panel hearing; authorizing the manager to employ unpaid volunteers to act as community outreach advocates on a temporary basis; authorizing the community outreach advocate to attend and assist the complainant at the hearing; extending the deadline for filing a request for reconsideration of the hearing panel's decision from 5 to 30 days; and modifying the hearing procedure to address a data practices issue; with attachment.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269649.1)

Workforce Investment Act: Authorize Mayor to sign Program Year 2004 update to the Local Plan.

MAYOR (269649.2)

Director of Civil Rights: Mayor's nomination of Jayne Baccus Khalifa for position of Director of Civil Rights.

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

HEALTH AND FAMILY SUPPORT SERVICES (269650)

Blood Lead Screening for Children: Amend agreement with Minnesota Department of Health to extend project period to September 15, 2004 to allow for additional sample collection over the summer months.

INSPECTIONS DEPARTMENT (269651)

Announced Inspection Strategies for Food Establishments: Ratify contract entered September 8, 2003 with National Association of County and City Health Officials to develop and implement announced inspection strategies and associated activities for Risk 1 establishments in City; and Extend agreement to May 31, 2005.

INTERGOVERNMENTAL RELATIONS:

COUNCIL MEMBER ZERBY (269652)

Hennepin County & City of Mpls Lead Task Force: Authorize submittal of letter to MN Department of Human Services regarding 2004 HMO contracts & lead testing requirements for children.

INTERGOVERNMENTAL RELATIONS (See Rep):

PUBLIC HOUSING AUTHORITY, MINNEAPOLIS (269653)

Section 8 Funding Crisis: Request City of Mpls to urge HUD to provide sufficient funding to MPHA & all public housing authorities for Section 8 Housing Choice Voucher Program.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (269654)

Aggressive Solicitation: Ordinance amending Title 15, Chapter 385 of Code relating to Offenses--Miscellaneous: In General, repealing Section 385.60 entitled Begging and adding a new Section entitled Aggressive solicitation to set forth the policy, definition, prohibitions, and penalties related to aggressive solicitation; with comments.

Loitering: Ordinance amending Title 15, Chapter 385 of Code relating to Offenses--Miscellaneous: In General, acknowledging that the ordinance applies to drug-related offenses, as well as the interior of motor vehicles parked or stopped on a street; to consider circumstances in establishing intent to violate the ordinance; and promoting the use of reasonable and limited geographic restrictions; with comments.

INSPECTIONS DEPARTMENT (269655)

Rental Dwelling License Board of Appeals: approve reappointments to the Board of Appeals -- Paul Kjornes; Steven Schactman; Clint Blaiser; Daisy Barton; Fathia Warsame; Wayne Jensen; and Brian Bushay.

Rental Dwelling License at 719 24th Av NE: Concur with recommendation of Rental Licensing Board of Appeals to revoke license held by Mei Jen Chen for failure to comply with licensing standards relating to over occupancy and/or illegal occupancy of the dwelling unit, and utilizing a single family rental dwelling unit as rooming units.

LICENSES AND CONSUMER SERVICES (269656)

Dunn Bros Coffee (1915 Lyndale Av S): Grant Sidewalk Cafe License.

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and TRANSPORTATION & PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (269657)

Building Numbering: Ordinance amending Title 17, Chapter 435 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Building Numbering, developing a standard for addressing within the corporate jurisdiction of the City to clarify and streamline City activities related to assigning addresses; establishing roles and responsibilities within City Departments for addressing activities; and establishing addressing data stewardship.

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

FIRE DEPARTMENT (269658)

EMT Training: Renew and amend agreement with Hennepin County Medical Center for training for Fire Suppression personnel.

POLICE DEPARTMENT (269659)

Franklin Safety Center: Amend grant agreement with American Indian Neighborhood Development Corporation to receive additional \$43,700 and extend termination date through 2004 to continue salary of Crime Prevention Specialist working at Safety Center; and Approve appropriation.

Auto Theft Bait Vehicle Program: Accept donation of 1994 Acura vehicle from Allstate, with maintenance expenses to be paid from the Auto Theft grant.

OLSON, BECKY ET AL (269660)

SAFE Officer Summer Deployment: Comments regarding reassignment of SAFE Officers. *(See W&M/Budget report)

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (269661)

I-394 MnPASS Briefing: Presentation on conversion of HOV lanes to also allow use by single occupant vehicles when drivers pay a user fee.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (269662)

Street Naming Ordinance: Add new Chapter 436 to Title 17 establishing uniform criteria and procedures for establishing and changing public and private street names.

Minneapolis Street Naming and Address Standards: Accept.

Chicago Ave Reconstruction Project (28th St E to Lake St): Designate location, streets, and improvements; receive cost estimate and list of benefited properties; and direction to prepare assessments.

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

PUBLIC WORKS AND ENGINEERING (269663)

Fridley Membrane Filtration Plant: Amend contract with HDR Engineering, Inc. to cover construction administration services.

Bid: OP 6247, accept bid of A.M.P. Manufacturing & Supply, Inc. for street light/signal service cabinets.

Recycling Contract: Execute contract with BFI for City's recycling program.

Skyway Easement: Execute agreements for easements for skyway from Hennepin County Public Safety Facility to Jerry Haaf Municipal Parking Ramp.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (269664)

Retention of Outside Counsel: Execute Legal Services Agreement with Iverson & Reuvers, LLC for services in the matter of RISSANEN V. CITY.

BUSINESS INFORMATION SERVICES (269665)

Business Information Services Department Business Plan.

COMMUNICATIONS (269666)

Utility Bill Insert: Authorize insert in July bills providing voter information.

COORDINATOR (269667)

Automobile Allowance for Director of Regulatory Services and Emergency Preparedness: Amend Charter Department Head benefit policy to allow for auto allowance for said position.

City Coordinator Department Business Plan.

FINANCE DEPARTMENT (269668)

Ordinance Amendments to Streamline City Contract Process: Amendments to reflect the City Charter changes that streamline the contract signature process.

Investment Management Services: Authorize staff to negotiate with American Express, Galliard Capital, Northshore Advisors, Pacific Investment Management Company, Peregrine Capital and Western Asset.

HUMAN RESOURCES (269669)

MetroPass Program: Approve concept and proposal to develop program for City employees; Background information from the American Federation of State, County & Municipal Employees (AFSCME).

Human Resources Department Business Plan.

MAYOR (269670)

Appointment to Minneapolis Telecommunications Network (MTN) Board: Recommend appointment of Joel Rainville.

PUBLIC WORKS AND ENGINEERING (269671)

2005 Nicollet Mall Operating Budget: Approve budget, direct staff to prepare assessment rolls and appropriate funds.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (269672)

Vacations:

Mpls Department of Public Works (two irregular-shaped portions of 6th St NE between Broadway St NE & 8th Ave NE for St. John's Evangelical Church, 610 Broadway St NE).

Rezoning:

Sherman Associates (1424-28 & 1448 Marshall St NE);

Excelsior Development LLC (2220-10th Ave S, 912 E 24th St).

Waiver:

Twin Cities Habitat for Humanity (3446 Penn Ave N): Request waiver from new construction moratorium in North Mpls.

Appeals:

Apurva Patel (918 N 3rd St) re conditional use permit conditions;

Jose Lala (1518 E Lake St & 2920 Bloomington Ave S) re site plan review conditions.

PLANNING COMMISSION:

ALLIANT ENGINEERING INC (269673)

Permission to vacate alley in block bounded by Jackson St NE, Central Av NE, 23rd & 24th Avs NE.

FILED:

CITY CLERK/SPECIAL PERMITS (269674)

17th St N, 88 (Basilica Block Party) inflatables;

Grant St E, 15 (James Commers) signs;

Nicollet between 10th & 12th Sts (Greater Mpls Convention or Visitors Assn).

CITY CLERK (269675)

Basim Omar Sabri vs. City of Minneapolis, Licenses & Consumer Services Division: Transcript of proceedings held at an Administrative Citation Hearing on February 4, 2004 regarding Regulatory Services Ticket for allowing an unlicensed dance hall and allowing an assembly without a certificate of occupancy.

ELECTIONS DEPARTMENT (269676)

2004 Elections: Revised polling places.

The following reports were signed by Mayor Rybak on June 2, 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 **CLAIMS** Committee submitted the following report:

Claims - Your Committee, having under consideration a claim filed against the City by Dominique Boggness, 3330 Penn Ave N, regarding impound lot operations, now recommends approval of the staff recommendation to deny the claim and refer the issue of damage to the vehicle to Wrecker Services, Inc.

Adopted - 5/28/04.

Absent - Johnson Lee.

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

Comm Dev - Your Committee, having under consideration the transitioning of the Minneapolis Common Bond Fund to the City of Minneapolis, now recommends that the proper City officers be authorized to execute and deliver documents for said transition and execute and deliver documents that will create a joint partnership with Hennepin County and the Hennepin County Housing and Redevelopment Authority (HRA) for Common Bond Fund projects through Hennepin County; and further recommends clarification that Common Bond Fund projects located outside of the City of Minneapolis do not need to comply with various City policies and programs.

Adopted 5/28/04.

Absent - Johnson Lee.

Comm Dev - Your Committee recommends approval of a grant in the amount of \$250,000 from the City's Community Planning and Economic Development (CPED) Department to the Home Ownership Center to continue to support the Mortgage Foreclosure Prevention Program; and that the proper City officers be authorized to execute documents necessary for said grant.

Adopted 5/28/04.

Absent - Johnson Lee.

Comm Dev - Your Committee, having under consideration a proposal by the Community Housing Development Corporation (CHDC) for financial restructuring of funds owed on the Zinsmaster Apartments project at 2900 and 2916 Park Av, now recommends approval to revise the repayment terms of the \$1,130,916 Community Planning and Economic Development (CPED)/Minneapolis Community Development Agency (MCDA) loan to the project, under the terms outlined in Petn No 269644.

Your Committee further recommends concurrence with the Development Finance Committee recommendation that there be an enforcement mechanism to ensure that the money that would have been spent on debt service be spent instead on deferred maintenance and that there is no distribution to the limited liability corporation (other than asset management fees).

Adopted 5/28/04.

Absent - Johnson Lee.

Comm Dev - Your Committee, having under consideration a proposal by the Community Housing Development Corporation (CHDC) for the stabilization, restructuring and re-syndication of the five buildings that comprise the Morrison Village Apartments (2630 and 2636 1st Av S, 2636 and 2801 Pillsbury Av S and 2708 Grand Av), now recommends approval to revise the repayment terms for the \$2,813,515 that is owed to the Community Planning and Economic Development (CPED)/Minneapolis Community Development Agency (MCDA) and for the repayment terms for the \$850,000 HODAG loan (contingent upon approval of the Department of Housing and Urban Development), under the terms outlined in Petn No 269644.

Adopted 5/28/04.

Absent - Johnson Lee.

Comm Dev - Your Committee, having under consideration funding recommendations for the first round of 2004 Affordable Housing Trust Funding (AHTF), now recommends approval of the following project funding totaling \$6,493,309 from the AHTF and \$90,000 from the Non-Profit Development Assistance Fund:

- a. Up to \$600,000 AHTF funds for Cecil Newman Apartments by Legacy Management & Development Corporation & Northside Residents Redevelopment Council;
- b. Up to \$589,572 AHTF funds for Double Flats by Project for Pride in Living (PPL) and \$20,000 from the Non-Profit Admin Fund;
- c. Up to \$1,204,237 AHTF funds for Elliot Park Commons by Project for Pride in Living (PPL) and \$30,000 from the Non-Profit Admin Fund;
- d. Up to \$205,000 AHTF funds for Franklin Portland Phase I (Children's Village) by Hope Community, Inc. and Central Community Housing Trust;
- e. Up to \$300,000 AHTF funds for Franklin Portland Phase II (The Jourdain) by Hope Community, Inc. and Central Community Housing Trust;
- f. Up to \$107,500 AHTF funds for Indian Neighborhood Club by Indian Neighborhood Club and \$10,000 of Non-Profit Admin Funds;
- g. Up to \$850,000 AHTF funds for Marshall River Run Apartments by Sherman Associates, Inc.;
- h. Up to \$137,000 AHTF funds for Many Rivers West by American Indian Community Development Corporation;
- i. Up to \$1,800,000 AHTF funds for Midtown Exchange by Sherman Associates, Inc.;
- j. Up to \$200,000 AHTF funds for Ripley Gardens by Central Community Housing Trust and \$30,000 from the Non-Profit Admin Fund; and
- k. Up to \$500,000 AHTF funds for St. Anthony Mills Apartments by Brighton Development Corporation.

Adopted 5/28/04.

Absent - Johnson Lee.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration a proposal of the Neighborhood Development Center (NDC) to redevelop the "Antiques Minnesota" building at 1508 E Lake Street and a request for approval of certain elements of the financing for the project, now recommends:

- a) Passage of the accompanying resolution adopting the Antiques Minnesota/1508 E Lake St Tax Increment Finance Plan and Modification No. 1 to the Lake and Bloomington Redevelopment Plan;
- b) Approval of the proposed redevelopment contract business terms as described in Petn No 269646;
- c) Passage of the accompanying resolution authorizing the issuance of a Limited Revenue Pay-As-You-Go Tax Increment Financing Note to NDC REDI, LLC in a principal amount not to exceed \$408,000;
- d) Allocation of Commercial Economic Development Funds (CEDF) from the Community Development Block Grant (CDBG) Fund (FBG0-2201) to the Antiques Minnesota, 1508 E Lake St project in the amount of \$250,000;
- e) Authorization for the proper City officers to execute a redevelopment contract with NDC REDI, LLC, an affiliate of the Neighborhood Development Corporation, based on the terms contained in Petn No 269646; and all other documents necessary to implement the above actions.

Adopted 5/28/04.

Absent - Johnson Lee.

Approved by Mayor Rybak 5/28/04.

(Published 6/2/04)

Resolution 2004R-236, adopting the Antiques Minnesota/1508 E Lake Street Tax Increment Finance (TIF) Plan, and Modification No 1 to the Lake and Bloomington Redevelopment Plan, was passed 5/28/04 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-236
By Goodman and Johnson

Adopting the Antiques Minnesota/1508 E Lake Street Tax Increment Finance (TIF) Plan, and Modification No 1 to the Lake and Bloomington Redevelopment Plan.

Resolved by The City Council Of The City Of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. That by Resolution 2002R-209 duly adopted on June 21, 2002, the City adopted the Lake and Bloomington Redevelopment Plan, which plan described the boundary of the project area (the "Project Area"), establishment of objectives for the redevelopment of the Project Area, designation of property that may be acquired, identification of land uses, a budget for public redevelopment costs, and the establishment and preservation of the right of the City to create one or more redevelopment TIF districts within the Project Area, all pursuant to the Project Laws.

1.3. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a proposed new Antiques Minnesota/1508 E. Lake Street TIF Plan, and a proposed Modification No 1 to the Lake and Bloomington Redevelopment Plan, ("collectively, the Plans"). The Plans modify the existing Lake and Bloomington Redevelopment Plan to designate property to be included within the boundaries of the proposed TIF district, identify a budget for expenditures, reflect project activities and costs, and establish a redevelopment TIF District, all pursuant to and in accordance with the Project Laws.

1.4. The City has performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood groups and the City Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.5. The Antiques Minnesota/1508 E. Lake Street TIF District (the "TIF District") is being established within and under the authority of the Project Area.

1.6. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans to reflect project activities and costs in the Project Area and TIF District.

Section 2. Findings for the Adoption of the Plans

2.1. The Council hereby finds, determines and declares that the Antiques Minnesota/1508 E. Lake Street TIF District is a redevelopment district pursuant to Minnesota Statutes, Section 469.174, Subdivision 10 (a). The proposed district is located within the Lake and Bloomington Redevelopment Project Area, in accordance with the provisions of Minnesota Statutes Sections 469.001 through 469.047.

2.2. The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the district permitted by the TIF plan. Because it is the opinion of the City of Minneapolis that the proposed Project to be financed, in part, by this TIF District would not occur solely through private investment at this time, the City projects that the estimated market value of the site without the use of tax increment would remain

at its present level. The calculations necessary to pass this test are contained in the TIF Plan on page 12. As shown, the public redevelopment activity, expenditures, and market values associated with the redevelopment that is proposed in this plan results in a series of calculations and figures that clearly pass the market value test. It is therefore the opinion of the City of Minneapolis that the development in this TIF District could not occur solely through private investment within the foreseeable future.

2.3. The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the project by private enterprise, as the proposed redevelopment removes blight and blighting influences, will facilitate the redevelopment of a long vacant and blighted building, restore retail space on the first floor of the building, and will create needed retail opportunities for neighborhood based businesses and will strengthen the surrounding Latino retail district. Further, the project will also help anchor the Heart of the Beast Theater, a long-time neighborhood cultural institution.

2.4. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. The project reflects a number of key Minneapolis Plan policies related to the support of arts organizations and renovation and reuse of commercial properties on commercial corridors. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.5. The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this district be taken from outside the Antiques Minnesota/1508 E. Lake Street TIF District. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, paragraph (a) is elected.

2.6. The Council further finds, determines and declares that the property to be included in the TIF district consists of two parcels and adjoining alleys: a vacant commercial structure, a paved parking lot and two adjoining alleys. The site analysis included an interior inspection conducted in February 2004 and it was found that the conditions therein do not meet the standards required for safe, sanitary, human occupancy. The structure is in poor condition and does not meet Uniform Building, Energy and Minneapolis Housing Maintenance Codes and Ordinances. The building has sustained water damage in the basement of the building and general neglect. The structure lacks fire suppression systems, sprinklers, alarms and/or fireboxes. There is evidence that the systems have been altered, disassembled, and possible portions scrapped and sold. The property does not meet the current Uniform Building Code, State of Minnesota Energy Code, State of Minnesota Fire Code, or the Accessibility Code. The property has been tested and does contain both lead-based paint and asbestos. Interior inspection revealed the presence of settlement cracks, spalling and deteriorated bricks, missing rails and bumpers on loading docks, HVAC systems are outdated and inoperable, illegal and outdated plumbing systems which require replacement, illegal outdated electrical, exposed wires and inoperable fixtures, leaking roof, obsolete, inoperable, elevators in violation of the 1996 Elevator Code, structure lacks adequate foundation insulation, wall insulation and roof insulation required of all commercial properties, lacks fire protection, handicapped accessible parking, accessible routes, contains evidence of graffiti, and the structure has been poorly maintained over the years and is creating a possible health and safety hazard due to lack of normal maintenance, hygiene, and shows evidence of vandalism, infestation and increased police incident reports. The parking lot and retaining walls are deteriorated and in need of repair or replacement and offers no handicap parking or accessible routes for businesses and is underused. The lot is in deteriorated condition, contains potholes, cracks and damaged bituminous paving. It is therefore found that the parcels are blighted and substandard to a degree requiring substantial renovation and exhibits deficiencies in other categories such as lacking essential utilities (heat, light, ventilation), fire protection, and contains asbestos and lead containing materials, and basic energy conservation code requirements under statutory criteria.

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

2.8. The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are consistent with the undertaking of a redevelopment project area and redevelopment TIF district, all pursuant to and in accordance with the Laws.

Section 3. Approval of the Plans; Creation of TIF District

3.1. Based upon the findings set forth in Section 2, the Antiques Minnesota/1508 E. Lake Street TIF Plan, and Modification No 1 to the Lake and Bloomington Redevelopment Plan presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans

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

Adopted 5/28/04.

Absent - Johnson Lee.

Resolution 2004R-237, authorizing the issuance of a tax increment revenue note in substantially the form recited herein in a principal amount not exceeding \$408,000 in connection with the Antiques Minnesota/1508 E. Lake Street Project, was passed 5/28/04 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-237
By Goodman and Johnson**

Authorizing the issuance of a tax increment revenue note in substantially the form recited herein in a principal amount not exceeding \$408,000 in connection with the Antiques Minnesota/1508 E. Lake Street Project.

Whereas, pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its Department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, transact business and exercise its powers, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

Whereas, in furtherance of the objectives of the Project Laws, the City has undertaken a program for commercial revitalization, historic preservation, and the clearance and reconstruction or rehabilitation of blighted, deteriorated, deteriorating, vacant, unused, underused or inappropriately used, areas of the City, and in this connection the City has adopted the Lake and Bloomington Redevelopment Plan, as modified (the "Plan"), which plan, describes the boundaries and objectives for redevelopment of the project area ("Project Area"); and

Whereas, in furtherance of the Plan, the City is engaged in carrying out a redevelopment project known as the Antiques Minnesota/1508 E. Lake Street Redevelopment Project (hereinafter referred to as the "Project") through a Redevelopment Contract to be entered into by and between the City and the Developer (the "Redevelopment Contract"); and

Whereas, pursuant to the Project Laws (the "Tax Increment Act"), the City has approved the Antiques Minnesota/1508 E. Lake Street Tax Increment Financing Plan dated April 16, 2004 for the Project; and

Whereas, pursuant to the Tax Increment Act, and specifically Section 469.178, subd. 4, the City is authorized to issue its tax increment revenue notes to finance the public redevelopment costs of the Project; and

Whereas, the City proposes to issue a taxable tax increment revenue note pursuant to the Redevelopment Contract to NDC REDI, LLC (the "Developer"), which includes a development plan and commitment by the Developer to cause the development of certain real property located in the Project into approximately a three-story plus basement 40,000 square foot commercial building and related site and public improvements;

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

1. That it is desirable that the City issue a tax increment revenue note (the "Note") in substantially the following form:

[Form of Note]
UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF MINNEAPOLIS
TAXABLE TAX INCREMENT LIMITED REVENUE NOTE
(Antiques Minnesota/1508 E. Lake Street)

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of NDC REDI, LLC, a Minnesota limited liability company (the "Developer"), solely from the source, to the extent and in the manner hereinafter provided, the principal amount of this Note, being Four Hundred Eight Thousand and No/100 Dollars (\$408,000.00) or such lesser amount as may equal the Certified Public Redevelopment Costs, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

Capitalized terms not defined elsewhere in this Note shall have the meanings below:

"Available Tax Increment" means the Tax Increment received by the City during the period preceding each Payment Date, less (i) the amount of Tax Increment, if any, which the City must pay to the school district, the county and the state pursuant to Minnesota Statutes, Sections 469.177, Subds. 9, 10, and 11; 469.176, Subd. 4h; and 469.175, Subd. 1a, as the same may be amended from time to time; and (ii) actual administrative costs of the City in an amount not to exceed 10% of the Tax Increment.

"Certificate of Approved Public Redevelopment Costs" means a certificate in substantially the form attached to the Contract, by which the City certifies the Public Redevelopment Costs pursuant to the terms of the Contract.

"Contract" means that certain Redevelopment Contract by and between the City and the Developer dated _____, 2004.

"District" means the Antiques Minnesota/1508 E. Lake Street Tax Increment Financing District within the Project.

"Maturity Date" means the earlier of (i) February 1 of the year following the final year of Tax Increment collection from the District; and (ii) the date when the principal and interest amount of this Note has been paid in full.

"Minimum Improvements" means rehabilitation of a three-story plus basement 40,000 square foot commercial building and related parking and improvements as described in the Contract.

"Note Rate" means two percent (2%) annual interest.

"Payment Date" means August 1 of the year of first increment collection from the District and each August 1 and February 1 thereafter until the Maturity Date.

"Project" means the Antiques Minnesota/1508 E. Lake Street Redevelopment Project on the Property.

"Property" means the real property legally described in the attached Exhibit A, which is located within the Project upon which the Minimum Improvements are to be constructed.

"Public Redevelopment Costs" means actual Public Redevelopment Costs as defined in the Contract, not in excess of \$408,000 related to the Minimum Improvements and which are approved by the City pursuant to the Contract.

"Tax Increment" means that portion of the property taxes generated by the Property and Minimum Improvements, that is actually remitted to the City as tax increment under the Tax Increment Act.

"Tax Increment Act" means Minnesota Statutes, Section 469.174-469.179, as amended, or any successor statutes applicable to the District.

On each Payment Date, the City shall pay the Developer an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to pay the accrued unpaid interest and the unpaid principal amount of this Note in full. In the event the Developer is in default with respect to the provisions of the Contract, the City may suspend payment on this Note until the default is cured or the Contract and the City's obligations under this Note are terminated. To the extent that on any Payment Date there is insufficient Available Tax Increment to make a scheduled payment, such failure to make a scheduled

payment shall not constitute a default under this Note. If the Minimum Improvements' owner fails to pay all or a portion of the property taxes due and owing on the Minimum Improvements, then upon such failure to pay, no interest as required by the Note shall accrue on an amount equal to the amount of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

Interest shall accrue on the initial principal amount of this Note from the later of (i) June 1, 2005 and (ii) the date of issue of the Certificate of Approved Public Redevelopment Costs. Each payment under this Note, whether a scheduled payment or any other payment, shall be applied first to current interest, then to accrued unpaid interest and then to the unpaid principal amount of this Note.

On the Maturity Date, this Note shall be deemed paid in full and the City shall have no further obligation under this Note even if the aggregate of the Available Tax Increment that has actually been paid to the Developer on the Payment Dates is less than the full principal and interest amount of this Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this Note has been paid in full. This Note may be prepaid in full or in part at any time without penalty.

Each payment on this Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and shall be made by wire transfer, check or draft made payable to the Developer and mailed to the Developer at _____, or such other address as the Developer shall provide in writing to the City's notice address as set forth in the Contract.

The Note is a special and limited obligation and not a general obligation of the City, which has been issued by the City pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Section 469.178, subdivision 4, to aid in financing a "project", as therein defined, of the City consisting generally of defraying certain public redevelopment costs incurred by the Developer within and for the benefit of the Project.

THE NOTE IS NOT A DEBT OF THE STATE OF MINNESOTA (THE "STATE"), OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY OF MINNEAPOLIS, MINNESOTA, EXCEPT THAT THE CITY SHALL BE OBLIGATED TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, AND NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY, SHALL BE LIABLE ON THE NOTE, EXCEPT FOR THE CITY'S OBLIGATION TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, NOR SHALL THE NOTE BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN AVAILABLE TAX INCREMENT AS SET FORTH HEREIN.

This Note shall not be transferred to any person, unless the City has been provided with an opinion of counsel acceptable to the City that such transfer is exempt from registration and official statement delivery requirements of federal and applicable state securities law and an investment letter reasonably acceptable to the City.

This Note shall not be payable from or constitute a charge upon any funds of the City, and the City shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified.

The Developer shall never have or be deemed to have the right to compel any exercise of any taxing power of the City or of any other public body, and neither the City nor any person executing or registering this Note shall be liable personally hereon by reason of the issuance of registration thereof or otherwise.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this Note is issued pursuant to the Tax Increment Act; and that this Note together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, the City of Minneapolis, by action of its City Council, has caused this Note to be executed by the manual signature of its Finance Officer, and has caused this Note to be dated _____, 2004.

CITY OF MINNEAPOLIS

By _____
Patrick Born
Its Finance Officer

Approved as to form:

Assistant City Attorney

EXHIBIT A TO NOTE
Description of the Property
To Be Determined

2. Be It Further Resolved that the form of the Note is hereby approved and shall be executed by the Finance Officer in substantially the form on file, with such changes therein not inconsistent with law as the Finance Officer may approve, which approval shall be conclusively evidenced by the execution thereof.

3. Be It Further Resolved that all actions of the members, employees and staff of the City and the Minneapolis Community Development Agency heretofore taken in furtherance of the issuance of the Note are hereby approved, ratified and confirmed.

4. Be It Further Resolved that the sale of said Note to the Developer is hereby approved, and the Note is hereby directed to be sold to the Developer, upon the terms and conditions set forth in the Redevelopment Contract.

5. Be It Further Resolved that the Finance Officer is hereby authorized and directed to execute such other documents, agreements and certificates as may be required in connection with the Note.

6. Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues which are to be applied to the payment of the Note, as provided therein and in the Redevelopment Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable upon any property or funds of the City except that revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment hereon against any property of the City. The Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

7. Be It Further Resolved that the Note, when executed and delivered, shall contain a recital that it is issued pursuant to the Tax Increment Act, and such recital shall be conclusive evidence of the validity of the Note and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Note and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Note and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that this resolution shall be in full force and effect from and after its publication.

Adopted 5/28/04.

Absent - Johnson Lee.

Comm Dev & W&M/Budget - Your Committee, having been informed that the Heritage Park Phase III rental housing project has been awarded Local Housing Incentives Account (LHIA) grant funds from the Metropolitan Council and acceptance of the funds requires City approval and appropriation of the funds, now recommends that the proper City officers be authorized to accept said funds and execute the appropriate grant and sub-recipient agreements; and passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Agency appropriation and revenue estimate by \$200,000 to reflect the receipt of said LHIA funds.

Adopted 5/28/04.

Absent - Johnson Lee.

**RESOLUTION 2004R-238
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 Grants Fund (SMN0-890-8490) by \$200,000 and increasing the revenue source (SMN-890-8490 - Source 3215-13) by \$200,000.

Adopted 5/28/04.

Absent - Johnson Lee.

Comm Dev & W&M/Budget - Your Committee, having been informed that Heritage Housing LLC is requesting an amendment to the Heritage Park Redevelopment Contract, now recommends that the proper City officers be authorized to execute an amendment to the Phase I and Phase II Heritage Park Redevelopment Contract to increase the number of for-sale units to be developed and providing the Redeveloper with the option to develop a long term neighborhood based commercial component at the southeast corner of Emerson and 10th Aves N (subject to approval by the City and the affected neighborhood groups).

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Agency appropriation by \$16,000 (\$4,000 for each of the additional four units to be developed as called for in the redevelopment agreement).

Adopted 5/28/04.

Absent - Johnson Lee.

**RESOLUTION 2004R-239
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 Capital Projects Other Fund (CPO-890-8952) by \$16,000 and increasing the revenue source (CPO-890-8490) by \$16,000.

Adopted 5/28/04.

Absent - Johnson Lee.

Comm Dev & W&M/Budget - Your Committee recommends approval of the guidelines for the American Dream Downpayment Initiative (ADDI) Program (as included in Petn No 269646), a new program utilizing federal funds to help support the downpayment and closing cost needs of potential homebuyers within certain income guidelines.

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Agency appropriation by \$421,928 to reflect 2003 and 2004 ADDI program funding.

Adopted 5/28/04.

Absent - Johnson Lee.

**RESOLUTION 2004R-240
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 Federal Grants Fund (FGO-890-8490) by \$421,928 and increasing the revenue source (FGO-890-8490 - Source 3215-13) by \$421,928.

Adopted 5/28/04.

Absent - Johnson Lee.

The **ELECTIONS** Committee submitted the following reports:

Elections - Your Committee recommends passage of a resolution designating polling places, and addition of Precinct 11 in Ward 2, for all elections in the remainder of 2004 in accordance with Chapter 2, Section 7, of the Charter of the City of Minneapolis and Minnesota Statutes, Section 204B.14.

Lilligren moved to substitute a new resolution for the above-mentioned resolution. Seconded.

Adopted upon a voice vote.

The report, with a substitute resolution, was adopted 5/28/04.

Absent - Johnson Lee.

Resolution 2004R-241 designating polling places and adding a new Precinct 11 in Ward 2 for 2004 elections, was passed on 5/28/04 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-241

By Samuels

Designating polling places and adding a new Precinct 11 in Ward 2 for 2004 elections.

Resolved by The City Council of The City of Minneapolis:

That a new Precinct 11 be added to Ward 2 as shown on the map in Petn No 269646.1 on file in the office of the City Clerk.

Be It Further Resolved that the following polling places be designated for the September and November 2004 elections:

FIRST WARD

PRECINCT

- 1 - Golf Building, Columbia Park, 3300 Central Ave N E
- 2 - Waite Park, 1810 - 34th Ave N E
- 3 - Northeast Middle School, 2955 Hayes St N E, (*in Media Center*)
- 4 - Audubon Park, 1320 - 29th Ave N E
- 5 - Windom Park Building, 2251 Hayes St N E, (*Hayes & 23rd - School Annex*)
- 6 - Parker Skyview Highrise, 1815 Central Ave N E
- 7 - Tuttle School, 1042 - 18th Ave S E
- 8 - IBEW Local #160, 2522 Marshall St N E
- 9 - YMCA, 2304 Jackson St N E
- 10 - Holland Highrise, 1717 Washington St N E

SECOND WARD

PRECINCT

- 1 - Heltzer Manor Highrise, 2121 Minnehaha Ave
- 2 - Brackett Field House, 3900 - 28th St E
- 3 - Van Cleve Park, 901 - 15th Ave S E
- 4 - Coffman Union, 300 Washington Ave S E
- 5 - Sidney Pratt School, 66 Malcolm Ave S E

- 6 - St. Frances Cabrini Church, 1500 Franklin Ave S E
- 7 - Seward Square Apartments, 2121 - 9th St S
- 8 - Seven Corners Apartments, 1400 - 2nd St S
- 9 - Seward Towers East, 2910 Franklin Ave E
- 10 - Coyle Community Center, 410 - 15th Ave S
- 11 - Centennial Hall Library, 614 Delaware St S E

THIRDWARD

PRECINCT

- 1 - University Lutheran Church of Hope, 601 - 13th Ave S E
- 2 - First Congregational Church of MN, 500 - 8th Ave S E
- 3 - De LaSalle School, 1 De LaSalle Drive
- 4 - Spring Manor Highrise, 828 Spring St N E
- 5 - Dickman Park Highrise, 710 - 2nd St N E
- 6 - East Side Neighborhood Services, 1700 - 2nd St N E
- 7 - City View School, 3350 - 4th St N
- 8 - Farview Park, 609 - 29th Ave N
- 9 - Lynway Manor, 2415 - 3rd St N

FOURTHWARD

PRECINCT

- 1 - Creek View Neighborhood Center, 5001 Irving Ave N
- 2 - Jenny Lind Elementary School, 5025 Bryant Ave N
- 3 - Shingle Creek Commons, 4600 Humboldt Ave N
- 4 - Loring Elementary School, 2600 - 44th Ave N
- 5 - Henry High School, 2020 - 43rd Ave N
- 6 - Hamilton Manor Highrise, 1314 - 44th Ave N
- 7 - Luther Memorial Church, 3751 Sheridan Ave N
- 8 - Parkway United Church of Christ, 3120 Washburn Ave N
- 9 - Folwell Park Field House, 1615 Dowling Ave N
- 10 - Oliver Manor Highrise, 3116 Oliver Ave N

FIFTHWARD

PRECINCT

- 1 - Willard/Gordon Elementary School, 1616 Queen Ave N
- 2 - North Regional Library, 1315 Lowry Ave N
- 3 - Rainbow Terrace, 1710 Plymouth Ave N
- 4 - Pilot City Neighborhood Services, 1315 Penn Ave N
- 5 - Lyndale Manor Highrise, 600 - 18th Ave N
- 6 - W. Harry Davis Academy, 1510 Glenwood Ave N
- 7 - Phyllis Wheatley Community Center – Bethune Park , 919 Fremont Ave N
- 8 - Jordan New Life Community Church, 1922 - 25th Ave N
- 9 - Phyllis Wheatley Community Center – Bethune Park , 919 Fremont Ave N
- 10 - River of Life Lutheran Church, 2200 Fremont Ave N

SIXTHWARD

PRECINCT

- 1 - Salem English Lutheran Church, 610 - 28th St W
- 2 - Whittier Park, 2600 Grand Ave S
- 3 - Minnesota Church Center, 122 Franklin Ave W, (Use Pillsbury Ave Entrance)

- 4 - First Christian Church, 2201 - 1st Ave S
- 5 - Trinity First Lutheran Church, 1115 - 19th St E, (Use Parking Lot Entrance)
- 6 - Pentagon Highrise, 1415 - 22nd St E
- 7 - Ebenezer Towers, 2523 Portland Ave S
- 8 - Ebenezer Park Apartments, 2700 Park Ave

SEVENTHWARD

PRECINCT

- 1 - Bryn Mawr School, 252 Upton Ave S
- 2 - St. Paul's Episcopal Church, 1917 Logan Ave S
- 3 - First Unitarian Society, 900 Mount Curve Ave
- 4 - Jones Harrison Residence, 3700 Cedar Lake Ave
- 5 - Oak Grove Towers, 215 Oak Grove St
- 6 - Towers Apartments (Lobby Annex), 19 - 1st St S
- 7 - Heritage Landing, 415 1st St N
- 8 - Emerson Elementary School, 1421 Spruce Place
- 9 - Central Lutheran Church, 333 - 12th St S
- 10 - Augustana Health Care Center, 1007 - 14th St E
- 11 - Fire Station #1, 530 - 3rd St S

EIGHTHWARD

PRECINCT

- 1 - Old Central Community Center (Gym), 3450 - 4th Ave S, (*use 4th Ave S entrance*)
- 2 - Office of Indian Ministries, 3045 Park Ave
- 3 - Hosmer Library, 347 - 36th St E
- 4 - Holy Name Church, 3637 - 11th Ave S
- 5 - Sabathani Community Center, 310 - 38th St E
- 6 - Martin Luther King Park, 4055 Nicollet Ave
- 7 - Martin Luther King Park, 4055 Nicollet Ave
- 8 - Bancroft School, 1315 - 38th St E
- 9 - Bethel Evangelical Lutheran Church, 4120 - 17th Ave S
- 10 - St. Joan of Arc Gymnasium, 4537 - 3rd Ave S

NINTHWARD

PRECINCT

- 1 - East Lake Library, 2727 Lake St E
- 2 - Anne Sullivan Communication Center, 3100 - 28th St E
- 3 - Spirit of the Lakes United Church of Christ, 2930 13th Ave S
- 4 - Little Earth of United Tribes NELC, 2438 - 18th Ave S
- 5 - Powderhorn Park Building, 3400 - 15th Ave S
- 6 - Corcoran Community Center, 3332 - 20th Ave S
- 7 - El Milagro Lutheran Church, 3751 - 17th Ave S
- 8 - Providence Place, 3720 - 23rd Ave S
- 9 - Longfellow Park, 3435 - 36th Ave S
- 10 - Andersen School, 2727 - 10th Ave S, (*use Andersen Lane entrance*)
- 11 - Hiawatha Towers Highrise, Bldg #2, 2121 - 16th Ave S

TENTHWARD

PRECINCT

- 1 - Jefferson Elementary School, 1200 - 26th St W
- 2 - Ballentine VFW Post, 2916 Lyndale Ave S
- 3 - St. Mary's Greek Orthodox Church, 3450 Irving Ave S
- 4 - Bryant Square Park, 3101 Bryant Ave S
- 5 - Horn Towers Highrise, 3121 Pillsbury Ave

- 6 - First Universalist Church, 3400 Dupont Ave S
- 7 - Painter Park, 620 - 34th St W
- 8 - Walker Methodist Home, 3737 Bryant Ave S
- 9 - Church of New Life, 3536 Nicollet Ave
- 10 - Temple Israel, 2324 Emerson Ave S, (*use Fremont Ave entrance*)
- 11 - YWCA Uptown, 2808 Hennepin Ave

ELEVENTHWARD

PRECINCT

- 1 - Knox Presbyterian Church, 4747 Lyndale Ave S
- 2 - Washburn High School, 201 - 49th St W
- 3 - Mayflower Church, 106 Diamond Lake Road E
- 4 - Richfield Lutheran Church, 8 - 60th St W
- 5 - Pearl Neighborhood Center, 414 Diamond Lake Road E
- 6 - Diamond Lake Lutheran Church, 5760 Portland Ave S
- 7 - McRae Park Building, 906 - 47th St E
- 8 - Our Lady of Peace Church, 5425 - 11th Ave S
- 9 - Wenonah School, 5625 - 23rd Ave S

TWELFTHWARD

PRECINCT

- 1 - Cooper School, 3239 - 44th Ave S
- 2 - Dowling School, 3900 River Pkwy W
- 3 - St. Peders Lutheran Church, 4600 - 42nd St E
- 4 - Hiawatha School, 4201 - 42nd Ave S
- 5 - Keewaydin Neighborhood Center, 3030 - 53rd St E
- 6 - Minnehaha United Methodist Church, 3701 - 50th St E
- 7 - Minnesota Veterans Home (Bldg. #17), 5100 Minnehaha Ave
- 8 - St. Helena Catholic Church, 3201 - 43rd St E, (*use Parking lot entrance*)
- 9 - Trinity Lutheran Church of Minnehaha Falls, 5212 - 41st Ave S
- 10 - Morris Park Field House, 5531 - 39th Ave S
- 11 - Nokomis Community Center, 2401 Minnehaha Pkwy E

THIRTEENTHWARD

PRECINCT

- 1 - Bakken Library, 3537 Zenith Ave S
 - 2 - Lake Harriet Community School - Lower Campus, 4030 Chowen Ave S
 - 3 - Linden Hills Field House, 3100 - 43rd St W
 - 4 - Pershing Neighborhood Center, 3523 - 48th St W
 - 5 - Mt. Olivet Lutheran Church, 5025 Knox Ave S
 - 6 - Lynnhurst Community Center, 1345 Minnehaha Pkwy W, (*use Pkwy entrance*)
 - 7 - St. Luke's Parish, 4557 Colfax Ave S
 - 8 - Armatage Neighborhood Center, 5701 Russell Ave S
 - 9 - Anthony School, 5757 Irving Ave S
 - 10 - Kenny School, 5720 Emerson Ave S
- Adopted 5/28/04.
Absent - Johnson Lee.

Elections - Your Committee recommends designation of the Heritage Landing, 415 1st Street N, as the 7th Precinct polling place in the 7th Ward, for all elections in the remainder of 2004 in accordance with Chapter 2, Section 7, of the Charter of the City of Minneapolis and Minnesota Statutes, Section 204B.14.

Lilligren moved that the above report be deleted from the agenda. Seconded.
Adopted upon a voice vote.

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

H&HS - Your Committee, to whom was referred an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, increasing the CRA Board from 7 to 11 members; authorizing a case investigator, as well as the manager, to present a case at a panel hearing; authorizing the manager to employ unpaid volunteers to act as community outreach advocates on a temporary basis; authorizing the community outreach advocate to attend and assist the complainant at the hearing; extending the deadline for filing a request for reconsideration of the hearing panel's decision from 5 to 30 days; and modifying the hearing procedure to address a data practices issue, now recommends that said ordinance be given its second reading for amendment and passage.

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

Adopted upon a voice vote.

H&HS - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee to appoint Jayne Baccus Khalifa to serve as the Director of Civil Rights for a two-year term to expire January 3, 2006, and having held a public hearing thereon, now recommends approval of said appointment.

Adopted 5/28/04.

Absent - Johnson Lee.

Approved by Mayor Rybak 5/28/04.

(Published 6/2/04)

H&HS - Your Committee recommends that the Mayor be authorized to sign the Program Year (PY) 2004 update to the Local Plan for the Workforce Investment Act (WIA), which describes the operation of the WIA programs for adults and dislocated workers.

Adopted 5/28/04.

Absent - Johnson Lee.

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 amend the agreement with the Minnesota Department of Health to extend the Blood Lead Screening project period to September 15, 2004 to allow for additional sample collection over the summer months for at-risk Minneapolis children, and to ensure adequate time for thorough analysis and write-up of the data.

Adopted 5/28/04.

Absent - Johnson Lee.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to ratify a contract entered into on September 8, 2003 with the National Association of County and City Health Officials (NACCHO) to implement announced inspection strategies and associated activities for Risk 1 establishments in the City of Minneapolis. Further, that the proper City Officers be authorized to execute an amendment to said agreement to extend the termination date to May 31, 2005.

Adopted 5/28/04.

Absent - Johnson Lee.

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

IGR - Your Committee, having under consideration a report from the Minneapolis Public Housing Authority (MPHA) regarding a notice from the Department of Housing and Urban Development (HUD) about renewal funding that threatens the affordable and low income housing program throughout the

United States, now recommends that the City of Minneapolis urge HUD to provide sufficient funding to MPHA and all public housing authorities for the Section 8 Housing Choice Voucher Program.

Adopted 5/28/04.

Absent – Johnson Lee.

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

PS&RS - Your Committee, having under consideration the application of Keith & BJ Inc, dba Dunn Bros Coffee, 1915 Lyndale Av S #102, for a Sidewalk Cafe License (new business) to expire April 1, 2005, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/28/04.

Absent - Johnson Lee.

PS&RS - Your Committee, to whom was referred back from the Council on May 14, 2004 a report relating to 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 granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/28/04.

Declining to Vote - Benson.

Absent - Johnson Lee.

PS&RS - Your Committee, having under consideration the application of Pizza Luce IV Inc, dba Pizza Luce, 2200 E Franklin Av, for an On-Sale Liquor Class E with Sunday Sales License (new shareholder/partner, corporate officer and manager) to expire April 1, 2005, now recommends that said license be sent forward without recommendation.

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

Adopted upon a voice vote.

The report, as amended, was adopted 5/28/04.

Declining to Vote - Benson.

Absent - Johnson Lee.

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

Adopted 5/28/04.

Declining to Vote - Benson.

Absent - Johnson Lee.

Resolution 2004R-242, granting applications for Liquor, Wine and Beer Licenses, was passed 5/28/04 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-242
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 C-1 with Sunday Sales, to expire April 1, 2005

McTeague Enterprises Inc, dba 5 Corners Saloon, 501 Cedar Av S (temporary expansion of premises with outdoor entertainment, May 22, 2004, 3:00 p.m. to 9:00 p.m.);

On-Sale Liquor Class C-1 with Sunday Sales, to expire May 15, 2004

Haze 2 Corp, dba Grumpy's Bar, 2200 4th St NE (temporary expansion of premises with outdoor entertainment, May 15, 2004, Noon to 8:00 p.m.);

Temporary On-Sale Liquor

Minnesota Medical Foundation, 200 Oak St SE (May 6, 2004, 2:00 p.m. to 5:30 p.m. and 7:00 p.m. to 9:00 p.m. at The Depot in Minneapolis);

St. Paul Jaycees, dba St. Paul Jaycees, 401 Robert St #150 (with entertainment, June 4, 2004, 5:30 p.m. to 9:30 p.m. at surface lot behind 3001 Hennepin; Licensed Facilitator: The Independent);

Temporary On-Sale Wine

Our Lady of Peace, dba Wine Tasting Event, 5435 11th Av S (April 26, 2004, 7:00 p.m. to 10:00 p.m.);

Off-Sale Beer, to expire April 1, 2005

Crown Coco Inc, dba Broadway E-Z Stop Store, 1617 Broadway St NE;

NLX Huabtais Tswbtshoj Asian Foods LLC, dba NLX Huabtais Tswbtshoj Asian Foods, 2122 W Broadway;

W & F Inc, dba Wafana Food Market, 2326 Lyndale Av N;

Temporary On-Sale Beer

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (May 8, 2004, 5:00 p.m. to 8:00 p.m. at 6th St between Hennepin & 1st Avs);

Church of the Annunciation, dba Silent Auction Fundraiser, 509 W 54th St (May 15, 2004 at School Auditorium).

Adopted 5/28/04.

Declining to Vote - Benson.

Absent - Johnson Lee.

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

Adopted 5/28/04.

Absent - Johnson Lee.

Resolution 2004R-243, granting applications for Business Licenses, was passed 5/28/04 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-243

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 28, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269656):

Dancing School; Place of Entertainment; Caterers; Confectionery; Food Distributor; Grocery; Food Manufacturer; Meat Market; Milk & Grocery Delivery Vehicle; Drive In Food - Restricted; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Gasoline Filling Station; Motor Vehicle Repair Garage; Towing Class A; Pet Shop; Plumber;

Refrigeration Systems Installer; Residential Specialty Contractor; Sign Hanger; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Taxicab Vehicle Nontransferable; Tobacco Dealer; Tree Servicing; and Valet Parking.

Adopted 5/28/04.

Absent - Johnson Lee.

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

Adopted 5/28/04.

Absent - Johnson Lee.

Resolution 2004R-244, granting applications for Gambling Licenses, was passed 5/28/04 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-244
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 Lawful Class B

Lasallian Mentors, dba Lasallian Mentors, 404 Foshay Tower, 801 Marquette Av (Site: Mayslacks Lounge, 1428 4th St NE);

Gambling Lawful Exempt

Church of St. Bridget, dba Church of St. Bridget, 3811 Emerson Av N (Bingo, raffle, paddlewheel and pulltabs June 6, 2004 at Sojourner Truth Academy, 3820 Emerson Av N);

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, raffle, paddlewheel, pulltabs and tipboards September 18 & 19, 2004 at 1630 4th St NE);

Church of St. John the Evangelist, dba Church of St. John the Evangelist, 6 Interlachen Rd, Hopkins (Raffle September 26, 2004 at International Market Square, 275 Market St).

Adopted 5/28/04.

Absent - Johnson Lee.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses--Miscellaneous: In General*, repealing Section 385.60 entitled *Begging* and adding a new Section 385.60 entitled *Aggressive solicitation*, setting forth the policy, definition, prohibitions, and penalties relating to aggressive solicitation, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Zerby moved to amend the ordinance by deleting Section 385.60, Subsection (c) (2), paragraph (f).
Seconded.

Lost upon a voice vote.

The report was adopted 5/28/04.

Absent - Johnson Lee.

Ordinance 2004-Or-057 amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses--Miscellaneous: In General*, repealing Section 385.60 entitled *Begging* and adding a new Section 385.60 entitled *Aggressive solicitation* to set forth the policy, definition, prohibitions, and penalties relating to aggressive solicitation, was passed 5/28/04 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-057
By Niziolek
Intro & 1st Reading: 4/30/04
Ref to: PS&RS
2nd Reading: 5/28/04

Amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to Offenses--Miscellaneous: In General.

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

Section 1. That Section 385.60 of the above-entitled ordinance be and is repealed.

~~**385.60. Begging.** No person, in any public or private place, shall beg from strangers for money or other property, other than solicitation for recognized charities.~~

Section 2. That Chapter 385 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 385.60 to read as follows:

385.60. Aggressive solicitation. (a) *Policy.* As an aid in the interpretation and enforcement of this section the city council finds that:

- (1) Aggressive solicitation is disturbing and disruptive to residents and businesses and contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation and disorder.
 - (2) Aggressive solicitation may include approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic.
 - (3) The presence of individuals who solicit money from persons in places that are confined, difficult to avoid, or where a person might find it necessary to wait, is especially troublesome because of the enhanced fear of crime.
 - (4) This section is intended to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, and not to limit constitutionally protected activity.
- (b) *Definition.* "Solicitation," as used in this section, means any plea made in person where:
- (1) A person by vocal appeal requests an immediate donation of money or other item from another person; or
 - (2) A person verbally offers or actively provides an item or service of little or no monetary value to another in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

However, solicitation shall not include the act of passively standing, sitting, or engaging in a performance of art with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

(c) *Prohibitions.*

- (1) It shall be unlawful in a public place to engage in an act of solicitation when the person being solicited is present at any of the following locations:
 - a. In a restroom.
 - b. At a bus stop or shelter or light rail stop or shelter.
 - c. At a crosswalk.
 - d. In any public transportation vehicle or public transportation facility.
 - e. In a vehicle which is parked or stopped on a public street or alley.
 - f. in a sidewalk café.
 - g. In a line waiting to be admitted to a commercial or government establishment.
 - h. Within twenty (20) feet in any direction from an automatic teller machine or entrance to a bank, other financial institution, or check cashing business.
- (2) It shall be unlawful in a public place to engage in an act of solicitation in a manner that incorporates any of the following methods:

- a. Intentionally touching or causing physical contact with the solicited person without that person's consent.
- b. Intentionally blocking the path of the solicited person, or the entrance to any building or vehicle.
- c. Following behind, ahead or alongside a person who walks away from the solicitor after being solicited, with the intent to intimidate or continue solicitation.
- d. Using obscene, profane, or abusive language or gestures toward the solicited person.
- e. Approaching the solicited person in a manner that:
 1. Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 2. Is intended to or is likely to intimidate a reasonable person into responding affirmatively to the solicitation.
- f. Solicitation while under the influence of alcohol or drugs.

(d) *Penalties*. Each act of solicitation prohibited by this section shall constitute a separate violation of this Ordinance. Each violation shall be punishable as a misdemeanor.

(e) *Severance*. If any section, sentence, clause, or phrase of this law is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.

Adopted 5/28/04.

Absent - Johnson Lee.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: In General*, acknowledging that the loitering ordinance applies to drug-related offenses, as well as the interior of motor vehicles parked or stopped on a street; emphasizing that the person must have the "intent to solicit criminal activity" by articulating some of the circumstances that may be considered in determining a person's intent; and promoting the use of reasonable and limited geographic restrictions, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 5/28/04.

Absent - Johnson Lee.

Ordinance 2004-Or-058 amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses--Miscellaneous: In General*, amending Section 385.50 to acknowledge that the ordinance applies to drug-related offenses, as well as the interior of motor vehicles parked or stopped on a street; to emphasize that the person must have the "intent to solicit criminal activity" by articulating some of the circumstances that may be considered in determining a person's intent; and to promote the use of reasonable and limited geographic restrictions, was passed 5/28/04 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-058
By Samuels
Intro & 1st Reading: 4/30/04
Ref to: PS&RS
2nd Reading: 5/28/04

Amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to Offenses--Miscellaneous: In General.

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

Section 1. That Section 385.50 of the above-entitled ordinance be amended to read as follows:

385.50. Loitering. (a) No person shall loiter on the streets or in a public place or in a place open to the public with intent to solicit for the purposes of prostitution, illegal narcotic sale, distribution, purchase or possession, or any other act prohibited by law.

(b) No person shall be present in a motor vehicle stopped, parked or operated on the street, in a public place or in a place open to the public with intent to solicit for the purposes of prostitution, illegal narcotic sale, distribution, purchase or possession, or any other act prohibited by law.

(c) Among the circumstances which may be considered in determining whether a person intends to loiter for the purposes of engaging in prostitution are whether a person:

(1) Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation;

(2) Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture;

(3) Is a known prostitute or procurer of prostitutes; or

(4) Inquires whether a potential patron, procurer or a prostitute is a police officer or searches for articles that would identify a police officer or requests the touching or exposing of male or female genitals or female breasts to prove that the person is not a police officer.

(d) Among the circumstances which may be considered in determining whether a person intends to loiter for the purpose of engaging in distributing illegal narcotics are whether a person:

(1) Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation.

(2) Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or other bodily gesture.

(3) Acts as a look-out.

(4) Transfers small objects or packages of currency or any other thing of value in a furtive fashion which would lead an observer to believe or ascertain that a drug transaction has or is about to occur.

(5) Carries small objects or packages in one's mouth and transfers such objects or packages to another person for currency or any other thing of value, or swallows or attempts to swallow the objects or packages if approached by a law enforcement officer.

A prima facie case may be established by a law enforcement officer's observations of the offender's behavior, and the seizure or recovery of illegal drugs shall not be a prerequisite to establishment of a prima facie case.

(e) A violation of this section is a misdemeanor punishable by up to ninety (90) days in jail and/or a one thousand dollar (\$1,000.00) fine. The city prosecutor may request that the court impose, as a condition of pretrial release or probation, that the defendant be geographically restricted from a reasonable and limited area surrounding the location where the crime allegedly occurred. The specific boundaries and duration of the geographic restriction shall be determined by the court and described to the defendant on-the-record or in writing.

(f) Severance. If any section, sentence, clause, or phrase of this law is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.

Adopted 5/28/04.

Absent - Johnson Lee.

PS&RS - Your Committee, to whom was referred the following ordinances amending the Minneapolis Code of Ordinances, transferring the duties and responsibilities of the Office of Emergency Preparedness and Management from the Fire Chief to the Assistant City Coordinator of Regulatory Services; and eliminating the duties and responsibilities of the Office of Emergency Preparedness and Management from the Fire Department and the Fire Chief, now recommends that said ordinances be given their second reading for amendment and passage:

a. amending Title 6 entitled *Civil Defense and Disaster Relief* to change the name to *Emergency Preparedness and Management*,

b. amending Title 6, Chapter 128 relating to *Emergency Preparedness and Management: Emergency Preparedness and Management*; and

c. amending Title 9, Chapter 173 relating to *Fire and Police Protection: Fire*.

Adopted 5/28/04.

Absent - Johnson Lee.
Approved by Mayor Rybak 5/28/04.
(Published 6/2/04)

Ordinance 2004-Or-059 amending Title 6 of the Minneapolis Code of Ordinances relating to *Civil Defense and Disaster Relief*, to change the name to *Emergency Preparedness and Management*, was passed 5/28/04 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-059
By Niziolek
Intro & 1st Reading: 5/14/04
Ref to: PS&RS
2nd Reading: 5/28/04

Amending Title 6 of the Minneapolis Code of Ordinances relating to Civil Defense and Disaster Relief.

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

Section 1. That the title of Title 6 of the Minneapolis Code of Ordinances be amended to read as follows:

Title 6 ~~CIVIL DEFENSE AND DISASTER RELIEF~~ EMERGENCY PREPAREDNESS AND MANAGEMENT*

Adopted 5/28/04.
Absent - Johnson Lee.
Approved by Mayor Rybak 5/28/04.

Ordinance 2004-Or-060 amending Title 6, Chapter 128 of the Minneapolis Code of Ordinances relating to *Emergency Preparedness and Management: Emergency Preparedness and Management*, amending Sections 128.30; 128.40; 128.100; 128.110; 128.120; 128.130 128.140; 128.150; 128.210; 128.220; and 128.250 to transfer the duties and responsibilities of the Office of Emergency Preparedness and Management from the Fire Chief to the Assistant City Coordinator of Regulatory Services, was passed 5/28/04 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-060
By Niziolek
Intro & 1st Reading: 5/14/04
Ref to: PS&RS
2nd Reading: 5/28/04

Amending Title 6, Chapter 128 of the Minneapolis Code of Ordinances relating to Emergency Preparedness and Management: Emergency Preparedness and Management.

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

Section 1. That Section 128.30 of the above-entitled ordinance be amended to read as follows:

128.30. Office of emergency preparedness and management. There shall be, ~~within the executive office of the mayor,~~ an office of emergency preparedness and management which shall be under the supervision and control of the ~~chief of the Minneapolis Fire Department, hereinafter called the fire chief~~ mayor. The city council shall provide for the necessary expenses of the office of emergency preparedness and management and the mayor shall assign the operational duties of the office of

emergency preparedness and management to the assistant city coordinator of regulatory services and emergency preparedness. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall have direct responsibility for the organization, administration and operation of the office of emergency preparedness and management, subject to the direction and control of the mayor, and shall supervise the emergency preparedness and management staff. The office of emergency preparedness and management shall be organized, consistent with state and city emergency management plans as the ~~fire~~ assistant city coordinator of regulatory services and emergency preparedness deems necessary to provide for efficient performance during a declared emergency, to coordinate city planning and preparation for emergency relief, to provide liaison and coordination with federal, state, county and local jurisdictions relative to emergency preparedness and management activities, and to assure implementation of federal and state emergency preparedness and management program requirements.

Section 2. That Section 128.40 of the above-entitled ordinance be amended to read as follows:

128.40. Transportation of radioactive material. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall transmit, immediately upon the passage of this section and annually thereafter during the month of December, to the mayor and to the city council an assessment of the adequacy of emergency response capability, and the safety of the transportation of radioactive material, as defined, licensed and regulated in Title 10 CFR part 71 and 49 CFR parts 171--177, through, into, or out of the City of Minneapolis.

The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall make such assessment:

- (1) After consultation and coordination with the owner and/or consignee of the material, the transporter of the material, the health, police, and fire departments of the city, and the State of Minnesota;
- (2) After consideration of the requirements of and certifications to other agencies responsible for the regulation of such transportation and the performance capabilities of the equipment to be utilized; and
- (3) After consideration of the method of transportation to be used, the route or routes of travel, timing, and any unique local features of the route or routes involving potential disturbance to the shipment or susceptibility to harm of the locale or persons nearby.

In such transmittal, the ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall delineate the resources available for emergency response, the sources of such resources, the training level of the resources, the rapidity of response from each source, the coordination of the responses as planned, and the plans of other agencies, owner, transporter, and the state to respond to any incident.

Section 3. That Section 128.100 of the above-entitled ordinance be amended to read as follows:

128.100. Mutual aid agreements. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness, with the consent of the mayor, shall represent the city on any regional or state organization for emergency preparedness and management. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal emergency preparedness and management assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the city council for its approval or disapproval.

Section 4. That Section 128.110 of the above-entitled ordinance be amended to read as follows:

128.110. Surveys of resources. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall make such studies and surveys of the industries, resources and facilities of the city necessary to determine their adequacy for emergency preparedness and management and to plan for their most efficient use in time of declared emergency.

Section 5. That Section 128.120 of the above-entitled ordinance be amended to read as follows:

128.120. Emergency management plan. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall prepare a comprehensive general emergency management plan for the defense of the city, and for relief from any emergency, and shall present such plan to the council for its approval. When the council has approved the plan by resolution, all city departments and agencies and all emergency preparedness and management forces of the city shall perform the duties

and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall coordinate the emergency preparedness and management activities of the city to the end that they shall be consistent and fully integrated with the emergency management plans of the federal government, the state and other political subdivisions within the state.

Section 6. That Section 128.130 of the above-entitled ordinance be amended to read as follows:

128.130. Training and information programs. In accordance with the state and the city emergency management plans, the ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall institute such training programs and public information programs, and shall take all other preparatory steps as may be necessary to the prompt and effective operation of the city emergency management plan in time of declared emergency. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness may, from time to time, conduct such tests of warning devices as necessary.

Section 7. That Section 128.140 of the above-entitled ordinance be amended to read as follows:

128.140. Use of city personnel and equipment. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall use the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the office of emergency preparedness and management and to the governor upon request. The head of each department and agency, in cooperation with and under the direction of the ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness, shall be responsible for the planning and programming of emergency preparedness and management activities as will involve the utilization of the facilities of each department or agency.

Section 8. That Section 128.150 of the above-entitled ordinance be amended to read as follows:

128.150. Volunteers generally. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness, may organize, recruit and train police reserve, fire reserves, emergency medical personnel and any other personnel that may be required on a volunteer basis to carry out the emergency management plan of the city. To the extent that such emergency personnel are recruited to augment a regular city department or agency, it shall be assigned to such department or agency for purposes of administration and command. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness may dismiss any volunteer at any time and require the volunteer to surrender any equipment and identification furnished by the city.

Section 9. That Section 128.210 of the above-entitled ordinance be amended to read as follows:

128.210. Compliance with state regulations. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall carry out all orders, rules and regulations issued by the governor with reference to emergency preparedness and management. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall direct and coordinate the general operation of all city emergency preparedness and management resources during an emergency in conformity with controlling regulations and instructions of state authorities. The heads of departments and agencies shall be governed by the ~~fire chief's~~ assistant city coordinator of regulatory services and emergency preparedness orders in respect thereto.

Section 10. That Section 128.220 of the above-entitled ordinance be amended to read as follows:

128.220. Emergency operation centers. Consistent with the emergency management plan, the ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall provide and equip at some suitable place in the city an emergency operation center and, if required by the state emergency management plan, an auxiliary emergency operation center to be used during a declared emergency as headquarters for direction and coordination of emergency management activities. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall arrange for representation at the emergency operation center by city departments and agencies authorized by federal or state authority to carry on emergency management activities. The ~~fire chief~~ assistant city coordinator of regulatory services and emergency preparedness shall arrange for the installation at the emergency operation center of necessary facilities for communication between heads of departments and agencies, the office of emergency preparedness and management, the stations and operating units

of city services and other agencies concerned with emergency preparedness and management, and for communication with other communities and emergency operation centers within the surrounding area and with the federal and state agencies concerned.

Section 11. That Section 128.250 of the above-entitled ordinance be amended to read as follows:

128.250. Fire chief's rReport. The fire chief assistant city coordinator of regulatory services and emergency preparedness shall prepare and submit such reports on the activities of the office of emergency preparedness and management as may be requested by the mayor or the city council.

Adopted 5/28/04.

Absent - Johnson Lee.

Approved by Mayor Rybak 5/28/04.

Ordinance 2004-Or-061 amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Fire*, amending Sections 173.10 and 173.20 to eliminate the duties and responsibilities of the Office of Emergency Preparedness and Management from the Fire Department and the Fire Chief, was passed 5/28/04 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-061
By Niziolek
Intro & 1st Reading: 5/14/04
Ref to: PS&RS
2nd Reading: 5/28/04

Amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Fire.

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

Section 1. That Section 173.10 of the above-entitled ordinance be amended to read as follows:

173.10. Composition of department. The fire department shall consist of a chief of the department, an assistant chief of the department, one (1) staff deputy chief of operations, one (1) staff deputy chief of administration, four (4) suppression deputy chiefs, one (1) deputy chief of personnel, ~~one (1) deputy of emergency preparedness~~, one (1) deputy chief of training, three (3) assistant chiefs of training, one (1) fire marshal, one (1) engineering officer, and such number of district chiefs as may be required to supervise department districts and departmental auxiliaries and perform such other duties as the chief may direct; such number of captains, fire motor operators and firefighters and other permanent and temporary employees as may be required to operate and maintain all apparatus and equipment used by the department, and perform such other duties as the chief may direct; such number of clerical and other permanent and temporary employees as may be necessary to adequately record and report on all activities of the department and perform such other duties as the chief may direct, subject to the provisions of this chapter.

Section 2. That Section 173.20 (c) of the above-entitled ordinance be and is hereby repealed.

173.20. Powers and duties of chief generally.

~~(e) The chief shall be responsible for managing the office of emergency preparedness and management, set forth in M.C.O. Ch.128, including all of the obligations and tasks set forth in M.C.O. Ch.128 and the development and implementation of the city's emergency management plan.~~

Adopted 5/28/04.

Absent - Johnson Lee.

Approved by Mayor Rybak 5/28/04.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving reappointments to the Rental Dwelling License Board of Appeals.

Adopted 5/28/04.

Absent - Johnson Lee.

Resolution 2004R-245, approving reappointments to the Rental Dwelling License Board of Appeals, was passed 5/28/04 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-245
By Niziolek

Approving reappointments to the Rental Dwelling License Board of Appeals.

Resolved by The City Council of The City of Minneapolis:

That it recommends concurrence with the recommendation of the City Council to reappoint the following persons to serve on the Rental Dwelling License Board of Appeals for two-year terms to expire December 31, 2005:

Reappointments

Paul Kjornes, 4509 Nicollet Av S (Ward 8), rental property owner/manager;
Steven Schactman, 2121 Austrian Pine Ln, Minnetonka, rental property owner/manager;
Clinton Blaiser, 1926 Stryker Av, W. St. Paul, real estate manager;
Daisy Barton, 8133 Idaho Av N, Brooklyn Park, as a tenant/residential rental housing advocate;
Fathia Warsame, 7318 Bass Lk Rd, New Hope, as a tenant/residential rental housing advocate;
Wayne Jensen, 2717 13th Av S (Ward 6), representing members of the general public; and
Brian Bushay, 1715 Emerson Av N (Ward 5), representing members of the general public.

Be It Further Resolved that the residency requirement be waived for Steven Schactman, Clinton Blaiser, Daisy Barton, and Fathia Warsame, pursuant to Section 14.180(m)(3) of the Minneapolis Code of Ordinances, which allows a waiver for persons providing a unique and special benefit to the City.

Adopted 5/28/04.

Absent - Johnson Lee.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Mei Jen Chen for the property located at 719 24th Av NE, and a hearing having been held by the Rental Dwelling License Board of Appeals on February 10, 2004, now recommends concurrence with the recommendation of the Board of Appeals that said license be revoked for failure to comply with licensing standards contained in Section 244.1910 (3) and (4) of the Minneapolis Code of Ordinance, over occupancy and/or illegal occupancy of the dwelling unit, and utilizing a single family rental dwelling unit as rooming units, as more fully set forth in the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 5/28/04.

Absent - Johnson Lee.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

PS&RS & T&PW - Your Committee, to whom was referred an ordinance amending Title 17, Chapter 435 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Building Numbering*, developing a standard for addressing within the corporate jurisdiction of the City to clarify and streamline City activities related to assigning addresses; establishing roles and responsibilities within City Departments for addressing activities; and establishing addressing data stewardship responsibilities, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 5/28/04.

Absent - Johnson Lee.

Ordinance 2004-Or-062 amending Title 17, Chapter 435 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Building Numbering*, amending Sections 435.10; 435.20; 435.30; 435.40; 435.50; 435.60; and 435.70 to develop address standards within the corporate jurisdiction of the City to clarify and streamline City activities related to assigning addresses; to establish roles and responsibilities within City Departments for addressing activities; and to establish addressing data stewardship responsibilities, was passed 5/28/04 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-062
By Schiff
Intro & 1st Reading: 9/12/03
Ref to: PS&RS and T&PW
2nd Reading: 5/28/04

Amending Title 17, Chapter 435 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Building Numbering.

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

Section 1. That the title of Chapter 435 of the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 435. BUILDING-PARCEL AND STRUCTURE NUMBERING

Section 2. That Section 435.10 of the above-entitled ordinance be and is hereby repealed.

~~**435.10. Director of inspections to maintain records of numbers.** The director of inspections shall prepare and keep in the director's office plats of lots and blocks in the city and shall enter thereon, in such manner as to enable all parties interested to readily ascertain the same, the individual building numbers of all buildings or building lots in accordance with the actions of the city council, and shall make additions thereto from time to time as the necessities of the case may require. The individual building numbers shall be as assigned and determined by the director of inspections. Any person desiring to ascertain the number or numbers, for building numbering purposes, shall be so informed by the director of inspections or assistants, free of cost, on proper application being made.~~

Section 3. That Chapter 435 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 435.10 to read as follows:

435.10. Administration. The director of inspections shall assign address numbers, keep records of address assignments, and exercise such other powers as are necessary to carry out the provisions of this chapter.

Section 4. That Section 435.20 of the above-entitled ordinance be and is hereby repealed.

~~**435.20. Owners to place and maintain numbers.** (a) The owner of any building shall place and keep in a conspicuous place on the front of such building the proper individual number thereof, as assigned and determined by the director of inspections. Building numbers placed or replaced after July 1, 1975, shall be a minimum of two (2) inches in height, but in all cases shall be of sufficient size and of a contrasting color so as to be readily distinguishable and readable from the public way. Such number shall also be conspicuously posted on the rear of the residential buildings or on a building accessory to such buildings at the rear so as to be readily identifiable for refuse pickup and in case of fire or other emergency; however, the rear address number may be omitted if there is no public way at the rear of the building.~~

~~(b) Provided that the foregoing provisions requiring individual building numbers shall not be applied to buildings accessory to buildings housing residential occupancies.~~

Section 5. That Chapter 435 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 435.20 to read as follows:

435.20. Document adopted. That certain document entitled "Minneapolis Street Naming and Address Standard", a copy of which shall be maintained in the office of the city clerk, is adopted by reference and made a part of this Code, as if fully set forth herein. The provisions thereof, as they may be amended and supplemented from time to time by ordinance or resolution of the city council, shall govern the assigning of addresses to land parcels, buildings, and units within the city.

Section 6. That Section 435.30 of the above-entitled ordinance be and is hereby repealed.

435.30. Duties of city engineer. The city engineer shall notify the owners of unnumbered buildings of the proper numbers therefor; and unless such proper numbers shall, within thirty (30) days, be placed upon such house the city engineer shall cause a complaint to be made against the offending owners in the municipal court.

Section 7. That Chapter 435 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 435.30 to read as follows:

435.30. Owner responsibility. Whenever any new building is erected, a building egress is modified, units are added in a building or changed in a building, or the occupancy of a building is changed in a manner requiring an address assignment as described in the Minneapolis Street Naming and Address Standard, the owner shall procure the correct address number or numbers designated by the director of inspections and pay required fees. The owner shall prior to occupancy or within thirty (30) days of assignment, whichever occurs later, place the assigned address number(s) upon the building or in a manner and location as provided in this chapter.

Section 8. That Chapter 435 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 435.40 to read as follows:

435.40. Permits and certificates of occupancy. (a) No new construction or remodeling building permits shall be issued by the city for construction that requires new addresses, unless the owner has obtained parcel, structure, and unit addresses from the director of inspections.

(b) No certificate of occupancy shall be issued for any building unless the proper building number has been posted as required by this chapter.

Section 9. That Chapter 435 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 435.50 to read as follows:

435.50. Eligibility. Addresses will only be assigned to officially designated streets as deemed by the director of public works.

Section 10. That Chapter 435 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 435.60 to read as follows:

435.60. Address display. The owner of any public or non public residential, commercial, industrial, or other building in the city shall display properly on the front and rear thereof and in a position easily observed from the street, and in numbers not less than four (4) inches in height, the proper address number of such building.

Section 11. That Chapter 435 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 435.70 to read as follows:

435.70. Alteration of building number, improper number. It is unlawful for any person to cause or knowingly permit a building number to be displayed that is different than that assigned pursuant to this chapter.

Adopted 5/28/04.

Absent - Johnson Lee.

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

PS&RS & W&M/Budget - Your Committee recommends that that the proper City Officers be authorized to renew Agreement #017571 with the Hennepin County Medical Center (HCMC) to continue Emergency Medical Service Training for the Fire Suppression personnel for a one-year period beginning July 1, 2004 and expiring June 30, 2005. Further, to execute amendment #3 to said agreement to increase the cost of services provided by HCMC by \$2,249, for a new total amount of \$92,213, payable from the Fire Department Agency (010-280-2816).

Adopted 5/28/04.

Absent - Johnson Lee.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to amend the grant agreement with the American Indian Neighborhood Development Corporation to receive an additional amount by \$43,700 and extend the termination date through 2004 to continue to support the salary of the Crime Prevention Specialist working at the Franklin Safety Center. Further, passage of the accompanying Resolution appropriating \$43,700 to the Police Department.

Adopted 5/28/04.

Absent - Johnson Lee.

RESOLUTION 2004R-246
By Niziolek and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P305) by \$43,700 and increasing the Revenue Source (030-400-P305 - Source 3210) by \$43,700.

Adopted 5/28/04.

Absent - Johnson Lee.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept the donation of a 1994 Acura vehicle from Allstate to the Police Department to be used for the Auto Theft Bait Vehicle Program, with future maintenance expenses being paid from the Auto Theft grant.

Adopted 5/28/04.

Absent - Johnson Lee.

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

T&PW - Your Committee, to whom was referred an ordinance amending Title 17 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks* by adding a new Chapter 436 relating to *Establishing and Naming of Streets*, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 5/28/04.

Absent - Johnson Lee.

Ordinance 2004-Or-063 amending Title 17 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks* by adding a new Chapter 436 relating to *Establishing and Naming of Streets*, adding the following Sections 436.10 through 436.80, was passed 5/28/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

- a. 436.10 Purpose.
- b. 436.20 Authority to name streets.
- c. 436.30 Street name by plat.
- d. 436.40 Application.
- e. 436.50 Required findings.
- f. 436.60 Application without petition.
- g. 436.70 Application fee.
- h. 436.80 Hearing on application.

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

ORDINANCE 2004-Or-063
By Schiff
Intro & 1st Reading: 9/12/03
Ref to: PS&RS & T&PW
2nd Reading: 5/28/04

Amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks by adding a new Chapter 436 relating to Establishing and Naming of Streets.

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 436 to read as follows:

CHAPTER 436. ESTABLISHING AND NAMING OF STREETS

436.10. Purpose. The purpose of this chapter is to establish uniform criteria and procedures for establishing and changing public and private street names.

436.20. Authority to name streets. The official name of all public and private streets shall be as approved by the city council and shall be maintained by the city engineer in a master street name file.

436.30. Street name by plat. Any new public or private street name created by plat shall be approved in accordance with the provisions set forth in this chapter, except that the application may proceed without the required petition.

436.40. Application. An application to name or rename a public or private street shall be submitted to the city engineer on a form prepared by the city engineer. The application shall be accompanied by a petition signed by at least two-thirds (2/3) of all owners of properties abutting the subject street. The petition shall contain the following information:

- (1) The current, if any, official city name of the street.
- (2) The proposed new street name.
- (3) The name and address of each owner requesting the street name.

Upon receipt of a petition, the city engineer shall verify that the petition contains the required two-thirds (2/3) signatures. Upon verification the director of community planning and economic development shall set a public hearing before the planning commission of the City of Minneapolis. The city engineer shall make a report to the planning commission as to the merits of the name request. The city engineer shall also consider the comments of the director of community development and economic development and may also request other city departments and agencies, including private utilities and the U.S. Postal Service, to comment on the application. The planning commission shall forward its recommendations to the city council for final approval.

436.50. Required findings. The city engineer shall make findings that the proposed street name or name change is in conformance with the criteria for naming streets as set forth in the Minneapolis Street Naming and Address Standard.

436.60. Application without petition. (a) The mayor or city council members may submit proposals for street naming to the city engineer without the required petition or application fee.

(b) The city engineer may submit proposals for street naming without the required petition or application fee.

436.70. Application fee. (a) *In general.* In recognition of the cost of services performed and work and materials furnished, persons who desire to name or rename a street shall pay a fee of three hundred dollars (\$300.00). Successful applicants may also be charged a fee to cover the cost of street sign installation or replacement.

(b) *Postage and publication.* For applications requiring notice of a public hearing to affected property owners, the applicant shall pay the cost of first class postage based on the number of property owners to be notified. In addition, for applications requiring publication in a newspaper of general circulation, the applicant shall pay a fee of twenty five dollars (\$25.00).

(c) *Exceptions.* The application fee required by this section shall be waived where the application to name or rename a street is submitted as part of a complete application for land subdivision approval pursuant to Chapter 598 of this Code.

436.80. Hearing on application. The planning commission shall hold a public hearing on all complete applications. Notice of the public hearing shall be given in the following manner. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this section has been made.

(1) *Newspaper of general circulation.* The director of community planning and economic development shall publish notice of the time, place and purpose of the public hearing at least once, not less than fifteen (15) days before the hearing, in a newspaper of general circulation.

(2) *Registered neighborhood groups.* The director of community planning and economic development shall mail notice of time, place and purpose of the public hearing to the registered neighborhood group(s) for the neighborhood in which the subject street is located not less than twenty-one (21) days before the hearing.

(3) *Affected property owners.* The director of community planning and economic development shall mail notice to all owners of record of property located in whole or in part within three hundred fifty (350) feet of the boundaries of the subject street, not less than fifteen (15) days before the hearing.

Adopted 5/28/04.

Absent - Johnson Lee.

T&PW - Your Committee recommends acceptance of the Minneapolis Street Naming and Address Standards document, as provided for in Section 435.20 of the Minneapolis Code of Ordinances which shall govern the assigning of addresses to land parcels, buildings, and units within the City, as set forth in Petn No 269662 on file in the Office of the City Clerk.

Adopted 5/28/04.

Absent - Johnson Lee.

T&PW - Your Committee recommends passage of the accompanying Resolution designating the location and streets to be improved in the Chicago Avenue Reconstruction Project, Special Improvement of Existing Street Number 6194.

Adopted 5/28/04.

Absent - Johnson Lee.

Resolution 2004R-247 designating the location, streets, and improvement proposed in the Chicago Avenue Reconstruction Project (28th St E to Lake St), was passed on 5/28/04 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-247

By Colvin Roy

**Chicago Avenue Reconstruction Project,
Special Improvement of Existing Street Number 6194**

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provision of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

Chicago Avenue from 28th Street E to Lake Street.

Adopted 5/28/04.

Absent - Johnson Lee.

T&PW – Your Committee, having received a cost estimate of \$998,590 for street reconstruction improvements and a list of benefited properties for the Chicago Avenue Reconstruction Project, Special Improvement of Existing Street Number 6194, as designated by Resolution 2004R-247, passed May 28, 2004, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2004 Uniform Assessment Rates as per Resolution 2004R-057 passed February 13, 2004.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on July 13, 2004, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 5/28/04.

Absent - Johnson Lee.

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

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be directed to amend a contract with HDR Engineering, Inc. in the amount of \$33,200 to cover construction administration services for the remainder of the project for a total contract amount not to exceed \$333,200. Funds are available within the project budget.

Adopted 5/28/04.

Absent - Johnson Lee.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving a bid submitted to the Public Works Department, in accordance with City specifications. (Petn. No. 269663)

Adopted 5/28/04.

Absent - Johnson Lee.

Resolution 2004R-248 granting approval of the bid to furnish and deliver street light/signal service cabinets, was passed on 5/28/04 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-248
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. 269663)

OP # 6247, Accept low responsive bid of A.M.P. Manufacturing & Supply, Inc. in the amount of \$123,875 to furnish and deliver street light/signal service cabinets.

Adopted 5/28/04.

Absent - Johnson Lee.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be directed to execute a contract with B.F.I. for the processing and marketing of recyclables collected in the City's residential recycling program. (Petn No 269663)

Adopted 5/28/04.

Absent - Johnson Lee.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be directed to execute agreements for the easements necessary for the connection of a skyway from the Hennepin County Public Safety Facility to the Jerry Haaf Municipal Parking Ramp and other documents as may be required for the construction, maintenance, and operation of the skyway.

Adopted 5/28/04.

Absent - Johnson Lee.

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

W&M/Budget - Your Committee, having held a public hearing to consider the 2005 Nicollet Mall Operating Budget, now recommends passage of the accompanying resolutions:

a) Approving the 2005 Nicollet Mall Operating Budget in the amount of \$1,263,101 as recommended by the Nicollet Mall Advisory Board; and

b) Increasing the appropriation for Nicollet Mall operations by \$639,251 to equal the revised budget.

Adopted 5/28/04.

Absent - Johnson Lee.

Resolution 2004R-249, approving the 2005 Nicollet Mall Operating Budget, was passed 5/28/2004 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-249

By Johnson

Approving the 2005 Nicollet Mall Operating Budget and accepting adjustments to the 2004 Nicollet Mall Operating Budget.

Resolved by the City Council of the City of Minneapolis:

That the estimated cost of improving, operating and maintaining the Nicollet Mall for 2005, an adjustment to the 2004 Appropriation to include unexpended balances from 2003 submitted by the City Engineer in accordance with Subd. 1, Section 420.102, Minnesota Statutes, be approved as follows:

Category 1 - Amount to be charged against the General Funds of the City	\$ 69,395
Category 2 - Amount to be charged against benefited properties in Proportion to benefits	\$1,173,552
Category 3 - Amount to be specially taxed against properties after Deductions under categories 1 and 2, and rental fees	0
Rental received from vendors and other use	\$ 20,154
Total amount required for 2005 improvements, operations and maintenance, prior Years carry forward of unexpended balance and adjusted costs	\$1,263,101

Be it Further Resolved that the City Engineer be directed to prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited properties, in the district in proportion to benefits, descriptions of such properties and the names of the owners of such properties so far as such names are available to the City Engineer, and that the City Engineer confer with the Nicollet Mall Advisory Board in the preparation of such assessment roll.

Adopted 5/28/04.

Absent - Johnson Lee.

RESOLUTION 2004R-250

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 PW - Streets & Malls Agency in the General Fund (0100-607-6130) by \$639,251.

Adopted 5/28/04.

Absent - Johnson Lee.

W&M/Budget - Your Committee, to whom was referred two ordinances amending the Minneapolis Code of Ordinances, Title 2, Chapter 16 relating to *Administration: Finance* and Chapter 18 relating to *Administration: Purchasing*, to provide for revisions to the Code of Ordinances to allow for recent changes to the City Charter to streamline the City's contract signature process and related housekeeping changes, now recommends that said ordinances be given a second reading for amendment and passage.

Your Committee further recommends that the Finance Officer be directed to approve procedures that will comply with said changes to the City Charter and the above described ordinance amendments.

Your Committee has further been informed that the Finance Officer has designated the City-wide Contract Administrator and the City Purchasing Agent authority to sign contracts for the Finance Officers, except for bond and real estate conveyance documents.

Adopted 5/28/04.

Absent - Johnson Lee.

Ordinances 2004-Or-064 and 2004-Or-065, amending Title 2 of the Minneapolis Code of Ordinances, Chapter 16 relating to *Administration: Finance* and Chapter 18 relating to *Administration: Purchasing* to reflect changes to the City Charter that will streamline the City's contract approval process, were passed 5/28/04 by the City Council. A complete copy of each ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2004-Or-064

By Johnson

Intro & 1st Reading: 5/14/04

Ref to: W&M/Budget

2nd Reading: 5/28/04

Amending Title 2, Chapter 16 of the Minneapolis Code of Ordinances relating to Administration: Finance.

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

Section 1. That Section 16.550 of the above-entitled ordinance be amended to read as follows:

16.550. Procedures by city finance officer. At the beginning of every fiscal year, and as soon thereafter as practicable, the city finance officer shall credit to and set up in the permanent improvement fund and the proper subdivisions thereof the amount of all taxes for permanent improvements becoming due and payable and not previously credited to such fund; and whenever any permanent improvement bonds or other like obligations of the city shall be authorized to be issued and sold for the purpose of making permanent improvements of the city, either by or on behalf of the city council, the board of estimate and taxation, the park board, library board or any board or department of the city, the city finance officer shall forthwith and prior to the sale of such bonds or other obligations credit to and set up in the permanent improvement fund and the proper subdivisions thereof the amounts of all such bonds and other obligations of the city. Said fund shall at all times be available for and chargeable with the costs of all

public permanent improvements of the city, whether made by the city council or any of the boards or departments of the city, to the amount to which the city and the several boards and departments of the city are credited with such fund. Upon the execution of any contract by the city, or by any board or department of the city having authority so to do, for the making of any public permanent improvement of the city, the city finance officer shall at the time of countersigning such contract charge to and encumber the proper subdivision of the permanent improvement fund with the full amount of such contract.

Section 2. That Section 16.560 of the above-entitled ordinance be amended to read as follows:

16.560. Contracts for public improvements; funds must be available. The city finance officer may countersign any proposed contract for the making of public permanent improvements of the city, made by the city or any board or department of the city ~~authorized by law so to do~~, so long as the amounts of all previous like contracts with the amount of the proposed contract do not exceed the amount credited to the subdivision of the permanent improvement fund to which such proposed contract is properly chargeable, but no such proposed contract shall be countersigned by the city finance officer when the unencumbered amount credited to the proper subdivision of such fund is not equal to the full amount of the proposed contract ~~for the current budget cycle~~. Whenever the unencumbered amount credited to any subdivision of said fund is equal to the amount of any proposed contract chargeable to the same subdivision of said fund, but the actual amount of money in the fund is insufficient to pay in full the amount of such contract together with all prior contracts chargeable thereto, such proposed contract shall contain a provision that no payments shall be made upon such contract until the money sufficient to make such payments is in the city treasury and credited to said fund.

Adopted 5/28/04.

Absent - Johnson Lee.

ORDINANCE 2004-Or-065
By Johnson
Intro & 1st Reading: 5/14/04
Ref to: W&M/Budget
2nd Reading: 5/28/04

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

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

Section 1. That Section 18.100 of the above-entitled ordinance be and is hereby repealed.

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

When an act is required of the finance officer under this section, that act may be performed by the person acting as finance officer pursuant to Chapter 3, Section 11, of the City Charter.

Section 2. That Chapter 18 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 18.100 to read as follows:

18.100. Bidded contracts. Contracts for the sale or purchase of supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property shall be drawn by the city attorney, except contracts for the park board, which shall be drawn by the attorney for the park board. These contracts shall be signed by the city finance officer or the finance officer's designee pursuant to administrative guidelines adopted by the finance department. Board contracts shall be signed by the president of the board and the city finance officer or the city finance officer's designee. Contracts shall be accompanied by a performance bond and a payment bond of the contractor to the city or the board making the contract for the full amount of the contract price or some other amount determined by the finance officer that is reasonable and necessary for the protection of the city. The city finance officer or the city finance officer's designee shall sign the bonds. Copies of all contracts shall be kept by the finance department and copies shall be sent by the finance department to the appropriate city departments or boards.

Section 3. That Chapter 18 of the Minneapolis Code of Ordinances be amended by adding a new Section 18.105 to read as follows:

18.105. Other contracts. All other contracts not regulated by section 18.100, including but not limited to contracts for professional services, leases, joint powers agreements, maintenance agreements, real estate sales, purchases or leases, inter-governmental agreements, or any other contract shall be in written form approved by the city attorney. Contracts made and executed pursuant to Chapter 4, Section 25, of the City Charter shall be in written form approved by the city attorney and consistent with the policies and procedures of the finance department or other directive of the city's finance officer. Performance bonds and payment bonds will be required for these contracts at the discretion of the city's finance officer.

Adopted 5/28/04.

Absent - Johnson Lee.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney that the proper City officers be authorized to enter into a Master Legal Services Agreement with Iverson & Reuvers, LLC in an amount not to exceed \$300,000 to provide legal services in the matter of *Rissanen v. City of Minneapolis and William Palmer*.

Adopted 5/28/04.

Absent - Johnson Lee.

W&M/Budget - Your Committee recommends that the policy that was approved by the Council on February 21, 1992 that establishes benefits for City Charter Department Heads be amended to provide that the Director of Regulatory Services and Emergency Preparedness shall be granted the option of being provided either a marked City car or a car allowance of \$200 per month.

Adopted 5/28/04.

Absent - Johnson Lee.

W&M/Budget - Your Committee recommends that the Director of the Treasury Division be authorized to enter into contract negotiations with the following investment management firms for the provision of investment services for the City's funds:

American Express;

Galliard Capital;

Northshore Advisors;

Pacific Investment Management Company;

Peregrine Capital;

Western Asset.

Adopted 5/28/04.

Absent - Johnson Lee.

W&M/Budget - Your Committee recommends concurrence with the Mayor's recommendation to appoint Joel Rainville, 2200 26th Av NE, to the Minneapolis Telecommunications Network Board to fill a vacant position (previously held by Todd Barnes) for a term to expire on January 15, 2007.

Adopted 5/28/04.

Absent - Johnson Lee.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to place an insert in the July utility bills providing voter information regarding the primary and general election dates and voter registration.

Adopted 5/28/04.

Absent - Johnson Lee.

W&M/Budget - Your Committee recommends approval of the Business Information Services (BIS) Department Business Plan (Petn No 269665).

Adopted 5/28/04.

Absent - Johnson Lee.

W&M/Budget - Your Committee recommends approval of the Human Resources Department Business Plan (Petn No 269669).

Adopted 5/28/04.

Absent - Johnson Lee.

W&M/Budget - Your Committee recommends approval of the City Coordinator Department Business Plan (Petn No 269667).

Adopted 5/28/04.

Absent - Johnson Lee.

W&M/Budget - Your Committee, having under consideration a proposal to establish a MetroPass Program for City employees (Petn No 269669), now recommends approval of the concept of such a program with the proper City staff to report back with recommendations on implementing the program.

Adopted 5/28/04.

Absent - Johnson Lee.

W&M/Budget - Your Committee, having under consideration passage of the accompanying resolution amending the 2004 General Appropriation Resolution to add the following footnote:

"The Police Chief is directed to reduce the CCP/SAFE Program by no more than 50%", now recommends that said resolution be sent forward without recommendation.

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

Zimmermann moved a substitute motion that the report be tabled. Seconded.

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

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Samuels, Johnson.

Nays - Lilligren, Niziolek, Benson, Goodman, Lane, Ostrow.

Zimmermann moved a substitute motion that the matter be referred to the Public Safety & Regulatory Committee. Seconded.

Schiff moved to amend the substitute motion to include the matter of discussing community policing as it relates to the Police Department Business Plan. Seconded.

Motion adopted upon a voice vote.

The substitute motion, as amended, was adopted 5/28/04. Yeas, 7; Nays, 5 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Samuels, Johnson, Ostrow.

Nays - Lilligren, Niziolek, Benson, Goodman, Lane.

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

Z&P - Your Committee, having under consideration the appeal filed by Apruva Patel from the decision of the Planning Commission which granted the existing building at 918 N 3rd St, subject to application for conditional use permit for a 30-unit residential conversion of the certain noise attenuation measures to reduce the potential impact that noise from a nearby industrial use could have on prospective residents, now recommends that said appeal be granted by eliminating the following mitigation steps deemed necessary: a) requiring sound attenuation of at least 36 decibels; and b) requiring ASTM rated windows of 50 or better.

Additional conditions outlined in the Planning Commission's approval shall remain.

Adopted 5/28/04.

Absent – Johnson Lee.

Z&P - Your Committee, having under consideration the appeal filed by Jose Lala from the decision of the Planning Commission which approved the site plan review application for a grocery store at 1518 E Lake St and its accessory parking lot at 2920 Bloomington Ave S subject to the removal of existing back-lit signs facing Bloomington Ave and Lake St and the installation of two tree islands in the off-street parking lot, now recommends that said appeal be granted, and the revised site plan submitted with signs in compliance be approved.

Adopted 5/28/04. Yeas, 10; Nays, 2 as follows:

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

Nays – Niziolek, Ostrow.

Absent – Johnson Lee.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of the Minneapolis Department of Public Works/Right-of-Way Division (#1360) to vacate two irregular-shaped portions of 6th St NE between Broadway St NE and 8th Ave NE (technically this right-of-way is a street, but it was built as an alley; this right-of-way was re-built in 2003 to alley standards) for the rebuilding of an accessory parking lot at St. John's Evangelical Lutheran Church, 610 Broadway St NE, subject to retention of easement rights, and to adopt the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying resolution vacating said street.

Adopted 5/28/04.

Absent – Johnson Lee.

Resolution 2004R-251, vacating that part of two irregular-shaped portions of 6th St NE located between Broadway St NE and 8th Ave NE, was passed 5/28/04 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-251

By Schiff

Vacating that part of two irregular shaped portions of 6th St NE located between Broadway St NE and 8th Ave NE.

Resolved by The City Council of The City of Minneapolis:

That all that part of 6th St NE, not heretofore vacated, that lies between Broadway St NE and 8th St NE, described as follows:

That part of 6th St NE that lies northerly and westerly of the easterly extension of the southerly line of Lot 3, Block 6, Borups Addition to the Town of St. Anthony.

And,

That part of 6th St NE that lies within the following described tract of land:

Beginning at a point on the Northeasterly corner of Lot 1, Block 6, Borups Addition to the Town of St. Anthony, thence along the Northeasterly extension of the southeasterly line of said Lot 1, distant 12 feet. Thence northwesterly parallel to and distant 12 feet from the Northeasterly line of Lot 1 and 2, Block 6 of said addition, distant 108 feet, thence at a 45 degree angle to the northwest corner of Lot 2, Block 6, Borups Addition to the Town of St. Anthony, thence southeasterly along the Northeasterly line of said Lots 1 and 2 to the point of beginning and there terminating is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy their successors and assigns, to enter upon that portion of the aforescribed public St which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy: The westerly 5.00 feet of that part of 6th St NE lying southerly of the south right of way line of Broadway St NE and northerly of the northerly right of way line of 8th Ave NE; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said public alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 5/28/04.

Absent – Johnson Lee.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Sherman Associates (BZZ-1638) to rezone the property at 1424-28 and 1448 Marshall St NE by adding the Industrial Living Overlay District to the existing I1 District to permit a 74-unit residential building and 11 for-sale townhomes (River Run Apartments), and adopting the related findings prepared by the Planning Department.

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

Adopted 5/28/04.

Absent – Johnson Lee.

Ordinance 2004-Or-066, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1424-28 and 1448 Marshall St NE by adding the Industrial Living Overlay District to the existing I1 District, was passed 5/28/04 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-066
By Schiff
1st & 2nd Readings: 5/28/04

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 Lots 1, 2, 3, 4, 5, 6 and 7 Auditor's Subdivision No. 27, Hennepin County, Minnesota (1424-28 and 1448 Marshall St NE – Plate #9) by adding the Industrial Living Overlay District to the existing I1 District.

Adopted 5/28/04.

Absent – Johnson Lee.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Excelsior Development, LLC (BZZ-1690) to rezone the property at 2220 -10th Ave S by adding the Transitional Parking Overlay District to the existing R2B District to permit development of a surface parking lot for Village Market, and adopting the related findings prepared by the Planning Department.

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

Adopted 5/28/04.

Absent – Johnson Lee.

Ordinance 2004-Or-067, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2220 -10th Ave S by adding the Transitional Parking Overlay District to the existing R2B District, was passed 5/28/04 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-067
By Schiff
1st & 2nd Readings: 5/28/04

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 Lot 16, Block 2, Chicago Ave. Second Addition and Lot 1, Block 3, Wright and Fisk's Addition (adjoining northeast parcel of 2220 – 10th Ave S, which is a part of 912 E 24th St – Plate 20) by adding the Transitional Parking Overlay District to the existing R2B District.

Adopted 5/28/04.

Absent – Johnson Lee.

Z&P - Your Committee, having under consideration the application of Twin Cities Habitat for Humanity for a waiver from the moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units in the area of north Minneapolis bounded by W Broadway Ave and the Mississippi River north to the City limits, except housing being developed in conjunction with the City's Community Planning and Economic Development Division, to permit applications for construction of a new single-family home at 3446 Penn Ave N, now recommends that said waiver be granted, and that the findings prepared by the Planning Department staff be adopted.

Adopted 5/28/04.

Absent – Johnson Lee.

Approved by Mayor Rybak 5/28/04.

(Published 6/2/04)

MOTION

Ostrow introduced the subject matter of an ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances, relating to *Zoning Code: Overlay Districts*, which was given its first reading and referred to the Zoning & Planning Committee (Amending the regulations of the Pedestrian Oriented Overlay District for the Central and Lowry area to allow replacement of existing drive-through banking facilities).

UNFINISHED BUSINESS

Replacement of Natural Gas Main (Bryant Av & 7th St): Authorize payment of \$35,437.27 to Center Point (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)

T&PW & W&M/Budget - Your Committee, having under consideration the permanent replacement of a 16" steel natural gas main that was accidentally damaged by City crews, in the vicinity of Bryant Av and 7th St, now recommends approval of payment in the amount of \$35,437.27 to CenterPoint (Minnegasco) for the work done.

T&PW - Approve.

W&M/Budget - Sent forward without recommendation.

Johnson moved approval of the recommendation of the Transportation & Public Works Committee, and deletion of the Ways & Means/Budget Committee recommendation, with payment from the self-insurance fund. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 5/28/04.

Absent - Johnson Lee.

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 report continued to be postponed.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Merry Keefe,
City Clerk.

Unofficial Publication: 6/01/2004

Official Publication: 6/04/2004

Correction: 6/30/2004

7/29/2004