

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF JULY 25, 2003

(Published August 2, 2003, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
July 25, 2003 - 9:30 a.m.

Council President pro tem Lilligren in the Chair.

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

Absent - Zimmermann and Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held 7/11/03. Seconded.

Adopted upon a voice vote.

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

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

#### **COMMUNITY DEVELOPMENT:**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268919)  
Chicago Plaza (2nd St S & W River Road): Receipt of bids for construction of plaza.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268920)  
Marshall River Run Housing Project: Preliminary approval to issue up to \$12,650,000 in Tax-Exempt Multi-Family Housing Development Bonds.

Guthrie Theater Foundation: Preliminary approval to issue up to \$85,000,000 in City of Minneapolis Tax-Exempt 501(c)(3) Revenue Bonds.

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

GRANTS AND SPECIAL PROJECTS (268921)

Metropolitan Council Livable Communities Demonstration Account Development Grant Applications: Priority ranking and recommendation to applications for eight projects.

Hennepin County Application for Metropolitan Council Livable Communities Demonstration Account Development Grant Funds: City endorsement for Lowry Corridor Redevelopment Project.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (268922)

Holland Neighborhood NRP Plan: Approve Phase I Action Plan.

**HEALTH AND HUMAN SERVICES:**

CIVIL RIGHTS (268923)

Small and Underutilized Business Program: First Quarter 2003 Update

HEALTH AND FAMILY SUPPORT SERVICES (268924)

Budget Cuts to Department of Health & Family Support: Report on proposed 2004 General Fund budget cuts; with attachments.

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

CIVIL RIGHTS (268925)

Civilian Police Review Authority: Approve three Mayoral and four City Council appointments for terms to expire December 31, 2007.

HEALTH AND FAMILY SUPPORT SERVICES (268926)

American Indian Memorandum of Understanding (MOU) Workgroup: Approve appointment of City staff to serve as members of work group -- John Moir, City Coordinator; Chuck Ballentine, Planning Director; Kinshasha Kambui, Mayor's Office; Deputy Chief Lucy Gerold, Police Department.

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

HEALTH AND FAMILY SUPPORT SERVICES (268927)

Adolescent Parenting Project: Accept grant award of \$127,308 and execute grant agreement with Special School District #1 to provide broad based, comprehensive case management system for pregnant and parenting students at Henry and Edison High Schools during period July 16, 2003 to July 15, 2005; and Approve appropriation.

REGULATORY SERVICES (268928)

Lead Safe Housing: Rescind report passed February 28, 2003 authorizing execution of agreement with Hennepin and Anoka Counties where City would provide lead safe housing services to families displaced due to lead hazards affecting children or by lead hazard reduction being conducted in their dwellings; and Rescind Appropriation Resolution; Rescind report passed January 17, 2003 accepting grant award of \$10,000 from State of Minnesota for provision of temporary lead safe housing, relocation services and other associated costs for families displaced by lead hazard reduction; and Rescind Appropriation Resolution.

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

LICENSES AND CONSUMER SERVICES (268929)

Licenses: Applications.

POLICE DEPARTMENT (268930)

Minnesota Gang Strike Force Grant: Execute Amendment #3 to grant agreement with State of Minnesota extending grant period to June 30, 2004.

Bomb Unit Services for 2004-2005: Amend report passed June 6, 2003 to correct date of new grant agreement to reflect two-year agreement period of July 1, 2003 through June 30, 2005.

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

POLICE DEPARTMENT (268931)

Bloomington Avenue Citizen's Patrol: Accept up to \$9,000 in grant funds and execute grant agreement with Bloomington Avenue Citizen's Patrol for officer overtime for directed patrol details focusing on Bloomington Avenue; and Approve appropriation.

REGULATORY SERVICES (268932)

Water Sampling in Mississippi Watershed: Accept funding in an amount not to exceed \$38,000 and execute an Agreement with Mississippi Watershed Management Organization for City to conduct water sampling in Mississippi Watershed; and Approve appropriation.

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

**PUBLIC WORKS AND ENGINEERING (268933)**

Hiawatha Light Rail Transit: Screening for Traction Power Substation #12 (Cedar Riverside Station).

Third Precinct Expansion Project: Amendment #2 with RSP Architects increasing contract for addition services.

Nicollet Mall Advisory Board: Appointment of Michael D. Kennedy serve as Public Works designee as a non-voting, ex-officio member for a term to expire 12/31/04.

Overhead Signals (Cedar Av S at 31st St): Hennepin County Agreement for additional signals.

Proposed Minnesota Statewide Transportation Plan (2003-2023): Transmit draft letter on behalf of the City to meet MnDOT's timeline.

2003 Alley Retaining Wall Restoration Program: Passage of Resolutions: a) designating improvements of the project; and b) Adopt cost estimate of \$40,000 and the list of benefited properties and direction to give notice of a public hearing.

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

**PUBLIC WORKS AND ENGINEERING (268934)**

2003 Alley Resurfacing Program: Passage of Resolutions a) Deleting an alley from the program, ordering the work to proceed and adopting the special assessment; and b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds.

Hiawatha Light Rail Transit: Passage of Resolution reallocating funds for addition work needed.

Hiawatha Light Rail Transit: Authorize agreement with Metropolitan Council for the City to finish the LRT project with funding for construction of elevator and escalator pits at the Nicollet Mall Station.

Towing Agreement with University of Minnesota: Authorize to negotiate and enter into an agreement with the University of Minnesota to perform towing to Mpls. Impound Lot.

Areaway abandonment (930 Hennepin Av): Passage of Resolutions: a) Designating locations and improvements and ordering the work to proceed as contained in petition dated 6/16/03; b) Increasing appropriation; and c) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds.

**PUBLIC WORKS AND ENGINEERING (268935)**

Areaway abandonment (250 3rd Av N): Passage of Resolutions: a) Designating locations and improvements and ordering the work to proceed as contained in a petition dated 6/11/03; b) Increasing the appropriation; and c) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds.

Warden Oil Company Site: Authorize to execute a Stipulation of Settlement with Minnesota Pollution Control Agency.

Bids: Passage of Resolution accepting bids contingent on approval of Civil Rights Dept.:

a) OP #6071, low bid of ELXSI dba Cues for Sewer Television Inspection System/Hi Cube Van Truck;

b) OP #6085, low bid of CDS Technologies, Inc. for storm water treatment chambers;

c) OP #6108, low bid of MacQueen Equipment, Inc. for semi-automatic lifter system; and

d) OP #6113, low bid of F.M. Frattalone Excavating & Grading, Inc. for crushing rubble concrete.

Bid: OP #6109, low bid of Thor Construction, Inc for Heritage Park Phase 1 Group C Park Building Improvements.

Chicago Av Bridge: Approve revised bridge design using one single span bridge over the Midtown Greenway (29th St) with aesthetic amenities.

**WAYS AND MEANS BUDGET:**

**ATTORNEY (268936)**

Hollman Consent Decree: Notification of amendment of definitions of minority-concentrated and poverty-concentrated areas.

Non-Profit Corporations: Reported in 1999 Office of State Auditor Survey.

**FINANCE DEPARTMENT (268937)**

Travel Expense Report, 2nd Quarter of 2003.

Assessment for Workers' Compensation Special Compensation Fund: Notification that the Finance Department will release the six-month assessment to the Minnesota Department of Labor and Industry.

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

ATTORNEY (268938)

Minneapolis Telecommunications Network (MTN): Resolution providing for the continued existence of MTN as a corporation.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (268939)

Transfer of Empowerment Zone (EZ) Funds to the Minneapolis Community Development Agency (MCDA): Transfer of EZ funds for the Affordable Housing Trust Fund.

COORDINATOR (268940)

New Central Library Project Construction Change Orders: Amend contracts with F.M. Frattalone Excavating & Grading and Knutson Construction Services, Inc.

HUMAN RESOURCES (268941)

Classification of Telephony Technician II Position: Reclassify two Systems Integrator II positions and incumbents and approve new salary range.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (268942)

Program Management Cost Reimbursement: Appropriation increase reflecting reimbursement of cost for services provided to City departments.

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

HERITAGE PRESERVATION COMMISSION (268943)

Appeal:

Chuck Liddy, with Miller Dunwiddie Architects (re Andrew Riverside Presbyterian Church, 729-4th St SE/401-8th Ave SE): Certificate of Appropriateness for demolition of entire building.

INSPECTIONS/BOARD OF ADJUSTMENT (268944)

Appeal:

David Greenwood (3404-26th Ave S): Variance condition.

PLANNING COMMISSION/DEPARTMENT (268945)

Appeals:

Joseph Welp (514 SE 6th St): Nonconforming use;

Joseph Welp (812 SE 7th St): Nonconforming use.

Rezoning:

Erik Brown (960-27th Ave NE);

Third Police Precinct (3023 Snelling Ave S).

Vacation:

Third Police Precinct (Alley located between Snelling & Minnehaha Aves, E Lake & E 32nd Sts) (See Rezoning).

Mpls Institute of Arts (2325 Third Ave S parking lot): Update report on status of interim parking lot; request for extension of time for neighborhood-wide parking evaluation.

**PLANNING COMMISSION:**

METROPOLITAN AIRPORTS COMMISSION (268946)

Permission to vacate: retained easements in vacated E 59th St adjoining Military Hwy lying within the MSP Airport; streets & alleys in the proposed Registered Land Survey (RLS) lying within the MSP Airport.

**FILED:**

CITY CLERK/SPECIAL PERMITS (268947)

33rd & Queen Av (Cleveland Neighborhood Assn) ponies;

34th Av S, 4950 (Nokomis Shoe Shop) sidewalk sale;

44th St E, 2701 (Argosy Advisors) pony rides;

44th St E, 2701 (Lake Hiawatha Neighborhood) pony rides;

Lyndale Av S, 6001 (English Heritage) sign;

Penn Av N, 2606 (Amtech Lighting) sign;  
Washington Av S between Portland & 10th Av (MN Vikings) tailgating in parking lots.  
MINNESOTA STATE OFFICES-Auditor (268948)  
Minneapolis Library Board Management and Compliance report, year end 12/31/02.

**FILED (See Rep):**

XCEL ENERGY (268949)  
Xcel Energy/NSP: Installation of various poles.

*The following reports were signed by Mayor Rybak on 7/29/03, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

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

**Comm Dev** - Your Committee, having under consideration the Marshall River Run Housing Project proposed for the 1400 block of Marshall St NE and passage of the accompanying Resolution giving preliminary approval to issue up to \$12,650,000 in Tax-Exempt Multi-Family Housing Development Revenue Bonds for said project and having held a public hearing thereon, now recommends that said matter be sent forward without recommendation.

Goodman moved that the report be referred back to the Community Development Committee. Seconded.

Adopted upon a voice vote.

**Comm Dev** - Your Committee, having under consideration the proposed Guthrie Theater Project to be located in the area of West River Road and Chicago Av S and having held a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$85,000,000 of City of Minneapolis Tax-exempt 501 (c)(3) Revenue Bonds, Series 2003, for the Guthrie Theater Foundation for said project.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-331, giving preliminary approval to issue up to \$85,000,000 of City of Minneapolis Tax-exempt 501 (c)(3) Revenue Bonds, Series 2003, for the Guthrie Theater Foundation, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-331**

**By Goodman**

**Preliminary Approval to a Project and its Financing on Behalf of Guthrie Theater Foundation Under the Minnesota Municipal Industrial Development Act; Referring the Project Proposal to the Minnesota Department of Employment and Economic Development for Approval; and Authorizing the Preparation of Necessary Documents.**

Whereas, this Council has received a proposal that the City of Minneapolis (the City) finance a portion or all of the cost of a proposed project under Minnesota Statutes, Sections 469.152 through 469.165 (the Act), on behalf of the Guthrie Theater Foundation, a Minnesota nonprofit corporation (the

Borrower), consisting of the construction and equipping of a three-theater complex of approximately 285,000 square feet with an aggregate seating capacity of approximately 2,150, together with associated production and administrative space, an educational center and associated retail, beverage and food service facilities (the "Project"), to be operated by the Borrower and located in the City on 2 parcels of land, the first bounded by West River Road, 10<sup>th</sup> Avenue South, 2<sup>nd</sup> Street South and Chicago Avenue South, and the second bounded by 2<sup>nd</sup> Street South, 9<sup>th</sup> Avenue South, Washington Avenue South and Chicago Avenue South; and

Whereas, at a public hearing, duly noticed and held on July 15, 2003, in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), on the proposal to undertake and finance the Project, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to undertake and finance the Project and interested persons were given the opportunity to submit written comments to the City Clerk before the time of the hearing;

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

Based on the public hearing, written comments (if any) and such other facts and circumstances as this Council deems relevant:

(a) The undertaking of the Project would further the general purposes contemplated and described in Section 469.152 of the Act;

(b) This Council has been advised by representatives of the Borrower that conventional, commercial financing to pay the cost of the Project is available only at such high costs of borrowing that the economic feasibility of acquiring and operating the Project would be below that resulting from municipal borrowing, and its lower borrowing cost;

(c) The City is authorized by the Act to issue its revenue bonds to finance capital projects consisting of properties used and useful in connection with a revenue producing such as that of the Borrower, and the issuance of the bonds by the City would be a substantial inducement to the Borrower to undertake the Project.

Be It Further Resolved, on the basis of the information given the City to date, it appears that it would be desirable for the City to issue its revenue bonds, in one or more series, under the provisions of the Act to finance the Project in the maximum aggregate face amount of \$85,000,000, the interest on which will be excludable from gross income under Section 103 of the Code (the Bonds).

Be It Further Resolved that this Council hereby gives preliminary approval to the Project and the issuance of the Bonds under the Act to finance the Project. The issuance of the Bonds to finance the Project shall be subject to approval of the Project by the Minnesota Department of Employment and Economic Development (the Department) and final determination by the City of the terms and conditions. This resolution shall not constitute an irrevocable commitment on the part of the City to issue the Bonds. The Bonds, if issued, shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, except the revenues specifically pledged to the payment thereof, and each Bond, when, as and if issued, shall recite in substance that the Bond, including interest thereon, is payable solely from the revenues and property specifically pledged to the payment thereof, and shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that the Application to the Department (the Application), with attachments, is hereby approved, and the Mayor, Finance Officer and President of the Council or other authorized representatives of the City are authorized to execute said documents on behalf of the City.

Be It Further Resolved that in accordance with Section 469.154, Subdivision 3 of the Act, the Mayor and Finance Officer or other authorized representatives of the City are hereby authorized and directed to cause the Application to be submitted to the Department for approval of the Project. The proper officers, employees and agents of the City are hereby authorized and directed to provide the Department with any preliminary information needed for this purpose and to assist in the preparation of such documents as may be appropriate to the Project, if approved by the Department.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

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

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the Holland Neighborhood NRP Action Plan, Phase I (the Plan) as set forth in Petn No 268922, now recommends:

1. That said Plan, and specifically those parts of the Plan which fall under City jurisdiction, be approved in an amount not to exceed \$3,610,932;
2. Passage of the accompanying resolution increasing the NRP Program Fund by \$2,004,464;
3. That the proper City officers be authorized to execute any amendments needed to implement activities set forth in said Plan; and
4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**RESOLUTION 2003R-332  
By Goodman and Johnson**

**Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund CNR0 by \$2,004,464 from the projected fund balance.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a request for approval to submit applications for the following eight projects to the Metropolitan Council seeking Livable Communities Demonstration Account Development Grant funds in the amounts indicated, now recommends that the proper City staff be authorized to submit said applications and that the priority ranking of the projects be approved:

<b>Priority Ranking</b>	<b>Project</b>	<b>Amount</b>
1	Heritage Park	\$1,500,000
2	Agape Child Care/Affordable Housing Initiative	\$600,000
2	Franklin-Portland Gateway Phase III	\$1,000,000
3	Cedar-Riverside Transit-Oriented Neighborhood Improvement Project	\$275,000
3	Hiawatha Commons	\$500,000
4	Cedar Lake Midtown Revival	\$1,300,000
5	Little Earth of United Tribes Housing Corporation Phase IV	\$500,000
6	Karamu West	\$760,000

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**Comm Dev & W&M/Budget** - Your Committee, having been informed that the Hennepin County Housing and Redevelopment Authority has submitted a Livable Communities Demonstration Account Development Grant requesting \$1,200,000 for the Lowry Corridor Redevelopment Project, now recommends that the Metropolitan Council be informed that the City of Minneapolis supports said application and is receptive to the Lowry Corridor Redevelopment Project.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

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

**H&HS** - Your Committee recommends concurrence with the recommendations of the Mayor and City Council to appoint the following persons to the Civilian Police Review Authority for four-year terms to expire December 31, 2007:

*Mayoral Appointments*

Michael Friedman, Chair, 2105 Aldrich Av S (Ward 10)  
John Fox Blackshaw, 3835 Washburn Av S (Ward 13)  
Anissa Keyes, 1111 25th Av N (Ward 3)

*City Council Appointments*

Tyrone Frazier, 1062 27th Av SE (Ward 1)  
Diana Rajchel, 432 1st St N (Ward 5)  
M. Lynne Mayo, 2420 17th Av S (Ward 6)  
Michael Patrick Weinbeck, 1033 28th Av NE (Ward 1)

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**H&HS** - Your Committee recommends approval of the following four individuals to serve as members of the American Indian Memorandum of Understanding (MOU) Workgroup:

John Moir, City Coordinator  
Chuck Ballentine, Planning Director  
Kinshasha Kambui, Mayor's Office  
Deputy Chief Lucy Gerold, Police Department

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

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 accept a grant award of \$127,308 and execute a grant agreement with Minneapolis Public Schools, Special School District #1, to fund the third and fourth years of the Adolescent Parenting Project to provide a broad based, comprehensive case management system for pregnant and parenting students at Henry and Edison High Schools during the period July 16, 2003 through July 15, 2005. Further, passage of the accompanying Resolution appropriating said grant funds to Health & Family Support.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-333, appropriating \$127,308 to the Health & Family Support Department to provide a case management system for pregnant and parenting students at Henry and Edison High Schools, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-333**  
**By Johnson Lee and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8622) by \$127,308 and increasing the Revenue Source (030-860-8622 - Source 3210) by \$127,308.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**H&HS & W&M/Budget** - Your Committee recommends that report passed February 28, 2003 authorizing execution of an agreement with Hennepin and Anoka Counties whereby the City would provide lead safe housing services to families displaced due to lead hazards affecting children or by lead hazard reduction being conducted in their dwellings be rescinded. Further, passage of the accompanying Resolution rescinding Resolution 2003R-053 that appropriated \$30,000 to the Department of Health & Family Support.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-334, rescinding Resolution 2003R-053 that appropriated \$30,000 to the Health & Family Support Department for lead safe housing, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-334**  
**By Johnson Lee and Johnson**

**Rescinding Resolution 2003R-053 entitled "Amending The 2003 General Appropriation Resolution", passed February 28, 2003.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be and is hereby rescinded.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**H&HS & W&M/Budget** - Your Committee recommends that report passed January 17, 2003 authorizing acceptance of a grant award of \$10,000 from the State of Minnesota Department of Health for provision of temporary lead safe housing, relocation services and other associated costs for families displaced by lead hazard reduction be rescinded. Further, passage of the accompanying Resolution rescinding Resolution 2003R-005 that appropriated \$10,000 to the Department of Health & Family Support.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-335, rescinding Resolution 2003R-005 that appropriated \$10,000 to the Health & Family Support Department for lead safe housing, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-335**  
**By Johnson Lee and Johnson**

**Rescinding Resolution 2003R-005 entitled "Amending The 2003 General Appropriation Resolution", passed January 17, 2003.**

Resolved by The City Council of The City of Minneapolis:  
That the above-entitled Resolution be and is hereby rescinded.  
Adopted 7/25/03.  
Absent - Zimmermann and Ostrow.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:  
**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 268 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Lawful Gambling*, deleting site lease payment options no longer authorized under State Statute and clarifying certain data reporting processes and requirements, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 7/25/03.  
Absent - Zimmermann and Ostrow.

Ordinance 2003-Or-100 amending Title 13, Chapter 268 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Lawful Gambling*, amending Sections 268.35, 268.70, 268.80, 268.100, 268.110 and 268.120 to delete site lease payment options no longer authorized under State Statute and clarifying certain data reporting processes and requirements, was passed 7/25/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2003-Or-100**  
**By Niziolek**  
**Intro & 1st Reading: 6/6/03**  
**Ref to: PS&RS**  
**2nd Reading: 7/25/03**

**Amending Title 13, Chapter 268 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Lawful Gambling.**

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

Section 1. That Section 268.35 (c) of the above-entitled ordinance be amended to read as follows:

**268.35. Location.** Lawful gambling under license issued by the Minnesota Gambling Control Board may be conducted only at the following locations:

(c) Notwithstanding subsections (a) and (b) above, ~~Class D (raffle only) licenses~~ raffles may be approved for any proper location;

Section 2. That Section 268.70 (e) of the above-entitled ordinance be amended adding subparagraph (e) as follows:

**268.70. Filing of records; inspection; access to records.**

(e) Each organization shall maintain complete, accurate, and legible general accounting records with detailed supporting subsidiary records sufficient to furnish information including perpetual, physical, and site inventory records. All prize accounting records must be recorded on forms prescribed by the Gambling Control Board or in a format approved by the board. The monthly accounting records must be sufficient to adequately reflect gross receipts, prizes net receipts, expenses, and all other accounting transactions.

Section 3. That Section 268.80 of the above-entitled ordinance be amended to read as follows:

**268.80. Lawful gambling at on-sale establishments.** Lawful gambling at on-sale liquor, wine, and 3.2 beer establishments shall be conducted in compliance with the following regulations:

(a) ~~Only Class B and Class D gambling licenses may be issued~~ Notwithstanding 268.40 (c) (3), bingo is not permitted, except where the licensed gambling organization also holds the on-sale liquor, wine, or 3.2 beer license for the premises, ~~in which case any class of gambling license may be issued.~~

(b) On-sale establishments shall be limited to one licensed gambling organization at any one time in the licensed premises and any rooms adjoining the premises under the same management. No lease shall be made with one organization while another lease is in effect for the same on-sale establishment.

(c) Every agreement between a nonprofit organization and an on-sale premises for gambling shall be in the form of a written lease. The written lease shall be the complete agreement between the parties, and there shall be no unwritten terms or conditions. The lease shall specifically provide that the lessee shall operate only after issuance of a premises permit and shall be subject to the terms of this ordinance.

(d) A copy of any lease agreement between a nonprofit organization and an on-sale licensee shall be filed with the police license inspector with the premises permit application.

~~(e) A lease agreement between a nonprofit organization and an on-sale establishment shall not provide for rental payments based on a percentage of receipts or profits from lawful gambling. The maximum rental fee shall be one thousand dollars (\$1,000.00) per month. There shall be no other compensation paid to the on-sale establishment, directly or indirectly, other than the rental fee provided in the lease agreement. In addition to rent, an organization may claim as an allowable expense an expenditure directly to a janitorial service or trash hauler for cleanup and services directly related to gambling activities on the premises. Such expenditures shall not exceed twenty-five (25) percent of the establishment's total expenditures for janitorial services and trash removal for the previous twelve (12) months. No such expenditures shall be made without prior approval of the police license inspector after the organization has submitted written account records of the establishment verifying the total of such expenditures for the previous twelve (12) months.~~

(f) ~~(e)~~ Except for mechanical dispensing devices, all gambling shall be conducted from a booth, or other area properly segregated from the rest of the licensed premises, except that raffle tickets, paddlewheel tickets and tipboards that offer only merchandise prizes may be sold within the permitted premises. The physical layout of the area set aside for gambling shall be subject to the approval of the police license inspector.

~~(g)~~ (f) The gambling booth shall be constructed and maintained by the organization licensed to conduct gambling, and shall be under the exclusive control of that organization. The organization licensed to conduct gambling shall prominently display its name at its gambling booth and shall indicate that all profits from gambling are for the benefit of the organization.

(h) ~~(g)~~ Except as stated in section ~~(k)~~ (i), the organization licensed to conduct gambling shall have exclusive control over all gambling devices, gambling money, and gambling records. No employees or agents of the on-sale establishment shall handle gambling devices, gambling money, prizes, or gambling records, nor shall they record winners, replays, or free games, nor shall they otherwise conduct, or assist the licensed gambling organizations in conducting the gambling operation.

~~(i)~~ (h) Except for the operation of mechanical dispensing devices, no person shall be jointly employed by both the licensed organization and the on-sale establishment. ~~Subject to the approval of the police license unit, an exception may be permitted for janitorial work.~~

~~(j)~~ (i) The gambling booth shall be separate from the liquor service bar. No gambling shall be conducted from the liquor service bar.

~~(k)~~ (j) Neither the owner of the on-sale establishment nor their employees shall have access to the interior of mechanical dispensing devices. They are only permitted to redeem winning tickets and record such winners as required by law and rule.

~~(l)~~ (k) Payments for redemption of winning pull tab tickets dispensed by mechanical dispensing device shall be made from funds provided by the on-sale establishment. The on-sale establishment shall be reimbursed by the lawful gambling organization for winning tickets redeemed by the on-sale establishment. Reimbursements shall be made as provided in the lease agreement.

~~(m)~~ (l) No gambling funds shall be commingled with funds of the on-sale establishment.

(n) ~~(m)~~ No food, drink, or entertainment discounts or other promotions shall be offered in conjunction with the sale of gambling devices or chances.

~~(o)~~ (n) The on-sale establishment shall allow the organization to conduct gambling at any time during its lawful business hours, and shall prohibit gambling at any time other than its lawful business hours.

~~(p)~~ (o) The on-sale licensee shall make no agreements with any gambling equipment distributor or manufacturer requiring the use of his or her gambling equipment or any other equipment or vending machines in the establishment. The on-sale licensee shall not receive from any gambling equipment distributor or manufacturer any money, gift, or other thing of value.

~~(q)~~ ~~(p)~~ Subsections 268.80(f), (g), (h), (i), (j) and (k) ~~(e), (f), (g), (h), (i), and (j)~~ shall not apply when the licensed gambling organization is also the holder of the on-sale license for the establishment where the gambling is conducted.

~~(r)~~ ~~(q)~~ The city council may disapprove a premises permit application for an on-sale establishment in which gambling violations or other violations of law have previously occurred.

~~(s)~~ ~~(r)~~ No employee or agent of the licensed organization or any employee or agent of the on-sale establishment shall engage in lawful gambling at the establishment where they are employed.

~~(t)~~ ~~(s)~~ Any compensated employee must display their ~~ID badge name~~ when working.

~~(u)~~ ~~(t)~~ Prize receipts must be completely and accurately filled out.

~~(v)~~ ~~(u)~~ Each pull-tab ticket redeemed must be defaced.

~~(w)~~ ~~(v)~~ Separate prize receipts must be completed for each winning ticket of \$50.00 or more, and for each last sale prize of \$20.00 or more.

~~(x)~~ ~~(w)~~ Cash banks must be separated for each deal of pull-tabs in play unless the organization is using a cash register which meets standards outlined in the Gambling Control Board rules.

~~(y)~~ ~~(x)~~ Gambling employees or volunteers cannot purchase pull-tabs at the premises at which they work.

~~(z)~~ ~~(y)~~ The lessor or lessor's immediate family cannot purchase pull-tabs at the premises.

~~(aa)~~ ~~(z)~~ The gambling manager must maintain an up-to-date gambling manager's license.

~~(bb)~~ ~~(aa)~~ House rules must be adequately lighted, legible and at least eighteen (18) inches by twenty-four (24) inches.

~~(cc)~~ ~~(bb)~~ Compulsive gambling hot line number must be posted.

~~(dd)~~ ~~(cc)~~ A statement that illegal gambling is prohibited must be posted.

~~(ee)~~ ~~A sketch of the leased area must be available for review at premises.~~

~~(ff)~~ ~~(dd)~~ Persons or organizations are not to conduct any activity in leased area other than the sale or serving of food and beverages during the times when lawful gambling is being conducted.

~~(gg)~~ ~~(ee)~~ A clear and physical separation or tangible divider between the organization's equipment ~~or~~ ~~and~~ the lessor's business equipment must be established.

~~(hh)~~ ~~(ff)~~ Copies of distributor invoices for all games kept at the premises must be available for review.

~~(ii)~~ ~~(gg)~~ A current inventory list of games must be kept at the premises for review.

~~(jj)~~ ~~(hh)~~ Organization must deposit all receipts within four (4) business days of the date the game was closed.

~~(kk)~~ ~~(ii)~~ An accurate meter reading must be displayed on dispensing device.

~~(ll)~~ ~~(jj)~~ Persons under the age of 18 are not allowed to participate in playing of pull-tabs.

~~(mm)~~ ~~(kk)~~ The serial number on the flare must match the serial number printed on the tickets and the sales receptacle.

~~(nn)~~ ~~(ll)~~ The flare must display the Minnesota symbol imprinted on it and have an affixed bar code.

~~(oo)~~ ~~(mm)~~ All last sale prizes offered or posted must be purchased that way from the distributor and only the distributor can add a "last sale prize" sticker to a flare.

~~(pp)~~ ~~(nn)~~ No credit shall be extended for the sales of pull-tabs, including game buyouts. Checks or credit cards are not accepted for the purchase of pull-tabs, tipboards and paddlewheels.

~~(qq)~~ ~~(oo)~~ Employees of the police license division may inspect, at any reasonable time without notice or search warrant, all records of a licensed organization including gambling accounts and other bank and financial records of the general organization.

~~(rr)~~ ~~(pp)~~ All fines arising out of violations of this chapter must ~~not~~ be paid from the organization's general fund.

~~(ss)~~ ~~(qq)~~ The State Register stamp must be displayed on all dispensing devices.

~~(tt)~~ ~~(rr)~~ Organization must maintain a current lease for any dispensing device on premise.

Section 4. That Section 268.100 (d) of the above-entitled ordinance be amended to read as follows:

**268.100. Local gambling tax.**

(d) The tax imposed by this section shall be paid on a monthly basis and shall be reported on a duplicate copy of the gambling tax return filed with the Minnesota Department of Revenue each month. The report shall be an exact duplicate of the report filed with the Minnesota Department of Revenue, without deletions or additions, and must contain the signatures of organization officials as required on the report form.

The tax return and payment of the tax due must be postmarked, or, if hand-delivered, received in the office of the police licensing unit, on or before the last business day of the month following the month for which the report is made.

An incomplete tax return will not be considered timely filed unless corrected and returned by the due date for filing. Delays in mailing, mail pickups, and postmarking are the responsibility of the organization.

The tax return and tax payment shall be delivered to:

Minneapolis Police License ~~Unit~~ Division  
350 South 5th Street  
Room 1-A  
Minneapolis, MN 55415

Checks shall be made payable to:  
Minneapolis Finance Office

Section 5. That Section 268.110 (b) and (d) of the above-entitled ordinance be amended to read as follows:

**268.110. Contribution of net profits to Minneapolis Family Fund.**

(b) A "qualified organization" is an organization ~~which that~~ has attained tax-exempt status under Section 501(c)(3) of the Internal Revenue Code by having:

(1) Filed written application for tax-exempt status in the manner required by the Internal Revenue Service; and

(2) Received written approval of tax-exempt status under Section 501(c)(3) from the Internal Revenue Services; and

(3) Filed the documents referred to in (1) and (2) above with the department of ~~licenses and consumer services~~ health and family support; and

(4) Filed with the department of ~~licenses and consumer services~~ health and family support an affidavit, signed under oath by an officer of the organization, verifying that the organization has tax-exempt status under Section 501(c)(3) and that such status has not been revoked or otherwise cancelled. An affidavit shall be filed at the time the organization originally applies to be a qualified organization and with each subsequent application to renew its gambling license.

A "nonqualified organization" is any organization ~~which that~~ is not a qualified organization.

(d) The city council shall disapprove any pending application for renewal or original issue of a premises permit for any nonqualified organization which fails to contribute ten (10) per cent of net profits to the Minneapolis Family Fund as required by this section. Further, the police license ~~unit~~ division may notify the Minnesota Gambling Control Board of any nonqualified organization which has failed to contribute ten (10) per cent of its net profits to the Minneapolis Family Fund, and may request that the board revoke or suspend the organization's license during the license year. The city council shall not issue or renew, and may revoke or suspend, any on-sale or off-sale alcoholic beverage license, bottle club permit, or food license for any nonqualified organization which has failed to contribute ten (10) per cent of net profits to the Minneapolis Family Fund. The above remedies are not exclusive, and shall be in addition to any other powers and remedies provided by law.

Section 6. That Section 268.120 (c) of the above-entitled ordinance be amended to read as follows:

**268.120. Minneapolis Family Fund established.**

(c) The fund shall be administered by the ~~director of licenses and consumer services~~ department of health and family support department head or designee.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**PS&RS** - Your Committee, having under consideration the application of Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 2600 Hennepin Av, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire January 1, 2004, 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 7/25/03.

Declining to Vote - Benson.

Absent - Zimmermann and Ostrow.  
Approved by Mayor Rybak 7/25/03.  
(Published 7/29/03)

**PS&RS** - Your Committee, having under consideration the application of Transglobal Tech Inc, dba Bombay Bistro, 820 Marquette Av, for an On-Sale Wine Class E with Strong Beer License to expire April 1, 2004, 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 7/25/03.

Declining to Vote - Benson.

Absent - Zimmermann and Ostrow.  
Approved by Mayor Rybak 7/25/03.  
(Published 7/29/03)

**PS&RS** - Your Committee, having under consideration the application of Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av, for an Off-Sale Malt Liquor License (Growler License) to expire October 1, 2003, 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 7/25/03.

Absent - Zimmermann and Ostrow.  
Approved by Mayor Rybak 7/25/03.  
(Published 7/29/03)

**PS&RS** - Your Committee, having under consideration the application of Town Hall Brewery Ltd PTN, dba Minneapolis Town Hall Brewery, 1430 Washington Av S, for an Off-Sale Malt Liquor License (Growler License) to expire April 1, 2004, and having held a public hearing thereon, now recommends that said license be sent forward without recommendation.

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

Adopted by unanimous consent.

The report, as amended, was adopted 7/25/03.

Absent - Zimmermann and Ostrow.  
Approved by Mayor Rybak 7/25/03.  
(Published 7/29/03)

**PS&RS** - Your Committee, having under consideration the application of G & D Foods Inc, dba Kafe 421, 421 14th Av SE, for an On-Sale Wine Class C-2 with Strong Beer License (change in ownership) to expire April 1, 2004, now recommends that said license be sent forward without recommendation.

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

Adopted by unanimous consent.

The report, as amended, was adopted 7/25/03.

Declining to Vote - Benson.

Absent - Zimmermann and Ostrow.  
Approved by Mayor Rybak 7/25/03.  
(Published 7/29/03; Republished 8/2/2003)

**PS&RS** - Your Committee, having under consideration the application of Taxi Holding Company, dba Skybird, 3738 Minnehaha Av S, for a Taxicab Service Company License (transfer of stock to Rainbow Taxi Corporation) to expire February 1, 2004, now recommends that said license be sent forward without recommendation.

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

Adopted by unanimous consent.

The report, as amended, was adopted 7/25/03.  
Absent - Zimmermann and Ostrow.

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

Adopted 7/25/03.

Declining to Vote - Benson.

Absent - Zimmermann and Ostrow.

Resolution 2003R-336, granting applications for Liquor, Wine and Beer Licenses, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-336**

**By Niziolek**

**Granting applications for Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**On-Sale Liquor Class A with Sunday Sales, to expire July 19, 2003**

South Beach LLC, dba South Beach, 323 1st Av N (temporary expansion of premises July 12, July 17 & July 19, 2003, 9:00 p.m. to 2:00 a.m.);

**On-Sale Liquor Class B with Sunday Sales, to expire July 4, 2003**

River Jakes Inc, dba Nyes Polonaise Room, 112 E Hennepin Av (temporary expansion of premises with entertainment, July 4, 2003, 6:30 p.m. to 11:00 p.m. in parking lot);

**On-Sale Liquor Class B with Sunday Sales, to expire July 13, 2003**

Caboose Enterprises Inc, dba Cabooze, 913 Cedar Av, 1st floor (temporary expansion of premises, Noon to 10:00 p.m., Motorcycle Give Away);

**On-Sale Liquor Class B with Sunday Sales, to expire July 4, 2003**

Minneapolis American Legion Post #1, dba Minneapolis American Legion Post #1, 2532 25th Av S (temporary expansion of premises, July 4, 2003, Noon to 6:00 p.m. in Legion parking lot);

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

Last Cowboy LLC, dba Bar Abilene, 1300 Lagoon Av (upgrade from Class E with Sunday Sales);

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

Pickled Parrot II LLC, dba Pickled Parrot, 1400 Lagoon Av (new business);

**On-Sale Liquor Class E with Sunday Sales, to expire July 12, 2003**

Prestons of Mpls Inc, dba Sgt Prestons, 221 Cedar Av (temporary expansion of premises with outdoor entertainment, July 12, 2003, 2:00 p.m. to 10:00 p.m.);

**Temporary On-Sale Liquor**

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 80 S 9th St #260 (with temporary entertainment July 23 & 24, 2003, 11:00 a.m. to 10:30 p.m.; July 25, 2003, 11:00 a.m. to 11:00 p.m.; and July 26, 2003, Noon to 11:00 p.m. for Ribfest, Ritz Block, 4th & Nicollet Mall);

Zuhran Shrine Pipes & Drums, dba Zuhran Pipes & Drums, 2540 Park Av S (with entertainment July 7, 2003, 9:00 a.m. to 11:00 p.m. at DeLaSalle High School);

**On-Sale Wine Class D with Strong Beer, to expire July 20, 2003**

Marias Cafe Inc, dba Columbian Independence Day, 1113 E Franklin Av (temporary expansion of premises with entertainment, July 20, 2003, 3:00 p.m. to 9:00 p.m. at Ancient Traders Plaza);

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

Transglobal Tech Inc, dba Bombay Bistro, 820 Marquette Av;

**Off-Sale Beer, to expire April 1, 2004**

Speedway Super America LLC, dba Super America #4232, 3453 Nicollet Av;

**Temporary On-Sale Beer**

Zuhran Shrine Pipes & Drums, dba Zuhran Pipes & Drums, 2540 Park Av S (July 6 & 8, 2003, 10:00 a.m. to 6:00 p.m. at DeLaSalle High School);

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (July 27, 2003, Noon to 7:30 at Ritz Block, Nicollet to Marquette, 3rd to 4th St);

Sons of Norway, dba Sons of Norway, 1455 W Lake St (August 1, 2003, Noon to 9:00 p.m.; August 2, 2003, 10:00 a.m. to 9:00 p.m.; and August 3, 2003, Noon to 6:00 p.m., Metris Uptown Art Fair, Hennepin & Lake);

Sacred Heart of Jesus Church, dba Sacred Heart of Jesus Church, 420 22nd Av NE (August 9, 2003, 11:00 a.m. to 7:00 p.m., Church Festival).

Adopted 7/25/03.

Declining to Vote - Benson.

Absent - Zimmermann and Ostrow.

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

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-337, granting applications for Business Licenses, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-337**

**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 July 25, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268929):

Amusement Devices; Place of Amusement Class A; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup Station; Fire Extinguisher Servicing Class A; Caterers; Confectionery; Grocery; Food Manufacturer; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Vending Machine; Motor Vehicle Dealer Auctioneer; Motor Vehicle Dealer - Cycles & Motorbikes; Motor Vehicle Dealer - New & Used; Motor Vehicle Dealer - Used Only; Motor Vehicle Dealer - Additional Lot; Motor Vehicle Repair Garage; Motor Vehicle Used Parts Dealer; Pet Shop; Plumber; Pool Table; Precious Metal Dealer; Recycling/Salvage Yard; Refrigeration Systems Installer; Residential Specialty Contractor; Resin Manufacturer; Secondhand Goods Class B; Antique Dealer Class B; Antique Mall Operator Class B; Exhibition Operator Class A; Sign Hanger; Swimming Pool – Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab - Neighborhood Rideshare; Taxicab Vehicle; Taxicab Vehicle Non-transferable; Tobacco Dealer; Combined Trades; Tree Servicing; and Wrecker of Buildings Class B.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

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

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-338, granting applications for Gambling Licenses, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-338**

**By Niziolek**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**Gambling Class A**

Church of St. Maron, dba Church of St. Maron, 600 University Av NE (Off site gambling, pulltabs & raffles, August 16 & 17, 2003 at Church of St. Maron, 600 University Av NE);

**Gambling Lawful Exempt**

St. Joseph Hien Church, dba St. Joseph Hien Church, 1800 Dupont Av N (Bingo & raffle August 29 - 31, 2003);

Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle & paddlewheels October 5, 2003).

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**PS&RS** - Your Committee recommends that the proper City Officers be authorized to execute Amendment #3 to the Minnesota Gang Strike Force Grant Agreement with the State of Minnesota to extend the grant period to June 30, 2004 in order for the Police Department to expend all available grant funds for overtime for eight officers and fund vehicles for their use.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**PS&RS** - Your Committee recommends that report passed June 6, 2003 authorizing execution of a new Joint Powers Agreement with the Minnesota Department of Public Safety - Emergency Response Commission to provide Bomb Disposal Unit services to other jurisdictions within the State as needed, now recommends that the contract period be changed to reflect a two-year term from July 1, 2003 through June 30, 2005.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**PS&RS** - Your Committee, having under consideration the property located at 2717 Emerson Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and on February 28, 2003 having authorized rehabilitation of the property subject to conditions, now recommends that the owner be granted an extension of the deadline to September 1, 2003 to allow for a closing to occur on the sale of the property in order for the new owner to then rehabilitate the property.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

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

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept funding in an amount not to exceed \$38,000 and execute an Agreement with the Mississippi Watershed Management Organization (MWMO) whereby the City of Minneapolis will conduct water sampling at seven sites in the Mississippi Watershed and to provide travel funds for City, Park Board and Watershed staff to attend a United States Environmental Protection Agency water sampling course. Further, passage of the accompanying Resolution appropriating \$38,000 to the Licenses & Consumer Services Agency.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-339, appropriating \$38,000 to Licenses & Consumer Services to conduct water sampling at seven sites in the Mississippi Watershed and for travel funds to attend a United States Environmental Protection water sampling course, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-339**  
**By Niziolek and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a. increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Other Fund (060-835-8391) by \$33,000 and increasing the Revenue Source (060-835-8391 - Source 3720) by \$33,000;

b. increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Other Fund (060-835-8396) by \$5,000 and increasing the Revenue Source (060-835-8396 - Source 3720) by \$5,000.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept up to \$9,000 in grant funds and execute a grant agreement with the Bloomington Avenue Citizen's Patrol to fund officer overtime for directed patrol details in a designated area focusing on Bloomington Avenue. Further, passage of the accompanying Resolution appropriating \$9,000 to the Police Department to reflect receipt of said grant funds.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-340, appropriating \$9,000 to the Police Department for officer overtime for directed patrol details in a designated area focusing on Bloomington Avenue, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-340**  
**By Niziolek and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-P300) by \$9,000 and increasing the Revenue Source (060-400-P300 - Source 3755) by \$9,000.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

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

**T&PW** – Your Committee, having under consideration the Hiawatha Light Rail Transit screening for the Traction Power Substation (TPSS) #12 (Cedar Riverside Station), now recommends approval of the screening proposal to plant fifteen evergreen and coffee trees for the TPSS #12.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**T&PW** – Your Committee, having under consideration the Minneapolis Police Department Third Precinct Facility, now recommends that the proper City officers be authorized to execute Amendment No. 2 with RSP Architects increasing Contract #018465 in the amount of \$27,000 for a new total amount of \$489,000, to provide for additional architectural and engineering services to resolve the water infiltration problems, with no additional appropriation required.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**T&PW** – Your Committee recommends that Michael D. Kennedy be appointed to serve as the Public Works designee as a non-voting, ex-officio member to the Nicollet Mall Advisory Board for a term to expire December 31, 2004.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**T&PW** – Your Committee recommends that the proper City officers be authorized to execute Agreement No. PW 28-20-03 with Hennepin County in the amount of \$17,069.45 for installation of overhead traffic signal indications at the intersection of Cedar Avenue South (CSAH 152) and East 31<sup>st</sup> Avenue (MSAS 366).

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**T&PW** – Your Committee, having under consideration the Proposed Minnesota Statewide Transportation Plan (2003 – 2023), now recommends that the proper City officers be authorized to transmit a draft letter on behalf of the City prior to 7/18/03 comment deadline and transmit the final letter after Council consideration on 7/25/03.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**T&PW** – Your Committee recommends passage of the accompanying Resolution designating the improvement of the alley retaining wall located behind 3621 15<sup>th</sup> Avenue South. This retaining wall replacement is consistent with the City's Alley Restoration Program and is designated Special Improvement of Existing Alleys No. FS03#2.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-341, designating the improvements of the 2003 Alley Restoration Program (Alley Retaining Wall Replacement at 3621 15<sup>th</sup> Ave. South), was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-341**

**By Colvin Roy**

**2003 Alley Restoration Program Alley Retaining Wall Replacement  
Special Improvement of Existing Alleys No. FS03#2**

**Designating the improvement of the 2003 Alley Restoration Program (Alley Retaining Wall Replacement at 3621 15<sup>th</sup> Ave. South).**

Resolved by The City Council of The City of Minneapolis:

That the following existing alley retaining wall located at 3621 15<sup>th</sup> Ave. South lying within the City of Minneapolis is hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by replacement with concrete modular block and including other related improvements and work as needed:

The property abutting the alley lying with in the block bounded by 15<sup>th</sup> Ave. South & Bloomington Ave. South, between 36<sup>th</sup> Street East and 37<sup>th</sup> Street East.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**T&PW** - Your Committee, having received a cost estimate of \$40,000 for alley retaining wall reconstruction improvement and a list of benefited properties for the 2003 Alley Retaining Wall Restoration Program, Special Improvement of Existing Alley Retaining Walls No. FS03#2, as designated by Resolution 2003R-341 passed 7/25/03, now 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 8/26/03, 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 alley retaining wall project.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

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

**T&PW & W&M/Budget** – Your Committee, having under consideration the 2003 Alley Resurfacing Program, now recommends passage of the accompanying Resolutions:

a) Deleting an alley from the 2003 Alley Resurfacing Program, ordering the work to proceed and adopting the special assessments for said project; and

b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$55,900 for said project, with bonds to be paid for from special assessments.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-342, deleting an alley from the 2003 Alley Resurfacing Program, and ordering the work to proceed and adopting the special assessments for the program, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-342**

**By Colvin Roy and Johnson**

**2003 Alley Resurfacing Program,  
Special Improvement of Existing Alleys No FS03#1**

**Deleting an alley from the 2003 Alley Resurfacing Program, and ordering the work to proceed and adopting the special assessments for the program.**

Whereas, a public hearing was held on July 15, 2003 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2003R-291, passed June 20, 2003 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That Resolution 2003R-291 is amended to delete the following alley from the 2003 Alley Resurfacing Program:

N-S alley between Beard Ave S and Chowen Ave S from W 51<sup>st</sup> St to W 50<sup>th</sup> St.

Be It Further Resolved that the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2003R-291, passed June 20, 2003, as amended herein.

Be It Further Resolved that the proposed special assessments in the total amount of \$60,550.63 are reduced by \$4,611.44 to \$55,940.14 and on file in the Office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments for alley resurfacing of more than \$150 may be paid, shall be fixed at five (5) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments on the 2004 real estate tax statement.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-343, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$55,900 for certain purposes other than the purchase of public utilities, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-343**  
**By Colvin Roy and Johnson**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$55,900 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of alley improvements in the 2003 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS03#1, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**T&PW & W&M/Budget** – Your Committee recommends passage of the accompanying Resolution, reallocating funds by increasing the appropriation in the PW – Transportation Capital Agency by \$38,000 and decreasing the appropriation in the PW – Sewer Construction Capital Agency by \$38,000, the cost

of which will be fully reimbursed by the Minnesota Department of Transportation for addition work needed in support of the Hiawatha Light Rail Transit (LRT) project.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**RESOLUTION 2003R-344**  
**By Colvin Roy and Johnson**

**Amending the 2003 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by increasing the appropriation in the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$38,000 funded from an increase to reimbursement revenues in the amount of 38,000 (4100-943-9440 Source - 3210).

Be It Further Resolved to decrease the appropriation for PW - Sewer Construction Capital Agency in the Sewer Rental Fund (7300-932-9322) by \$38,000 and a reduction to reimbursement revenues in the amount of \$38,000 (7300-932-9322 Source - 3210).

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

(Republished \_\_\_\_\_)

**T&PW & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to enter into an agreement with Metropolitan Council for the City to furnish the Hiawatha Light Rail Transit (LRT) project with funding in the amount of \$31,332 for the construction of elevator and escalator pits at the Nicollet Mall Station. This funding is available from the \$100,000 previously appropriated expenditure by the City Engineer for design and construction of the LRT project.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**T&PW & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to negotiate and enter into an agreement with the University of Minnesota to perform towing at the University of Minnesota, Minneapolis and St. Paul Campus', automatically renewable each year, unless terminated by the City or the University.

Colvin Roy moved that the report be referred back to the Transportation and Public Works Committee. Seconded.

Adopted upon a voice vote.

**T&PW & W&M/Budget** – Your Committee having under consideration the Areaway Abandonment at 930 Hennepin Av (in accordance with the Hennepin Av Theater District Streetscape Project, Special Improvement of Existing Street No. 2221), Property ID No. 27-029-24-12-0039 and legally described as Lot 007, Auditor's Subdivision No. 126, now recommends passage of the accompanying Resolutions:

a. Designating the locations and improvements and ordering the work to proceed for the areaway abandonment and removal as contained in a petition from Larry M Saliterman and Jonathan Liss, dated June 16, 2003;

b. Increasing the appropriation in the Public Works Fund by \$100,000; and

c. Requesting the Board of Estimate and Taxation to issue and sell bonds in the amount of \$100,000 for the project.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-345, areaway Abandonment at 930 Hennepin Av in the Hennepin Av Theater District Streetscape Project, Special Improvement of Existing Street No. 2221, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-345  
By Colvin Roy and Johnson**

**Areaway Abandonment at 930 Hennepin Av in the Hennepin Av Theater District  
Streetscape Project, Special Improvement of Existing Street No. 2221.**

**Designating the locations and improvements and ordering the work to proceed for the areaway abandonment and removal as contained in a petition from Larry M Saliterman and Jonathan Liss, dated June 16, 2003.**

Whereas, The City of Minneapolis has scheduled the streetscape and street lighting improvements during 2002-2003 in the Hennepin Av Theater District (5<sup>th</sup> St to 10<sup>th</sup> St) area of Minneapolis; and

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

Whereas, a public hearing was held on May 9, 2002, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of above mentioned areaways; and

Whereas, it is proposed to abandon and remove the areaway that encroaches into the Hennepin Av right-of-way adjoining said property as petitioned by Larry M Saliterman and Jonathan Liss;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaway as located in the public street r/w adjoining the property along 930 Hennepin Av (Property ID No. 27-029-24-12-0039).

Be It Further Resolved that the cost estimate of \$100,000 for the abandonment and removal be received.

Be It Further Resolved that the petition submitted by the owner of the benefited property (Larry M Saliterman and Jonathan Liss) be received.

Be It Further Resolved that the full cost of the design, areaway abandonment and construction inspection (having a preliminary estimate of \$100,000) of the proposed special assessments in the total amount as on file in the Office of the City Clerk be and hereby are adopted as assessed against the benefited property.

Be it Further Resolved that the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statement.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**RESOLUTION 2003R-346  
By Colvin Roy and Johnson**

**Amending The 2003 Capital 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 and Malls Capital Agency in the Permanent Improvement Project Fund (4100-937-9372 Source - 8015) by \$100,000, for the cost of abandoning the areaway, to be reimbursed by special assessment Fund (4100-937-9372 Source - 3910) in the amount of \$100,000 and authorize and appropriate City Officials to expend funds for the implementation of this project.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-347, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$100,000 for certain purposes other than the purchase of public utilities, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-347**  
**By Colvin Roy and Johnson**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$100,000 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis Bonds for the purpose of paying the assessed cost of areaway abandonment and removal in the Hennepin Av Theater District Streetscape Project, Special Improvement of Existing Street No. 2221, to be assessed against the benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**T&PW & W&M/Budget** – Your Committee having under consideration the Areaway Abandonment at 250 3<sup>rd</sup> Avenue N, Property ID No. 22-029-24-42-0072 and legally described as Lots 4 & 5, Town of Minneapolis and Hoag's Addition to Minneapolis according to the recorded plats thereof, together with that part of abandoned 3<sup>rd</sup> Street North and accrued by reason of Stipulation and Court Order filed as Document No. 5482816, now recommends passage of the accompanying Resolutions:

a. Designating the locations and improvements and ordering the work to proceed for the areaway abandonment and removal as contained in a petition from the Traffic Zone Limited Partnership, dated June 11, 2003;

b. Increasing the appropriation in the Public Works Fund by \$358,800; and

c. Requesting the Board of Estimate and Taxation to issue and sell bonds in the amount of \$358,800 for the project.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-348, designating the locations and improvements and ordering the work to proceed for the areaway abandonment and removal at 250 3<sup>rd</sup> Ave N., as contained in a petition from the Traffic Zone Limited Partnership, dated June 11, 2003, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-348**  
**By Colvin Roy and Johnson**

**Areaway Abandonment at 250 3rd Avenue North**

**Designating the locations and improvements and ordering the work to proceed for the areaway abandonment and removal as contained in a petition from the Traffic Zone Limited Partnership, dated June 11, 2003.**

Whereas, the building at 250 3<sup>rd</sup> Avenue North includes an areaway extending into the public street right-of-way; and

Whereas, the owners of the property, Traffic Zone Limited Partnership, desires to partially abandon said areaway; and

Whereas, it is in the best interest of the City of Minneapolis to have areaways within the public street right-of-way removed; and

Whereas, a Traffic Zone Limited Partnership submitted a petition, dated June 11, 2003, waiving their rights to a project public hearing, an assessment public hearing and to appeal the assessment all in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24,180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of above mentioned areaway; and

Whereas, it is proposed to partially abandon and remove the areaway that encroaches into the public street right-of-way adjoining said property as petitioned by Traffic Zone Limited Partnership;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways as located in the public street r/w adjoining the property along 250 3<sup>rd</sup> Avenue North (Property ID No. 22-029-24-42-0072).

Be It Further Resolved that the cost estimate of \$358,800 for the abandonment and removal be received.

Be It Further Resolved that the petition submitted by the owner of the benefited property, Traffic Zone Limited Partnership, be received.

Be It Further Resolved that the full cost of the design, areaway abandonment and construction inspection (having a preliminary estimate of \$303,600) of the proposed special assessments in the total amount as on file in the Office of the City Clerk be and hereby are adopted and assessed against the benefited property.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statement.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**RESOLUTION 2003R-349  
By Colvin Roy and Johnson**

**Amending The 2003 Capital 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 and Malls Capital Agency in the Permanent Improvement Project Fund (4100-937-9372 Source - 8015) by \$358,800, for the cost of the abandoning the areaway, to be reimbursed by special assessment Fund (4100-937-9372 Source - 3910) by \$358,800 and authorize and appropriate City Officials to expand funds for the implementation of this project.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

(Republished August 21, 2003)

Resolution 2003R-350, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$358,800 for certain purposes other than the purchase of public utilities, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-350**  
**By Colvin Roy and Johnson**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$358,800 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of areaway abandonment and removal at 250 3<sup>rd</sup> Avenue N, (Property ID #22-029-24-42-0072) to be assessed against the benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**T&PW & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute a Stipulation of Settlement and any necessary related documents between the Minnesota Pollution Control Agency, the City of Minneapolis, and other settling parties with regards to the Warden Oil Company Site, Hennepin County.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Approved by Mayor Rybak 7/25/03.

(Published 7/29/03)

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

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-351 granting approval of the bids for projects and/or services for the City of Minneapolis, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-351**  
**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. (Petn. No. 268935)

a) OP #6071, low bid of ELXSI dba Cues in the amount of \$97,800 to furnish and deliver one (1) Sewer Television Inspection System/Hi Cube Van Truck for Public Works Equipment Service Division, contingent on approval of the Civil Rights Department;

b) OP #6085, low bid of CDS Technologies, Inc. in the amount of \$111,950 to furnish and deliver storm water treatment chambers for Public Works Sewer Division, contingent on approval of the Civil Rights Department;

c) OP #6108, low bid of MacQueen Equipment, Inc. in the amount of \$52,794 to furnish and deliver semi-automatic lifter system for Public Works Solid Waste and Recycling, contingent on approval of the Civil Rights Department; and

d) OP #6113, low bid of F.M. Frattalone Excavating & Grading, Inc. for an estimated annual expenditure of \$321,500 for furnishing all labor, materials, equipment and incidentals necessary to crush rubble concrete as needed for Public Works Paving, contingent on approval of the Civil Rights Department.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of low bid received on OP #6109 (Petn No 268935) submitted by Thor Construction, Inc. in the amount of \$181,189, for Heritage Park Phase 1 Group C Park Building Improvements.

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

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Approved by Mayor Rybak 7/25/03.

(Published 7/29/03)

**T&PW & W&M/Budget** – Your Committee recommends proceeding with the bridge design of one single span bridge at Chicago Avenue Bridge over the Midtown Greenway (29<sup>th</sup> Street) with aesthetic amenities.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

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

**W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, regarding use of City facilities or equipment by police employees for outside employment, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 7/25/03. Yeas, 8; Nays, 3 as follows:

Yeas - Schiff, Niziolek, Benson, Goodman, Lane, Johnson, Colvin Roy, Lilligen.

Nays - Zerby, Johnson Lee, Samuels.

Absent - Zimmermann and Ostrow.

Ordinance 2003-Or-101, amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, regarding use of City facilities or equipment by police officers for outside employment, was passed 7/25/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2003-Or-101**

**By Benson**

**Intro & 1st Reading: 6/20/03**

**Ref to: W&M/Budget**

**2nd Reading: 7/25/03**

**Amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to Administration: Ethics in Government.**

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

Section 1. That Section 15.60 (e) of the above-entitled ordinance be amended to read as follows:

**15.60. Outside employment.**

(e) An appointed local official, as defined in section 15.280(m)(2) of this ordinance, or an employee shall:

- (1) Obtain written permission from his or her department head before accepting outside employment or entering into a contract for services.
- (2) Not use city facilities or equipment to solicit or perform outside work. This provision shall not apply to sworn employees of the police department who use city facilities or equipment for outside work in accordance with written police department policies.
- (3) Not solicit or perform outside work during the local official's or employee's hours of employment. The written permission must address the use of vacation or compensatory time, if applicable.

Adopted 7/25/03. Yeas, 8; Nays, 3 as follows:

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

Nays - Zerby, Johnson Lee, Samuels.

Absent - Zimmermann and Ostrow.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution providing for the continued existence of Minneapolis Telecommunications Network (MTN), in accordance with Minnesota Statutes, Section 465.719 that requires that a corporation created by a political subdivision must be declared by resolution of the subdivision and include detailed findings on the need for the corporation and the authority and powers of the corporation.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-352, providing for the continued existence of the Minneapolis Telecommunications Network (MTN), was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-352**

**By Johnson**

**Providing for the continued existence of the Minneapolis Telecommunications Network, a Minnesota Non-Profit corporation dba Minnesota Television Network - MTN.**

Whereas, the City of Minneapolis has awarded franchises to and entered into franchise agreements with KBL Cablesystems of Minneapolis Limited Partnership, a Minnesota limited partnership ("KBLCMLP") with KBL Cablesystems of Minneapolis, Inc. ("KBLCMI"), a Minnesota corporation as its controlling general partner, KBLCMLP and KBLCMI doing business as Time Warner Cable; and

Whereas, the Minneapolis Telecommunications Network, dba Minneapolis Telecommunications Network - MTN ("MTN") is a non-profit corporation organized by the City under Minnesota Statutes, Chapter 317 (the Minnesota Non-profit Corporation Act), for the following purposes; and

a) To promote the use of cable communications systems for community and public access in the City of Minneapolis; to address the information and culture needs of residents, business, non-profit organizations, educational organizations, and governmental bodies to regulate control and manage dedicated public channels; and

b) To promote the common good and general welfare and to reinforce the bonds of community within the City; and

c) To contract for service, to own, manage and/or lease equipment and facilities, contract for, hire and/or supervise personnel, raise funds, and engage in any lawful activity, none of which is for profit, for which corporations may be organized under Minn. Statutes, Chapter 317; and

Whereas, in carrying out its authorized activities, MTN shall make every reasonable effort to seek and identify persons with commonality of interest and encourage them to use facilities and channels over which the corporation has jurisdiction to express their interest, concerns, and aspirations; provide free training or training for a fee (when appropriate); help individuals and groups develop and produce programs for cablecasting; assure the availability of accessible cable communications production facilities,

pursuant to prescribed rules governing the use of such facilities; encourage the use of facilities and channels over which the corporation has jurisdiction to express divergent ideas and opinions on the broadest range of subjects; assure the non-commercial, non-discriminatory, free use of the facilities and channels over which the corporation has jurisdiction and provide service for a fee when time and equipment requirements dictate use of such fee; assure fair access for the presentation of alternative use and ideas, consistent with the Ordinances of the City of Minneapolis, the Statutes of the State of Minnesota, and the laws of the United States; provide some programming different in format, style and content from the programming of radio and telecommunications operations serving the City of Minneapolis; and

Whereas, the Secretary of State for the State of Minnesota has certified that MTN's Articles of Incorporation were recorded with the Minnesota State Department on December 13, 1983, and that MTN is legally recognized under the Laws of Minnesota; and

Whereas, Minnesota Statutes, Section 465.719, subd. 1 (v) (2000) defines a "corporation" as a "corporation created by a political subdivision before May 31, 1997, in which (i) the corporation's articles or incorporation or bylaws provide for the governing body of the political subdivision to serve as a corporation's governing board; (ii) the articles of incorporation or bylaws provide for appointed officials of the political subdivision or members of the governing body of the political subdivision or both to be automatically appointed to the board solely by virtue of their appointment or their election to office and they constitute a majority of the corporation's board members; or (iii) the governing body of the political subdivision approves the budget or expenditures of the corporation for purposes other than those related to oversight of public grants or loans made to the corporation under a competitive bidding process through which other entities are eligible"; and

Whereas, the Articles of Incorporation for MTN provide its annual operating and capital budgets are subject to the approval of the Minneapolis City Council; and

Whereas, in order to provide for the continued existence of a corporation created by a political subdivision, Minnesota Statutes, Section 465.719, subd. 2, specifies that the political subdivision that created the corporation must adopt a resolution that complies with Minnesota Statutes, Section 465.719, subd. 429, at a regularly scheduled meeting; and

Whereas, the City of Minneapolis is considered a political subdivision for the purposes of Minnesota Statutes, Section 465.719; and

Whereas, to the extent that MTN is a "corporation" under Minnesota Statutes, Section 465.719, the City must adopt the requisite resolution at a regularly scheduled meeting of the governing body of the political subdivision no later than August 1, 2003; and

Whereas, the City is adopting this resolution as required by Minnesota Statutes, Section 465.719, subd. 2, for the purpose of providing for the continued existence of MTN; and

Whereas, a certified copy of this resolution must be filed with the Secretary of State pursuant to Minnesota Statutes, Section 465.719, subd. 2; and

Whereas, pursuant to Minnesota Statutes, Section 465.719, subd. 5, the resolution must make a detailed and specific finding regarding the purposes of the corporation, and why the corporation is the best alternative for accomplishing the purpose;

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

#### FINDINGS

1. The Minnesota State Legislature, in enacting Chapter 238 of the Minnesota Statutes, intended to "assure channel availability for municipal services, educational television, program diversity, local expression and other programming communication services... and to stimulate the development of diverse instructional, educational, community interest and public affairs programming..." The Minnesota State Legislature sought to achieve these objectives, in part, by requiring cable operators to (i) make channels available for use by the public, educational authorities and local governments; and (ii) supply the minimal equipment necessary for the production and playback of video programming on a public access channel.

2. The City, in exercising its responsibility for public/community access programming has previously determined that a non-profit corporation focused solely on promoting, coordinating and facilitating the production of public access programming and the training of public access producers can best provide the public of the benefit of community programming and ensure the participation of diverse communities of interest in the cable-casting diverse viewpoints without direct government regulations.

3. Given the City's determination concerning the need for non-profit corporation, MTN was formed for the purposes described above.

4. The renewal of cable franchise system awarded by the City in 1999 to Time Warner Cable contains significant requirements for and in support of public/community access programming including but not limited to, the dedication of channels on the cable system, and payment of monies to the City over the life of the franchise for public, educational governmental access purposes.

5. The public, educational and governmental access reflect the significant interest in, and the need for public/community access in the City of Minneapolis franchise area

6. MTN is the best alternative for accomplishing the foregoing purposes, and executing the public, educational and governmental access purposes requirements in the City's franchise because:

a) The City, in its cable communications franchise ordinance specifically provided that the City shall establish a public non-profit corporation to be known as the MTN Network for the purpose of administering channel capacity provided to the City, and to provide programming and services which are in the public interest or constitute a public service that in the cable communications franchise ordinance the City has delegated the responsibility of providing mandated public interest programming to MTN;

b) The City relied on the continued existence of MTN when the public/community access requirements were negotiated and it was anticipated that MTN would continue to manage public access channels and to operate public/community access facilities during the term of the current franchises in order to ensure that the public needs of the community are met. The need for MTN to provide public access purposes of the City is exhibited by the fact that MTN is specifically referenced in Chapter 2, Article III, sections 8 and 9 of the franchise agreement;

c) The City entered into an Agreement with MTN on February 1, 1987 (City Contract No. 6544) authorizing rights and obligations each had relative to the development and provision of cable services in the public interest. On September 28, 2000, the City and MTN entered into a Fourteenth Amendment to that Agreement and extended that Agreement through December 31, 2004;

d) The employees of MTN have significant experience and expertise in the production and editing of video programming;

e) One of the primary purposes for public/community access is to provide citizens of the City with a forum where they may speak, through video programming over the cable system. MTN, as the entity responsible for managing the public/community access channels on the cable system, protects and advances the First Amendment rights of public/community programmers by eliminating direct government oversight and regulation of public access/community access programming.

Be It Further Resolved:

1. That MTN shall comply with this resolution and with every law that applies to the City of Minneapolis, (as otherwise provided by a superseding law or regulation, or by any decision from a court of competent jurisdiction).

2. That MTN shall have those powers as are consistent with its purposes (purposes set forth in this resolution and MTN's Articles of Incorporation as amended) and the Minnesota Non-Profit Corporation Act as it may be amended from time to time. Notwithstanding the foregoing, the authorities and powers of MTN shall not exceed the authorities and powers of the City of Minneapolis, except as otherwise authorized under Minnesota Statutes, Section 465.719.

3. That MTN shall specifically comply with those laws described in Minnesota Statutes, Section 465.719, subd. 9.

4. That if on August 1, 2003, MTN has contracts or other obligations that are inconsistent with any requirement or requirements of Minnesota Statutes, Section 465.719, the application of that requirement or those requirements is delayed for the time necessary to avoid a breach or impairment of the contract or obligation.

5. To the extent that MTN receives public money from the City of Minneapolis, other than grants or loans made under a competitive process under which other entities are eligible, MTN shall be audited annually by either a certified public accountant or the State Auditor. Except as provided by law, the audit report must be presented at a regularly scheduled meeting of the City of Minneapolis. The audit report must be made available to individuals after presentation of the audit report to the City of Minneapolis.

6. MTN's Board of Directors is hereby directed to authorize and approve any amendments to its Articles of Incorporation as are necessary to comply with this resolution and to provide for the application

of the laws under Minnesota Statutes, Section 465.719, subd. 9. Any such amendments shall be made as soon as practicable after the adoption of this resolution and MTN's Board of Directors shall authorize an officer or designee of MTN to file amended articles of incorporation with the Secretary of State, if necessary, as soon as practicable after the adoption of this resolution.

7. After the effective date of this resolution, MTN shall not amend its articles of incorporation unless the City adopts a resolution in support of the change(s) as provided in Minnesota Statutes, Section 465.719, subd. 2 ratifying existing corporations and a certified copy of the resolution is attached to the amended articles of incorporation filed with the Secretary of State.

8. That not later than six months after the expiration of the Fourteenth Amendment to the Agreement between the City and MTN (City Contract No. 6544), the City must review the activities of MTN and determine the need for the continued existence of MTN. The review must be conducted at a regularly scheduled meeting of the City Council and the city must adopt a resolution to continue the existence of MTN if it determines such continuance is justified.

9. The City Clerk is hereby directed to file a certified copy of this resolution with the Secretary of State.

10. If any particular finding, recital, or order in this resolution is held to be invalid, void or unenforceable, the remainder hereof shall remain valid and effective, unless otherwise specifically provided by law.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the appropriation for the Business Information Services (BIS) Division by \$234,425, to reflect the reimbursement of program management costs the Division has incurred through services to other City departments.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

#### **RESOLUTION 2003R-353**

**By Johnson**

#### **Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Information and Technology Services Agency in the Intergovernmental Services Fund (6400-880-8870) by \$234,425 and increasing the revenue source (6400-880-8870 - Source 3455) by \$234,425.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Empowerment Zone (EZ) Governance Board to provide EZ funds in the amount of \$500,000 to the Minneapolis Community Development Agency (MCDA) for the Affordable Housing Trust Fund and passage of the accompanying resolutions providing for the transfer of said funds to the MCDA.

Adopted 7/25/03. Yeas, 10; Nays, 1 as follows:

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

Nays - Johnson Lee.

Absent - Zimmermann and Ostrow.

#### **RESOLUTION 2003R-354**

**By Johnson**

#### **Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Decreasing the appropriation for the City Coordinator Agency in the Grants - Federal Fund (0300-840-8460) by \$500,000;

b) Increasing the appropriation for the Inter-Fund Transfer Agency in the Federal Grants Fund (0300-127-FEZT-9001) by \$500,000 for the MCDA Affordable Housing Trust Fund Program.

Adopted 7/25/03. Yeas, 10; Nays, 1 as follows:

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

Nays - Johnson Lee.

Absent - Zimmermann and Ostrow.

### RESOLUTION 2003R-355

By Johnson

#### **Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation in Fund FEZ by \$500,000; and

b) Increasing the MCDA Revenue Budget in Fund FEZ (3210-08 Federal Funds - HUD Grants) by \$500,000.

Adopted 7/25/03. Yeas, 10; Nays, 1 as follows:

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

Nays - Johnson Lee.

Absent - Zimmermann and Ostrow.

**W&M/Budget** - Your Committee, having under consideration the New Central Library Project, now recommends that the proper City officers be authorized to execute the following construction change orders:

a) Change Order #4 increasing Contract #018707 with F. M. Frattalone Excavating and Grading, Inc. by \$48,418 for a new contract total of \$1,628,647, for additional work within the project budget;

b) Change Order #1 reducing Contract #019214 with Knutson Construction Services, Inc. by \$24,000, for a new contract total of \$4,192,000.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Approved by Mayor Rybak 7/25/03.

(Published 7/29/03)

**W&M/Budget** - Your Committee recommends approval of the recommendation of the Director of Human Resources to approve the following:

a) Reclassify two positions from Systems Integrator II to Telephony Technician II in the Data Processing Promotional Line, effective November 1, 2002;

b) Reclassify the incumbents to the positions, Christian Hoiland and Derek Polus, effective November 1, 2002, and pursuant to the applicable Letter of Agreement executed with IBEW Local #292 - Electrical Technicians; and

c) Passage of the accompanying Salary Ordinance establishing the salary for said position.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Ordinance 2003-Or-102 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the reclassified position of Telephony Technician II, was passed 7/25/03. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2003-Or-102  
By Johnson  
1<sup>st</sup> and 2<sup>nd</sup> Readings: 7/25/03**

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

The City Council of the City of Minneapolis do ordain as follows:  
20.10.01 Council Jurisdiction.

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

The rates of pay herein provided shall be effective as of November 1, 2002, except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service through fault or delinquency on the part of such employee.

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

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective November 1, 2002:

**Electricians Local 292 - Technicians Unit  
Effective November 1, 2002**

FLSA	Job Code	CLASSIFICATION	P	4-month STEP	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
N		Telephony Technician II	H	20.244	21.309	22.434	23.613	24.847	26.163	27.534	29.423

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

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

**Z&P** - Your Committee, having under consideration the appeal filed by Chuck Liddy, of Miller Dunwiddie Architects, for Andrew Riverside Presbyterian Church, from the decision of the Heritage Preservation Commission (HPC) denying an application for a Certificate of Appropriateness to permit demolition of the entire building at 729 SE 4<sup>th</sup> St/401 SE 8<sup>th</sup> Ave (both the 1899 addition and 1890 church/sanctuary), and in lieu thereof, approving demolition of the 1899 north addition only, now recommends that said appeal be denied, and that the findings prepared by the HPC staff be adopted.

Schiff moved to amend the report by deleting the language following "now recommends that" and inserting in lieu thereof: "a) the Certificate of Appropriateness be granted for demolition of the 1899 addition, and that staff be directed to issue necessary permits, notwithstanding continuance of appeal regarding demolition of the original structure; and b) the appeal regarding demolition of the 1890 church/sanctuary be referred back to the Zoning & Planning Committee to allow the applicant to submit additional information." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 7/25/03. Yeas, 10; Nays, 1 as follows:

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

Nays - Goodman.

Absent - Zimmermann and Ostrow.

**Z&P** - Your Committee, having under consideration the appeal of David Greenwood from the decision of the Board of Adjustment which approved an application for setback variance for a detached garage at 3404 - 26<sup>th</sup> Ave S subject to the condition that there be at least 20 percent windows located on the north side of the garage and that the windows be vertical in proportion, now recommends that said appeal be granted, thereby granting the variance without the added condition, and that the findings prepared by the Planning Department staff be adopted.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**Z&P** - Your Committee recommends denying the appeal filed by Joseph Welp from the decision of the Planning Commission denying a nonconforming use certificate and an expansion of nonconforming use for property at 514 SE 6<sup>th</sup> St, to establish nonconforming rights, and allow expansion of units beyond any established nonconforming rights, all for 12 rooms and 1 apartment unit, and that the Findings of Fact prepared by the City Attorney be made a part of this report by reference.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**Z&P** - Your Committee recommends denying the appeal filed by Joseph Welp from the decision of the Planning Commission denying a nonconforming use certificate and an expansion of nonconforming use for property at 812 SE 7<sup>th</sup> St, to establish nonconforming rights and allow expansion of units beyond any established nonconforming rights, all for a two-family dwelling with four bedrooms in one unit and seven rooming units in the other upstairs unit, and that the Findings of Fact prepared by the City Attorney be made a part of this report by reference.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Erik Brown to rezone the property at 960 - 27<sup>th</sup> Ave NE from R2B to the R4 District to legalize a third unit in the house, and that the related findings prepared by the Planning Department be adopted.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**Z&P** - Your Committee concurs in the recommendations of the Planning Commission regarding the applications of The Third Police Precinct, 3001 Minnehaha Ave, to allow an addition to an existing police station, and that the related findings prepared by the Planning Department be adopted:

a) Granting the petition to rezone a portion of the property at 3023 Snelling Ave S from I2 to the C2 District, by passage of the accompanying ordinance amending the Zoning Code;

b) Approving the vacation of part of the "L" shaped alley located between Snelling and Minnehaha Aves and E Lake and E 32<sup>nd</sup> Sts, subject to retention of easement rights, by passage of the accompanying resolution.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Ordinance 2003-Or-103, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3023 Snelling Ave S to the C2 District, was passed 7/25/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2003-Or-103**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 7/25/03**

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

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

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

A. All of Lot 10, that part of Lot 11 and that part of the vacated alley, all platted in COPLIN'S RE-ARRANGEMENT IN GRISWOLD'S THIRD ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly, northwesterly and westerly of the following described line and its easterly and westerly extensions: Commencing at the most easterly corner of said Lot 11; thence North 24 degrees 04 minutes 05 seconds West, assumed bearing along the northeasterly line of said Lot 11, a distance of 1.18 feet; thence North 66 degrees 01 minute 05 seconds East 7.50 feet to the center line of said alley; thence North 24 degrees 04 minutes 05 seconds West, along said center line 8.13 feet; thence North 65 degrees 53 minutes 42 seconds East 25.75 feet to the intersection with the southerly extension of the easterly line of Lot 1, said COPLIN'S RE-ARRANGEMENT IN GRISWOLD'S THIRD ADDITION TO MINNEAPOLIS, the point of beginning of the line to be described; thence returning South 65 degrees 53 minutes 42 seconds West 25.75 feet to said center line; thence South 24 degrees 04 minutes 05 seconds East, along said center line 8.13 feet; thence South 66 degrees 01 minute 05 seconds West 7.50 feet to a point on the northeasterly line of said Lot 11, distant 1.18 feet northwesterly from the most easterly corner of said Lot 11; thence North 86 degrees 43 minutes 50 seconds West 24.21 feet; thence South 65 degrees 55 minutes 55 seconds West 128.49 feet to the southwesterly line of said Lot 11 and said line there terminating (3023 Snelling Ave S - Plate 27) to the C2 District.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

Resolution 2003R-356, vacating a part of the "L" shaped alley located between Snelling Ave, Minnehaha Ave, E Lake St and E 32<sup>nd</sup> St, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-356**  
**By Schiff**

**Vacating a part of the "L" shaped alley located between Snelling Avenue, Minnehaha Avenue, East Lake Street and East 32<sup>nd</sup> Street.**

Resolved by The City Council of The City of Minneapolis:

That all that part of the alley as platted and dedicated in COPLIN'S RE-ARRANGEMENT IN GRISWOLD'S THIRD ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northwesterly of the following described line, and its northeasterly and southwesterly extensions: Commencing at the most easterly corner of Lot 11, said COPLIN'S RE-ARRANGEMENT IN GRISWOLD'S THIRD ADDITION; thence North 24 degrees 04 minutes 05 seconds West, assumed bearing, along the northeasterly line of said Lot 11, a distance of 1.18 feet to the point of beginning of the line to be described; thence North 66 degrees 01 minute 05 seconds East 15.00 feet to the northeasterly line of said alley and said line there terminating subject to the retention 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 alley which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: a 10-foot wide strip of land lying parallel with abutting to and southeasterly of the following described line: Commencing at the most easterly corner of Lot 11, Block 1, COPLIN'S RE-ARRANGEMENT IN GRISWOLD'S THIRD ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota; thence on an assumed bearing of North 24 degrees 04 minutes 05 seconds West along the northeasterly line of said Lot 11 a distance of 1.18 feet to the point of beginning of the line to be described; thence North 86 degrees 43 minutes 50 seconds West a distance of 24.21 feet; thence South 65 degrees 55 minutes 55 seconds West a distance of 128.49 feet to the easterly right of way Snelling Avenue and there terminating; 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 corporations having utility facilities located within the area involved authorizing them to do so.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

**Z&P** - Your Committee, having under consideration a report of the Planning Department on the Minneapolis Institute of Arts (MIA) parking study and status of the interim parking lot at 2325 Third Ave S, now recommends approval of an extension of the deadline of from July 1, 2003 to December 31, 2003 for the MIA to coordinate and undertake a neighborhood-wide parking evaluation, as requested by the Planning Department.

Your Committee further recommends that a status report on the interim parking lot be brought back to the Zoning and Planning Committee in July, 2004.

Adopted 7/25/03.

Absent - Zimmermann and Ostrow.

### Motions

Benson introduced the subject matter of an ordinance amending Title 7, Chapter 139 of the Minneapolis Code of Ordinances relating to *Civil Rights: In General*, which was given its first reading and referred to the Health and Human Services Committee. The proposed changes would prevent different treatment of persons with spouses versus persons with registered domestic partnerships in the areas of real estate, public accommodations, public services, and professional organizations.

Benson introduced the subject matter of an ordinance amending Title 7, Chapter 142 of the Minneapolis Code of Ordinances relating to *Civil Rights: Civil Rights and Domestic Partnerships*, for first reading and referral to the Health and Human Services Committee. The proposed changes would give local effect to domestic-partner registrations and other legally founded relationships from other jurisdictions.

Benson introduced the subject matter of an ordinance amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: In General*, which was given its first reading and referred to the Public Safety and Regulatory Services Committee. The proposed change is to clarify that the ordinance applies only to situations where the intent of the individual is for an indecent, immoral or unlawful purpose.

Benson introduced the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, which was given its first reading and referred to the Public Safety and Regulatory Services Committee. The proposed change would include domestic partnerships in the definition of family.

Johnson introduced the subject matter of an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, which was given its first reading and referred to the Health and Human Services Committee. The proposed change requires that board members attend Citizens Academy training.

### UNFINISHED BUSINESS

Empire Concepts (319 1st Av N): Passage of Resolution granting On-Sale Liquor Class B with Sunday Sales License, subject to conditions. (Postponed 7/11/03, PS&RS)

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting the application of Empire Concepts, 319 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Adopted 7/25/03. Yeas, 10; Nays, none.

Declining to Vote - Benson.

Absent - Zimmermann and Ostrow.

Approved by Mayor Rybak 7/25/03.

(Published 7/29/03)

Resolution 2003R-357, granting the application of Empire Concepts, 319 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions, was passed 7/25/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

### RESOLUTION 2003R-357

By Niziolek

**Granting the application of Empire Concepts, 319 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Empire Concepts LLC, dba Empire Concepts, 319 1st Av N Suite 100, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire January 1, 2004, subject to the following conditions:

a. the licensee shall immediately notify and document to the Licenses & Consumer Services Division any new funding for business improvements, debt retirement or operating purposes other than that which has been obtained and documented as of June 9, 2003;

b. any new, non-financial institution investor must undergo a normal background check as is required of a new shareholder in the company;

c. the licensee shall inform the Licenses & Consumer Services Division of the progress of an extant lawsuit with Jack Vilett as events occur;

d. the establishment's VIP room shall be constructed and lighted in such a manner that activities within the room are at all times visible to the general public outside the room;

e. all Federal, State of Minnesota and City of Minneapolis laws, rules and regulations concerning beverage alcohol sales and consumption will be complied with.

f. the licensed business shall provide sufficient staff devoted exclusively to security-related duties to protect the well-being and safety of patrons, employees and the general public. Said security staff shall be distinctly clothed to make their appearance and function easily recognizable.

g. the licensee shall designate an employee, other than the on-site manager, as head of the security staff. This employee shall be equipped with a cell telephone number to be provided to the local Precinct to enable prompt communication in the event of disturbances.

h. prior to the commencement of business operations, the on-site manager and designated head of the security staff shall meet and confer with the local Precinct Community Crime Prevention/SAFE and Command staff to develop "best practices and security methods".

i. management and security staff shall work with the Fire Department's Prevention staff to identify methods to prevent violation of occupancy limits.

j. the security staff shall be utilized to ensure that patrons and others do not loiter on the public sidewalk or licensee controlled vehicle parking areas after they have exited the licensed premise.

k. the licensee shall compile, maintain and share with the local Precinct a "do not admit" list to prevent reoccurrence of disturbances by known persons.

l. all rubbish found within 100 feet of the establishment shall be picked up and properly disposed of immediately after the close of the business each night.

m. all persons seeking to gain entrance to the establishment after 9:00 p.m. shall be required to present legitimate identification as a condition of entrance.

n. the licensee shall meet with the local Precinct CCP/SAFE Unit on a monthly basis for the first six months of operation, or as deemed appropriate by the Minneapolis Police Department, to review any law enforcement concerns that may arise from the applicant's business operations.

o. the licensee shall notify the local Precinct if an event is scheduled to be "all ages" or "18+", is of a private nature or otherwise may draw patron numbers in excess of regular business operations.

p. the licensee shall regularly attend the Downtown Entertainment District Security and Warehouse District Business Association Meetings, if the establishment is located in the Downtown District; or the applicant shall join and become actively involved with the local Neighborhood/Business Association, if the establishment is located outside the Downtown District.

q. employees of the licensee shall receive alcohol server training from an approved provider every three months during the initial year of business operations.

r. the licensee shall notify the Minneapolis Police License Division of the date that the business intends to commence operations to which the general public will be admitted.

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

Adopted 7/25/03. Yeas, 10; Nays, none.

Declining to Vote - Benson.

Absent - Zimmermann and Ostrow.

Approved by Mayor Rybak 7/25/03.

By unanimous consent, the meeting was adjourned.

Merry Keefe,  
City Clerk.

Created: 7/28/2003;  
Modified: 7/30/2003;  
Corrected: 8/21/2003;  
9/09/2003;