

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF SEPTEMBER 23, 2005

(Published October 1, 2005, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

September 23, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 9/23/05.

Lilligren moved acceptance of the minutes of the regular meeting held September 2, 2005. Seconded. Seconded.

Adopted upon a voice vote 9/23/05.

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 9/23/05.

PETITIONS AND COMMUNICATIONS

HEALTH AND HUMAN SERVICES:

HEALTH AND FAMILY SUPPORT SERVICES (270664)

Emergency Preparedness--Hurricane Katrina: City Update.

HEALTH AND HUMAN SERVICES (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270665)

Employment & Training and Human/Social Services: Issue Request for Proposals to establish list of "eligible providers" for master contracts for services.

HEALTH AND FAMILY SUPPORT SERVICES (270666)

Health/Medical and Human/Social Services: Issue Request for Proposals to establish list of "eligible providers" for master contracts for services.

Family Support Specialist III: Grant Step 5 salary for Emily Wang.

INTERGOVERNMENTAL RELATIONS (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270667)

Sears/Lake Street Tax Increment Financing District (now called Midtown Exchange): Request local approval of Laws of MN 2005, extending the term of the TIF District.

INTERGOVERNMENTAL RELATIONS (270668)

2006 Capital Budget Requests: Presentations; Results of ranking.

PUBLIC WORKS AND ENGINEERING (270669)

Minnehaha Creek Watershed District: Minnehaha Creek Visioning Partnership recommendations.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

FIRE DEPARTMENT (270670)

Mutual Fire Department Aid with City of St. Paul: Execute Joint Cooperative Agreement with St. Paul Fire Department for use of fire personnel and equipment.

INSPECTIONS DEPARTMENT (270671)

Chapter 249 Property at 115 5th St NE: Authorize demolition of property.

INSPECTIONS DEPARTMENT (270672)

Rental Dwelling License at 3121 Cedar Av: Concur with recommendation of Rental Licensing Board of Appeals to revoke license held by Spiros Zorbalas for failure to meet licensing standard of Conduct on Licensed Premises; and that Order to vacate building for 60 days be stayed, subject to conditions; w/attachments.

LICENSES AND CONSUMER SERVICES (270673)

Karma (315 1st Av N): Grant On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting Adult Entertainment.

Paul's Bobby & Steve's Auto World (304 W 61st St): Grant Motor Vehicle Repair Garage License, subject to conditions.

3.2% Beer Establishments: Ordinance amending Code conforming to new State law allowing 3.2% beer establishments to open at 10:00 a.m. on Sundays.

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (270674)

Taxicab Fares: Ordinance amending Code increasing the "flag" or initial rate to \$2.50; increasing the per mile rate to \$1.90; increasing the minimum charge to \$5; and increasing the lease fee to \$85; with attachments.

REGULATORY SERVICES (270675)

Administrative Enforcement - Regulatory Services: Ordinances amending Code granting inspectors and code compliance officers in the Environmental Management & Safety Division the authority to issue administrative citations and reinspection fees.

Ferrets and Rabbits: Passage of Ordinances amending Code regulating ferrets and rabbits as pets --including ferrets and rabbits in the number of companion animals allowed at a residence; allowing rabbits to be a licensed animal, instead of requiring a permit for ownership; amending the license fees for ferrets and rabbits; requiring ferrets to be vaccinated for rabies; and excluding rabbits as an animal eligible for a permit.

REGULATORY SERVICES (270676)

Electrical Inspections: Request to repeal Ordinances amending Title 5 of Code relating to Building Code, Chapter 91 relating to Permit Fees, Article III Electrical Permit Fees; and Chapter 99 relating to Electricity, Article I Generally & Article II Permits & Licenses; with attachments.

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

FIRE DEPARTMENT (270677)

2005 MMRS State Homeland Security Program Grant: Accept grant award of \$455,184 for further planning efforts of Minneapolis/St. Paul MMRS, with \$150,000 to be allocated to Department of Health & Family Support to fund the costs of a planner for two years; and Approve appropriation.

INSPECTIONS DEPARTMENT (270678)

Bid for Tree Removal and Disposal: OP #6401 - Accept next lowest bid of Arbor Barber Inc for removal and disposal of hazardous and/or fallen trees and branches as needed through December 31, 2006.

POLICE DEPARTMENT (270679)

Auto Theft Program: Accept 1990 Acura Integra, valued at \$3,000.

Financial Crimes Task Force: Execute agreement with Anoka County Attorney's Office to receive \$223,400 for participation in Task Force for two-year period; and Approve appropriation.

Financial Crimes Task Force: Amend agreement with Minnesota Financial Crimes Task Force to receive additional \$24,925 to fund salary and overtime expenses for one police officer to extend the City's participation through October 2005; and Approve appropriation.

Paul Coverdell Forensic Laboratory Improvement Program: Accept \$55,918 and execute agreement with United States Department of Justice, National Institute of Justice, to purchase new ballistic recovery system for forensic toolmark examinations of firearms and ballistic evidence from crime scenes; and Approve appropriation.

Reinstatement of Officer Bill Kubes: Grant Step 5 of police officer salary schedule.

Reinstatement of Officer Chad Martin: Grant Step 7 of police officer salary schedule.

911 Buyback Funding for Police Department: Transfer \$350,000 from Contingency Fund to Police Department to support buyback of officers through mid-December.

TRANSPORTATION AND PUBLIC WORKS:

XCEL/NSP (270680)

Utility Pole: Install one (1) 45' pole in boulevard on 6th St SE for 527 2nd Av SE, Design #143799.

Utility Pole: Replace broken pole with new 30' pole at 3343 Vincent Av N, W.O. #10680061.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (270681)

Fire Station No. 14: Authorize change order to contract with Rochon Corporation to allow for construction contingencies.

Heritage Park, Phase 3, Public Improvements: a) Receive final cost estimate; b) Direct City Engineer to prepare proposed improvement assessments against benefited properties; and c) Set a public hearing for October 25, 2005.

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

PUBLIC WORKS AND ENGINEERING (270682)

Fridley Membrane Filtration Plant: Authorize increase in contract with HDR Engineering, Inc. to allow for scope modifications in the project.

Fridley Membrane Filtration Plant: Authorize agreements to conduct performance testing on ultrafiltration membrane pilot scale systems.

Broadway/Central Railing Project: Authorize agreement between City and Hennepin County and Minnesota Department of Transportation to receive up to \$100,000 from each agency for the project.

Third Precinct Expansion: Reallocate \$180,000 from the 800 MHz Radio System Project to Third Police Precinct Expansion Project.

Bid: Accept OP 6472, low responsive bid of Duncan Parking Technologies, Inc., to furnish parking meters.

WAYS AND MEANS BUDGET:

ATTORNEY (270683)

Ethical Practice Board Appointees: a) Patricia Kovel-Jarboe; and b) William Dooley, Jr. - Receive and File.

FINANCE DEPARTMENT (270684)

2005 2nd Quarter Financial Status - Parking Fund Report: Receive and File.

2006 Budget Development Calendar: Receive and File final budget calendar/schedule.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (270685)

Legal Settlements: a) Katharina Mickelson; and b) Michael & Shannon Schultz.

Council on Crime and Justice: Amend Contract #017534 to extend the period of performance to December 31, 2005; Authorize additional sum be paid to the contractor in the amount of \$74,708.25.

BUSINESS INFORMATION SERVICES (270686)

Unisys Contract: Amendment of Contract C-18881 to accommodate the upgrading of the core network infrastructure; Approve appropriation.

Unisys Contract: Amendment of Contract C-18881 in the amount of \$98,846 to transfer critical property services application from a workstation onto a server and to provide on-going managed services for 50-months, effective November 1, 2005; Approve appropriation.

COMMUNICATIONS (270687)

Utility Bill Insert: October 2005 Billing Insert on behalf of the Solid Waste & Recycling Division of Public Works providing information about the Fall street sweeping and bagged yard waste collection dates.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270688)

Empowerment Zone: Approve guidelines for the North Minneapolis Community Transformation Initiative RFP.

Corridor Housing Strategy: Accept grant award from the Ash Institute; Increase appropriation to receive funds.

COORDINATOR (270689)

Braun Intertec Corporation: Amend Contract No. C-19023 for additional testing and inspection services for the New Central Library Project.

New Central Library Project - Change Orders: a) Change Order No. 8 to increase Contract Number C-20366 with Egan Companies, Inc. d.b.a. Egan Mechanical; b) Change Order No. 7 to increase Contract Number C-20345 with Egan Companies, Inc. d.b.a. Egan McKay Electrical.

FINANCE DEPARTMENT (270690)

2005 Resident Survey: Authorize proper City Officers to enter into contract (not to exceed \$75,000) with National Research Center, Inc. to design and conduct a 2005 Resident Survey for Minneapolis.

General Obligation Refunding Bonds: Adopt resolutions requesting the Board of Estimate & Taxation to issue General Obligation Refunding Bonds for various outstanding issuances to achieve savings.

Fire Department Agency: Approve transfer of 2005 General Fund appropriation from the Contingency & Non-Departmental/Other agencies to the Fire Department Agency in the amount of \$2,100,000 to defray the back-pay costs related to the Firefighters contract settlement.

HUMAN RESOURCES (270691)

International Brotherhood of Electrical Workers, Local #292, Electrical Technicians Unit: Execute 36-month collective bargaining labor agreement.

Deferred Compensation Plan Document and Master Group Contract with ING: Authorize amending Article X - Withdrawals, Section 10.1, relating to whom a Participant must make application to for an unforeseeable emergency withdrawal; Amend the Master Contract with ING to conduct the review of emergency withdrawal requests; and Authorize proper City Officers to enter into future amendments to the Master Group Contract with ING.

ZONING AND PLANNING (See Rep):

INSPECTIONS/BOARD OF ADJUSTMENT (270692)

Appeal:

Chris & Beverly Smith (3454 Fremont Ave S): Variances for detached garage.

PLANNING COMMISSION/DEPARTMENT (270693)

Appeals:

Gregory Walsh (re Open Eye Figure Theatre, 506 E 24th St): Conditional use permit for indoor theater; Cedar Lake Revival LLC (1825 E Lake St & 3005-3011 Cedar Ave S): Conditional use permit for shopping center.

Vacations:

Alliance Housing, Inc (re Commons at Hiawatha, 2740 Minnehaha Ave); Plymouth 94 Properties (14th Ave N between 3rd St N & Washington Ave N).

Rezoning:

El Bethel Baptist Church (3936 S 4th Ave);

Dan-Bar Homes (re 42nd Street Suidos-Phase II, 4136 Dight Ave).

Bryn Mawr Land Use Plan (area bounded by Hwy I-394 & France Ave on south, Glenwood Ave on north & City's western boundary).

Environmental Assessment Worksheet (EAW):

City of Lakes Condominium Project (110 E 18th St).

FILED:

MINNESOTA STATE OFFICES-Auditor (270694)

City of Mpls, Management & Compliance report for yr ended 12/31/2004.

The following reports were signed by Mayor Rybak on September 27, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

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

H&HS - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) to establish a list of "eligible providers" with whom the Department of Community Planning and Economic Development (Employment and Training Division) will contract for services in the areas of employment and training, and human/social services through the development of five-year master contracts. The RFP will be released contingent upon approval of the Permanent Review Committee.

Adopted 9/23/05.

H&HS - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) to establish a list of "eligible providers" with whom the Department of Health and Family Support will contract for services in the areas of health/medical and human/social services through the development of five-year master contracts, for the period of January 1, 2006 through December 31, 2010.

Adopted 9/23/05.

H&HS - Your Committee recommends approval for the Department of Health and Family Support to offer Step 5 rate of pay to Ms. Emily Wang as she is hired to the position of Family Support Specialist III.

Adopted 9/23/05.

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

IGR – Your Committee recommends passage of the accompanying resolution in support of the vision recommendations presented by the Minnehaha Creek Visioning Partnership Citizens Advisory Committee as the general conceptual framework to guide creek corridor management and commit to continue to work with the other members of the Minnehaha Creek Visioning Partnership, through its policy board, technical advisory committee, and citizen's advisory committee, to coordinate the implementation of these recommendations.

Adopted 9/23/05.

Resolution 2005R-516, adopting the Minnehaha Creek Visioning Partnership Citizens Advisory Committee recommendations as the general conceptual framework to guide creek corridor management, was adopted 9/23/05 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 2005R-516
By Colvin Roy and Benson

Adopting the Minnehaha Creek Vision.

Whereas, the City of Minneapolis previously adopted a resolution to create the Minnehaha Creek Visioning Partnership to provide guidance and recommendations on policy development, technical issues, and public involvement to create a common vision and implementation plan for the Minnehaha Creek Corridor; and

Whereas, the Partnership's Citizens Advisory Committee (CAC), comprised of 23 representatives from the cities of Minneapolis, Edina, St. Louis Park, Hopkins and Minnetonka, the Minneapolis Park & Recreation Board, Hennepin County, and the Minnehaha Creek Watershed District (MCWD), held twelve workshop meetings to develop a recommended creek vision; and

Whereas, the Partnership's Technical Advisory Committee also met to review the technical feasibility of the vision recommendations developed by the CAC, and has concluded that these recommendations are technically feasible; and

Whereas, the CAC also convened a public Open House to gather further public input and review of the proposed creek vision and the CAC's recommendations; and

Whereas, the CAC has now produced a detailed report that sets forth a creek vision as follows:

The Vision for Minnehaha Creek includes both an existing and desired sense of place. With respect to the existing sense of place, the creek:

- Is a corridor with various reaches and destinations
- Serves as a gathering place for people
- Provides recreational opportunities
- Is a contemporary cultural resource, yet it also reflects our history
- Provides natural and aesthetic experiences unique to its setting

Within the creek corridor it is also desired to:

- Provide balanced opportunities to experience the creek
- Improve the natural environment
- Improve water quality
- Have variation and physical differences
- Be reflective of our history and a priority for our future

Whereas, the CAC's creek vision recommendations also include management priorities, streambank erosion improvements, aquatic habitat management, riparian vegetation management, woody debris management, study of weir and dam removal, stream flow management, water quality management, and decision making criteria; and

Whereas, the MCWD is undertaking revisions to its Watershed Management Plan in partnership with a United States Army Corps of Engineers (USACE) Feasibility Study to pursue investigation of the potential for federal interest in assisting with the implementation of Minnehaha Creek Visioning Partnership recommendations in the Minnehaha Creek corridor, and the CAC's creek vision recommendations will be considered by both the MCWD and the USACE as they move forward with plans and designs, and it is also intended as guidance for other organizations, such as cities and the Minneapolis Park & Recreation Board, that share creek corridor management responsibilities, with the hope that all organizations can work together toward a common vision for the creek;

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

That the City of Minneapolis hereby adopts the general creek vision recommendations presented by the CAC as the general conceptual framework to guide creek corridor management, and thanks the

23 citizen members of the CAC for their hard work, thorough study, and carefully-considered recommendations.

Be It Further Resolved that the City of Minneapolis supports the inclusion of these recommendations in the Water Resources Management Plan being developed by the Minnehaha Creek Watershed District.

Be It Further Resolved that the City of Minneapolis agrees to continue to work with the other members of the Minnehaha Creek Visioning Partnership, through its policy board, technical advisory committee, and citizens advisory committee, to coordinate the implementation of these recommendations.

Be It Further Resolved that the City of Minneapolis hereby expresses its support for the United States Army Corps of Engineers Feasibility Study within the Minnehaha Creek Watershed District to pursue the investigation of potential Federal interest in assisting with the implementation of Minnehaha Creek Visioning Partnership recommendations in the Minnehaha Creek corridor.

Adopted 9/23/05.

IGR – Your Committee, having under consideration 2006 Capital Budget Requests for inclusion in the City’s State Bonding Program, now recommends that the following projects be prioritized as follows:

a) Minnesota Shubert Performing Arts & Education Center: \$15 million to construct, furnish and equip the center.

b) University Research Park: \$6.45 million for the Bioscience Development Fund so that infrastructure improvements of \$13 million to the University Research Park can proceed in a timely manner.

c) Heritage Park Redevelopment Project: \$6 million to acquire land and construct public infrastructure for Van White Memorial Blvd.

d) Cedar Lake Trail: \$1,816,300 for completion of Phase III improvements to finish the trail.

In addition, the City will continue to look for funding opportunities, either through bonding or other funding from the State of Minnesota, for the Target Center debt relief.

The City of Minneapolis is willing to be the fiscal agent for the MacPhail Center for Music, should that organization obtain state bonding funds.

Your Committee further directs the Intergovernmental Relations Department staff to properly file these requests for funding with the State Department of Revenue in a timely fashion.

Johnson moved to substitute the following report for the above report. Seconded.

Zerby moved to amend Johnson’s substitute report by changing the priority order of budget requests as follows: a) Minnesota Shubert Performing Arts & Education Center; b) University Research Park; c) Heritage Park Redevelopment Project; d) Grand Rounds Parkway; e) Cedar Lake Trail; and f) Target Center Debt Relief.

Lost for lack of a second.

Johnson’s motion to substitute was adopted upon a voice vote.

IGR – Your Committee, having under consideration 2006 Capital Budget Requests for inclusion in the City’s State Bonding Program, now recommends that the following projects be prioritized as follows:

a) Minnesota Shubert Performing Arts & Education Center: \$15 million to construct, furnish and equip the center.

b) Grand Rounds Parkway lighting and roadway rehabilitation in the amount of \$8 million in 2006 and 2008. This will be a joint request from the City of Minneapolis and Minneapolis Park Board.

c) University Research Park: \$6.45 million for the Bioscience Development Fund so that infrastructure improvements of \$13 million to the University Research Park can proceed in a timely manner.

d) Heritage Park Redevelopment Project: \$6 million to acquire land and construct public infrastructure for Van White Memorial Blvd.

e) Cedar Lake Trail: \$1,816,300 for completion of Phase III improvements to finish the trail.

f) Target Center Debt Relief and Capital Improvements.

The City of Minneapolis is willing to be the political subdivision required by Minnesota Statute 16A.86 for the MacPhail Center for Music, should that organization obtain state bonding funds.

Your Committee further directs the Intergovernmental Relations Department (IGR) staff to properly file these requests for funding with the Department of Finance in a timely fashion.

Further, IGR and Public Works staff are directed to meet with Minneapolis Park & Recreation Board staff to develop the details of the Grand Rounds Parkway Project and determine what is necessary to assist the Park Board to bring this forward for its consideration.

The substitute report was adopted 9/23/05. Yeas, 11; Nays, 2 as follows:

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

Nays – Lane, Samuels.

IGR – Your Committee recommends passage of the accompanying resolution approving Laws of Minnesota 2005 Regular Session, Chapter 152, Article 2, Section 21 relating to Special Legislation for the Sears/Lake Street Tax Increment Financing District, extending the term of the TIF District for the Sears/Lake Street Center (now called Midtown Exchange), through the end of 2031.

Your Committee further recommends that the proper City officers be authorized to seek approvals from the Minneapolis Public Schools and Hennepin County of the 2005 Law of the State of Minnesota extending the term of the TIF District.

Adopted 9/23/05.

Resolution 2005R-517, approving Laws of Minnesota 2005 Regular Session, Chapter 152, Article 2, Section 21 relating to Special Legislation for the Sears/Lake Street Tax Increment Financing District, extending the Tax Increment Finance district through the end of 2031, was adopted 9/23/05 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 2005R-517

By Benson

Approving Laws of Minnesota 2005 Regular Session, Chapter 152, Article 2, Section 21 relating to Special Legislation for the Sears/Lake Street Tax Increment Financing District.

Whereas, The 2005 Minnesota State Legislature has passed a law relating to the Sears/ Lake Street Tax Increment Financing District as further described below:

“Section 21. Laws 1998, chapter 389, article 11, section 19, subdivision 3, is amended to read: Subd. 3 [Duration of District.] Notwithstanding the provisions of Minnesota Statutes, section 469.176 subdivision 1b, no tax increment may be paid to the authority or the city after 30 years from approval of the tax increment plan.”

Whereas, said law, by its terms, requires and affirmative vote of a majority of the members of the City Council before it may become effective;

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

That above described law be approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 9/23/05.

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

PS&RS - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 368 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Regulations*, conforming to new State law allowing 3.2% beer establishments to open at 10:00 a.m. on Sundays, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 9/23/05.

Ordinance 2005-Or-079 amending Title 14, Chapter 368 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Beer Regulations*, amending Section 368.60 to conform to new State law

allowing 3.2% beer establishments to open at 10:00 a.m. on Sundays, was adopted 9/23/05 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 2005-Or-079
By Niziolek
Intro & 1st Reading: 8/19/05
Ref to: PS&RS
2nd Reading: 9/23/05

Amending Title 14, Chapter 368 of the Minneapolis Code of Ordinance relating to Liquor and Beer: Beer Regulations.

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

Section 1. That Section 368.60 of the above-entitled ordinance be amended to read as follows:

368.60. Hours Generally. No ~~“on-sale” or “off-sale”~~ beer licensee shall sell or serve, or permit to be served, sold or consumed on the premises named in the license any beer on any Sunday between the hours of 2:00 a.m. and 12:00 noon; No “on-sale” beer licensee shall sell or serve, or permit to be served, sold or consumed on the premises named in the license any beer on any Sunday between the hours of 2:00 a.m. and 10:00 a.m.; nor any other day between the hours of 2:00 a.m. and 8:00 a.m..

Adopted 9/23/05.

PS&RS - Your Committee, to whom was referred ordinances amending Title 1 of the Minneapolis Code of Ordinances relating to *General Provisions*, granting inspectors and code compliance officers in the Environmental Management & Safety Division of Regulatory Services the authority to issue administrative citations and reinspection fees, now recommends that the following ordinances be given their second reading for amendment and passage:

a. Chapter 2 relating to *Administrative Enforcement and Hearing Process*, amending Section 2.20 entitled “Persons authorized to issue citations”.

b. Chapter 1 relating to *In General*, amending Section 1.120 to establish a default reinspection fee structure and process.

Adopted 9/23/05.

Ordinance 2005-Or-080 amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to *General Provisions: Administrative Enforcement and Hearing Process*, amending Sections 2.20 and 2.40 to grant inspectors and code compliance officers in the Environmental Management & Safety Division of Regulatory Services the authority to issue administrative citations, was adopted 9/23/05 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 2005-Or-080
By Niziolek
Intro & 1st Reading: 8/19/05
Ref to: PS&RS
2nd Reading: 9/23/05

Amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to General Provisions: Administrative Enforcement and Hearing Process.

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

Section 1. That Section 2.20 of the above-entitled ordinance be amended to read as follows:

2.20. Persons authorized to issue citations. The following city employees are authorized to issue citations for violations of the Minneapolis Code of Ordinances:

- (1) Police officers.
- (2) Animal control officers.
- (3) License inspectors.
- (4) Fire chief, fire marshal and fire inspectors.
- (5) Building inspectors.
- (6) Manager of environmental health and environmental health inspectors.
- (7) Housing inspectors.
- (8) Zoning inspectors.
- (9) Traffic Control Agent II for violations of Title 13, Chapter 341.
- (10) Sidewalk inspectors.
- (11) Utility connection inspectors and their supervisor.
- (12) Real estate investigators and their supervisor.
- (13) Deputy director of environmental management and safety, environmental and code compliance inspectors.

Section 2. That Section 2.40 of the above-entitled ordinance be amended to read as follows:

2.40. Offenses subject to administrative enforcement. A violation of the following provisions of the Minneapolis Code of Ordinances is an administrative offense that may be subject to the administrative enforcement and hearing process of this Article:

- (1) Title 3 Air Pollution and Environmental Protection
- ~~(1)~~ (2) Title 4 Animals and Fowl
- ~~(2)~~ (3) Title 5 Building Code
- ~~(3)~~ (4) Title 9 Fire and Police Protection
- ~~(4)~~ (5) Title 10 Food Code
- ~~(5)~~ (6) Title 11 Health and Sanitation
- ~~(6)~~ (7) Title 12 Housing
- ~~(7)~~ (8) Title 13 Licenses and Business Regulations
- ~~(8)~~ (9) Title 14 Liquor and Beer
- ~~(9)~~ (10) Title 15 Offenses — Miscellaneous
- ~~(10)~~ (11) Title 17 Streets and Sidewalks
- ~~(11)~~ (12) Title 18 Traffic Code
- ~~(12)~~ (13) Title 20 Zoning Code

Adopted 9/23/05.

Ordinance 2005-Or-081 amending Title 1, Chapter 1 of the Minneapolis Code of Ordinances relating to *General Provisions: In General*, amending Section 1.120 to grant inspectors and code compliance officers in the Environmental Management & Safety Division of Regulatory Services the authority to issue reinspection fees, was adopted 9/23/05 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 2005-Or-081
By Niziolek
Intro & 1st Reading: 8/19/05
Ref to: PS&RS
2nd Reading: 9/23/05

Amending Title 1, Chapter 1 of the Minneapolis Code of Ordinances relating to General Provisions: In General.

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

Section 1. That Chapter 1 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 1.120 to read as follows:

1.120. Reinspection fees. (a) *Reinspection fees authorized.* A department authorized with the regulatory enforcement of any provision of the Minneapolis Code of Ordinances cited in section 2.40 shall be further authorized to charge a reinspection fee for any required reinspection finding noncompliance conducted after the due date for compliance with a duly-issued order. Unless a separate process is expressly specified and provided for elsewhere in this Code, any department choosing to levy and collect such reinspection fees shall comply with the requirements of this section.

(b) *Initial inspection.* There shall be no fee charged for an initial inspection to determine the existence of a Code violation, nor any fee for a first reinspection finding compliance with and abatement of all requirements of an order to correct a Code violation.

(c) *Subsequent reinspections.* A one hundred dollar (\$100.00) fee shall be charged for each subsequent reinspection finding noncompliance that is conducted after the due date for compliance with an order.

(d) *Notice of reinspection fee.* Every notice of violation and order to correct Code violations shall contain a clear and conspicuous explanation of the policy in this section authorizing reinspection fees for subsequent noncompliant reinspections.

(e) *Waiver.* The head of the department issuing the applicable orders, or the department head's designee, may waive a reinspection fee in case of error, mistake, injustice, or other good cause with or without hearing.

(f) *Billing.* The reinspection fees authorized above shall be billed directly to the responsible party to which the underlying orders to correct were issued. Reinspection fees shall be increased by fifty percent (50%) when not paid within thirty (30) days after initial billing, to cover administrative costs. Failure to timely pay such fees shall be grounds for denial, revocation, suspension, or non-renewal of any city-issued license held by the party. This subsection shall not be considered the exclusive method of collecting reinspection fees and shall not preclude collection by any other lawful methods.

Adopted 9/23/05.

PS&RS - Your Committee, to whom was referred ordinances amending Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl*, regulating rabbits and ferrets as pets, now recommends that the following ordinances be given their second reading for amendment and passage:

a. Chapter 64 relating to *Dogs and Cats*, including ferrets and rabbits in the number of companion animals allowed at a residence.

b. Chapter 65 relating to *Ferrets*, allowing rabbits to be a licensed animal, instead of requiring a permit for ownership, and amending the license fees for ferrets and rabbits.

c. Chapter 66 relating to *Rabies Control*, requiring ferrets to be vaccinated for rabies.

d. Chapter 70 relating to *Fowl, Pigeons, Rabbits and Other Small Animals*, excluding rabbits as an animal eligible for a permit.

Adopted 9/23/05.

Ordinance 2005-Or-082 amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs and Cats*, amending Section 64.100 to include ferrets and rabbits in the number of companion animals allowed at a residence, was adopted 9/23/05 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 2005-Or-082
By Niziolek
Intro & 1st Reading: 8/19/05
Ref to: PS&RS
2nd Reading: 9/23/05

Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating Animals and Fowl: Dogs and Cats.

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

Section 1. That the title of Chapter 64 of the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 64. DOGS, AND CATS, FERRETS, AND RABBITS*

Section 2. That Section 64.100 of the above-entitled ordinance be amended to read as follows:

64.100. Maximum number animals of the dog, or cat, ferret, or rabbit kind. (a) No owner or caretaker of any residential building shall knowingly allow more than three (3) animals of the dog, or cat, ferret, or rabbit kind over the age of four (4) months to be kept, harbored or maintained within any residential building or on any residential lot or parcel of property in the city without a permit.

(b) The number of dogs, or cats, ferrets, or rabbits permitted in subsection (a) may be increased by obtaining a permit issued by the commissioner of health or their designee. Such permit shall specify any restrictions, limitations, conditions or prohibitions which the commissioner of health or their designee deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety. Such a permit may be modified from time to time or revoked by the commissioner or their designee for failure to conform to such restrictions, limitations, conditions or prohibitions. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such dogs, or cats, ferrets, or rabbits.

(c) All permits issued hereunder shall expire on February first next after its issuance unless sooner revoked. The annual fee for such permit shall be twenty dollars (\$20.00) which shall be paid at the time of the making of the application therefor. Animal control shall inspect the premises every other year prior to issuing a renewal of the permit.

Adopted 9/23/05.

Ordinance 2005-Or-083 amending Title 4, Chapter 65 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Ferrets*, amending Sections 65.10, 65.30, and 65.40 to allow rabbits to be a licensed animal, instead of requiring a permit for ownership, and amending the license fees for ferrets for ferrets and rabbits, was adopted 9/23/05 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 2005-Or-083
By Niziolek
Intro & 1st Reading: 8/19/05
Ref to: PS&RS
2nd Reading: 9/23/05

Amending Title 4, Chapter 65 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Ferrets.

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

Section 1. That Section 65.10 of the above-entitled ordinance be amended to read as follows:

65.10. License required. No person shall keep, harbor, or maintain care, custody, or control over any ferret or rabbit without first having obtained a license from the director of operations and regulatory services. This section shall not apply to any premises maintained by a licensed veterinarian or a licensed pet shop operator.

Section 2. That Section 65.30 of the above-entitled ordinance be amended to read as follows:

65.30. Duration of license; fee. (a) All licenses issued hereunder shall expire on January thirty-first next after its issuance unless sooner revoked.

(b) The annual fee for a license shall be twenty dollars (\$25.00) which shall be paid at the time of the making of the application. The annual fee for such a license shall be twenty five dollars (\$25.00) for unspayed or unneutered ferrets, fifteen dollars (\$15.00) for spayed or neutered ferrets, twenty five dollars (\$25.00) for unspayed or unneutered rabbits, and fifteen dollars (\$15.00) for spayed or neutered rabbits.

Section 3. That Section 65.40 of the above-entitled ordinance be amended to read as follows:

65.40. Conditions for keeping ferrets or rabbits; revocation of license. The director may prescribe general conditions for the keeping of ferrets or rabbits as in the director's judgment is necessary to safeguard public health and the general welfare. Subject to a hearing, if requested within five (5) days of the notification, to be held within ten (10) days of the request, the director may revoke any license granted pursuant to this chapter if any such condition is violated or if any pet becomes a public nuisance.

Adopted 9/23/05.

Ordinance 2005-Or-084 amending Title 4, Chapter 66 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Rabies Control*, amending Section 66.50 to require ferrets to be vaccinated for rabies, was adopted 9/23/05 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 2005-Or-084
By Niziolek
Intro & 1st Reading: 8/19/05
Ref to: PS&RS
2nd Reading: 9/23/05

Amending Title 4, Chapter 66 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Rabies Control.

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

Section 1. That Section 66.50 of the above-entitled ordinance be amended to read as follows:

66.50. Handling of dogs, ~~or cats, or ferrets~~ bitten by rabid animals. For the purposes of this section, any bat, skunk, civet cat, raccoon or fox that bites a dog or cat shall be deemed to be a rabid animal. In the case of a ~~dogs, or cats, or ferrets~~ which ~~has~~ have been bitten by a rabid animal, the following rules shall apply:

(a) In the case of a bitten (exposed) ~~dog, or cat, or ferret~~ which has not been vaccinated in accordance with section 66.10 or 66.20 and which has been bitten by a rabid animal, said bitten (exposed) animal shall be immediately destroyed. If the owner is unwilling to destroy the bitten (exposed) animal, said animal shall be placed in strict isolation in a kennel under veterinarian supervision for a minimum of six (6) months. Before release of the ~~dog, or cat, or ferret~~ to its owner, it shall be vaccinated against rabies one month prior to its release.

(b) In the case of a bitten (exposed) animal which has been vaccinated in accordance with the provisions of section 66.10, ~~or 66.20, or 65.20 (b) of this chapter~~, the animal shall be:

- (1) Immediately revaccinated and confined for a period of forty (40) days following vaccination, or
- (2) It shall be confined in strict isolation in a kennel for six (6) months under the supervision of a veterinarian. Before release of the ~~dog, or cat, or ferret~~ to its owner, it shall be vaccinated for rabies one month prior to its release, or
- (3) It shall be destroyed if the owner does not comply with paragraph (1) or (2) of subsection (b).

Adopted 9/23/05.

Ordinance 2005-Or-085 amending Title 4, Chapter 70 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Fowl, Pigeons, Rabbits and Other Small Animals*, amending Section 70.10 to exclude rabbits as an animal eligible for a permit, was adopted 9/23/05 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 2005-Or-085
By Niziolek
Intro & 1st Reading: 8/19/05
Ref to: PS&RS
2nd Reading: 9/23/05

Amending Title 4, Chapter 70 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Fowl, Pigeons, Rabbits and Other Small Animals.

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

Section 1. That the title of Chapter 70 of the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 70. FOWL, PIGEONS, RABBITS AND OTHER SMALL ANIMALS

Section 2. That Section 70.10 of the above-entitled ordinance be amended to read as follows:

70.10. Permit required. (a) No person shall anywhere in the city keep, harbor, or maintain care, custody, or control over any small animal ~~such as a rabbit~~, or any fowl such as a chicken, turkey, or duck, or any pigeon, without obtaining a permit therefor issued by the commissioner of health or their designee.

(b) The commissioner of health or their designee may grant any permit pursuant to this section after the applicant has sought the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate. Such written consent shall be required on the first and initial application and as often thereafter as the commissioner of health or their designee deems necessary.

(c) No permit shall be granted to keep any animal, fowl, or pigeon within a dwelling unit or part thereof, nor on any real estate which contains three (3) or more dwelling units.

(d) This section shall not apply to dogs, ~~or cats, ferrets, or rabbits~~ nor to veterinarians or licensed pet shops or licensed kennels.

Adopted 9/23/05.

PS&RS - Your Committee, having under consideration the application of Karma Entertainment LLC, dba Karma, 315 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License (upgrade from Liquor Class B) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching, and other similar types of activities. Violation of these terms shall provide a basis for revocation of the licensee's Class A Liquor License.

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

Adopted 9/23/05.

PS&RS - Your Committee, having under consideration the application of Paul Warnert and Bobby & Steve Williams, dba Paul's Bobby & Steve's Auto World, 304 W 61st St, for a Motor Vehicle Repair Garage License (new business - temporary relocation from 5801 Nicollet Av S) to expire September 1, 2005, now recommends that said license be granted, subject to the finalization of conditions.

Niziolek moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

PS&RS - Your Committee, having under consideration the application of Paul Warnert and Bobby & Steve Williams, dba Paul's Bobby & Steve's Auto World, 304 W 61st St, for a Motor Vehicle Repair Garage License (new business - temporary relocation from 5801 Nicollet Av S) and a Towing Class B License to expire September 1, 2005, now recommends that said licenses be granted, subject to the following conditions:

a. the licensee will cease doing all licensed business activities at 304 W 61st St within seven days after receiving a certificate of occupancy for 5801 Nicollet Av S. The motor vehicle repair garage and Motor Vehicle Servicing Class B license certificates will be surrendered to the Business License Division as of this date.

b. the licensee understands that they are not being given permanent zoning approval to conduct business at 304 W 61st St. If they decide to continue business at 304 W 61st St after the re-opening of 5801 Nicollet Av, they will need to obtain zoning approval for continued business operation at 304 W 61st St.

c. the licensee understands they cannot park vehicles on unpaved areas nor on railroad right-of-way. All vehicles shall be removed from these areas immediately.

d. while the temporary business is located at 304 W 61st St, the licensee will not be required to comply with Sections 317.120 and 317.140 of the Minneapolis Code of Ordinances, bumpers and landscaping.

e. the licensee agrees to park their tow trucks, employee vehicles and customer vehicles on the business property at 304 W 61st St and not on City streets or right-of-ways.

f. the licensee understands they can only store vehicles at 304 W 61st St that have current work orders (current within 90 days).

g. the licensee understands that only Class B towing may occur at 304 W 61st St. Class A towing may result in revocation of business licenses.

h. due to the lack of drainage from the site at 304 W 61st St, a spill prevention/response plan must be submitted to and approved by the Environmental Services Division with appropriate spill response kits on site prior to opening for temporary operation by October 4, 2005. Spill response kits will be maintained and/or replaced, as needed.

i. double containment will be provided for all petroleum-based product containers on site. Containment will be within permanent, covered structure, on site.

j. registration with the State, County and City as needed, including hazardous materials generator, must be completed by October 4, 2005.

k. develop a plan for snow removal including a place to store vehicles while snow removal is in progress and location of where snow will be stored to be submitted by October 4, 2005.

The substitute report was adopted 9/23/05.

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

Adopted 9/23/05.

Resolution 2005R-518, granting Liquor, Wine and Beer Licenses, was adopted 9/23/05 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 2005R-518

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

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

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2006

Grandma's of Minneapolis Inc, dba Grandma's Saloon & Deli, 1810 Washington Av S (change in manager)

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

Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av (new shareholder/officer/director)

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2006

Hard Rock Cafe International (USA) Inc, dba Hard Rock Cafe, 600 E Hennepin Av (new manager)

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

Restaurants Unlimited Inc, dba Walker Room, 825 Hennepin Av #245

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2006

Minneapolis Aerie #34 FOE, dba Minneapolis Aerie #34, FOE

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2006

Loring Pasta Bar LLC, dba Loring Pasta Bar, 325 14th Av SE

Westbank Productions Company LLC, dba 400 Bar, 400 Cedar Av S

On-Sale Liquor Class C-2 with Sunday Sales, to expire September 24, 2005

Stub & Herbs Inc, dba Stub & Herbs, 227 Oak St SE (temporary expansion September 24, 2005)

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2006

Bigsby Enterprises Ltd, dba Bigsby's Cafe, 701 4th Av S (new shareholder/corporate officer)

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

Graves Hospitality Corporation, dba Downtown Residence Inn, 45 S 8th St (new manager)

Dogs Howling Inc, dba Boom! Oddfellows, 401 E Hennepin Av (new manager)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2006

Lai Wong Inc, dba Red Dragon Inn, 2116 Lyndale Av S

On-Sale Wine Class D with Strong Beer, to expire September 25, 2005

Columbia Grounds Inc, dba Columbia Grounds Coffee Shop, 3301 Central Av NE (temporary expansion of premises with outdoor entertainment, September 23, 2005, 5:00 p.m. to 10:00 p.m.; September 24, 2005, 9:00 a.m. to 10:00 p.m.; and September 25, 2005, 9:00 a.m. to 6:00 p.m.)

Off-Sale Beer, to expire April 1, 2006

Megusta Mexican Cuisine Inc, dba Megusta Meat Market, 405 E Lake St, 2nd floor

Al-Arabi Hisham, dba Sam's Golden Valley Foods, 1840 Penn Av N (new proprietor)

MISR Inc, dba Market Express, 3159 Chicago Av (new proprietor)

Speedway Super America LLC, dba Super America #4056, 300 Broadway St NE

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

On-Sale Beer Class E, to expire April 1, 2006

Skylane Bowling Center Inc, dba Skylanes, 5019 34th Av S

On-Sale Beer Bottle Club, to expire April 1, 2006

Vincent L Giantvalley Post #234, dba American Legion, 3751 Minnehaha Av

Temporary On-Sale Beer

St. Maron Church, dba St. Maron Church, 600 University Av NE (Annual Lebanese Festival, September 24, 2005, 5:00 p.m. to 11:00 p.m.; and September 25, 2005, 11:00 a.m. to 6:00 p.m.)

Incarnation Church, dba Incarnation Church, 3817 Pleasant Av S (October fest October 7 & 8, 2005, 7:00 p.m. to Midnight).

Adopted 9/23/05.

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

Adopted 9/23/05.

Resolution 2005R-519, granting applications for Business Licenses, was adopted 9/23/05 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 2005R-519

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of September 23, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270673):

Amusement Devices; Car Wash; Place of Entertainment; Fire Extinguisher Servicing Class B; Caterers; Confectionery; Grocery; Food Manufacturer; Food Market Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Fuel Dealer; Fuel Dealer Cash & Carry Only; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class B; Hotel/Motel; Liquid Waste Hauler; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Towing Class D; Peddler - Special Religious; Plumber; Precious Metal Dealer; Recycling/Salvage Yard; Residential Specialty Contractor; Secondhand Goods Class B; Solid Waste Hauler; Suntanning Facility; Taxicab Vehicle; Tobacco Dealer; and Tree Servicing.

Adopted 9/23/05.

PS&RS - Your Committee recommends that the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Class A

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Off-site gambling - Pulltabs, bingo and raffle October 7, 2005 to October 9, 2005).

Adopted 9/23/05.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Yummy's, 10 W 25th St.

Adopted 9/23/05.

Resolution 2005R-520, approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Yummy's, 10 W 25th St, was adopted 9/23/05 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 2005R-520

By Niziolek

Approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Yummy's, 10 W 25th St.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on August 22, 2005 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee having violated the Minneapolis Code of Ordinances by failing to complete the requirements of the approved zoning site plan; failing to store trash and debris in the dumpsters, keeping dumpster lids closed, properly screening dumpsters at all times, and keeping dumpsters in their designated area; and failing to pay all administrative citation fines in a timely manner;

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

That the following TAC recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- a. the licensee shall pay an administrative fine in the total amount of \$2,400.
 - b. the licensee will be given an additional 30 days from the signing of the TAC Agreement to complete all requirements for the approved site plan.
 - c. If all required items of the approved site plan are not completed by the deadline, the licensee agrees to a five-day suspension of all business activity.
- Adopted 9/23/05.

PS&RS - Your Committee recommends that the proper City Officers be authorized to execute a Joint Cooperative Agreement with the City of St. Paul for Fire Department mutual aid between the Cities of Minneapolis and St. Paul relating to the use of fire personnel and equipment, as set forth in Petn No 270670 on file in the Office of the City Clerk.

Adopted 9/23/05.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Spiros Zorbalas for the property located at 3121 Cedar Av, and a hearing having been held by the Rental Dwelling License Board of Appeals on June 14, 2005, now recommends concurrence with the recommendation of the Board of Appeals that said license be revoked for failure to comply with licensing standards contained in Section 244.2020, Conduct on Licensed Premises, as more fully set forth in the Findings of Fact, Conclusions and Recommendations on file in the Office of the City Clerk that are hereby made a part of this report by reference.

Your Committee further recommends that the order to vacate the building for 60 days be stayed on the condition that the building owner fully and promptly comply with all requirements for re-licensure of the premises, including:

1. cooperating and assisting with a full license inspection inclusive of every dwelling unit in the building to be conducted cooperatively and concurrently by inspectors from both the Fire Department and Housing Inspections.
2. timely abatement of any and all Housing Code, Fire Code, or other applicable violation orders.
3. payment of the applicable \$1,000 reinstatement fee.
4. full acceptance by the Police Department's SAFE Unit of a detailed and written management and security plan for the building.
5. establishing and maintaining odor-free, sanitary and clean common areas within the building.
6. completion of a full extermination and fumigation of the building to the extent deemed necessary and appropriate by the Housing Inspections Division.

Adopted 9/23/05.

PS&RS - Your Committee, having under consideration the property located at 115 5th St NE which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 3, Block 16, Mill Company's Addition to Minneapolis (PID #23-029-24-12-0039), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Niziolek moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

PS&RS - Your Committee, having under consideration the property at 115 5th Street NE, having been duly determined to constitute a nuisance condition, and ordered to be demolished in accord with Chapter 249 of the Minneapolis Code of Ordinances, now recommends that said demolition order be stayed until October 25, 2005, pending full and complete compliance with the following conditions of stay:

1. The property owner shall hire an independent contractor on or before September 26, 2005 to immediately commence the removal of all readily removal property, combustible or otherwise, from within the structure. The removal shall be coordinated with and through the manager of the Minneapolis Problem Property Unit (PPU) and confirmation of the hiring of such an independent contractor shall be furnished to the PPU manager.

2. Upon removal of the property contents, all openings to the building shall be boarded by an independent contractor per city board-up specifications. The front entrance door to the building shall be allowed to have a hinged opening to allow for access for the owner when accompanied by city staff. The door shall be secured by a padlock supplied by the Minneapolis Fire Marshal. All associated costs of securing the building shall be borne by the property owner. The owner shall contact the PPU manager at least 24 hours in advance to gain access to the secured and condemned building. Only the PPU manager or his designee shall assist the owner in accessing the building.

3. The owner shall allow for city staff to inspect the building and property at any time deemed necessary and appropriate.

4. A summary physical site inspection shall be conducted on October 11, 2005 in order to determine whether all conditions have been fully and faithfully complied with. Should the owner have failed to comply with these conditions, the PPU manager may exercise his authority per ordinance and code to summarily engage city contractors to clear and secure the building, conduct an asbestos survey, prepare the building for demolition, demolish the building, and assess or otherwise charge the costs for such services through any legal means including, but not limited to, assessment and lien.

5. During the pendency of these actions the City of Minneapolis shall not relinquish any rights to exercise its authority to act in the event of an imminent or pressing life safety hazard.

The substitute report was adopted 9/23/05.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, increasing the "flag" or initial rate to \$2.50 for the first 1/5 mile; increasing the per mile charge to \$1.90; increasing the "minimum fare" to \$5; and increasing the maximum lease amount to \$85, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 9/23/05.

Ordinance 2005-Or-086 amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, amending Section 341.695 to increase the maximum lease amount to \$85; and Section 341.720 to increase the "flag" or initial rate to \$2.50 for the first 1/5 mile; to increase the per mile charge to \$1.90; and to increase the "minimum fare" to \$5, was adopted 9/23/05 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 2005-Or-086
By Niziolek
Intro & 1st Reading: 7/22/05
Ref to: PS&RS
2nd Reading: 9/23/05

Amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Taxicabs.

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

Section 1. That Section 341.695 of the above entitled ordinance be amended to read as follows:

341.695. Contracts with taxicab drivers. A taxicab vehicle licensee may enter into an agreement with a licensed taxicab driver to drive a licensed taxicab, and the agreement may provide for a per shift payment by the driver. Provided, however:

- (a) No agreement may provide for services in excess of the shift limitations in subsection 341.250(x).
- (b) No agreement shall exceed one week in duration, nor require a driver to post any deposit or advance in an amount greater than one week's shift payment.
- (c) No agreement shall require a driver to pay any vehicle operating costs except for gas.
- (d) No taxicab vehicle licensee shall enter an agreement allowing the use of his or her taxicab except

directly with a driver who actually operates the vehicle; nor shall any licensee enter an agreement delegating to another the right to manage the vehicle and employ drivers.

(e) An owner or service company who leases a taxicab must make shift rates available to all qualified drivers without regard to race, creed, sex, age, sexual orientation, or religion. Owners who offer different lease rates during different times of the day must make those rates available to all drivers qualified by this chapter.

(f) An owner or service company shall not charge any driver more than ~~seventy-five~~ eighty-five dollars (~~\$75.00~~ \$85.00) per twelve (12) hour shift for use of a vehicle.

Section 2. That Section 341.720 of the above entitled ordinance be amended to read as follows:

341.720. Mileage charges. The maximum rate of fare based upon mileage shall be as follows: For each load of five (5) passengers, or less, for the first ~~one-eighth (1/8)~~ one-fifth (1/5) mile or fraction thereof . . . \$2.50;

For each succeeding ~~one-eighth (1/8)~~ one-fifth (1/5) of a mile, or fraction thereof . . . ~~\$0.20~~ \$0.38.

A driver may require a ~~four~~ five dollar (~~\$4.00~~ \$5.00) minimum charge to employ any taxicab in Minneapolis. If a driver chooses to require a minimum fare, the minimum charge shall be displayed on both sides and the rear of each vehicle. In addition, such notice of minimum charge shall be posted inside in a manner clearly legible to passengers, nor shall any operator be barred from offering a discount to senior citizens whom have attained the age of sixty-five (65) years of age.

Adopted 9/23/05.

PS&RS - Your Committee, to whom was referred ordinances amending Title 5 of the Minneapolis Code of Ordinances relating to *Building Code*, repealing Chapter 91 relating to *Permit Fees, Article III Electrical Permit Fees*, and Chapter 99 relating to *Electricity, Article I Generally and Article II Permits & Licenses*, now recommends that said ordinances be sent forward without recommendation.

Niziolek moved to amend the report by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be given their second reading for amendment and passage". Seconded.

Adopted upon a voice vote.

Schiff moved that the report be postponed. Seconded.

Goodman called the question on the Schiff Motion. Seconded.

Adopted upon a voice vote.

The Schiff motion lost. Yeas, 5; Nays, 8 as follows:

Yeas - Schiff, Lilligren, Johnson Lee, Johnson, Colvin Roy.

Nays - Zerby, Niziolek, Benson, Goodman, Lane, Samuels, Zimmermann, Ostrow.

The report, as amended, was adopted 9/23/05. Yeas, 8; Nays, 4 as follows:

Yeas - Zerby, Niziolek, Benson, Goodman, Lane, Samuels, Zimmermann, Ostrow.

Nays - Lilligren, Johnson Lee, Johnson, Colvin Roy.

Declining to vote - Schiff.

Ordinance 2005-Or-087 amending Title 5 of the Minneapolis Code of Ordinances relating to *Building Code*, repealing Chapter 91 relating to *Permit Fees, Article III Electrical Permit Fees*, was adopted 9/23/05 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 2005-Or-087

By Johnson

Intro & 1st Reading: 8/19/05

Ref to: PS&RS

2nd Reading: 9/23/05

Repealing Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees, Article III Electrical Permit Fees.

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

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

ARTICLE III. ELECTRICAL PERMIT FEES

91.140. Reserved.

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

- (1) The minimum fee for each separate installation, replacement, alteration or repair as set out in the state building code shall be as established in the director's fee schedule.
- (2) Services, changes of services, temporary services, additions, alterations or repairs on either primary or secondary services shall carry fees as established in the director's fee schedule, which shall be based upon the following categories of ampere capacity:
 - a. Zero (0) ampere to and including four hundred (400) ampere capacity;
 - b. Four hundred one (401) ampere to an including eight hundred (800) ampere capacity;
 - c. Ampere capacity above eight hundred (800);Where multiple disconnects are grouped at a single location and are supplied by a single set of supply conductors the cumulative rating of the overcurrent devices shall be used to determine the supply ampere capacity.
- (3) Circuits, installations of, additions, alterations or repairs of each circuit or subfeeder shall be computed separately including circuits fed from subfeeders and including the equipment served. Further, when a service is installed, each new or existing branch circuit or feeder circuit connected to the service panelboard(s) or switchboard(s) shall be included and shall carry fees as established in the director's fee schedule.
- (4) For each permit for electrical heat or wiring, installing and connecting transformers, capacitors or generators used for lighting, heat or power or other apparatus rated in watts, kilovolt amperes or kilovolt amperes reactive:
For each kilovolt ampere or kilovolt ampere reactive capacity, or fraction thereof there shall be a fee as established in the director's fee schedule.
- (5) For each sign or outline lighting installation there shall be a fee as established in the director's fee schedule.
- (6) For installation of low voltage systems of less than fifty (50) volts there shall be a fee as established in the director's fee schedule.
Plus, for each opening there shall be a fee as established in the director's fee schedule.

91.155. Supplemental fees. Fees for supplemental electrical work not included in the original permit shall be computed in accordance with the fees set out in this chapter. Supplemental fees are exempt from the minimum fee requirement as called for in [section] 91.150. Supplemental permits must be obtained before the original permit to which they pertain is finalized:

91.160—91.170. Reserved.

Adopted 9/23/05. Yeas, 8; Nays, 4 as follows:

Yeas - Zerby, Niziolek, Benson, Goodman, Lane, Samuels, Zimmermann, Ostrow.

Nays - Lilligren, Johnson Lee, Johnson, Colvin Roy.

Declining to vote - Schiff.

Ordinance 2005-Or-088 amending Title 5 of the Minneapolis Code of Ordinances relating to *Building Code*, repealing Chapter 99 relating to *Electricity, Permits & Licenses, Article I Generally & Article II Permits & Licenses*, was adopted 9/23/05 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 2005-Or-088
By Johnson
Intro & 1st Reading: 8/19/05
Ref to: PS&RS
2nd Reading: 9/23/05

Repealing Title 5, Chapter 99 of the Minneapolis Code of Ordinances relating to Electricity, Permits & Licenses, Article I Generally & Article II Permits & Licenses.

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

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

ARTICLE I. GENERALLY

99.10. Chapter designated electrical code. This chapter shall constitute and be known and cited as the electrical code.

99.20. Definitions. For the purposes of this chapter, the following definitions shall apply:

Approved. Approved by the director of inspections, or the director's authorized assistants:

National Electrical Code (N.E.C.). The National Electrical Code NFPA, No. 70, when adopted by the National Fire Protection Association and the State of Minnesota, copies of which are on file in the office of the director of inspections.

Underwriters' Laboratories, Inc.. Underwriters' Laboratories, Incorporated, 333 Pfingsten Rd., Northbrook, Illinois, 60062.

99.30. Construction and safety standards adopted. Construction and safety standards shall be as required by Minnesota Statutes, Section 326.243.

99.40. Existing buildings. When a building existing on May 13, 1960, is altered by substantial remodeling, a change in the type of occupancy (or legalizing thereof), an increase in the number of dwelling units therein, by moving of the building, or by extensive fire repairs, the wiring system shall also be remodeled to conform to the provisions of these rules and the National Electrical Code. Permanent service connection will not be released to the local utility on moved buildings until wiring is completed and passes inspection, unless a separate temporary permit is filed, in which case temporary service will be released after inspection of service installation.

99.50. Enforcement of state laws. The electrical inspectors shall enforce compliance with the state laws relative to electricians and electrical work as far as such laws apply to the city.

99.60. Supervision of electrical systems. The director of inspections and the director's assistants authorized as electrical inspectors shall regulate, determine and have general supervision over all electrical apparatus and machinery, and the placing and attaching of electric light and power, telephone, telegraph and all other electric wires of any other nature whatsoever, now or hereafter placed, in or in any manner directly attached to, any building, or any tent or other temporary structure. They shall inspect and reinspect all such electrical apparatus, machinery and wires so as to prevent fires, accidents or injuries to persons or property, and shall cause all such electrical apparatus, machinery and wires to be so constructed, placed, supported and guarded as not to cause fire or accident or endanger life or property. Any and all such electrical apparatus, machinery and wires now existing or hereafter constructed and placed shall be subject to such supervision and inspection.

99.70. Enforcement organization; right to enter. The director of inspections and the director's assistants authorized as electrical inspectors are hereby vested with full authority to enter any building or premises and any manhole or subway at any reasonable time in the discharge of their duties, and to enforce compliance with the terms of this chapter.

99.80. Inspections required. No electrical work or wiring for which a permit is issued or required shall be considered complete until inspected and approved by an authorized inspector.

99.90. Disconnecting improper installations. When such electrical work or wiring is found to have been installed without a proper permit or not in accordance with the provisions of the electrical code,

the electrical inspectors are authorized and empowered to remove the fuses, cut the wires or otherwise render the system inoperative until such permit has been secured from the director of inspections, and the work or wiring reinspected and approved.

99.100. Requests for inspection. The electrical contractor shall file a request for inspection with the director of inspections before any electrical work of the electrical contractor's is covered up or concealed and shall file a request for final approval within forty-eight (48) hours after the completion of any electrical work done by said electrical contractor. Such requests for inspections shall be recorded in a book kept in the office of the director of inspections for that purpose.

99.110. Installations to be complete before inspection. Before any electric work or wiring, done under permits hereafter granted, shall be approved or any certificate of acceptance of the same be granted, the said electric work or wiring must be complete; and in the case of electric wiring must, in addition to other provisions of the electrical code, comply with the following requirements: All necessary branch and feeder wires, meter loops, cutouts, cutout cabinets, fuses, switches and other materials and devices must be furnished at the time of installation and must be installed in compliance with the electrical code that the installation may be complete and ready for connection to the service.

99.120. Temporary permit for current. Notwithstanding the above provisions, while the work of installing, constructing, altering or repairing any electric wiring, or system of electric wiring, in any building is in progress, the electrical inspectors may, in their discretion, issue to the electrical contractor desiring to use electric current in said building temporarily, a temporary permit for such use of such electric current, which permit shall expire when the electrical apparatus or wiring, or system of wiring, for such building, shall have been fully installed, constructed, altered or repaired, and approved by said electrical inspectors.

99.130. Other temporary permits. Further, the director of inspections or the director's assistants authorized as electrical inspectors may issue a temporary permit for a period not to exceed ninety (90) days for the temporary use of electric wiring not in full compliance with the requirements of the electrical code. In such case this permit shall state the methods and materials to be employed and the date upon which such temporary permit shall expire and the said wiring be removed.

99.140. Wiring to be inspected before concealment. No so-called wiring for which a permit is issued or required shall be lathed over or in any manner concealed from sight until inspected and approved by the inspectors.

99.150. Unauthorized concealment. No person having charge of the construction, alteration or repair of any building, nor any other person, shall cover or conceal or cause to be so covered or concealed, any wiring for which a permit has been issued or required, before the said wiring has been inspected and approved, without having officially notified the electrical inspectors at least forty-eight (48) hours previously.

99.160. Disturbing facilities. No unauthorized person shall cut, disturb, alter or change or cause to be cut, disturbed, altered or changed any electric wire cutout, fuse, apparatus, machinery or material in such a manner as to render the same inoperative, defective or not in accordance with the provisions of the electrical code.

99.165. Condemning defective conditions. Any and all generators, motors, wires or other machinery, apparatus, or material used for electrical purposes which may at any time become so defective as to be likely, in the opinion of the inspector, to cause potential fires or accidents, or to endanger persons or property, shall be condemned by the inspector. When, in the inspector's opinion, it is deemed necessary, in order to prevent such accident or danger, said inspector is authorized to disconnect such wires or apparatus, or to cause the same to be disconnected, from service. Upon such condemnation, the person or persons owning or using the same shall immediately cause the same to be put in a safe condition.

99.170. Reconnecting condemned installations. In case any person or persons owning or using any electric wires, generators, motors or any other electrical apparatus or material of any other nature whatsoever, which have been condemned by the inspector shall fail to have the same put in a safe condition and accepted by the inspector within forty-eight (48) hours after the same have been condemned, or within such other reasonable length of time as shall be prescribed by the inspector, then said inspector shall remove the fuses, cut the wires or by other means completely disconnect, or cause to be disconnected, the condemned wires, apparatus or material from the source of electrical energy.

99.180. Acceptance before reconnection. When any electric wires, generators, motors or electrical apparatus or material of any nature whatsoever have been in any manner disconnected and rendered inoperative by the inspector, as set forth in the foregoing sections, no person shall in any manner reconnect the same or cause the same to be reconnected to any source of electrical energy, or use the same as a part of any electrical system, until they have been put in a safe condition and a certificate of acceptance has been issued by the inspector.

99.190. Fire alarm system maintenance. In the event that any auxiliary fire alarm system connected to the municipal fire alarm system is not properly operated and maintained, the fire department shall, after five (5) days' written notice to the owner of the system, to the occupant of the property protected by the system, and to the underwriters having jurisdiction, disconnect said auxiliary fire alarm system from the municipal fire alarm system.

99.200. Continuing violations. Each and every day's continuance of a violation of a provision of the electrical code shall be deemed a separate offense.

99.210—99.220. Reserved.

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

ARTICLE II. PERMITS AND LICENSES

99.230. Permit required. No person shall enter upon the erection, construction, alteration or change of any electrical installation, work or wiring, until proper application has been made to and approved by the director of inspections; and when required, plans and specifications for the proposed work must be filed with the director of inspections before the permit is granted and also during the progress of said work, if major changes are instituted.

99.235. Work site notice to be displayed. No person required to be licensed prior to obtaining a permit by the provisions of this chapter shall commence with or perform or enter upon the erection, alteration or change of any electrical installation, work or wiring within the city for which an electrical permit is required unless there shall be conspicuously posted at the work site a work site notice. The work site notice shall be not less than eight by ten (8 x 10) inches in size and shall state the name of the licensed electrical contractor, said contractor's business address and the registration number identifying such contractor as issued by the director of inspections along with the contractor's business phone number. The work site notice required by this section may be posted or painted conspicuously on a vehicle when such vehicle is located on or adjacent to the property where the electrical work is being done, but the vehicle is not to be concealed within a building or structure. In the event that the work site notice required by this section is not properly posted, the director of inspections or his duly authorized agents may stop all electrical work at the job site until this section has been complied with.

99.240. Exceptions to permit requirement. No permits or applications for the same will be required for the installation of wires to operate telephone, telegraph, district messenger, watchclock or other similar instruments, except that such permits shall be obtained when required by the director of inspections for wiring of fifty (50) volts or more. Furthermore, no permits shall be required for minor repair work which shall mean the adjustment or repair and replacement of worn or defective parts of electrical fixtures, switches and receptacles, provided that such minor repairs are made in compliance with accepted standards of construction for safety to life and property, and do not require replacement of wiring to them.

99.250. Permit expiration. If authorized work under a permit is not commenced within six (6) months after the issuance of the permit, or if after partial completion the work is discontinued for a period of one year, the permit shall become void and no work shall be done thereunder until a new permit is secured.

99.260. Temporary permits. Temporary permits may be issued as provided in sections 99.120 and 99.130.

99.270. Electric heating permits. (a) Application for a permit for electric heating shall be made on the form issued by the department of inspections and the permit shall be issued before work is started. The director of inspections shall require that plans showing the installation details be approved before the issuance of a permit, unless for good cause exception is made by the director.

(b) Each application for an electric heating permit shall be accompanied by a heat loss calculation prepared on a form provided by the division of inspections, with certified ratings of the equipment to be installed.

99.280. Permittees to be licensed; exception. (a) No permit for the erection, construction, alteration or change of any electric work or wiring shall be issued by the director of inspections to any person unless such person has a valid license issued by the state board of electricity. No holder of any such license shall allow his or her name to be used by any other party for the purpose of doing work or obtaining a permit. Any holder of such license who shall violate this provision of this chapter shall, upon conviction thereof, forfeit any permit or permits issued and the director of inspections may thereafter refuse to issue any further permits to the licensee to do electrical work or wiring.

(b) Notwithstanding any other provision of this Code to the contrary and where permitted by state law, permits may be issued to make repairs, additions, replacements and alterations to existing electrical systems of any attached or detached single-family dwelling structure used exclusively for living purposes or any accessory buildings thereto provided that all such work in connection therewith shall be performed under the authorization of a permit obtained by the owner-occupant of said dwelling pursuant to section 89.30 of this Code.

99.290. License required. Except as provided within this chapter, no person shall do any construction, alteration or change of electric work or wiring without a valid state license to do such work or wiring. Electricians' licenses shall be issued by the state board of electricity.

99.300. Plans and specifications for new construction. Electrical installations in new buildings and new additions, exclusively of one- and two-family dwellings, shall comply with the following: Complete plans and specifications for new electrical installations in new construction for which plans and specifications are required for obtaining a building permit shall be submitted to the department of inspections for review in every case where there is a total of connected electrical load of thirty (30) kilovolt-amperes or over, or when requested by the department of inspections.

99.310. Plans and specifications for alterations. Alterations, additions or remodeling of existing electrical systems shall comply with the following: Complete plans and specifications shall be submitted to the department of inspections for all alterations to wiring in existing buildings where the total connected electrical loads are fifty (50) kilovolt-amperes or over on a single permit application of the work then known to be performed, or where requested by the department of inspections.

99.320. Plans and specifications for primary installations over six hundred volts. Complete plans and specifications shall be submitted to the department of inspections for review on all primary installations over six hundred (600) volts.

99.330. Contents of plans and specifications; time allowed for reviewing. All plans required under this article shall include sufficient information as to enable the department of inspections to review such plans as to compliance with this chapter before permits are issued. A minimum of three (3) days shall be allowed for reviewing.

99.340—99.350. Reserved.

Adopted 9/23/05. Yeas, 8; Nays, 4 as follows:

Yeas - Zerby, Niziolek, Benson, Goodman, Lane, Samuels, Zimmermann, Ostrow.

Nays - Lilligren, Johnson Lee, Johnson, Colvin Roy.

Declining to vote - Schiff.

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

PS&RS & W&M/Budget - Your Committee, having under consideration the Police Auto Theft Bait Vehicle Program, now recommends that the proper City Officers be authorized to accept the donation of a 1990 Acura Integra, valued at \$3,000, with repair costs to be paid from grant funds the Police Department has received for the Auto Theft Prevention Program.

Adopted 9/23/05.

PS&RS & W&M/Budget - Your Committee, having under consideration the City's participation in the Financial Crimes Task Force, now recommends that the proper City Officers be authorized to execute an agreement with the Anoka County Attorney's Office to receive \$223,400 for the Police Department's participation in the Task Force for a two-year period. Further, passage of the accompanying Resolution appropriating \$223,400 to the Police Department.

Adopted 9/23/05.

RESOLUTION 2005R-521
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C117) by \$223,400 and increasing the Revenue Source (030-400-C117 - Source 3210) by \$223,400.

Adopted 9/23/05.

PS&RS & W&M/Budget - Your Committee, having under consideration the City's participation in the Financial Crimes Task Force, now recommends that the proper City Officers be authorized to amend the agreement with the Minnesota Financial Crimes Task Force to receive an additional \$24,925 to provide funding for salary and overtime expenses for one police officer to extend the City's participation through October 2005. Further, passage of the accompanying Resolution appropriating \$24,925 to the Police Department.

Adopted 9/23/05.

RESOLUTION 2005R-522
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C117) by \$24,925 and increasing the Revenue Source (030-400-C117 - Source 3210) by \$24,925.

Adopted 9/23/05.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$55,918 and execute a grant agreement with the United States Department of Justice, National Institute of Justice, under the Paul Coverdell Forensic Laboratory Improvement Program, to purchase a new ballistic recovery system for forensic toolmark examinations of firearms and ballistic evidence from crime scenes. Further, passage of the accompanying Resolution appropriating \$55,918 to the Police Department.

Adopted 9/23/05.

RESOLUTION 2005R-523
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-B305) by \$55,918 and increasing the Revenue Source (030-400-B305 - Source 3210) by \$55,918.

Adopted 9/23/05.

PS&RS & W&M/Budget - Your Committee, having under consideration the reinstatement of Bill Kubes to the classification of police officer, now recommends that he be granted Step 5 of the salary schedule for police officer, due to his previous service with the Police Department.

Adopted 9/23/05.

PS&RS & W&M/Budget - Your Committee, having under consideration the reinstatement of Chad Martin to the classification of police officer, now recommends that he be granted Step 7 of the salary schedule for police officer, due to his previous service with the Police Department.

Adopted 9/23/05.

PS&RS & W&M/Budget - Your Committee, having under consideration the 2005 Metropolitan Medical Response System (MMRS) State Homeland Security Program Grant designed to train responders from cities across the United States in preparation for potential acts of terrorism, now recommends that the proper City Officers be authorized to accept an award of \$455,184 to provide funds for further planning efforts of the Minneapolis/St. Paul MMRS to respond to a chemical, biological, radiological, nuclear and explosive (CBRNE) event. Further, \$150,000 shall be allocated to the Department of Health and Family Support to fund the costs of a planner for the project for the next two years.

Your Committee further recommends passage of the accompanying Resolution appropriating grant funds to the Fire Department and the Department of Health and Family Support.

Adopted 9/23/05.

**RESOLUTION 2005R-524
By Niziolek and Johnson**

Amending The 2005 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 Fire Department Agency in the Grants - Federal Fund (030-280-2880) by \$305,184 and increasing the Revenue Source (030-280-2880 - Source 3210) by \$305,184.

b. increasing the appropriation for the Health and Family Support Agency in the Grants - Federal Fund (030-860-8621) by \$150,000 and increasing the Revenue Source (030-860-8621 - Source 3210) by \$150,000.

Adopted 9/23/05.

PS&RS & W&M/Budget - Your Committee recommends acceptance of the next lowest bid received on OP #6401 (Petn No 270678) submitted by Arbor Barber Inc, for an estimated 15-month expenditure of \$175,000, for removal and disposal of hazardous and/or fallen trees and branches, as needed through December 31, 2006, all in accordance with City specifications. Further, that the proper City Officers be authorized to execute a contract for said services.

Adopted 9/23/05.

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying Resolution transferring \$350,000 from the General Fund Contingency to the Police Department to provide buyback funds to supplement all precincts in providing additional officers on the street to respond to 911 calls through mid-December 2005.

Adopted 9/23/05.

**RESOLUTION 2005R-525
By Niziolek and Johnson**

Amending The 2005 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 Contingency Agency in the General Fund (010-175) by \$350,000.

b. increasing the appropriation for the Police Department Agency in the General Fund (010-400-4000) by \$350,000.
Adopted 9/23/05.

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

T&PW - Your Committee, having under consideration the construction of Fire Station No. 14, now recommends that the proper City Officers be authorized to execute Change Order No. 1 to Contract No. C-21859 with Rochon Corporation increasing the contract by \$73,465, for a revised contract total of \$3,173,465, to allow for construction contingencies provided as part of the original project budget.
Adopted 9/23/05.

T&PW - Your Committee, having under consideration Heritage Park, Phase 3, (Rental Housing) Public Improvement Project No. 9746, described as:

Heritage Park 3 Rental Housing Addition

and in accordance with the Development Agreements and Joint Powers Agreements as more fully set forth in Petition No. 269104, on file in the office of the City Clerk, now recommends:

- a) Receiving the final cost estimate of \$955,500 for the benefited properties;
- b) Directing the City Engineer to prepare proposed street construction, streetscape (sidewalk), street lighting, sanitary sewer, and water main assessments against the benefited properties; and
- c) Directing the City Clerk to give notice of a public hearing to be held before the Transportation and Public Works Committee on October 25, 2005, to consider the amount proposed to be assessed against the benefited properties.

Adopted 9/23/05.

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

T&PW & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to increase Contract No. C-20523 with HDR Engineering, Inc., by \$303,516, for a revised contract total of \$2,391,331, to allow for scope modifications which include a third performance testing program and re-bidding of the membrane equipment procurement contracts for the Fridley Membrane Filtration Plant. Funds are available within the existing project budget.

Adopted 9/23/05.

T&PW & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute agreements with up to five qualified equipment manufacturers to conduct performance testing of ultrafiltration membrane pilot-scale systems for the Fridley Membrane Filtration Plant. The stipend for testing will be \$10,000 per system. Funds are available within the existing project budget.

Adopted 9/23/05.

T&PW & W&M/Budget - Your Committee, having under consideration the replacement of an existing chain link fence at Broadway St NE and Central Av NE with a steel railing system, now recommends that the proper City Officers be authorized to enter into cooperative agreements with Hennepin County and the Minnesota Department of Transportation to receive up to \$100,000 from each agency for the project, following review and approval by the City Attorney.

Adopted 9/23/05.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution reallocating \$180,000 of cash resources available from the 800 MHz Radio System Project to cover spending increases required in the Third Precinct Expansion Project.

Adopted 9/23/05.

RESOLUTION 2005R-526
By Colvin Roy and Johnson

Amending The 2005 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

- a) Decreasing the appropriation in the PW-General Services-Capital Agency in the Lands and Buildings Fund (Project PSI01, 6200-923-9242) by \$180,000; and
- b) Increasing the appropriation in the PW-General Services-Capital Agency in the Permanent Improvement Projects Fund (PSI02, 4100-923-9242) by \$180,000.

Cash resources are available for reallocation from within the 800 MHz Radio System Project to cover the spending increase required by the Third Police Precinct Expansion Project.

Adopted 9/23/05.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low responsive bid submitted to the Public Works Department on OP No. 6472 from Duncan Parking Technologies, Inc., for an estimated annual expenditure of \$37,631, to furnish and deliver parking meters.

Your Committee further recommends that the proper City Officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petn. No. 270682)

Adopted 9/23/05.

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

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 9/23/05.

Resolution 2005R-527, authorizing settlement of the legal claims of Katharina Mickelson, and Michael & Shannon Schultz, was adopted 9/23/05 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 2005R-527
By Johnson

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of the following:

- a) Katharina Mickelson, by payment of \$24,000 to Ms. Katharina Mickelson and her attorney, Bruce Rasmussen;
- b) Michael & Shannon Schultz, by payment of \$41,932.27 to Michael Schultz & Shannon Schultz, and payment of \$6,558.47 to Service Master/Total Service Company for a claim total in the amount of \$70,866.47, which includes a prior payment made with Staff Claims Committee approval in the amount of \$22,375.73 to replace appliances and fixtures; and

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 9/23/05.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the contract with the Council on Crime and Justice (Contract #017534) extending the period of performance to December 31, 2005;

Your Committee further recommends that an additional sum in the amount of \$74,708.25 be paid to the contractor on the same terms and conditions stated in the contract, for the period October 1, 2005 to December 31, 2005.

Adopted 9/23/05.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase the Unisys Contract (C-18881) in the amount of \$68,596.93 to accommodate the upgrading of the core network infrastructure (as outlined in Petn No 270686).

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation for the Business Information Services Agency by \$68,596.93 for the cost of said upgrades.

Adopted 9/23/05.

RESOLUTION 2005R-528

By Johnson

Amending The 2005 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 & Technology Services Agency in the Intergovernmental Service Fund (6400-880-8870) by \$68,596.93, and increasing the revenue source (6400-880-8870 - Source 3455) by \$68,596.93 (operating fund will receive revenue or the implementation from 6400-972-9725-M05SP021).

Adopted 9/23/05.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase the Unisys contract C-18881 in the amount of \$98,846 for Property Services Enterprise managed services to transfer critical property services application from a workstation to a server and to provide on-going managed services for a period of 50 months (November 1, 2005 to December 31, 2009).

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation for the Business Information Services Agency by \$98,846 for the cost of said services.

Adopted 9/23/05.

RESOLUTION 2005R-529

By Johnson

Amending The 2005 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 & Technology Services Agency in the Intergovernmental Service Fund (6400-880-8870) by \$98,846, and increasing the revenue source (6400-880-8870 - Source 3455) by \$98,846 (operating fund will receive revenue for the implementation from 4100-923-9242 for capital costs and 6200-680-6822 for on-going maintenance).

Adopted 9/23/05.

W&M/Budget - Your Committee recommends approval of the October 2005 Utility Billing Insert on behalf of the Solid Waste & Recycling Division of Public Works providing information about the Fall street sweeping and bagged yard waste collection dates.

Adopted 9/23/05.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Braun Intertec Corporation Contract (C-19023) to accommodate for additional testing and inspection services for the New Central Library Project. This amount will be funded by using the construction contingency and will not exceed \$35,000 for a total contract amount of \$660,000.

Adopted 9/23/05.
Approved by Mayor Rybak 9/27/05.
(Published 9/28/05)

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 9/23/05.
Approved by Mayor Rybak 9/27/05.
(Published 9/28/05)

Resolution 2005R-530, approving construction change orders for contracts related to the New Central Library Project, was adopted 9/23/05 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 2005R-530
By Johnson

Approving Change Orders for the New Central Library Project.

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

- a) Change Order No. 8 increasing Contract Number C-20366 with Egan Corporation, Inc.,
- d.b.a. Egan Mechanical by \$304,717; and
- b) Change Order No. 7 increasing Contract Number C-20345 with Egan Corporation, Inc.,
- d.b.a. Egan McKay Electrical by \$305,465.

Adopted 9/23/05.
Approved by Mayor Rybak 9/27/05.

W&M/Budget - Your Committee recommends approval of the guidelines for the North Minneapolis Community Transformation Initiative Request for Proposals (RFP) as outlined in (Petn No 270688).

Adopted 9/23/05.
Approved by Mayor Rybak 9/27/05.
(Published 9/28/05)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept the Grant Award from the Ash Institute in the amount of \$5,000 for the Corridor Housing Strategy.

Your Committee further recommends passage of the accompanying Resolution increasing the Community Planning & Economic Development agency fund to reflect the receipt of said funds.

Adopted 9/23/05.

RESOLUTION 2005R-531
By Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the State Grants & Loan Programs Fund (SMN0-890-8952) by \$5,000, and increasing the revenue source (SMN0-890-8490 - Source 3720) by \$5,000.

Adopted 9/23/05.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with National Research Center, Inc., in an amount not to exceed \$75,000, to design and conduct a 2005 Resident Survey for Minneapolis.

Adopted 9/23/05.

W&M/Budget - Your Committee, having under consideration the Deferred Compensation Plan Document, now recommends:

a) Amending Article X, Withdrawals, Section 10.1, relating to whom a Participant must make application to for an unforeseeable emergency withdrawal (as outlined in Petn No. 270691);

b) That the proper City officers be authorized to amend the Master Contract with ING to conduct the review of emergency withdrawal requests for ING Deferred Compensation Plan participants; and

c) That the proper City officers be authorized to enter into future amendments to the Master Group Contract with ING.

Adopted 9/23/05.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving the terms of a 36-month labor agreement with the International Brotherhood of Electrical Workers, Local #292, Electrical Technicians, effective January 1, 2004 through December 31, 2006.

Adopted 9/23/05.

Resolution 2005R-532 approving the terms of a 36-month labor agreement with the International Brotherhood of Electrical Workers, Local #292, was adopted 9/23/05 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 2005R-532

By Johnson

Approving the terms of a collective bargaining agreement with the International Brotherhood of Electrical Workers, Local #292 and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the International Brotherhood of Electrical Workers, Local #292 (as outlined in Petn No 270691), be approved.

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

Adopted 9/23/05.

W&M/Budget - Your Committee, having under consideration the recommendation of the Finance Officer to consider the refunding of certain general obligation bonds to achieve savings, now recommends passage of the accompanying Resolutions authorizing issuance of bonds in compliance with applicable Minnesota Statutes:

a) Authorizing the Board of Estimate & Taxation to issue and sell General Obligation Refunding Bonds for various outstanding bonds when sufficient savings can be achieved as determined by the proper City officers;

b) Authorizing the Board of Estimate & Taxation to issue and sell General Obligation Refunding Bonds for Block E bonds, converting the bonds from variable rate to fixed rate.

Adopted 9/23/05.

Resolution 2005R-533, authorizing issuance and sale of General Obligation Refunding Bonds for various outstanding bonds, was adopted 9/23/05 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 2005R-533
By Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis general obligation refunding bonds to refund certain general obligation bonds of the City of Minneapolis.

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 general obligation refunding bonds in the principal amount sufficient to provide for the advance refunding of all or any portion of the following obligations of the City of Minneapolis: (i) the \$22,820,000 December 1, 2000, General Obligation Various Purpose Bonds, Series 2000B, call date of December 1, 2009, with \$16,800,000 in principal due 2010-2012, at rates of 4.75%; (ii) the \$16,150,000 July 1, 1999, General Obligation Tax Increment Bonds, Series 1999B, call date of December 1, 2009, with \$12,975,000 in principal due 2010-2024, at rates from 4.8% to 5.125%; (iii) the \$14,000,000 July 1, 1999, General Obligation Parking Ramp Bonds, Series 1999, call date of December 1, 2009, with \$10,100,000 in principal due 2010-2017, at rates from 4.8% to 5.125%; (v) the \$19,200,000 November 1, 1998, General Obligation Parking Ramp Bonds, Series 1998, call date December 1, 2008, with \$19,200,000 in principal due 2014-2026, at a rates from 4.55% to 4.75%; (vi) the \$2,315,000 June 1, 1996, General Obligation Improvement Bonds,, call date December 1, 2006, with \$1,000,000 in principal due 2007-2016, at a rates from 5.20% to 5.70%; (vii) the \$2,965,000 July 1, 1997, General Obligation Improvement Bonds,, call date December 1, 2007, with \$1,000,000 in principal due 2008-2017, at a rates from 4.85% to 5.25%. %; (viii) the \$15,000,000 June 5, 1998, General Obligation Various Purpose Bonds,, call date December 1, 2008, with \$1,200,000 in principal due 2009-2018, at a rates from 4.375% to 4.875%.

That the general obligation refunding bonds of the City of Minneapolis shall be issued by the Board of Estimate and Taxation when it is advised as follows: (i) the Finance Officer of the City of Minneapolis has determined that sufficient savings can be achieved (based on minimum criteria established by the Finance Officer) as a result of such refunding bonds; (ii) the Finance Officer has determined that the requirements of applicable Minnesota law with respect to advance refunding bonds will be satisfied; and (iii) the Finance Officer has proposed the form, terms, covenants, structure, and directions of the general obligation refunding bonds to be issued. The Finance Officer shall report the results of the sale of the general obligation refunding bonds to the Council after the completion of the issuance of the general obligation refunding bonds.

Adopted 9/23/05.

Resolution 2005R-534, authorizing issuance and sale of General Obligation Refunding Bonds for Block E bonds, converting the bonds from variable rate to fixed rate, was adopted 9/23/05 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 2005R-534
By Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis general obligation refunding bonds to refund certain general obligation bonds of the City of Minneapolis.

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 general obligation refunding bonds in the principal amount of \$14,000,000 for the purpose of refunding the outstanding principal amount of the General Obligation Taxable Block E Bonds, Series 2000B (the "Series 2000B Bonds"), issued by the City of Minneapolis on October 26, 2000 in the original aggregate principal amount of \$18,390,000. The Series 2000B Bonds are subject to redemption and prepayment on the first day of any month commencing December 1, 2000 at a redemption price equal to 100% of the principal amount of the bonds to be redeemed, plus accrued interest to the redemption date.

That the general obligation refunding bonds of the City of Minneapolis shall be issued by the Board of Estimate and Taxation when it is advised as follows: (i) the Finance Officer of the City of Minneapolis has determined that it is appropriate to convert the interest rate on the indebtedness to fixed rates and advantageous fixed interest rates can be achieved based on minimum criteria established by the Finance Officer; and (ii) the Finance Officer has proposed the form, terms, covenants, structure, and directions of the general obligation refunding bonds to be issued. The Finance Officer shall report the results from the sale of the general obligation refunding bonds to the Council after the completion of the issuance of the general obligation refunding bonds.

Adopted 9/23/05.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing transfer of funds from the Contingency & Non-Departmental/Other agencies to the Fire Department Agency in the amount of \$2,100,000 to defray the back-pay costs related to the Firefighters contract settlement.

Adopted 9/23/05.

RESOLUTION 2005R-535
By Johnson

Amending The 2005 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) By increasing the appropriation for the Fire Department Agency in the General Fund (0100-280-2800-4000) by \$2,100,000;
- b) By decreasing the appropriation for the Non-Departmental Agency in the General Fund (0100-123-1230-Source 5130) by \$845,000;
- c) By decreasing the appropriation for the Non-Departmental Agency in the General Fund (0100-123-1230-Source 5310) by \$555,000; and
- d) By decreasing the appropriation for the Contingency Agency in the General Fund (0100-175-1750-Source 5130) by \$700,000.

Adopted 9/23/05.

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

Z&P - Your Committee, having under consideration the appeal filed by Chuck Levin, on behalf of Beverly and Chris Smith, from the decision of the Board of Adjustment which denied applications for variances a) to increase the size of a detached garage from 676 square feet to 816 square feet; and b) to increase the height of a detached garage from 12' to 17'-10" for the construction of a new detached garage at 3454 Fremont Ave S, now recommends that said appeal be granted and the variances approved.

Adopted 9/23/05.

Z&P - Your Committee, having under consideration the appeal filed by Gregory Walsh from the decision of the Planning Commission which granted the application of Open Eye Figure Theatre for a

conditional use permit to allow an indoor theater at 506 E 24th St, now recommends that said appeal be denied and the application be granted.

Your Committee further recommends that the Findings prepared by the City Attorney and on file in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 9/23/05.

Z&P – Your Committee, to whom was referred back from Council on 9/2/05 the recommendation of the Planning Commission to grant the petition of Open Eye Figure Theatre (BZZ-2506) to rezone the property at 506 E 24th St from R4 to the C2 District to permit a live, indoor theater, notwithstanding the staff recommendation, and having held further discussion thereon, now recommends that said petition be granted, and that the related findings prepared by the Minneapolis Planning Commission be adopted.

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

Adopted 9/23/05. Yeas, 9; Nays, 4 as follows:

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

Nays – Zerby, Niziolek, Lane, Johnson.

Ordinance 2005-Or-089, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 506 E 24th St to the C2 District, was adopted 9/23/05 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 2005-Or-089

By Schiff

1st & 2nd Readings: 9/23/05

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

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

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

A. That part of the South 16 feet of Lot 9, Block 1, Heaton and Combe's Addition to Minneapolis; Also the West 36 feet of the East 80 feet of Lot 7 and 8 said Block 1 EX Street (506 E 24th St - Plate 20) to the C2 District.

Adopted 9/23/05. Yeas, 9; Nays, 4 as follows:

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

Nays – Zerby, Niziolek, Lane, Johnson.

Z&P - Your Committee, having under consideration the appeal filed by Cedar Lake Revival LLC, from the decision of the Planning Commission which denied an application for a conditional use permit for a shopping center in existing buildings at 1825 E Lake St and 3005-3011 Cedar Ave S, now recommends that said appeal be denied, and that the related findings prepared by the Minneapolis Planning Commission be adopted.

Ostrow moved that the report be postponed for one cycle. Seconded.

Adopted upon a voice vote 9/23/05.

Z&P - Your Committee concurs in the recommendation of the Planning Commission in granting the application of Alliance Housing, Inc (#1458) to vacate part of a water main easement that lies on the

property of the Commons At Hiawatha project at 2740 Minnehaha Ave S, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 9/23/05.

Resolution 2005R-536, vacating a part of a water main easement located at 2740 Minnehaha Ave, was adopted 9/23/05 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 2005R-536

By Schiff

Vacating a part of a water main easement located at 2740 Minnehaha Ave (#1458).

Resolved by The City Council of The City of Minneapolis:

That all that part of the 25 foot wide Water Main Easement per Document Number 3926154 described as the northeasterly 25 feet of the southwesterly 40 feet of that part of Minnehaha Avenue, as originally constituted, now vacated, which lies northerly and westerly of a line described as commencing at the most westerly corner of Outlot A, Minnehaha Industrial Park, according to the recorded plat thereof; thence on an assumed bearing North 71 degrees 47 minutes 06 seconds East, along the southeast line of said Outlot A and the north line of Auditor's Subdivision No. 119, files of the County Recorder, a distance of 102.29 feet to a point 386.63 feet easterly of the most westerly corner of said Auditor's Subdivision No. 119; thence South 64 degrees 11 minutes 06 seconds West a distance of 191.39 feet; thence South 27 degrees 05 minutes 11 seconds East a distance of 60.77 feet; thence South 89 degrees 10 minutes 51 seconds East a distance of 260.23 feet to the point of beginning of the distance 188.12 feet; thence North 0 degrees 08 minutes 10 seconds East a distance 160.36 feet and said line there terminating is hereby vacated.

Adopted 9/23/05.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of El Bethel Baptist Church (BZZ-2472) to rezone the property at 3936 S 4th Ave from R1A to the OR1 District to permit office space, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 9/23/05.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of DAN-BAR Homes, Ltd (BZZ-2257) to rezone the property at 4136 Dight Ave by adding the Industrial Living Overlay District to the exiting I1 District to permit a 12-unit cluster development in two proposed four-story buildings (4136, 4140 and 4152 Dight Ave), and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 9/23/05.

Ordinance 2005-Or-090, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 4136 Dight Ave by adding the Industrial Living Overlay District to the exiting I1 District, was adopted 9/23/05 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 2005-Or-090
By Schiff
1st & 2nd Readings: 9/23/05

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 that part of the Southeast Quarter of the Northwest Quarter of Section 7, Township 28, Range 23, described as follows: Beginning at the Southeasterly corner of Block 3, South Morgan Addition to Minneapolis, thence Southeasterly along the Westerly line of Railroad Avenue extended a distance of 44.6 feet; thence West parallel with South line of Block 3, said South Morgan Addition, 167.5 feet to a point in a line drawn parallel with and 60 feet Northwesterly measured at right angles to the Easterly line of the said right of way of Chicago, Milwaukee & St. Paul Railway Company; thence Northwesterly parallel with the said right of way line 44.15 feet to the South line of said Block 3, South Morgan Addition; thence East along said South line to the point of beginning, according to the map or plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota (4136 Dight Ave - Plate 33) by adding the Industrial Living Overlay District to the existing I1 District.

Adopted 9/23/05.

Z&P – Your Committee, having under consideration the Bryn Mawr Land Use Plan, initiated by the Bryn Mawr Neighborhood Association to provide planning and future development detail for the neighborhood in the area bounded by Cedar Shore Dr on the south, (by first point on Cedar Lake), Lyndale Ave on the east, Glenwood Ave to the railroad track down to the center of Bassett Creek on the north, and the City’s western boundary, now concurs in the recommendation of the Planning Commission in approving said Plan as set forth in Petn No 270693, subject to the condition that all references to the rezoning of parcels shall be eliminated from the document. Instead, the Plan shall be amended to reference desired future land uses.

Adopted 9/23/05.

Z&P - Your Committee concurs in the recommendation of the Planning Commission in granting the application of Plymouth 94 Properties (#1460) to vacate the abandoned utility easement for the western portion of vacated 14th Ave N between 3rd St N and Washington Ave N, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 9/23/05.

Resolution 2005R-537, vacating a utility easement located at 14th Ave N between 3rd St N and Washington Ave N, was adopted 9/23/05 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 2005R-537
By Schiff

Vacating a utility easement located at 14th Ave N between 3rd St N and Washington Ave N (#1460).

Resolved by The City Council of The City of Minneapolis:

The south 15 feet of the north half, and the north 15 feet of the south half of (previously vacated) 14th Avenue North lying within the following described property:

That part of (vacated) 14th Avenue North in the City of Minneapolis, Minnesota, lying westerly of a line drawn from the southwest corner of Lot 1, Block 20, Basset, Moore, and Case's Addition to the Town of Minneapolis, to a point on the north line of Lot 9, Block 11, Mendenhall's Subdivision of the northeast corner of said Lot 9, and Easterly of a line drawn from the northwest corner of the east 25 feet of Lot 7, in said Block 11 to a point on the north line of said 14th Avenue North distance 20 feet easterly of its intersection with the east line of 3rd Street North as opened by the City of Minneapolis, all according to the plat of said additions' on file or of record in the office of the Register of Deeds in and for Hennepin County, Minnesota (Document No. 4522227), is hereby vacated.

Adopted 9/23/05.

Z&P - Your Committee, having under consideration the environmental review process for the City of Lakes Condominium Project located at 110 E 18th St, and having received the recommendation of City staff that the Environmental Assessment Worksheet is adequate, now recommends that the Council not order the development of an Environmental Impact Statement, and that the Findings of Fact and Record of Decision set forth in Petn No 270693 be adopted.

Adopted 9/23/05.

MOTION

Lilligren introduced the subject matter of an ordinance amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to *Zoning Code: Office Residence Districts*, which was given its first reading and referred to the Zoning & Planning Committee (allowing as a conditional use small scale community theaters in the OR1 zoning area and amending the lot area requirement).

RESOLUTIONS

Resolution 2005R-538, observing Domestic Violence Awareness Month, was adopted 9/23/05 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 2005R-538

By Zerby, Schiff, Ostrow, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Niziolek, Benson, Colvin Roy and Lane

Observing Domestic Violence Awareness Month.

Whereas, in the United States, a woman is the victim of domestic violence every nine seconds;
and

Whereas, half of all women in this country are abused at least once in their lifetime; and

Whereas, women daily seek emergency medical assistance because of domestic violence; and

Whereas, in 2004, the City of Minneapolis received 19,476 domestic-related 911 emergency calls; and

Whereas, the Minneapolis-Hennepin County Homeless Task Force found that more than half of the homeless families were forced out of their homes by domestic violence; and

Whereas, domestic violence ravages our community; and

Whereas, every person in Minneapolis should feel safe and secure from violence, threats, and abusive behavior; and

Whereas, the City of Minneapolis is committed to reducing violence in our homes, as well as on our streets; and

Whereas, October is Domestic Violence Awareness month;

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

That The City of Minneapolis reaffirms its commitment to helping victims of domestic violence feel safe and secure in our city and to ensuring that domestic crimes are vigorously prosecuted and domestic abusers are held accountable.

Adopted 9/23/05.

Absent - Lilligren, Lane.

Resolution 2005R-539, honoring Dr. Rufus Edward Thibodeaux, Sr., and Dr. Diane L. Thibodeaux for 23 years of exemplary service in the ministry and outstanding stewardship in the community, was adopted 9/23/05 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 2005R-539

By Johnson Lee

Honoring Dr. Rufus Edward Thibodeaux, Sr., and Dr. Diane L. Thibodeaux for 23 years of exemplary service in the ministry and outstanding stewardship in the community.

Whereas, the membership of Holding Forth the Word of Life Ministries International has designated September 22-25 to honor its pastors, Dr. Rufus Edward Thibodeaux, and Dr. Diane L. Thibodeaux, in appreciation for 23 years of service in the ministry; and

Whereas, Dr. Rufus Edward Thibodeaux, Sr. established Holding Forth the Word of Life Ministries International in 1982; and

Whereas, Dr. Rufus Edward Thibodeaux, Sr. is the founder of the Brothers Keeper Men's Network, which includes the BKMN Basketball League with national and international chapters, consisting of 23 teams of adult men who adhere to the principles of nonviolence and male responsibility; and

Whereas, Dr. Rufus Edward Thibodeaux, Sr. currently serves as a City of Minneapolis and Hennepin County police chaplain, and has done so in an honorable and compassionate manner for the last 13 years; and

Whereas, Dr. Rufus Edward Thibodeaux, Sr. now serves as a commissioner of the African American Men Project, and presides over the financial committee of the North Point Health & Wellness Center executive board, as well as being recognized for his innovative leadership in the Drug Court initiative, working with the Honorable Chief Judge Kevin Burke; and

Whereas, Dr. Diane L. Thibodeaux is the co-pastor of Holding Forth the Word of Life Ministries International; and

Whereas, Dr. Diane L. Thibodeaux is a licensed social worker, and founder and executive director of OASIS of Love, Inc., established in 1986; and founder of AGAPE 24-hour Child Development Centers, created in 1987; and

Whereas, Dr. Diane L. Thibodeaux serves as an esteemed police chaplain for the City of Minneapolis and Hennepin County, and was named as a 2004 Neighborhood Champion of the Hawthorne Neighborhood; and

Whereas, Dr. Rufus Edward Thibodeaux, Sr., and Dr. Diane L. Thibodeaux beat the odds of being teen parents in New Orleans to possessing earned doctorate degrees from the Minnesota Graduate School of Theology, and have contributed much to our community in the 23 years as spiritual leaders, educators, economic developers, and community protectors.

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

That we join with the membership of Holding Forth the Word of Life Ministries International in commending and extending our gratitude to pastors Dr. Rufus Edward Thibodeaux, Sr., and Dr. Diane

L. Thibodeaux, celebrate their innumerable joint accomplishments in the City of Minneapolis, and extend our best wishes to them in all their future endeavors.

Adopted 9/23/05.

Absent - Lilligren, Lane

UNFINISHED BUSINESS

H&HS & PS&RS - Your Committee, to whom was referred an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, providing for referral of many complaints to mediation; and requiring mandatory participation in good faith in the mediation process, now recommends:

H&HS - that said ordinance be given its second reading for amendment and passage.

PS&RS - that said ordinance be sent forward without recommendation.

Zerby moved that the report be amended to approve the Health & Human Services Committee recommendation and to delete the Public Safety & Regulatory Services Committee recommendation. Seconded.

Adopted by unanimous consent.

Zerby moved to substitute a new ordinance for the above-mentioned ordinance. Seconded.

Adopted upon a voice vote.

The report, with the substitute ordinance, was adopted 9/23/05.

Ordinance 2005-Or-091 amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, amending Sections 172.150 and 172.180 to provide for referral of many Civilian Police Review Authority complaints to mediation; and requiring mandatory participation in good faith in the mediation process, was adopted 9/23/05 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 2005-Or-091
By Zerby and Zimmermann
Intro & 1st Reading: 7/22/05
Ref to: H&HS & PS&RS
2nd Reading: 9/23/05

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

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

Section 1. That Section 172.150 of the above-entitled ordinance be amended to read as follows:

172.150. Mediation. ~~(a) The review authority shall inform all complainants and officers of the possibility of mediation as an alternative to the review authority processes.~~

(a) The review authority manager shall refer complaints to mediation subject to the terms of this section. Referral to mediation may be made upon preliminary review of the complaint or at any other time in the course of investigation when the manager deems mediation to be appropriate. Referral to mediation shall be in the discretion of the review authority manager, and shall not be appealable.

(b) The complainant and the subject police officer(s) shall be required to participate in good faith in the mediation process. The mediation process shall continue for as long as the mediator believes it may result in the resolution of the complaint, except that it shall not extend beyond 30 days from the date of the initial mediation session without approval of the review authority manager.

(c) The complainant and the subject police officer(s) shall attend the mediation session.

(d) If mediation is successful, the mediator and the parties shall sign a mediation agreement.

(e) If mediation is unsuccessful, the complaint shall be referred back to the review authority for further investigation, hearing and review pursuant to this chapter.

(f) If, after referral to mediation, the complainant fails or refuses to participate in mediation in good faith and without a valid excuse, the review authority manager shall dismiss the complaint.

(g) If, after referral to mediation, a subject police officer fails or refuses to participate in mediation in good faith, such failure or refusal shall constitute misconduct and grounds for disciplinary action. If warranted by the evidence, the chief of police shall cause appropriate disciplinary action to be initiated against the officer and shall notify the review authority manager of the outcome of such action. If a police officer fails or refuses to participate in mediation in good faith, the review authority manager shall refer the complaint for further investigation, hearing, and review under this chapter.

(b) (h) The review authority manager shall inform the chief of police of a decision to proceed to mediation.

(e) (i) Mediation tolls the timelines established for the review authority investigation and hearing processes.

(d) (j) No record will be made of the mediation proceedings, and no information discussed will be used in subsequent proceedings.

(k) All complaints shall be referred to mediation with the following exceptions and limitations:

(1) Where there are multiple allegations against the same officer, all allegations must qualify for mediation.

(2) Where the complaint contains allegations against multiple officers, all officers must qualify for mediation.

(3) Mediation is not appropriate if the officer has a prior sustained complaint involving the same or similar allegations arising from an incident which occurred within one year prior to the date of the incident from which the current complaint arises.

(4) Excessive force complaints are eligible only if physical injuries are de minimus and medical treatment is not required.

(5) Wrongful search or seizure complaints involving custodial arrest or other interference with liberty of significant duration are not eligible.

(6) Theft and intentional damage to property complaints are not eligible.

(7) The Review Authority Manager may depart from the above guidelines for good cause.

(l) The mediators shall be neutral trained mediators unaffiliated with the review authority, the Civil Rights Department or any other department of the City of Minneapolis.

(m) This Section shall apply to complaints filed on and after the effective date of this ordinance.

Section 2. That Section 172.180 of the above-entitled ordinance be amended to read as follows:

172.180. Requirement of cooperation by the Minneapolis Police Department and all other city employees and officials with the review authority. The Minneapolis Police Department and all other City of Minneapolis employees and officials shall, except as expressly prohibited by law, respond promptly to any and all reasonable requests for information, for participation in hearings and mediations, and for access to data and records for the purpose of enabling the review authority to carry out its responsibilities under this chapter. The failure by any official or employee of the Minneapolis Police Department or by any other City of Minneapolis employee or official to comply with such requests for information, participation, or access shall be deemed an act of misconduct. The police officer identified in the complaint may, but shall not be required to, attend the public portion of the scheduled hearing.

Adopted 9/23/05.

NEW BUSINESS

Niziolek introduced an ordinance amending Title 14, Chapter 368 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Beer Regulations*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing to be held Wednesday, September 28, 2005 (restricting the hours that businesses can sell 3.2% beer "off-sale" Monday through Thursday; sales to be discontinued at 8:00 p.m. instead of the present 2:00 a.m.).

Niziolek introduced an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (allowing malt beverages to be served outside, in their original containers, until 11:00 p.m.).

Niziolek introduced ordinances: a) amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, by repealing article XII; and b) amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau* by adding a new Article III, including new Sections 174.300 - 174.330, which were given their first reading and referred to the Public Safety & Regulatory Services and Ways & Means/Budget Committees (repealing language regarding current fire suppression equipment fees and establishing new permit fees).

Zerby was granted a point of personal privilege to announce the finalists for two vacancies to the Ethical Practices Board — Patricia Kovel-Jarboe, and William Dooley, Jr.

Lilligren moved to adjourn. Seconded.
Adopted by unanimous consent 9/23/05.

Merry Keefe,
City Clerk.

Unofficial Posting: 9/26/2005
Official Posting: 9/30/2005
Corrections: 11/1//2005; 10/20/2006