

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF

**November 24, 1999**

(Published December 4, 1999,  
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Council Chamber  
Minneapolis, Minnesota  
November 24, 1999 - 9:30 a.m.  
President Cherryhomes in the Chair.

Present - Council Members Mead, Lane,  
McDonald, Johnson, Thurber, Ostrow, Campbell,  
Biernat, Niland, Goodman, Colvin Roy, Herron,  
President Cherryhomes.

Campbell moved acceptance of the minutes  
of the adjourned session held November 10 and  
the regular meeting of November 12, 1999.  
Seconded.

Adopted upon a voice vote.

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

Adopted upon a voice vote.

### **PETITIONS AND COMMUNICATIONS**

#### **COMMUNITY DEVELOPMENT:**

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (265376)

Opus Corp/North Nicollet Mall Project: Letter  
of Understanding;

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

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (265377)

Dania Hall (427-29 Cedar Ave S):  
Employment Plan.

Fort Snelling Academy: Resolution granting  
final approval to issue bonds to restore buildings  
for a charter high school.

COUNCIL MEMBER NILAND (265378)

Labor Peace: Ordinance amending Title 16,  
Chapter 422 of the Mpls Code of Ordinances,  
requiring Proprietary Interest Protection  
Agreements on development projects in which  
the City or MCDA has a proprietary interest,  
w/Attachment; Model Proprietary Interest  
Protection Agreement.

#### **COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS and W&M/BUDGET (See Rep):**

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (265379)

Parade Stadium/Guthrie Theater Area:  
Development framework w/direction to staff to  
increase 2000 appropriation in Preliminary  
Planning fund by \$100,000.

#### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:**

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (265380)

Mpls Park & Recreation Board: Forgiveness  
of MCDA loan to Park & Recreation Board report.

Hiawatha LRT Corridor Transit-Oriented  
Development Opportunities Status Report on  
MCDA Work Plan.

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

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (265381)

1999 MCDA Budget Actions: Appropriation  
increases for Housing Program & Development  
Account funds to cover projects that have been  
more active in 1999.

Martin Bush Iron & Metal Site: Appropriation  
increases to reflect receipt of grant awards for  
environmental cleanup.

Coliseum (Podany) Building (2700 E Lake St): Allocation of Commercial Corridor funds & direction to staff to establish a tax increment district for rehabilitation.

Upper Harbor River Terminal: Authorize negotiation with Kock Materials re City's option to purchase the asphalt facility.

Upper Harbor River Terminal: Authorize operating agreement with River Services, Inc & approval of operating budget for 2000.

**HEALTH AND HUMAN SERVICES:**

**HEALTH AND FAMILY SUPPORT SERVICES (265382)**

Welfare Reform: Report by City/County Oversight Committee on Welfare Reform in Hennepin County.

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

**HEALTH AND FAMILY SUPPORT SERVICES (265383)**

Health Services at Minneapolis Public Schools: Issue Fund Availability Notice to Minneapolis Public Schools to fund position in Health Services Division.

Health Related Service's Area Leaders at Minneapolis Public Schools: Issue Fund Availability Notice to Minneapolis Public Schools for health services.

Tobacco Prevention Among Youth: Issue Fund Availability Notice to Minneapolis Public Schools for teacher education in middle schools.

Laboratory Supervision and Clinical Consultant Services: Execute agreement with Minnesota Department of Health.

Local Transitional Plan for Workforce Investment Act: Authorize Mayor Sayles Belton to sign Local Plan.

Employment and Training Services for Youth at Abraham Lincoln High School for New Americans: Issue Fund Availability Notice to HIRED.

**HEALTH AND FAMILY SUPPORT SERVICES (265384)**

Public Health Nursing Services: Execute agreement with Minnesota Visiting Nurse Agency to provide services for calendar year 2000.

Health Care Services: Execute contract with Neighborhood Health Care Network to provide services to residents during calendar year 2000.

Community Resource Program Year 11: Issue various Fund Availability Notices to allocate \$95,000 for adult training and placement for Year of the Cities residents.

Adult Placement/Retention and Referral Services in Phillips Neighborhood: Issue Fund Availability Notices to Goodwill/Easter Seals.

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

**HEALTH AND FAMILY SUPPORT SERVICES (265384.1)**

Employability Skills Training for Youth Attending Patrick Henry High School: Accept \$30,000 in Juvenile Justice funds from Minnesota Department of Economic Security; and Issue Fund Availability Notice to HIRED.

**LICENSES AND CONSUMER SERVICES (265385)**

Lead Surveillance and Tracking: Execute contract with Minnesota Department of Health for City to provide data entry and associated services over three-year period to fund 0.25 Full-Time Equivalent office specialist position from grant by Centers for Disease Control, and Approve appropriation to Licenses & Consumer Services.

Lead-Based Paint Hazard Reduction Project: Execute amendment to contract with Greater Minneapolis Day Care Association by reducing budget as compensation for City performing lead inspection and clearance services, and Approve appropriation decrease to Licenses & Consumer Services.

**PUBLIC SAFETY AND REGULATORY**

**SERVICES (See Rep):**

**LICENSES AND CONSUMER SERVICES (265386)**

Residential Building Contractor Licensing: Extend expiration date for certain contractor licenses from December 1, 1999 to March 31, 2000 to allow for transition to State License Program; Require no additional application or fee payment for extension period; and Require City license for those operating under a licensing exemption under State Building Contractor license laws.

Licenses: Applications.

**PUBLIC SAFETY AND REGULATORY**

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

**POLICE DEPARTMENT (265387)**

Weed and Seed Program: Accept \$150,000 from United States Department of Justice for law enforcement and crime prevention efforts in three Weed and Seed areas; and Approve appropriation to Police Department.

Driving While Intoxicated Saturation Program: Accept \$1,200 and execute grant agreement with Minnesota Department of Public Safety for reimbursement of overtime costs to Second Precinct officers for increased enforcement on October 30, 1999.

**PUBLIC SAFETY AND REGULATORY SERVICES and ZONING AND PLANNING (See Rep):**

**LICENSES AND CONSUMER SERVICES (265388)**

58th Street Auto Sales (5750 Lyndale Ave S): Revoke Motor Vehicle Dealers License, due to non-compliance with site plan permit.

First World Auto Repair Plus (1227 Central Ave NE): Revoke Motor Vehicle Repair Garage License, due to non-compliance with site plan permit.

**TRANSPORTATION AND PUBLIC WORKS: PUBLIC WORKS AND ENGINEERING (265389)**

Overview of Public Works Structure: Report.

**TRANSPORTATION AND PUBLIC WORKS (See Rep): PUBLIC WORKS AND ENGINEERING (265390)**

Hennepin Ave (Franklin to Lake St): Roadway improvement projects with variance request to state for change from total reconstruction to mill and overlay.

1999 Levy of Various Public Works Special Assessment: Approve levy of assessments and adoption of assessment rolls.

Storm Water Management Ordinance: Addition of new chapter to Code of Ordinances establishing standards and specifications for construction and maintenance of stormwater controls for construction projects.

**PUBLIC WORKS AND ENGINEERING (265391)**

Special Service Districts: Establish services & charges for Uptown, Dinkytown, Central Ave, Nicollet Av S, Stadium Village and Riverview.

Lease Space at Haaf Ramp: Amendment to lease agreement with McGlennon and Clemons.

Amendment to Critical Parking Area: Change Area #21 by removing restrictions from southerly side of W 31st St between Emerson & Fremont Aves S.

Hawthorne Municipal Parking Ramp: Approve Change Order #1 to contract with Adolfson & Peterson.

Engineering 2000 Project: Agreement with Intergraph Corporation.

**WATER DEPARTMENT (265392)**

Safe Drinking Water for the City of Minneapolis: Final report of the Minneapolis Water Works Advisory Committee.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep): PUBLIC WORKS AND ENGINEERING (265393)**

Lease of Space at Leamington Parking Facility: Lease of space to Nextel Corporation to install, operate and maintain cellular transmitting equipment.

**WAYS AND MEANS BUDGET:**

**CONVENTION CENTER (265394)**

Convention Center Expansion Project: Receive & File Change Management Actions.

Convention Center Parking Facility: Receive & File Change Management Actions.

**TELECOMMUNICATIONS (265395)**

Telecommunications: Status report regarding Time/Warner Cable (formerly Paragon) & City communications.

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

**COORDINATOR (265396)**

Franklin Avenue Livable Communities Grant Proj: Amend Contract #11651 w/Franklin Avenue Business Assn.

**FINANCE DEPARTMENT (265397)**

Utility Billing Insert: Message in November & December, 1999 billings relating to holiday shopping, entitled, "Minneapolis Unwrapped."

Convention Center Expansion Project Naming Rights Sponsor: Execute Memorandum of Understanding and negotiate naming rights agreement w/NSP.

**HUMAN RESOURCES (265398)**

Labor Agreement Settlement: Approve settlement, contracts & salary ordinances.

Wage Rates for Local #292, AFL-CIO Electrical Inspectors & Technicians: Salary Ordinance amending Ordinance #99-Or-009 to change salary line for longevity.

Yard Supervisor, Impound Lot Position: Salary Ordinance, effective 11/29/99.

POLICE DEPARTMENT (265399)  
Police Inspector Position: Approve salary schedule.

**ZONING AND PLANNING:**

HERITAGE PRESERVATION COMMISSION (265400)  
Farrington House, 2100 Stevens Ave S: Application of Venus Properties for building permits to install air conditioning units w/attachments.

INSPECTIONS/BOARD OF ADJUSTMENT (265401)  
Walter Bratt, 2840 & 2844 Bloomington Ave: Appeal re variance to waive surfacing requirement for a parking lot, w/attachments.

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

INSPECTIONS/BOARD OF ADJUSTMENT (265402)  
Lander Group, Inc, 2632 W 44th St: Board of Adjustment: Appeal of Stanley Kagin from decision granting variances to permit a condominium with underground garages, w/attached staff report, findings, zoning maps, petition of neighbors, drawings, minutes.

Siegel, Brill, Greupner, Duffy & Foster: Letter of 11/3/99 opposing the variances, w/attached opinion of Judge Forsberg in re City of Roseville vs Frank J Rekuski.

Dawn Miller, 4624 Drew Av S: Board of Adjustment: Appeal of Dawn Miller from decision denying variance of garage height, w/attached staff report, findings, zoning maps, correspondence; petition of neighbors. Thomas Young: Comments opposing variance. Eric & Carla Mueller: Comments supporting variance.

INSPECTIONS/BOARD OF ADJUSTMENT (265403)  
Jaymes Littlejohn for AirTouch Communications: Appeal decision upholding Zoning Administrator's decision to require telecommunication antennas to be enclosed at 2027 W Broadway Ave, w/attached staff report, findings, recommendation, minutes, correspondence from Hessian & McKasy, zoning maps, drawings, photos.

Jacob I Mirman, 5117 France Ave S: Board of Adjustment: Appeal decision upholding Zoning Administrator's decision to discontinue operation of clinic, staff report, findings, recommendation, minutes, zoning maps, correspondence, Zoning

Inspector's report, Section 522.205 of Minneapolis Code of Ordinances relating to Home Occupations, Inspections Dept records, photos.

Jacob Mirman: Photos, Statement of Facts, Letters from Mpls & Edina City Assessors, Fulton Neighborhood Association minutes.

John Finlayson: Hennepin County tax reports on 5117 France Ave S, & 5620 Wycliffe Road, Edina.

PLANNING COMMISSION/DEPARTMENT (265404)

Victor Kharchenko, 4420 Humboldt Av N & 1423-25 45th Ave N: Planning Dept: Application for waiver of moratorium on new or expanded automobile-related facilities to allow an auto body shop, w/staff report, findings & recommendation, zoning map. Camden Property Management: Comments opposing. Mary J Keefe: Comments opposing. Ross M Fefercorn, for Calhoun Park Commercial & Emerson Rowhouses project, 1221 W Lake St: Appeal from decision relating to commercial parking variance, w/attached staff report, findings, recommendations, minutes, zoning maps, drawings, correspondence; Fefercorn letter of 11/3/99 requesting compromise variance.

PLANNING COMMISSION/DEPARTMENT (265405)

Robert MacIntyre: Approve application to vacate Xerxes Ave N between Farwell & Plymouth Aves N, w/staff report, findings, recommendation, zoning maps.

Cinda & Robert Collins: Approve application to vacate alley in block bounded by Benton Boulevard, Cedar Lake Parkway, Kenilworth Place & Hennepin County Railroad Authority tracks, w/staff report, findings, recommendation, zoning maps, comments of Public Works.

Kathleen Welch, 2303 Dupont Ave S: Approve application to vacate part of Lot 6, Block 26 of Highland Park Addition, w/staff report, findings, recommendation, zoning maps. Summary of Council actions of 11/8/99.

PLANNING COMMISSION/DEPARTMENT (265406)

Taylor O'Shea, 4648 Dupont Ave S: Planning Comsn: Appeal from decision denying minor subdivision, w/attached staff report, findings, recommendation, minutes, zoning maps, survey, correspondence, petition of neighbors opposing subdivision, comments supporting from Lora Weinstein, comments opposing from Robert Salmon dated 10/18/99, comments opposing from Judith Forbes, David Miel, Nicole Lane, Lynnhurst

Neighborhood Association, Section 522.40 of Minneapolis Code of Ordinances re lot width. Robert Salmon: Comments opposing, dated 11/15/99. Nancy Erstad: Comments opposing. Cynthia Case & John Foley: Comments opposing. Judith Forbes: Comments opposing.

Pawn America Minnesota: Planning Comsn: Appeal from decision denying conditional use permit to allow pawn shop at 3734 & 3738 Chicago Av S, w/attached staff report, findings, recommendation, minutes, zoning maps, drawings, photos. Jacque Passow: Comments opposing. Gregory Grinley: Comments opposing.

**PLANNING COMMISSION/DEPARTMENT (265407)**

Stinson Hi-Tech Business District Project: Order Alternative Urban Areawide Review (AUAR) for vicinity of Stinson Blvd, E Hennepin Ave & Broadway St.

**PLANNING COMMISSION:**

**CUSTOM BUSINESS FORMS (265408)**

Permission to vacate east half of 2-1/2 St NE between Edge PI NE & St Anthony Pkwy.

**BSR PROPERTIES (265409)**

Permission to vacate alley in block bounded by Washington Av N & 2nd St N & 6th Ave N.

**MOTIONS:**

**PLANNING COMMISSION/DEPARTMENT (265410)**

1999 Zoning Code Revision: Amend Title 20, Chapter 521 of Mpls Code of Ordinances relating to Zoning Code: Districts & Maps Generally, making changes to zoning maps relating to 2018 W Broadway, 3600 E Lake St, 4733 & 4737 Chicago Ave S, 5101 France Ave S.

**FILED:**

**CITY CLERK/SPECIAL PERMITS (265411)**

Emerald St SE, 166 (Anthony Fox) move garage; Marquette Av S, 250 (Bob Bonadurer) fireworks; Nicollet Mall (Johmar Farms) horse; Park Av S, 4244 (James Halbur) move house.

**FILED (See Rep):**

**NORTHERN STATES POWER (NSP) (265412)**

Utilities: Place poles at various locations.

**REPORTS OF  
STANDING COMMITTEES**

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

**Comm Dev** - Your Committee, to whom was referred an ordinance amending Title 16, Chapter 422 of the Minneapolis Code of Ordinances relating to Planning and Development: Minneapolis Community Development Agency (MCDA), adding a new Section 422.190 to require Proprietary Interest Protection Agreements on development projects in which the City of Minneapolis or the MCDA has a proprietary interest, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Niland moved to amend the ordinance as follows:

1. By inserting the following new subsections (5) through (7) in Section 422.190(b)(4) and renumbering the subsequent subsections accordingly:

“(5) These risks are heightened in the hotel and restaurant industry because they are so closely related to tourism – a mainstay of Minneapolis’ economy. Labor strife in hotel/restaurant projects in which the city is an investor or other economic participant can jeopardize the operation of related tourist and commercial facilities, as well as the city’s national reputation as a tourist and convention destination. To minimize that risk in circumstances where costly labor/management conflict has arisen in the past, the city requires that certain specified employers in the hotel and restaurant industry shall agree, as a condition of the city’s economic involvement in a hotel/restaurant project, to nonconfrontational and expeditious procedures by which their workers can register their preference regarding union representation.

(6) These risks of potential labor/management conflict are particularly acute when labor unions seek to organize workers in hotels and restaurants, as labor relations in the hospitality industry in Minneapolis have proven especially contentious, and have resulted in many protests, boycotts and other activities which have disrupted the business of the hotel/restaurant and the tourist industry.

(7) In view of these concerns, the City deems it necessary to approach with great caution any economic participation in a hotel/restaurant project

if the city retains a proprietary interest. The city finds that cautionary approach to be particularly appropriate given other possible factors present in such developments, such as the city's sometimes special proprietary interests or other special concerns identified herein, and/or their complex financing schemes, the possible use of scarce land resources, as well as the dependence of such projects on public "good will" and the special vulnerability of such projects to consumer boycotts, etc.";

2. By amending the title "422.190. Proprietary Interest Protection Agreements" to read "422.190. Proprietary Interest Protection Agreements in Hotel/Restaurant Projects"; by inserting the words "hotel/restaurant" before the words "development projects" in Section 422.190 (b)(9) at the end of the first sentence; inserting the words "hotel/restaurant" before the words "development project" in the first sentence of Section 422.190(c); inserting the words "hotel/restaurant" before the words "development project" in Section 422.190(d); inserting the words "hotel/restaurant" before the words "development project" in Section 422.190(f); and inserting the words "hotel/restaurant" in Section 422.190(g) before the language, "project as defined in section 422.30(e)"; and

3. By inserting the following new subsections d. through h. after Section 422.190(l)(2)c.:

"d. Any development project that receives less than \$100,000 of assistance from the city/agency.

e. Any residential development project.

f. Any multi-tenanted development project that is built on a speculative basis.

g. Any development project that receives only conduit bond financing from the city/agency.

h. Any development project involving a historically designated building." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 12; Nays, 1 as follows:

Yeas - Mead, McDonald, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Goodman, Colvin Roy, Herron, Cherryhomes.

Nays - Lane.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 99-Or-154**

**By Niland**

**Intro & 1<sup>st</sup> Reading: 10/15/99**

**Ref to: Comm Dev**

**2<sup>nd</sup> Reading: 11/24/99**

**Amending Title 16, Chapter 422 of the Minneapolis Code of Ordinances relating to Planning and Development: Minneapolis Community Development Agency.**

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

Section 1. That Section 422.190 of the above-entitled ordinance be amended to read as follows:

**422.190. Administrative guidelines.**

(a) Policies intended to affect publicly financed development activities shall be adopted by resolution of the city council or board of commissioners. The respective enabling resolution shall direct appropriate city or Minneapolis Community Development Agency staff to prepare administrative guidelines to implement the respective policy. The administrative guidelines shall be effective upon approval by the city council or board of commissioners.

(b) Proprietary Interest Protection Agreements in Hotel/Restaurant Projects.

Findings and declarations:

(1) In the course of managing real property that it owns or in otherwise carrying out its functions in the public interest, the city and/or the agency may participate in real property development as a property owner, lessor, proprietor, lender, or guarantor, facing similar risks and liabilities as other business entities participating in such ventures. For example, the city/agency may lease its real property under a percentage lease, or otherwise invest or pledge its resources in real estate development projects as an owner, lender, or guarantor. As a result, the city/agency has an ongoing proprietary interest in the development, and thus, has a direct interest in its financial performance.

(2) In such situations, the city/agency must make prudent management decisions, similar to any private business entity, to ensure efficient management of its business concerns, and to maximize benefit and minimize risk. One of those risks is the possibility of labor/management conflict arising out of labor union organizing campaigns. Such conflict may adversely affect the city's/agency's investment in real estate development or other circumstances in which it has a proprietary business interest by causing delay in the completion of a project, and/or by reducing revenues or increasing costs of the project when they are completed.

(3) To minimize these risks in circumstances where costly labor/management conflict has arisen in the past, the city enacts this ordinance requiring that certain employers shall agree, as a condition of the city's/agency's economic involvement in a development project, to expeditious procedures by which their workers can register their preference regarding union representation.

(4) A major potential source of labor/management conflict that threatens the city's/agency's economic interests as a participant in development projects is the possibility of economic action in those developments by labor unions against employers opposing unionization. Experience of municipal and other investors demonstrates that organizing drives pursuant to formal and adversarial union certification processes often deteriorate into protracted and acrimonious labor/management conflict. Such conflict can result in construction delays, work stoppages, picketing, strikes, consumer boycotts, and other forms of "corporate campaigns" which can generate negative publicity and reduced revenues that threaten the city's/agency's proprietary interests.

(5) These risks are heightened in the hotel and restaurant industry because they are so closely related to tourism – a

mainstay of Minneapolis' economy. Labor strife in hotel/restaurant projects in which the city is an investor or other economic participant can jeopardize the operation of related tourist and commercial facilities, as well as the city's national reputation as a tourist and convention destination. To minimize that risk in circumstances where costly labor/management conflict has arisen in the past, the city requires that certain specified employers in the hotel and restaurant industry shall agree, as a condition of the city's economic involvement in a hotel/restaurant project, to nonconfrontational and expeditious procedures by which their workers can register their preference regarding union representation.

(6) These risks of potential labor/management conflict are particularly acute when labor unions seek to organize workers in hotels and restaurants, as labor relations in the hospitality industry in Minneapolis have proven especially contentious, and have resulted in many protests, boycotts and other activities which have disrupted the business of the hotel/restaurant and the tourist industry.

(7) In view of these concerns, the City deems it necessary to approach with great caution any economic participation in a hotel/restaurant project if the city retains a proprietary interest. The city finds that cautionary approach to be particularly appropriate given other possible factors present in such developments, such as the city's sometimes special proprietary interests or other special concerns identified herein, and/or their complex financing schemes, the possible use of scarce land resources, as well as the dependence of such projects on public "good will" and the special vulnerability of such projects to consumer boycotts, etc.

(8) One method of reducing the risk to the city's/agency's proprietary interests is to require, as a condition of the city's/agency's investment or other economic participation, that employers operating in a development project agree

to a lawful, nonconfrontational process for resolving a union organizing campaign expeditiously. That alternative process is a so-called "Card-Check," wherein employee preference regarding whether or not to be represented by a labor union is determined based on signed authorization cards. Private employers are authorized under existing federal law to agree voluntarily to use this procedure in lieu of election procedures supervised by the National Labor Relations Board.

(9) The city finds, based on local history, that compliance with these procedures will help reduce the possibility of labor/management conflict jeopardizing the city's/agency's proprietary interest in hotel/restaurant development projects. To ensure that card check procedures are required only to the extent necessary to ensure the goal of minimizing labor/management conflict, an employer which agrees to such procedures and performs its obligations under a Proprietary Interest Protection Agreement will be relieved of further obligation to abide by those procedures if a union engages in economic action such as striking, picketing, or boycotting the employer in the course of an organizing drive at a site covered by this ordinance.

(10) The sole purpose of this ordinance is to protect the city's/agency's proprietary interests in certain narrowly prescribed circumstances where the city/agency commits its economic resources and its proprietary interests are put at risk by certain forms of labor/management conflict. This ordinance permits the city/agency to act in furtherance of the city's/agency's proprietary interests where analogous private conduct would be permitted. This section is not intended, nor should it be interpreted, to enact or express any generally applicable policy regarding labor/management relations, or to regulate those relations in any way. This ordinance is not intended to favor any particular outcome in the determination of employee preference regarding union representation.

(c) *Duty of agency.* On any hotel/restaurant development project in which the city/agency participates or has a financial interest, the agency shall determine, pursuant to its powers established in section 422.110, whether employers on the project are required to enter into a Proprietary Interest Protection Agreement (hereinafter "Agreement"). All such determinations shall be made on a case-by-case basis pursuant to the standards articulated in subsection (f), subject to the exemptions set forth in subsection (l)(2). Such determinations shall be made in all cases as a necessary precondition of the city's/agency's participation in a development project.

(d) *When agreements required.* A Proprietary Interest Protection Agreement shall be required where the agency determines that the city/agency has a proprietary interest at risk in a hotel/restaurant development project pursuant to the definition set forth in subsection (f).

(e) *Proprietary Interest Protection Agreement.* A Proprietary Interest Protection Agreement is a written agreement between an employer and a labor organization that provides, at a minimum, the following:

(1) Employee preference regarding whether to be represented by a labor organization for collective bargaining, and if so, by which labor organization, shall be determined based on signed authorization cards in a card check procedure conducted by a neutral third party in lieu of a formal election.

(2) The employer and the labor organization shall at all times refrain from the use of intimidation, reprisal or threats of reprisal, or other conduct designed to intimidate or coerce employees to influence the decision by employees whether to join or be represented by any labor organization.

(3) Signatory labor organizations shall forbear from taking economic action, such as striking or picketing, against the signatory employer at the worksite of an organizing drive covered by this section, so long as the employer complies with the terms of the Agreement.

The employer and labor organization may incorporate additional consistent provisions to

protect the city's/agency's proprietary interest if they so agree.

(f) Proprietary interest. The city/agency shall be deemed to have a proprietary interest in a hotel/restaurant development project where the agency determines, on a case-by-case basis, that one or more of the following conditions are met:

(1) That the city/agency, as property owner, receives ongoing revenue such as rent payments under a lease of real property owned by the city/agency for the development of a project, excluding government fees or tax or assessment revenues, or the like, except for tax revenues under the circumstances specified in parts (2) and (3).

(2) That the city/agency receives ongoing revenue from a project to repay loans provided by the city/agency to assist the development of said project, including incremental tax revenues generated by the project and used, directly or indirectly, to repay the loan by the city/agency where the proceeds are used for development of that project.

(3) That the city/agency receives ongoing revenue from a project to pay debt service on bonds provided by the city/agency to assist the development of said project, including incremental tax revenues generated by the project and used, directly or indirectly, to pay debt service on bonds by the city/agency where the proceeds are used for development of that project.

(4) That the city/agency has significant assets at risk because it has agreed to underwrite or guarantee the development of a project, or loans related thereto.

(5) That the city/agency has a significant ongoing economic and nonregulatory interest at risk in the financial success of a project which is likely to be adversely affected by labor/management conflict resulting from a union organizing campaign, except that no interest shall be considered "economic and nonregulatory" if it arises from the exercise

of regulatory or police powers such as taxation (except as set forth in (2) and (3) above), zoning, or the issuance of permits or licenses.

(g) Development project. A development project means a hotel/restaurant project as defined in section 422.30(e).

(h) Employer. Employer means any person, corporation, company, association, limited or general partnership, joint venture, contractor, subcontractor, or other entity who employs individuals at the site of a development project, and whose ongoing economic performance and potential for labor/management conflict can affect the city's/agency's proprietary interest, including, but not limited to, commercial, retail, hospitality, or services enterprises in a development project.

(i) Contracts. Where the agency determines that a Proprietary Interest Protection Agreement is required on a development project, any city/agency contract must include a provision requiring any employer on said project to enter into said Agreement as essential consideration for the city/agency entering into the contract. "Contract" means a lease, management agreement, service agreement, loan, bond, guarantee, or other similar agreement to which the city/agency is a party and in which the city/agency has a proprietary interest.

(j) Requests for Proposal. Any request for proposal or invitation to bid or similar document regarding a city/agency development project must include in such document a summary description of and reference to the policy and requirements of this ordinance. Failure to include description or reference to this ordinance in a request for proposal or similar document shall not exempt any employer otherwise subject to the requirements of this ordinance.

(k) Model agreement. The city/agency may set forth a model Proprietary Interest Protection Agreement to provide guidance for compliance with this section.

(l) Scope and exemptions.

(1) Scope. The requirements of this ordinance apply only to the procedures for determining employee preference regarding whether to be represented by a labor organization for purposes of collective bargaining and/or by which

labor organization to be represented. Nothing in this ordinance requires an employer to recognize a particular labor organization. Nor does any provision of this ordinance require that an employer enter into a collective bargaining agreement establishing the substantive terms and conditions of employment.

(2) Exemptions. The requirements of this ordinance shall not apply to:

a. Employers employing fewer than the equivalent of fifteen (15) full-time or part-time employees at the site of the development project.

b. Any employer signatory to a valid and binding collective bargaining agreement covering the terms and conditions of employment for its employees at that development project, or which has entered into an agreement with a labor organization regarding such employees which agreement provides at least equal protection from the risks of labor/management conflict as provided by the minimum terms provided herein.

c. Any development project where the agency determines that the risk to the city's/agency's financial or other nonregulatory interest resulting from labor/management conflict is so minimal or speculative as not to warrant concern for the city's/agency's investment or other nonregulatory interest.

d. Any development project that receives less than \$100,000 of assistance from the city/agency.

e. Any residential development project.

f. Any multi-tenanted development project that is built on a speculative basis.

g. Any development project that receives only conduit bond financing from the city/agency.

h. Any development project involving a historically designated building.

(m) Enforcement. The city shall investigate complaints that this ordinance has been violated or that a provision in a city/agency contract or subcontract requiring a Proprietary Interest Protection Agreement has been breached, and may take any action necessary to enforce compliance, including but not limited to, instituting a civil action for an injunction and/or specific performance.

(n) Severability. If any part or provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of this ordinance, including the application of such part or provisions to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas - Mead, McDonald, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Goodman, Colvin Roy, Herron, Cherryhomes.

Nays - Lane.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** - Your Committee, having under consideration the proposed employment plan for the Dania Hall project at 427-29 Cedar Ave S, and having held a public hearing thereon, now recommends adoption of the report and employment plan set forth in Petn No 265377, as required under state law prior to execution of a redevelopment contract/subsidy agreement, and that the proper City and/or Minneapolis Community Development Agency (MCDA) officers be authorized to incorporate the employment plan into the redevelopment contract for Dania Hall.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.  
Approved November 30, 1999. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**Comm Dev** - Your Committee, having under consideration the matter of issuing bonds on behalf of Fort Snelling Academy to finance the restoration of five buildings on Taylor Ave to their original exterior condition and internally equip to modern school standards to house up to 320 college preparatory high school students (located at the Fort Snelling State Park Upper Bluffs area adjacent to the Twin Cities International Airport), and the Council having granted preliminary approval to issue such bonds on November 12, 1999, now recommends passage of the accompanying resolution granting final approval to issue up to \$7,500,000 in Tax-Exempt and Taxable Development Revenue Bonds, Series 1999, for the Fort Snelling Academy through the City of Minneapolis.

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 24, 1999. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 27, 1999)

Resolution 99R-407, authorizing the issuance of Lease Revenue Bonds to finance a public (charter) school project pursuant to Minnesota Law, and authorizing the execution of various documents in connection therewith for the Fort Snelling Academy Project, was passed November 24, 1999 by the City Council and approved November 24, 1999 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

(Published November 27, 1999)

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

**RESOLUTION 99R-407**  
**By Niland**

**Authorizing the issuance of Lease Revenue Bonds to finance a public (charter) school project pursuant to Minnesota Law,**

**and authorizing the execution of various documents in connection therewith for the Fort Snelling Academy Project.**

1. **Authority.** The City is, by the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Sections 469.152 to 469.165, as amended (the "Act"), authorized to issue and sell its revenue bonds for the purpose of financing industrial development within and without the boundaries of the City and to enter into agreements necessary or convenient in the exercise of the powers granted by the Act.

2. **Authorization of Project; Documents Presented.** FSA Building Company (the "Company") has proposed to the Council that the City issue and sell its Lease Revenue Bonds (Fort Snelling Academy Project) Series 1999A (the "Series A Bonds") in an amount not to exceed \$7,150,000 and its Taxable Lease Revenue Bonds (Fort Snelling Academy Project) Series 1999B (the "Series B Bonds") in an amount not to exceed \$350,000, in substantially the forms set forth in the hereinafter-mentioned Indenture (collectively, the "Bonds"), pursuant to the Act and loan the proceeds thereof to the Company, in order to provide financing for the renovation, construction and equipping of a public (charter) schoolhouse located on Taylor Avenue in the Fort Snelling State Park Upper Bluffs (the "Project") on real property leased by the Company from the Minnesota Department of Natural Resources. Forms of the following documents relating to the Bonds have been submitted to the City:

(a) Loan Agreement (the "Loan Agreement") dated as of December 1, 1999 between the City and the Company, pursuant to which the City shall loan to the Company the gross proceeds of sale of the Bonds and the Company shall undertake and complete the Project and shall repay the loan in amounts sufficient to provide for the full and prompt payment of the principal of, premium, if any, and interest on the Bonds;

(b) Indenture of Trust (the "Indenture") dated as of December 1, 1999, between the City and U.S. Bank Trust National Association, as trustee (the "Trustee"), authorizing the issuance of the Bonds and the pledging of certain revenues, including those to be derived from the Loan Agreement, as security for the Bonds;

(c) Mortgage, Security Agreement and Assignment of Rents (the "Mortgage"), dated as of December 1, 1999, from the Company to the City, by which the Company grants to the City a

mortgage lien on and security interest in its leasehold interest in the Project premises and other mortgaged property, as described therein, as further security for the payment of the Bonds and assigns to the City its interests in all rents with respect to the mortgaged property;

(d) Assignment of Mortgage (the "Assignment") dated as of December 1, 1999, from the City to the Trustee, by which the City assigns its interest in the Mortgage to the Trustee for the benefit of the holders of the Bonds;

(e) Assignment of Lease (the "Assignment of Lease"), dated as of December 1, 1999, from the Company to the Trustee, by which the Company assigns its interest in the Lease Agreement dated as of December 1, 1999 between the Company, as lessor, and Fort Snelling Academy (the "School"), as lessee to the Trustee (this document not executed by the City);

(f) Disbursing Agreement (the "Disbursing Agreement") dated as of December 1, 1999 among the Company, the Trustee and the title company acting as disbursing agent (this document not executed by the City);

(g) Tax Regulatory Agreement (the "Tax Regulatory Agreement") dated as of December 1, 1999 among the City, the Company, the School and the Trustee;

(h) Bond Purchase Agreement (the "Bond Purchase Agreement"), among John G. Kinnard and Company, Incorporated (the "Underwriter"), the Company, the School and the City, providing for the purchase of the Bonds from the City by the Underwriter and setting the terms and conditions of purchase; and

(i) Preliminary Official Statement, including all Appendices thereto (together the "Official Statement"), describing the offering of the Bonds, and certain terms and provisions of the foregoing documents.

**3. Findings.** It is hereby found, determined and declared that:

(a) The Project constitutes a Project authorized by and described in the Act;

(b) On the basis of information available to the City it appears, and the City hereby finds, that the Project constitutes properties, real and personal, used or useful in connection with one or more revenue producing enterprises engaged in any business within the meaning of Subdivision 2b of Section 469.153 of the Act; that the Project furthers the purposes stated in Minnesota Statutes, Section 469.152; that the availability of the financing under the Act and willingness of the City

to furnish such financing will be substantial inducement to the Company to undertake the Project, and that the effect of the Project, if undertaken, will be to encourage the development of economically sound industry and commerce, to assist in the prevention of the emergence of blighted and marginal land, to help prevent chronic unemployment, to help the City retain and improve the tax base and to provide the range of service and employment opportunities required by the population, to help prevent the movement of talented and educated persons out of the state and to areas within the state where their services may be as effectively used, to promote more intensive development and use of land within the City and eventually to increase the tax base of the community;

(c) There is no litigation pending or, to the best of its knowledge, threatened against the City relating to the Bonds, the Loan Agreement, the Bond Purchase Agreement or the Indenture or questioning the due organization of the City, or the powers or authority of the City to issue the Bonds and undertake the transactions contemplated hereby;

(d) The execution, delivery and performance of the City's obligations under the Bonds, the Indenture, the Bond Purchase Agreement and the Loan Agreement do not and will not violate any order of any court or other agency of government of which the City is aware or in which the City is a party, or any indenture, agreement or other instrument to which the City is a party or by which it or any of its property is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under any such indenture, agreement or other instrument;

(e) It is desirable that the Bonds be issued by the City upon the terms set forth in the Indenture, under the provisions of which the City's interest in the Loan Agreement will be pledged to the Trustee as security for the payment of principal of, premium, if any, and interest on the Bonds;

(f) The Loan Agreement provides for payments by the Company to the Trustee for the account of the City of such amounts as will be sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. The Loan Agreement obligates the Company to pay for all costs of operation and maintenance of the Project, including adequate insurance, taxes and special assessments. A reserve fund has been

established under the provisions of the Indenture in connection with the issuance of the Bonds; and

(g) Under the provisions of the Act, and as provided in the Loan Agreement and Indenture, the Bonds are not to be payable from nor charged upon any funds other than amounts payable pursuant to the Loan Agreement and moneys in the funds and accounts held by the Trustee which are pledged to the payment thereof; the City is not subject to any liability thereon; no owners of the Bonds shall ever have the right to compel the exercise of the taxing power of the City to pay any of the Bonds or the interest thereon, nor to enforce payment thereof against any property of the City; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City (other than the interest of the City in the Loan Repayments to be made by the Company under the Loan Agreement); and each Bond issued under the Indenture shall recite that such Bond, including interest thereon, shall not constitute or give rise to a charge against the general credit or taxing powers of the City.

**4. Approval and Execution of Documents.**

The forms of Loan Agreement, Indenture, Bond Purchase Agreement, Tax Regulatory Agreement, Disbursing Agreement, Mortgage, Assignment of Lease and Assignment referred to in paragraph 2, are approved. The Loan Agreement, Indenture, Assignment, Tax Regulatory Agreement and Bond Purchase Agreement shall be executed in the name and on behalf of the City by the Mayor, the Finance Officer and the Clerk, or executed or attested by other officers of the City, in substantially the form on file, but with all such changes therein, not inconsistent with the Act or other law, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof; and then shall be delivered to the Trustee. Modifications to the form of Disbursing Agreement may be made at the discretion of the parties thereto.

**5. Approval, Execution and Delivery of Bonds.** The City shall proceed forthwith to issue the Bonds in the forms and upon the terms set forth in the Indenture, which terms are for this purpose incorporated in this resolution and made a part hereof; provided, however, that the initial aggregate principal amount of the Bonds shall not exceed \$7,500,000, the final maturity shall not be later than thirty years from the date of issuance, and the net effective rate of the tax exempt bonds shall not be greater than 8.00% and the net effective interest rate of the taxable bonds shall

not be more than 10%. Subject to the foregoing, the principal amounts of the Bonds, the maturities, the interest rates thereon, and any provisions for the optional or mandatory redemption thereof shall all be as set forth in the final form of the Indenture to be approved, executed and delivered by the officers of the City authorized to do so by the provisions of this Resolution, which approval shall be conclusively evidenced by such execution and delivery. The Underwriter has agreed pursuant to the provisions of the Bond Purchase Agreement, and subject to the conditions therein set forth, to purchase the Bonds at the purchase price set forth in the Bond Purchase Agreement, and said purchase price is hereby accepted. The Mayor, Finance Director, City Clerk and other City officers are authorized and directed to prepare and execute the Bonds as prescribed in the Indenture and to deliver them to the Trustee, together with a certified copy of this Resolution and the other documents required by the Indenture, for authentication, registration and delivery to the Underwriter. As provided in the Indenture, each Bond shall contain a recital that it is issued pursuant to the Act, and such recital shall be conclusive evidence of the validity and regularity of the issuance thereof.

**6. Official Statement.** The City hereby consents to the circulation by the Underwriter of the Official Statement in offering the Bonds for sale; provided, however, that the City has not independently verified the information in the Official Statement and makes no representations or warranties as to, the accuracy or completeness of the information in the Official Statement.

**7. Certificates, etc.** The Mayor, Finance Officer, City Clerk and other officers of the City are authorized and directed to prepare and furnish to bond counsel and the purchaser of the Bonds, when issued, certified copies of all proceedings and records of the City relating to the Bonds, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

**8. Governmental Program.** The Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted

January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 24, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**Comm Dev, T&PW & W&M/Budget** - Your Committee, having under consideration the development framework prepared by the Minneapolis Community Development Agency (MCDA) to facilitate the expansion of the Guthrie Theater and a real estate exchange between the Minneapolis Park and Recreation Board and the City of Minneapolis, and the recommendation to approve the development framework and actions to be taken to implement this framework, and that the action be transmitted to the Board of Commissioners of the MCDA, now recommends:

**Comm Dev** - Approval of said recommendations, as more fully described in the MCDA report dated November 15, 1999.

**T&PW** - That the development framework not be approved.

**W&M/Budget** - Approval of said recommendations, as more fully described in the revised MCDA report dated November 19, 1999.

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

Adopted upon a voice vote.

**Comm Dev, T&PW & W&M/Budget** - Your Committee, having under consideration the development framework prepared by the Minneapolis Community Development Agency (MCDA) to facilitate the expansion of the Guthrie Theater and a real estate exchange between the Minneapolis Park and Recreation Board and the City of Minneapolis, and the recommendation to approve the development framework and actions to be taken to implement this framework, and that the action be transmitted to the Board of Commissioners of the MCDA, now recommends:

a) Approval of said recommendations, as more fully described in the revised MCDA report dated November 19, 1999, including subsequent reports to the City Council for Council action and direction regarding finances (expected spring

2000) and land transfer terms (expected summer 2000);

b) That the proper City and/or MCDA staff be directed to increase the 2000 MCDA appropriation request in Fund CPP0 (Preliminary Planning) by \$100,000;

c) That this action be transmitted to the MCDA Board of Commissioners for the following actions:

1) That the proper City and/or MCDA staff be directed to undertake actions to facilitate the phased implementation of the development framework as more fully described in the revised MCDA report dated November 19, 1999, including subsequent reports to the City Council for Council action and direction regarding finances (expected spring 2000) and land transfer terms (expected summer 2000);

2) That the proper City and/or MCDA staff return to the City Council and Board of Commissioners with updated cost information in accordance with Recommendation 1 prior to approval of redevelopment and tax increment financing plans and negotiation of land transfer terms;

3) Increase the project CPP 22 (Guthrie Theater) 1999 Preliminary Planning Fund budget by \$100,000.

Mead moved to divide the substitute report so as to consider items (b) and (c)(3) separately. Seconded.

Adopted by unanimous consent.

Mead moved approval of the balance of the report. Seconded.

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

Yeas - McDonald, Thurber, Campbell, Goodman, Herron, Cherryhomes.

Nays - Mead, Lane, Johnson, Ostrow, Biernat, Niland, Colvin Roy.

**Lost.** November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev, T&PW & W&M/Budget** - Your Committee, having under consideration the development framework prepared by the Minneapolis Community Development Agency (MCDA) to facilitate the expansion of the Guthrie Theater and a real estate exchange between the Minneapolis Park and Recreation Board and the City of Minneapolis, and the recommendation to approve the development framework and actions to be taken to implement this framework, and that

the action be transmitted to the Board of Commissioners of the MCDA, now recommends:

b) That the proper City and/or MCDA staff be directed to increase the 2000 MCDA appropriation request in Fund CPP0 (Preliminary Planning) by \$100,000;

c) That this action be transmitted to the MCDA Board of Commissioners for the following action:

3) Increase the project CPP 22 (Guthrie Theater) 1999 Preliminary Planning Fund budget by \$100,000.

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

Adopted by unanimous consent.

**Comm Dev, T&PW & W&M/Budget** - Your Committee, having under consideration a funding request prepared by the Minneapolis Community Development Agency (MCDA) to provide preliminary planning funds relating to the expansion of the Guthrie Theater and a real estate exchange between the Minneapolis Park and Recreation Board and the City of Minneapolis, and the recommendation to direct the proper City and/or MCDA staff to increase the 2000 MCDA appropriation request in Fund CPP0 (Preliminary Planning) by \$100,000 and to transmit this action to the Board of Commissioners of the MCDA, now recommends:

**Comm Dev & W&M/Budget** - Approval of said recommendations.

**T&PW** - That the proper City and/or MCDA staff be directed to increase the year 2000 MCDA appropriation request in Fund CPP0 (Preliminary Planning) by funds sufficient for additional appraisals, survey work to define specific site boundaries, geotechnical and environmental analysis, and parking location analysis as well as concrete crushing and Impound Lot relocation options and costs.

Mead moved to amend the substitute report by deleting the Community Development and Ways & Means/Budget Committee recommendation and by approving the Transportation & Public Works Committee recommendation, and by amending the recommendation to delete the words "funds sufficient" and insert in lieu thereof the figure "\$100,000". Seconded.

Adopted upon a voice vote.

Johnson, at her request, recorded as voting "no."

Lane moved to amend the substitute report by inserting the language, "as more fully described

in the revised MCDA report dated November 19, 1999" after the language, "Minneapolis Park and Recreation Board and the City of Minneapolis." Seconded.

Adopted upon a voice vote.

The substitute report, as amended, was adopted.

Yeas, 11; Nays, 2 as follows:

Yeas - Mead, Lane, McDonald, Thurber, Ostrow, Campbell, Biernat, Niland, Goodman, Herron, Cherryhomes.

Nays - Johnson, Colvin Roy.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriations in Fund SHP0 (Housing Program) by \$50,000, increasing the appropriation in Fund SDA0 (Development Account) by \$74,000, and increasing the Fund SDA0 revenue estimate by \$74,000, to cover multi-year MCDA projects that have been more active in 1999 than budgeted which are conducted under Memoranda of Understanding with other departments, agencies or jurisdictions and provide reimbursement of MCDA costs.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 99R-408**

**By Niland and Campbell**

**Amending The 1999 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation in Fund SHP0 - Housing Program by \$50,000 from available fund balance;

b) Increasing the appropriation in Fund SDA0 - Development Account by \$74,000 and increasing the Fund SDA0 revenue estimate by \$74,000 (3755-Other Misc. Revenue).

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriations in Fund SMN0 (State Grants & Loans) by \$1,000,000 and increasing the Fund SMN0 revenue estimate by \$1,000,000 to reflect a grant award from the Minnesota Department of Trade and Economic Development for the acquisition, clearance, demolition and cleanup at the Martin Bush Iron and Metal site located in the vicinity of N 2<sup>nd</sup> St between 16<sup>th</sup> and 18<sup>th</sup> Aves N, and increasing the appropriation in Fund SDA0 (Development Account) by \$150,060 to provide a local match from a non-tax increment source.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-409  
By Niland and Campbell**

**Amending The 1999 Minneapolis  
Community Development Agency  
Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation in Fund SMN0 - State Grants and Loans by \$1,000,000 and increasing the Fund SMN0 revenue estimate by \$1,000,000 (3215-05 MN State Grants); and

b) Increasing the appropriation in Fund SDA0 - Development Account by \$150,060 from projected fund balance.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the request received by the Minneapolis Community Development Agency (MCDA) from Fred Lehmann for financial assistance to rehabilitate the Coliseum Building (f/k/a Podany Building) at 2700 E Lake St, to be partnered with funding from the Community Reinvestment Fund and the Longfellow Community Council (Petn No 265381), now recommends:

a) Approval to allocate \$625,000 in Commercial Corridor funds;

b) That the proper City and/or MCDA staff be directed to establish a tax increment district to facilitate the rehabilitation of 2700 E Lake St; and

c) That this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends that the proper City and/or Minneapolis Community Development Agency officers be authorized to negotiate with Koch Materials, a division of the Koch refining company, regarding the City's option to purchase the asphalt facility at the Upper Harbor River Terminal, which will facilitate implementation of the Upper River Master Plan.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends that the proper City and/or Minneapolis Community Development Agency officers be authorized to enter into an operating agreement with River Services Inc. for operation of the City-owned Upper Harbor River Terminal, and approval of River Terminal 2000 Proposed Annual Budget, as set forth in Petn No 265381.

Adopted. Yeas, 13; Nays none.  
 Passed November 24, 1999.  
 Approved November 30, 1999. S. Sayles Belton, Mayor.  
 Attest: M. Keefe, City Clerk.

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

**H&HS** - Your Committee recommends that the proper City Officers be authorized to execute an agreement with the Minnesota Visiting Nurse Agency, in the amount of \$1,250,000, to provide public health nursing services for the period January 1 through December 31, 2000, payable from the Health Department with \$804,050 from (010-860-8623) and \$445,950 from (060-860-8623). (Petn No 265384)

Adopted. Yeas, 13; Nays none.  
 Passed November 24, 1999.  
 Approved November 30, 1999. S. Sayles Belton, Mayor.  
 Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to execute a contract with the Neighborhood Health Care Network, in the amount of \$866,152, to provide health care services to residents during the period January 1 through December 31, 2000, payable from the Health Department with \$447,750 from (040-860-8623), \$218,140 from (030-860-8623) and \$200,262 from (010-860-8623). (Petn No 265384)

Adopted. Yeas, 13; Nays none.  
 Passed November 24, 1999.  
 Approved November 30, 1999. S. Sayles Belton, Mayor.  
 Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee, having received an allocation of \$95,000 in Community Resource Program Year 11 funds for adult training and placement for Year of the Cities residents, now recommends that the proper City Officers be authorized to issue the following Fund Availability Notices to agencies of the Neighborhood Employment Network to provide services for the period January 1 through December 31, 2000, payable from Neighborhood Services (060-860-8600):

<b>Master</b>			
<b>FAN #</b>	<b>Contract #</b>	<b>Agency</b>	<b>Amount</b>
D8-1	10001	Minneapolis Urban League	\$ 7,600
D8-1	10002	East Side Neighborhood Services	11,400
D8-1	10007	Pillsbury Neighborhood Services	19,000
D8-1	10008	Loring Nicollet Bethlehem Center	13,300
D8-1	10009	HIRED	20,900
D8-1	10010	Anishinabe Council of Job Developers	19,000
D8-1		Goodwill/Easter Seals	3,800

Adopted. Yeas, 13; Nays none.  
 Passed November 24, 1999.  
 Approved November 30, 1999. S. Sayles Belton, Mayor.  
 Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to issue Fund Availability Notices to Goodwill/Easter Seals to provide adult placement/retention and referral services in the Phillips Neighborhood during the period November 1, 1999 through June 30, 2000:

a. FAN #C4-1, in the amount of \$16,500, payable from Neighborhood Services (030-860-8600);

b. FAN #C2-1, in the amount of \$13,500, payable from Neighborhood Services (040-860-8600).

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to issue Fund Availability Notice #Y9-3, under Master Contract #10019, to the Minneapolis Public Schools, in the amount of \$6,100, to support health related initiatives by funding a position at the Minneapolis Public Schools' Health Related Services Division for the period September 1 through December 31, 1999, payable from the Health Department (060-440-4413). (Petn No 265383)

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to issue Fund Availability Notice #Y1-1, under Master Contract #10019, to the Minneapolis Public Schools, in the amount of \$152,500, to provide services for the Minneapolis Public Schools' Health Related Service's Area Leaders for the period January 1 through December 31, 2000, payable from Neighborhood Services (010-860-8623).

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to issue Fund Availability Notice #Y9-2, under Master Contract #10019, to the Minneapolis Public Schools, in the amount of \$5,000, for teacher education in middle schools for tobacco prevention among youth, payable from the Health Department (060-440-4424).

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to execute an agreement with the Minnesota Department of Health, in the amount of \$5,000, for laboratory supervision and clinical consulting services for the period January 1, 2000 through December 31, 2001, payable from Neighborhood Services (010-860-8614).

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee, having under consideration the Local Transitional Plan for the Workforce Investment Act, which illustrates how the Minneapolis Employment & Training Program will transition from the Job Training Partnership Act to the Workforce Investment Act, now recommends that Mayor Sayles Belton be authorized to sign the City's Plan to become effective January 1, 2000.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to issue Fund Availability Notice #B9-1, under Master Contract #10009, to HIRED, in the amount of \$50,000, to provide employment and training services for at-risk youth at Abraham Lincoln High School for New Americans for the period January 1 through December 31, 2000, payable from Neighborhood Services (060-860-8600).

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be

authorized to execute a contract with the Minnesota Department of Health, in the amount of \$36,000, whereby the City will provide data entry and associated services over a three-year period for the State as part of a grant funded by the Centers for Disease Control to perform education and surveillance activities in the City of Minneapolis and in outstate areas. Said contract shall provide \$12,000 per year to fund a 0.25 Full-Time Equivalent office specialist position to maintain the City of Minneapolis program, provide data entry, generate reports and provide other services.

Your Committee further recommends passage of the accompanying Resolution appropriating \$36,000 to the Licenses & Consumer Services Agency to reflect receipt of said funds from the State of Minnesota.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-410  
By Herron and Campbell**

**Amending The 1999 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Federal Fund (030-835-8392) by \$36,000.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee, having under consideration the Lead-Based Paint Hazard Reduction Project funded by the United States Department of Housing and Urban Development, now recommends that the proper City Officers be authorized to amend Contract #C97-12268 with the Greater Minneapolis Day Care Association by reducing the federally-funded portion of its budget by \$65,000 to reflect the cost

of the City providing lead inspection and clearance services during the term of said contract.

Your Committee further recommends passage of the accompanying Resolution decreasing the Licenses & Consumer Services Agency by \$65,000 to reflect said contract amendment.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-411  
By Herron and Campbell**

**Amending The 1999 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by decreasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Federal Fund (030-835-8393) by \$65,000.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee, having received a notice that additional Juvenile Justice Funds are available from the State of Minnesota, under Grant #90473, to support administrative and staff services for implementation of employability skills training curriculum to serve at-risk youth attending Patrick Henry High School, now recommends that the proper City Officers be authorized to:

a. accept \$30,000 from the Minnesota Department of Economic Security; and

b. issue Fund Availability Notice #B5-1a, under Master Contract #10009, to HIRED, in the amount of \$30,000, for the period January 1 through December 31, 2000, payable from Neighborhood Services (030-860-8600).

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**PS&RS** - Your Committee, having under consideration the application of Alexander's Import Auto Repair Inc, dba Alexander's Import Auto Repair, 2904 E 35th St, for a Motor Vehicle Dealer - Used Only License (new business) to expire July 1, 2000, and a Motor Vehicle Repair Garage with Access Use License (change of code for dealership) to expire September 1, 2000, now recommends that said licenses be granted, subject to final inspection, compliance with all provisions of applicable codes and the following conditions, as more fully set forth in the Findings of Fact, Conclusions and Recommendations on file in the Office of the City Clerk and made a part of this report by reference:

- a. that trash container screening shall be completed on or before November 12, 1999;
- b. that painting of the building shall be completed before June 1, 2000; and
- c. that all other site plan requirements shall be completed by June 1, 2000.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

**Off-Sale Liquor, to expire January 1, 2001**

Surdyk's Liquor Inc, 303 E Hennepin;

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2001**

Radisson Minneapolis Corporation, dba Radisson Plaza Minneapolis, 35 S 7th St;

Rooftop Inc, 700 Nicollet Mall (BS, 2nd, 8th, and 12th Floors);

Ampa Inc, dba Y'All Come Back Saloon, 830 Hennepin Av;

**On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2001**

Baz Inc, a Minnesota Corporation, dba Champps, 100 N 6th St (includes Class B Outdoor Entertainment);

Nath-Son Inc, dba Spring Street Bar & Grill, 355 Monroe St;

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2000**

Mr Arthur's Inc, dba Legends Cafe, 825 E Hennepin;

**On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2001**

Aster Pictures Corporation, dba Aster, 125 Main St SE;

**On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2001**

Brinda Companies Inc, dba Pracna on Main, 117 Main St SE;

**Temporary On-Sale Beer**

Carmen H. de Torres, Embajadora Hispana, 1516 E Lake St (November 19, 1999, 8:00 p.m. to 1:00 a.m. for Anniversary Celebration of Las Americas).

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of November 24, 1999, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 265386):

Building Contractor Class A; Fire Extinguisher Class A; Confectionery; Grocery; Food Manufacturer; Restaurant; Vending Machines; Hotel; Musical Juke Box; Lodging House; Lodging with Boarding House; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Pet Shop; Sign Hanger; Suntanning Facilities; Swimming Pools.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**Gambling-Lawful Class B**

Air Force Chapter E W Rawlings Association, 3620 Central Av NE (Site: Jimmy's Steak & Spirits, 3675 Minnehaha Av);

**Gambling Lawful Exempt**

Women's Transport Seminar Scholarship, One Walnut St, Boston, MA (Raffle, December 7, 1999, at Churchill Apartments, 111 Marquette Av).

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration Taxicab Driver's License #04695 held by Cabdirizak Hassan, 2002 Park Av S, and having been notified by Blue and White Taxi that the licensee refused a customer at the Marriott Cab Stand, and had a verbal/physical altercation with another cab driver in violation of Sections 341.250 (c) and (q) of the Minneapolis Taxicab Ordinance, and having received notification that the licensee has agreed to forgo a Technical Advisory Committee (TAC) hearing thereon and to stipulate that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, which are on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay a fine of \$200 to the City of Minneapolis, with \$100 being stayed for a period of one year, provided there are no same or similar offenses; and

b. that the licensee serve a 28-day suspension, with seven days being stayed for a period of one year, provided there are no same or similar offenses; and that 21 days of credit be given for days served out of service during the period October 11, 1999 through November 1, 1999.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the City's Residential Building Contractor Licensing, which will be assumed by the State of Minnesota effective April 1, 2000, now recommends the following in order to affect a smooth transition of Minneapolis licenses into the State's program:

a. passage of the accompanying Resolution extending the Expiration Date for Certain Contractor Licenses from December 1, 1999 to March 31, 2000.

b. require no additional application or fee payment for the extension period. Contractors operating under said extension shall maintain a current bond and liability insurance on file with the Licenses & Consumer Services Division;

c. require that anyone operating under an exemption from licensing under the State Building Contractor license laws to obtain a City license in order to advertise, enter into contracts or do work in the City.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

## RESOLUTION 99R-412

### By Biernat

#### Extending the expiration date for certain Contractor licenses.

Whereas, the State of Minnesota will be assuming the responsibility for licensing Residential Building Contractors on April 1, 2000; and

Whereas, applicable licenses issued by the City of Minneapolis expire on December 1, 1999; and

Whereas, the public interest is best served by extending the City license term to coincide with the initiation of the State license term;

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

That the expiration date of the following licenses shall be extended from December 1, 1999 to March 31, 2000:

Dry wall Contractor licenses issued pursuant to Chapter 277, Article XVII of the Minneapolis Code of Ordinances;

Building Contractor licenses issued pursuant to Chapter 277, Article XVIII of the Minneapolis Code of Ordinances;

Plasterer licenses issued pursuant to Chapter 277, Article VIII of the Minneapolis Code of Ordinances.

Be It Further Resolved that any licensee operating within the scope of a valid State of Minnesota Residential Building Contractor license need not obtain City of Minneapolis licenses for residential building contractor work as defined by State Statute 326.83.

Be it Further Resolved that this Resolution remains in effect until March 31, 2000.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes,  
President of Council.

Approved November 30, 1999. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept the 1999 Weed and Seed Federal Asset Forfeiture Fund allocation of \$150,000 from the United States Department of Justice for law enforcement and crime prevention efforts in three Weed and Seed designated areas in Minneapolis.

Your Committee further recommends passage of the accompanying Resolution appropriating \$150,000 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-413  
By Biernat and Campbell**

**Amending The 1999 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 Police Special Revenue Fund (210-400-C400) by \$150,000 and increasing the Revenue Source (210-400-C400 - Source 3615) by \$150,000.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept \$1,200 and execute a grant agreement with the Minnesota Department of Public Safety for a Driving While Intoxicated (DWI) Saturation Program that occurred on October 30, 1999. Said grant funds will reimburse overtime costs to Second Precinct officers for the increased enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and

increase driver safety during a normally high DWI incident time period.

Your Committee further recommends passage of the accompanying Resolution appropriating \$1,200 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-414  
By Biernat and Campbell**

**Amending The 1999 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-P200) by \$1,200 and increasing the Revenue Source (030-400-P200 - Source 3210) by \$1,200.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **ZONING & PLANNING** Committees submitted the following reports:

**PS&RS & Z&P** - Your Committee, to whom was referred by the City Council the matter of the Motor Vehicle Dealers License for Peter Bernhagen, dba 58th Street Auto Sales Inc, 5750 Lyndale Av S, as a result of non-compliance with the site plan permit, and having been notified by the Zoning Office that the licensee has not met the terms and conditions of Site Plan Review Permit PR-489 by the November 15, 1999 deadline, now recommends that the Motor Vehicle Dealers License be revoked.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & Z&P** - Your Committee, to whom was referred by the City Council the matter of the Motor Vehicle Repair Garage License for Ahmed Hirsi Hassan, dba First World Auto Repair Plus, 1227 Central Av NE, as a result of non-compliance with the site plan permit, and having been notified by the Zoning Office that the owner of the property, Shiv Nath Tandon, has not met the terms and conditions of Site Plan Review Permit PR-460 by the November 15, 1999 deadline, now recommends that the Motor Vehicle Repair Garage License be revoked.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**T&PW** - Your Committee recommends passage of the accompanying Resolution approving special services, the cost estimates, service charges and the lists of service charges for 2000 in the Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village and Riverview Special Service Districts and directing the City Engineer to proceed with the work.

Your Committee further clarifies that the above-described Resolution is recommended for approval with direction to the appropriate staff to work with the individual special service districts to develop a communication plan that will facilitate input of affected property owners to the special service district advisory boards.

Your Committee further recommends summary publication of the above-described Resolution.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 24, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 27, 1999)

Resolution 99R-415, approving special services, the cost estimates, service charges and the lists of service charges for 2000 in the Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village and Riverview Special Service Districts and directing the City Engineer to proceed with the work, was passed November 24, 1999 by the City Council and approved November 24, 1999 by the Mayor. A complete copy of this resolution

is available for public inspection in the office of the City Clerk.

(Published November 27, 1999)

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

**RESOLUTION 99R-415**  
**By Mead**

**Approving special services, the cost estimates, service charges and the lists of service charges for 2000 in the Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village and Riverview Special Service Districts and directing the City Engineer to proceed with the work.**

Whereas, public hearings were held on November 16, 1999 in accordance with Laws of Minnesota, 1985, Chapter 302; Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38; Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28; Laws of Minnesota, 1996, Chapter 471, Article 8, Section 44; and Chapters 438, 444, 446, 448, 450 and 453 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges and the proposed lists of service charges as more particularly described in Petn No 265391 on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed special services, the proposed cost estimate in the total amount of \$68,500 for 2000 and the proposed service charges and the proposed list of service charges for 2000 in the total amount of \$46,411 (amount remaining after adjusting the cost estimate of \$68,500 for previous years' unexpended balances and additional costs as provided for in Section 438.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Uptown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$57,225 for 2000 and the proposed service charges and the proposed list of service charges for 2000 in the total amount of \$26,651 (amount remaining after adjusting the cost estimate of \$57,225 for previous years' unexpended balances and additional costs as

provided for in Section 444.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Dinkytown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$41,000 for 2000 and the proposed service charges and the proposed list of service charges for 2000 in the total amount of \$45,783 (amount remaining after adjusting the cost estimate of \$41,000 for previous years' unexpended balances and additional costs as provided for in Section 446.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Central Av Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$115,990 for 2000 and the proposed service charges and the proposed list of service charges for 2000 in the total amount of \$115,990 (any adjustments based on actual expenditures to be made in accordance with the provisions of Section 448.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Nicollet Av S Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$53,500 for 2000 and the proposed service charges and the proposed list of service charges for 2000 in the total amount of \$53,500 (any adjustments based on actual expenditures to be made in accordance with the provisions of Section 450.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Stadium Village Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$3,700 for 2000 and the proposed service charges and the proposed list of service charges for 2000 in the total amount of \$3,700 (any adjustments based on actual expenditures to be made in accordance with the provisions of Section 453.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the Office of the City Clerk be and hereby are approved for the Riverview Special Service District.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2000 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 24, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee recommends that the special assessments for the projects and charges listed below be levied upon the benefited properties for the listed number of successive equal annual principal installments and interest rates (except as otherwise noted hereinafter), that the assessment rolls as prepared by the City Engineer be adopted and that the City Clerk be directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor:

1. Uptown (Hennepin-Lake Area) Streetscape Revitalization Project (including Supplemental), Special Improvement of Existing Street No 2897; 15% of cost category adjusted annually for land and building valuation and certified annually for 20 years; 5.3% interest; \$20,597.00 principal and interest for payable 2000;

2. 1999 Street Renovation Program: Special Improvement of Existing Street No 2952 (31st St E); \$110,796.22 principal; 10 installments for assessments of more than \$125 – 4% interest; 1 installment for assessments of \$125 or less – 4% interest;

3. Hennepin-Lyndale Realignment Street Construction Project, Special Improvement of Existing Street No 2926B; \$31,852.77 principal; 20 installments for assessments of more than \$125 – 5% interest; 1 installment for assessments of \$125 or less - 4% interest;

4. Chowen to Drew Avs S from 49th to 50th Sts W Alley Project, Special Street Acquisition and Improvement No 2940; \$28,600 principal; 10 installments; 4% interest;

5. Bryant to Colfax Avs S from 55th to 56th Sts W Alley Project, Special Street Acquisition and Improvement No 2935; \$22,000 principal; 20 installments; 5% interest;

6. Mt View Av, Thomas Av S, Cedar Lake Rd S and Upton Av S Alley Project, Special Improvement of Existing Street No 2936; \$26,632.77 principal (assessments were reduced by NRP funds of \$9,000 from \$35,632.77 to \$26,632.77); 20 installments; 5% interest;

7. Street Maintenance annual assessment for the taxes of 1999 against non-governmental real property exempt from ad valorem taxes; \$0.45 per front foot; and

8. Street Lighting Operation and Maintenance annual assessment for the taxes of 1999 against non-governmental real property exempt from ad valorem taxes; assessment rates for Street Lighting Districts as listed in Petn No 265390.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 24, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 27, 1999)

**T&PW** - Your Committee, having under consideration continuation of the lease of commercial space in the Haaf Ramp, now recommends that the proper City officers be authorized to negotiate a lease amendment with McGlennon and Clemons providing for additional lease time, increased rent and an updating of partnership language in their lease at the Haaf Ramp.

Your Committee further recommends that staff be directed to report back to the Transportation & Public Works Committee with recommendations regarding the lease extension.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee recommends passage of the accompanying ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing, changing Critical Parking Area #21 by removing restrictions from the southerly side of W 31<sup>st</sup> St between Emerson Av S and Fremont Av S, as requested by the Council Member.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 99-Or-155**

**By Mead**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 11/24/99**

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

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

Section 1. That Section 478.730 of the above-entitled ordinance be amended to change the following No Parking Zone to read:

No Parking Zone No. 6731 - Northerly side of W 31<sup>st</sup> St between Emerson Av S and Fremont Av S (Critical Parking Area #21) (No Parking 9AM-9PM, Mon-Sun, Except by Permit).

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration the Hawthorne Transportation Center Project, now recommends approval of Change Order #1 covering several change management actions in the contract with Adolfson & Peterson, Inc. (Petn No 265391), increasing the contract by \$240,576.41, for a new total of \$24,333,576.41, funded by the project contingency.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 24, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 27, 1999)

**T&PW** - Your Committee, having under consideration the results of a request for proposals process seeking Engineering 2000 software and training, now recommends that the proper City officers be authorized to execute an agreement with Intergraph Corporation to perform an Engineering 2000 pilot project for the Public Works Department. The amount of the agreement shall not exceed \$68,000, payable from the Engineering Design Agency (4100-600-6025)

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration the improvement of Hennepin Av from Franklin Av to Lake St, now recommends the following:

1) Approval of the change from total reconstruction to Mill and Overlay (Recondition) with minimal curb replacement.

2) Approval of modifications to the intersections at Colfax, Dupont, Emerson, Girard and W 28th St, changing them to pedestrian friendly landscaped intersections as shown in the project layout (Petn No 265390).

3) That the proper City officers be authorized to negotiate for additional Right-of-Way (ROW) to comply with said modifications. Results from the negotiations shall be presented to Transportation and Public Works Committee for approval.

4) Due to the intersection modifications, large areas of ROW will be available for landscaping or streetscaping and the City confirms that pedestrian lighting, trees and grates are the only allowable streetscape elements, unless the neighborhood agrees to setting up of a special service district or obtaining encroachment permits to maintain streetscape elements other than those identified above.

5) Passage of the accompanying resolution authorizing and directing the City Engineer to submit to the Commissioner of Transportation a formal request for a variance from Minnesota Department of Transportation State-Aid Rule 8820.9946 to permit the reconditioning of Hennepin Av between Franklin Av and Lake St at the existing width of 60 ft as opposed to the required 63 ft under the State-Aid rules.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 24, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 27, 1999)

**RESOLUTION 99R-416**

**By Mead**

**Directing the City Engineer to proceed with the submittal of a variance request to the Commissioner of Transportation for Hennepin Av S from E Franklin Av to E Lake St.**

Whereas, the City wishes to recondition Hennepin Av S, MSA Route 426, from E Franklin Av to E Lake St; and

Whereas, Minnesota Department of Transportation (MnDOT) State-Aid Rule 8820.9946 (Geometric Design Standards, Urban; Reconditioning Project) requires 4 - Traffic Lane - 2 Parking Lane roadways to have a minimum curb to curb width of 63 feet; and

Whereas, physical constraints limit the maximum total curb to curb width of Hennepin Av S from E Franklin Av to E Lake St with 4- Traffic Lanes - 2 Parking Lanes to 60 ft; and

Whereas, State-Aid Rules provide that a political subdivision may request a variance from the Rules;

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

That the City Engineer is hereby directed to submit to the Commissioner of Transportation a formal request for a variance from MnDOT State-Aid Rule 8820.9946 to permit the reconditioning of Hennepin Av S from E Franklin Av to E Lake St as a 4- Traffic Lane - 2 Parking Lane roadway with a curb to curb width of 60 ft.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 24, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published November 27, 1999)

**T&PW** – Your Committee, to whom was referred an ordinance amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection, adding a new Chapter 54 entitled “Storm Water Management”, that establishes standards and specifications for construction and maintenance of stormwater controls for all construction projects of one acre or greater in area, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described ordinance.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 99-Or-156 amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution, adding a new Chapter 54 entitled “Storm Water Management” that establishes standards

and specifications for construction and maintenance of stormwater controls for all construction projects of one acre or greater in area, was passed November 24, 1999 by the City Council and approved November 30, 1999 by the Mayor. 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 99-Or-156**

**By Mead**

**Intro & 1<sup>st</sup> Reading: 9/17/99**

**Ref to: T&PW**

**2<sup>nd</sup> Reading: 11/24/99**

**Amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection, by adding a new Chapter 54 entitled "Storm Water Management."**

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 54 to read as follows:

**CHAPTER 54. STORM WATER MANAGEMENT**

**54.10. Authority.** This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapters 103B and 462, and Minnesota Rules, Chapters 8410 and 8420.

**54.20. Purpose.** The purpose of this ordinance is to minimize negative impacts of storm water runoff rates, volumes and quality on Minneapolis lakes, streams, wetlands, and the Mississippi River by guiding future significant development and redevelopment activity, and by assuring long-term effectiveness of existing and future storm water management constructed facilities. Chapter 54 establishes standards and specifications for conservation practices and planning activities in order to achieve policies regarding water resource management, flood control, and other community services as described in city, regional, state, and federal documents and statutes.

**54.30. Minneapolis Storm Water Management Design Manual (Design Manual).**

The Design Manual is the compilation of design performance, and review criteria approved by the city engineer and adopted by the city council for storm water management practices. In any event of apparent non-conformance, the city council shall adopt a resolution that establishes an interim design manual, design performance standards, and review criteria. In the absence of an adopted Minneapolis Storm Water Management Design Manual, the publication entitled *Protecting Water Quality in Urban Areas: Best Management Practices For Minnesota* prepared by the Minnesota Pollution Control Agency (MPCA), October, 1989, and subsequent updates, shall serve as the approved Design Manual. Copies of the Design Manual can be obtained from the Minneapolis Department of Public Works.

**54.40. Definitions.** For the purposes of Chapter 54, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

*Applicant* is any person who submits a Storm Water Management Plan pursuant to this ordinance and the person's agents, employees, and others acting under this person's direction.

*Best Management Practices (BMP)* — see Storm Water Management Best Management Practices.

*City Engineer* is the city engineer/director of public works of the City of Minneapolis and duly authorized designees.

*Clearing and grubbing* is the cutting and removal of trees, shrub, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains.

*Connected actions* — see phased or connected actions.

*Constructed facilities* — see storm water management constructed facilities.

*Detention facility* is a natural or built structure that provides for the temporary storage of storm water runoff and release at controlled rates.

*Design Manual* — see Minneapolis Storm Water Management Design Manual, Section 54.30.

*Director of regulatory services* is the director of regulatory services of the City of Minneapolis and duly authorized designees.

*Impervious surface* is one that does not allow rainfall to soak into the ground, including but not limited to the rooftops and paved areas such as roads, parking lots, driveways, sidewalks and plazas.

*Issuing authority* for Storm Water Management Plan approval and certification is the city engineer and for registration and maintenance is the director of regulatory services.

*Land disturbing activity* is any land change, including phased or connected actions, within the City of Minneapolis including, but not limited to, building demolition, clearing and grubbing, grading, excavating, transporting and filling of land, or other changes of the land surface including removing vegetative or impervious cover.

*Minneapolis Storm Water Management Design Manual* — see Section 54.30.

*Mitigation* is avoiding, minimizing, rectifying, or compensating for impacts.

*Non-structural best management practices* — see Best Management Practices.

*Owner* is any person with a legal or equitable interest in the land that includes one (1) or more storm water management constructed facilities.

*Person* is any individual, firm, corporation, partnership, franchisee, association or governmental entity.

*Phased or connected actions* are as defined by Minnesota Environmental Review Rules, as follows:

(1) *Phased action* means two (2) or more projects to be undertaken by the same proposer that the city engineer determines:

- a. will have environmental effects on the same geographic area, and
- b. are substantially certain to be undertaken sequentially over a limited period of time.

(2) *Connected actions*: Two (2) projects are “connected actions” if the city engineer determines they are related in any of the following ways:

- a. one project would directly induce the other;
- b. one project is a prerequisite for the other; or
- c. neither project is justified by itself.

*Pollution* is the human-made or human-induced alteration of the chemical, physical, biological or radiological integrity of an aquatic ecosystem.

*Project* is an undertaking that involves land disturbing activities, including phased or connected actions.

*Public waters* are waters identified under Minnesota Statutes, Section 103G.005, Subdivision 15.

*Receiving water body* is the initial lake, stream, river, or wetland into which site runoff is conveyed whether directly or through the public storm drain system.

*Regional storm water facility* is a natural or built structure or device within the project’s receiving water body drainage area, when so designated by the city engineer.

*Responsible party* is the property owner and agents, employees, and others acting under the property owner’s direction.

*Retention facility* is a natural or built structure that provides for the storage of storm water runoff by means of a permanent pool of water.

*Runoff* is rainfall, snowmelt, or irrigation water flowing over the ground surface.

*Sediment* is soils or other surficial materials transported by surface water as a product of erosion.

*Site* is the land on which the project, including phased or connected actions, is located.

*Site plan* is a plan or set of plans showing the details of any land disturbing activity including, but not limited to, the construction of structures, open and enclosed drainage facilities, storm water management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

*Soil* is naturally occurring surficial deposits overlying bedrock.

*Storm Water Best Management Practices (BMPs)* are practices, techniques, or measures which are proven to be effective in managing one (1), or more than one (1), of the following: storm water runoff rate, storm water runoff volume, pollutants conveyed by storm water runoff, sediment conveyed by storm water runoff. Best management practices include, but are not limited to, official controls, structural and nonstructural best management practices, and operation and maintenance procedures. A partial list of structural best management practices and devices includes pond systems/detention basins, infiltration, bioretention and vegetated channels, grit chambers, oil/water separators, filtration systems, and diversions. A partial list of non-structural best management practices includes lawn care education, organic litter management, street sweeping, catch basin stenciling, and catch basin cleaning. BMPs are further defined in the design manual.

*Storm water hotspot* is a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical storm water runoff.

*Storm water management* is the collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to minimize channel erosion, flood damage, or degradation of water quality and in a manner to protect and enhance the environment, public health, safety, and general welfare.

*Storm water management devices* include, but are not limited to, constructed wetlands, wet ponds, wet extended detention ponds, pocket ponds, multiple pond systems, settling basins, infiltration trenches or basins, filter systems bioretention areas, dry or wet swales, grass channels, waterways, rooftop detention, skimming devices, grit chambers, sweeping, and diversions.

*Storm water management goals* are based on the receiving water body and emphasize overall volume reduction, nutrient reduction for storm water discharge to lakes, rate control for storm water discharge to streams, and suspended solids removal for storm water discharge to the Mississippi River.

*Storm Water Management Plan (Plan)* is the set of drawings, calculations, and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control storm water as required by this ordinance and the design manual.

*Storm water pond* is a facility capable of holding water on a long-term seasonal or permanent basis (retention), or a short-term basis (detention), the purpose of which is to collect runoff, nutrients, and sediment prior to releasing water into wetlands, lakes, streams, and rivers.

*Storm water runoff* is the direct response of a watershed to precipitation or snowmelt and includes runoff that enters a ditch, stream, storm drain or other concentrated flow.

*Structural best management practices*— see Storm Water Best Management Practices.

*Structure* is anything manufactured, constructed or erected that is normally attached to or positioned on the land, including portable structures, roads, parking lots, and paved storage areas.

*Water quality* refers to those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

*Water quantity* refers to those characteristics of storm water runoff that relate to rate and volume.

*Watershed* is the drainage area contributing storm water runoff to a specific receiving body of water or watercourse such as a lake, creek, or river.

*Wetlands* are waters identified under Minnesota Statutes, Section 103G.005, Subdivision 19.

**54.50. Applicability.** Chapter 54 establishes requirements for land disturbing activities on sites greater than one (1) acre including phased or connected actions, and for existing storm water constructed devices.

(1) *Land-disturbing projects.* All land-disturbing projects on sites in excess of one (1) acre, including phased or connected actions, shall be served by storm water facilities, on or off site or a combination thereof, designed to meet or exceed targets according to the type of receiving water body as prescribed in the design manual. Land use and building permits will not be issued until a Storm Water Management Plan has been approved. On-site devices are subject to annual site registration, annual inspection, and adherence to maintenance rules prescribed in the design manual.

(2) *Pre-existing storm water management constructed devices.* Storm water facilities in existence prior to Chapter 54 are subject to annual site registration, annual inspection, and adherence to maintenance rules prescribed in the design manual.

**54.60. Exemptions.** The following activities are exempt from requirements of Chapter 54:

(1) Stormwater management plan requirements of Chapter 54.50(1) for any project that has received all necessary approvals from the city on or before the effective date of this ordinance.

(2) Emergency work to protect life, limb, or property.

(3) Any reconstruction project of an existing roadway, bridge, pathway or walkway where the increase in impervious surface area is one (1) acre or less.

(4) Installation of fence, sign, telephone, electric or other kinds of posts or poles.

**54.70. Responsibility prior to construction.** Land use and building permits will not be issued until a Storm Water Management Plan has been approved.

(1) *Storm Water Management Plan application and approval.* The procedure for application for Storm Water Management Plan approval by the city engineer is contained in the design manual.

a. Manual.

1. *On-site management.* Measures to achieve storm water management standards should be incorporated on all sites to the greatest extent possible.
2. *Full or partial off-site management (participation in a regional facility).* When due to development density, topographic features, or soil or vegetation conditions, the responsible party may apply for approval of full or partial participation in existing regional storm water facilities within the drainage area of the same receiving water body, or regional storm water facilities within the drainage area of the same receiving water body that are substantially certain to be developed, or, if none exist, other storm water mitigation programs in the City of Minneapolis. The design manual shall provide the method for calculating cost of full or partial off-site management in lieu of full on-site management. Off-site management may not circumvent the general purposes and intent of this ordinance.
3. *Storm water management standards.*
  - i. *Standards according to receiving waterbody.* Storm water management standards include, but are not limited to, reduction of suspended solids discharged to the Mississippi River, controlled rate of discharge to streams, and reduction of nutrients in storm water draining to lakes or wetlands. Minimum requirements for pollutant removal including total suspended solids removal, discharge rate control, and nutrient load reduction according to type of receiving water body are prescribed in the design manual.
  - ii. *Storm water management devices.* When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, constructed facilities or combinations of constructed facilities shall be used. Types of constructed facilities include, but are not limited to, wetlands, wet-ponds, wet extended detention ponds, pocket ponds, multiple pond systems, setting basins, infiltration trenches or basins, filter systems, bioretention areas, dry or wet swales, grass channels, waterways, rooftop detention, skimming devices, grit chambers, sweeping and diversions. Suitability factors include, but are not limited to, development density, underlying soils, existing vegetation, drainage, location of utilities, aesthetic and recreational use, and management considerations.
  - iii. *Minimizing land disturbance.* Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as required in Chapter 52 of this Code.
  - iv. *Maximizing infiltration.* To the greatest possible degree (except in the case of storm water hotspots), natural drainage ways and vegetated soil surfaces should be used to convey, store, filter, and retain storm water before discharging runoff into public waters or the

- public storm drain system. Opportunities for maximizing infiltration include minimizing the extent of impervious surfaces and directing runoff from impervious surfaces and from roof gutter systems onto lawns or other pervious surfaces.
- v. *Rate control.* Changes in land cover effect changes in storm water runoff rates. Rate increases can degrade receiving water bodies or conveyance facilities or can cause flooding. Development should be planned in a manner that does not increase peak flows.
  - vi. *Ongoing maintenance.* No storm water facilities shall be approved without a maintenance plan that defines the maintenance regimen, including type and interval of maintenance and party to conduct such maintenance.
  - vii. *Accessibility for maintenance.* All public and private owned storm water management facilities shall provide an unobstructed access path capable of supporting light truck traffic during normal weather for the purpose of conducting inspections of the facility and maintenance thereof, unless waived by the city engineer.
  - viii. *Easement.* No storm water facility shall be approved unless all necessary access easements are provided to the City of Minneapolis.
  - ix. *Impacts on other properties.* No Storm Water Management Plan shall be approved without written agreement among affected property owners regarding changes in drainage or other impacts or possible impacts of storm water management.
  - x. *Conformity with other requirements.* Storm Water Management Plans must conform to all applicable federal, state, city, and water management organization statutes, ordinances, and regulations.
4. *Conditions of approval.* In granting any approval pursuant to Chapter 54, the city engineer may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions shall include (even if not specifically written in the Plan), but need not be limited to the granting (or securing from others) and recordation in County land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of facilities.
  5. *Denial.* If the city engineer determines that the Storm Water Management Plan does not meet the requirements of Chapter 54, the Plan will not be approved. A revised Storm Water Management Plan must be resubmitted and approved before any land disturbing activity begins. All land use and building permits must be suspended until the applicant has an approved Storm Water Management Plan.
  6. *Appeal.* Any affected party may appeal any Storm Water Management Plan decision by an issuing authority to the Planning Commission. Appeal of the issuing authority's decision shall follow the procedures established in the Minneapolis Zoning Code, Section 525.160.

**54.80. Responsibility during construction/completion.** (a) *Duration.* The applicant shall fully perform and complete all of the work within one (1) year or as otherwise specified in the Plan and approved.

(b) *Renewals/extensions.* Prior to the end of the approved schedule, the applicant may present a written request for an extension to the city engineer. If, in the opinion of the city engineer, an extension is warranted, an extension may be granted not to exceed one (1) year.

(c) *Changes to plans.* Any modifications to an approved Storm Water Management Plan must be approved by the city engineer.

(d) *Conformity with the Plan.* The applicant shall, at all times, be in conformity with the approved Storm Water Management Plan.

(e) *Construction/completion final report and certification.* The applicant shall submit a final report to the city engineer for certification of completion.

**54.90. Responsibility following construction/completion.** (a) *Duration.* An approved Storm Water Management Plan shall remain in effect unless cancellation is approved by the city engineer. All site areas used for the purpose of flood storage or treatment of storm water runoff shall be preserved and maintained for that use, including areas required for maintenance and inspection.

(b) *Changes to Plans.* A responsible party can request modifications to an approved Storm Water Management Plan, and the issuing authority can order modifications to an approved Storm Water Management Plan. Any modification to an approved Storm Water Management Plan must be approved by the city engineer.

(c) *Annual notification.* The director of regulatory services shall annually notify responsible parties of storm water management devices of the need to register, that the devices are subject to annual inspection, and to conduct maintenance on a one (1) year interval or in accordance with maintenance plans on file.

(d) *Annual site registration.* Any person(s), organization, company, group, or any other entity, public or private, in control of storm water management devices installed under this ordinance or existing prior to this ordinance shall register that site annually with the director of regulatory services, remit an annual registration fee at the rate of eighty dollars (\$80.00) per storm water management device, plus forty dollars (\$40.00) for each additional device, and confirm that site has been inspected, maintained and is functioning satisfactorily.

(e) *Annual inspection of storm water facilities.* All storm water management devices are subject to annual inspection by the director of regulatory services. If the city engineer or director of regulatory services deems that devices are not functioning satisfactorily, a notice of noncompliance may be issued and procedures followed as described in Section 54.90(f)(2).

(f) *Maintenance of storm water constructed facilities.*

(1) *Regular maintenance.* Regular maintenance of storm water management constructed facilities in accordance with the approved Plan shall be required unless the Plan is modified and approved by the city engineer. All facilities shall be maintained in proper condition for sustained use, consistent with the performance standards for which they were originally designed.

a. All settled materials from ponds, sumps, grit chambers, and other devices, including settled solids, shall be removed and properly disposed of.

b. All planted materials integral to storm water facility performance, safety, and/or aesthetic quality shall be maintained in proper condition consistent with design performance standards, including replacement when necessary.

(2) *Action upon non-compliance.* In the event maintenance does not conform to the approved Plan or to any instructions of the issuing authority, notice to comply shall be given to the responsible party in writing. After a notice to comply is given, in the determination of the issuing authority, the responsible party shall be required to make the corrections within the time period determined by the issuing authority. If an imminent hazard exists, the issuing authority may require that the corrective work begin immediately. Failure of the responsible party to comply with the directives of Section 54.90(f)(1) will constitute a violation pursuant to Section 54.90(f)(2), and the

issuing authority may proceed with the necessary maintenance of the site at the expense of the responsible party. The responsible party will be billed for the expenses incurred by the issuing authority. Failure to pay will result in the issuing authority seeking recovery of costs and damages pursuant to the conditions set forth in Section 54.120.

**54.100. Liability.** The responsible party is responsible for safe and legal compliance with Chapter 54. Neither approval under the provisions of Chapter 54, nor the compliance with the provisions hereto or with any condition imposed by the issuing authority, shall relieve any person from responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the city for damages to persons or property.

**54.110. Administration and enforcement.** The issuing authority shall be responsible for the administration and enforcement of Chapter 54. Land use and building permits will not be issued until a Storm Water Management Plan has been approved. The issuing authority may post a stop work order if any land disturbing activity regulated under Chapter 54 is being undertaken without an approved Storm Water Management Plan or if any of the conditions of the Storm Water Management Plan are not being met.

**54.120. Penalties.** Any person, firm, corporation or agency acting as property owner, responsible party, or otherwise, who fails to comply with the provisions of this Chapter 54 shall be guilty of a misdemeanor.

**54.130. Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

**54.140. Severability.** If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby.

**54.150. Disclaimer.** This chapter does not imply that areas will be free from flooding or flood damages. This chapter does not create liability on the part of the city or its officers or employees for any flood damage that may result from reliance on this chapter or any administrative decisions made under it.

**54.160. Abrogation and greater restrictions.** It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

**54.170. Relation to other laws.** Neither Chapter 54 nor any administrative decision made under it exempts the applicant or any other person from procuring other required permits or complying with the requirements and conditions of such permits, or limits the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the applicant or any other person arising from activity regulated by Chapter 54.

**54.180. Effective date.** This ordinance shall become effective on January 1, 2000.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration the final report of the Minneapolis Water Works Advisory Committee entitled *Safe Drinking Water for The City of Minneapolis*, now recommends concurrence with the recommendations of the advisory committee as follows:

a) That the Minneapolis Water Works design and construct an ultrafiltration membrane system in phases from 2000 to 2008. An ultrafiltration membrane system is the best technology available for removing waterborne pathogens and particulate contaminants and meeting the increasingly stringent federal quality standards. The project would include the following elements:

i. Construction of an untrafiltration membrane plant at Columbia Heights which will enable Minneapolis Water Works to meet the 2001 regulations;

ii. After completion of Columbia Heights plant, construction of an ultrafiltration membrane plant at Fridley in phases by adding ultrafiltration membrane modules as needed;

iii. Upgrade of the Fridley Softening Plant;

iv. Upgrade of the Fridley Filtration Plant by adding granular activated carbon;

b) That the Minneapolis Water Works pursue an alternative water source through interconnection with St. Paul; and

c) That financing of the system improvements be referred to the budget process.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**T&PW & W&M/Budget** - Your Committee, having been informed of a request from Nextel Communications, Inc. to lease space at the Leamington Parking Facility to install, operate and maintain a cellular phone transmitting system, now recommends that the proper City officers be authorized to negotiate and execute a long term lease of space to Nextel Corporation at said ramp.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**W&M/Budget** - Your Committee, having under consideration the matter of identifying a naming rights sponsor for the International Business Conference Center of the Minneapolis Convention Center (Expansion Project), and having issued a Request for Proposals (RFP) for said naming rights sponsor, now recommends concurrence with the recommendation of the Convention Center Implementation Committee to approve the terms of the Memorandum of Understanding with Northern States Power Company (NSP), as more fully set forth in Petn No 265397 on file in the Office of the City Clerk.

Your Committee further recommends that staff be directed to negotiate a naming rights agreement with NSP, consistent with the terms of said Memorandum of Understanding.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval of the Police Officers' Federation of Minneapolis labor agreement settlement, as more fully set forth in Petn No 265398 on file in the Office of the City Clerk, which summarizes the major proposed terms of said labor agreement settlement.

Your Committee further recommends that the proper City officers be authorized to execute a 1-year contract to reflect the terms of said agreement, to be effective from October 15, 1998 through October 14, 1999.

Your Committee further recommends that the proper City officers be authorized to execute a 3-year contract to reflect the terms of said agreement, to be effective from October 15, 1999 through October 14, 2002.

Your Committee further recommends passage of the following accompanying amendments to the Salary Ordinance providing for implementation of salary adjustments, as set forth in said labor agreement:

a) Salary Ordinance reflecting terms through October 14, 1999;

b) Salary Ordinance reflecting terms through October 14, 2002; and

c) Salary Ordinance reflecting terms for Police Inspector, Grade 15, through December 31, 2000.

Your Committee further recommends summary publication of said ordinances.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinances 99-Or-157, 99-Or-158 and 99-Or-159, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, reflecting terms of the Police Officers' Federation of Minneapolis labor agreement settlement, were passed November 24, 1999 by the City Council and approved November 30, 1999 by the Mayor. A complete copy of each ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 99-Or-157**

**By Campbell**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 11/24/99**

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

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

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

**Minneapolis Police Officers' Federation (CPO)**

**Effective: October 15, 1998**

Job Code	FLSA	OTC	CLASSIFICATION	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
08170C	N	2	Police Officer-C	B	1220	1269	1334	1427	1523	1670	1858
08210C	N	2	Police Sergeant-C	B	1950	2017	2081				
08150C	N	3	Police Lieutenant-C	B	2229	2255	2345				
10090C	N	3	Police Sup. Morals & Narcotics	B	2229	2255	2345				
	N	3	Police Sup. Internal Affairs	B	2229	2255	2345				
08100C	N	3	Police Captain-C	B	2310	2403	2507				
08230C	N	3	Police Sup. Licenses-C	B	2310	2403	2507				
05620C	E	1	Police Inspector-C	B	2563						

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 99-Or-158**

**By Campbell**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 11/24/99**

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

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

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

**Minneapolis Police Officers' Federation (CPO)**

**Effective: October 15, 1999**

Job Code	FLSA	OTC	CLASSIFICATION	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
08170C	N	2	Police Officer-C	B	1239	1332	1432	1540	1656	1781	1915
08210C	N	2	Police Sergeant-C	B	2058	2119	2183				

## November 24, 1999

08150C	N	3	Police Lieutenant-C	B	2357	2440	2525				
10090C	N	3	Police Sup. Morals & Narcotics	B	2357	2440	2525				
	N	3	Police Sup. Internal Affairs	B	2357	2440	2525				
08100C	N	3	Police Captain-C	B	2601	2679	2760				
08230C	N	3	Police Sup. Licenses-C	B	2601	2679	2760				
	N	2	Police Corporal	B	1504	1617	1739	1870	2011		
	N	2	Police Investigative Team Leader	B	2160	2225	2292				

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

### Minneapolis Police Officers' Federation (CPO) Effective: October 15, 2000

Job Code	FLSA	OTC	CLASSIFICATION	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
08170C	N	2	Police Officer-C	B	1320	1411	1510	1614	1727	1847	1975
08210C	N	2	Police Sergeant-C	B	2127	2191	2257				
08150C	N	3	Police Lieutenant-C	B	2482	2582	2685				
10090C	N	3	Police Sup. Morals & Narcotics	B	2482	2582	2685				
	N	3	Police Sup. Internal Affairs	B	2482	2582	2685				
08100C	N	3	Police Captain-C	B	2765	2848	2934				
08230C	N	3	Police Sup. Licenses-C	B	2765	2848	2934				
	N	2	Police Corporal	B	1585	1695	1813	1939	2074		
	N	2	Police Investigative Team Leader	B	2233	2300	2369				

Section 3: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

### Minneapolis Police Officers' Federation (CPO) Effective: October 15, 2001

Job Code	FLSA	OTC	CLASSIFICATION	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
08170C	N	2	Police Officer-C	B	1361	1456	1557	1665	1781	1905	2037
08210C	N	2	Police Sergeant-C	B	2199	2265	2333				
08150C	N	3	Police Lieutenant-C	B	2613	2717	2826				
10090C	N	3	Police Sup. Morals & Narcotics	B	2613	2717	2826				
	N	3	Police Sup. Internal Affairs	B	2613	2717	2826				
08100C	N	3	Police Captain-C	B	2911	2998	3088				
08230C	N	3	Police Sup. Licenses-C	B	2911	2998	3088				
	N	2	Police Corporal	B	1635	1749	1870	2000	2139		
	N	2	Police Investigative Team Leader	B	2309	2378	2449				

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 99-Or-159  
By Campbell**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 11/24/99**

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

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

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

**Appointed Officials (CAP)  
Effective: October 15, 1999**

Job Code	FLSA	OTC	CLASSIFICATION	PTS	G	P	Start	After 1 Year	After 3 Years	After 6 Years
05620C	E	1	Police Inspector	685	15	A	\$83,291	\$87,675	\$90,305	\$92,059

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)  
Effective: January 1, 2000**

Job Code	FLSA	OTC	CLASSIFICATION	PTS	G	P	Start	After 1 Year	After 3 Years	After 6 Years
05620C	E	1	Police Inspector	685	15	A	\$85,373	\$89,867	\$92,563	\$94,360

Adopted. Yeas, 13; Nays none.  
Passed November 24, 1999. J. Cherryhomes, President of Council.  
Approved November 30, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute an amendment to Contract #11651 with the Franklin Avenue Business Association, providing for certain services that will assist the Public Works Department with implementation of the Franklin Avenue Livable Communities Grant Project, increasing said contract by \$70,000, for a new contract total of \$143,300, payable from the Interfund Transfer Agency in the Grants - Other Fund (0600-127-1270).

Your Committee further recommends approval for administration of said contract to be provided by the Public Works staff responsible for implementation of the streetscape element of said project.

Adopted. Yeas, 13; Nays none.  
Passed November 24, 1999.  
Approved November 30, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the Police Officers' Federation of Minneapolis labor agreement settlement, in which the City has agreed that Police Inspectors shall become appointed employees, effective October 15, 1999, now recommends approval of the following:

- a) that the 2.0 Inspectors who have served in that capacity for over five years be paid at the "after 3 years" corresponding rate of pay;
- b) that the 2.0 Inspectors who have served over one year be paid at the "after 1 year" corresponding rate of pay; and
- c) that the 1.0 Inspector who has served less than one year be paid at the "start" corresponding rate of pay.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval for inclusion in the November and December, 1999 utility billings a message relating to the City's holiday shopping campaign, entitled, "Minneapolis Unwrapped."

Campbell moved to amend the report to add the following two paragraphs:

"Your Committee further recommends that a previously approved message relating to requirements for snow and ice removal be considered as the preferred mailing for November, 1999 if there is not room for two inserts during that month.

Your Committee further recommends that staff be directed to include in future requests for utility billing inserts full verification as to how many other inserts (if any) have been approved for inclusion during the same month." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends amending Ordinance #99-Or-009, passed by Council action of January 22, 1999 relating to wage rates for Local #292, AFL-CIO Electrical Inspectors and Technicians, to change the salary line for longevity from \$.27 to \$.28 per hour, to correctly reflect the results of the collective bargaining process.

Your Committee further recommends passage of the accompanying Ordinance, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, to provide for said change.

Your Committee further recommends summary publication of said ordinance.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 99-Or-160, amending Ordinance #99-Or-009, passed by Council action of January 22, 1999, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, changing the salary line for longevity from \$.27 to \$.28 per hour, was passed November 24, 1999 by the City Council and approved November 30, 1999 by the Mayor. 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.

November 24, 1999

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**ORDINANCE 99-Or-160  
By Campbell**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 11/24/99**

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

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

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

**Electrical Inspectors and Technicians Local 292 (CEI)  
Effective: January 1, 1999**

Electrical Inspectors

Longevity:

These payments shall be based on a maximum of 80 hours bi-weekly.

.28 cents per hour additional at the beginning of the 15th year of service.

Adopted. Yeas 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval of the new classification, Yard Supervisor, Impound Lot, effective November 29, 1999.

Your Committee further recommends passage of the accompanying amendment to the Salary Ordinance, setting the salary for said position, based on studies conducted by the Department of Human Resources.

Your Committee further recommends summary publication of said ordinance.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 99-Or-161, amending Title 2, Chapter 20, of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, setting the salary for the position of Yard Supervisor - Impound Lot, based on studies conducted by the Department of Human Resources, was passed November 24, 1999, by the City Council and approved November 30, 1999, by the Mayor. 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 99-Or-161  
By Campbell**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 11/24/99**

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

**November 24, 1999**

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

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

**Non-Represented (CNR)  
Effective: November 29, 1999**

FLSA	OTC	CLASSIFICATION	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
E	1	Yard Supervisor, Impound Lot	B	1294	1358	1426	1498	1572	1650	1733

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

**Non-Represented (CNR)  
Effective: January 1, 2000**

FLSA	OTC	CLASSIFICATION	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP	7th STEP
E	1	Yard Supervisor, Impound Lot	B	1326	1392	1462	1535	1611	1691	1776

Adopted. Yeas, 13; Nays none.  
Passed November 24, 1999. J. Cherryhomes, President of Council.  
Approved November 30, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:  
**Z&P** - Your Committee, having under consideration the application of Robert MacIntyre (Vac #1294) to vacate a portion of Xerxes Av N between Farwell and Plymouth Avs N so as to add it to the rear of the existing residential lots adjacent to the east side of the street, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 265405 and to grant said vacation.

Your Committee further recommends passage of the accompanying resolution vacating said portion of Xerxes Av N between Farwell and Plymouth Avs N.  
Adopted. Yeas, 13; Nays none.  
Passed November 24, 1999.  
Approved November 30, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-417  
By McDonald**

**Vacating Xerxes Avenue North between Farwell and Plymouth Avenues North. (Vac #1294)**

Resolved by The City Council of The City of Minneapolis:  
That all that part of Xerxes Avenue North from Farwell to Plymouth Avenue North, adjacent to rearrangement of Block 13, Homewood Addition, according to the recorded plat thereof and situate in Hennepin County, Minnesota, is hereby vacated.

Adopted. Yeas, 13; Nays none.  
Passed November 24, 1999. J. Cherryhomes, President of Council.  
Approved November 30, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the application of Cinda and Robert Collins (Vac #1293) to vacate the alley in the block bounded by Benton Blvd, Cedar Lake Pkwy, Kenilworth Place, and the Hennepin County Railroad Authority tracks to be used for additional rear yard area for lots fronting on Benton Blvd, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 265405 and to grant said vacation, subject to retention of easements by Northern States Power and the City of Minneapolis.

Your Committee further recommends passage of the accompanying resolution vacating said alley, and summary publication of same.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-418, entitled "Vacating the alley in the block bounded by Benton Boulevard, Cedar Lake Parkway, Kenilworth Place and the Hennepin County Railroad Authority tracks. (Vac #1293)," was passed November 24, 1999 by the City Council and approved November 30, 1999 by the Mayor. 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 99R-418**  
**By McDonald**

**Vacating the alley in the block bounded by Benton Boulevard, Cedar Lake Parkway, Kenilworth Place and the Hennepin County Railroad Authority tracks. (Vac #1293)**

Resolved by The City Council of The City of Minneapolis:

That all that part of a 14 foot alley and the remaining unvacated 14 foot portion of Upton Avenue South lying northwesterly of and adjacent to Block 3, Walton Hill's Second Addition and the street right-of-way adjacent to the West line of Walton Hills Condominium Number 392, shown as Xerxes Avenue South in said plat is hereby vacated except that such vacation shall not affect the existing easement right and authority of NSP and the City of Minneapolis their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

As to NSP: All of the to be vacated alley

As to the City of Minneapolis:

**Sewer:** An easement being the entire area of street adjacent to the West line of Walton Hills Condominium Number 392, shown as Xerxes Avenue South on said plat.

**Snow Storage and Slope:** An easement being the entire area to be vacated for the purpose of accessing support system of existing retaining wall and storing of snow from the commuter trail.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities; and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

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

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the application of Kathleen Welch (Vac #1289) to vacate the alley in the block bounded by 23rd and 24th Aves N and Dupont and Emerson Aves N to provide a site for a new garage for the property at 2303 Dupont Av N, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 265405 and to grant said vacation, subject to retention of easements by Northern States Power and Paragon Cablesystems.

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

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-419**  
**By McDonald**

**Vacating the alley in the block bounded by 23rd and 24th Avenues North and Dupont and Emerson Avenues North. (Vac # 1289)**

Resolved by The City Council of The City of Minneapolis:

That all that part of the North 20 feet of Lot 6 in Block 26 of Highland Park Addition to the City of Minneapolis, according to the plat thereof on file in the Office of the Register of Deeds in and for Hennepin County, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of Northern States Power (NSP) and Paragon Cable, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

As to NSP and Paragon Cable: The Westerly 5 feet of the to-be-vacated alley to operate, maintain, repair, alter, inspect or remove its above-described utility facilities; and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation

shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporations having utility facilities located within the area involved authorizing them to do so.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999. J. Cherryhomes, President of Council.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Stanley Kagin from the decision of the Board of Adjustment approving the application of the Lander Group for variation of minimum lot width from 42 ft to 40 ft, variation of the West side yard from 9 ft to 2 ft, variation of minimum driveway width from 10 ft to 9 ft, and variation of maximum garage area from 676 sq ft to approximately 1450 sq ft, to permit a 3-story, 3-unit condominium building with 3 double garages under the building, at 2632 W 44th St (V-4540), and having conducted a public hearing thereon, now recommends that said appeal be granted in accordance with the Findings of Fact prepared by the City Attorney's Office and on file in the Office of the City Clerk and made a part of this report by reference. (Petn No 265402)

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Taylor Jill O'Shea from the decision of the Planning Commission denying her application for a minor subdivision to permit sale and construction of a single family home at 4648 Dupont Av S (MS-56), and having conducted a public hearing thereon, now recommends that the appeal be denied and the decision of the Planning Commission be upheld. (Petn No 265406)

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Ross M Fefercorn from the decision of the Planning Commission denying his application for a variance of required off-street parking for the proposed Calhoun Park and Emerson Rowhouses Project at 1221 W Lake St from 144 stalls to 68 stalls (V-4554) and granting in lieu thereof a variance from 127 stalls to 59 stalls with conditions, and having conducted a public hearing thereon, now recommends that a variance from 167 stalls to 68 stalls be granted upon the following conditions:

1. The basement space may be used for retail/service/office use providing the tenant also occupies a portion of the first floor or second floor of the building, and such use of the basement space is an ancillary use;

2. The basement space may be used for office/service use by tenants who otherwise do not occupy space on the first floor or second floor of the building; and

3. The basement space may not be used for a retail tenant who does not otherwise occupy space on the first floor or second floor of the commercial buildings. (Petn No 265404)

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Dawn Miller from the decision of the Board of Adjustment denying a variance for an increase in the maximum permitted garage height from 12 ft to 14 ft at 4624 Drew Av S (V-4569), and having conducted a public hearing thereon, now recommends that the appeal be denied and the decision of the Board of Adjustment be upheld. (Petn No 265402)

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Jaymes D. Littlejohn for AirTouch Communications from the decision of the Board of Adjustment denying his appeal from the Zoning Administrator's decision that the antennas for the cell site at 2027 Broadway Av W be enclosed (A-340), and having conducted a public hearing thereon, now recommends that

said appeal be denied and the decision of the Board of Adjustment be upheld. (Petn No 265403)

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Jacob Mirman from the decision of the Board of Adjustment denying his appeal from the Zoning Administrator's decision requiring him to discontinue the operation of the clinic at 5117 France Av S (A-339), and having conducted a public hearing thereon, now recommends that the appeal be denied and the Board of Adjustment decision be upheld, in accordance with the Findings of Fact prepared by the City Attorney's Office and on file in the Office of the City Clerk and made a part of this report by reference. (Petn No 265403)

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Pawn America Minnesota LLC from the decision of the Planning Commission denying an application for a conditional use permit for a pawnshop at 3734 and 3738 Chicago Av S (C-2015), and having conducted a public hearing thereon, now recommends that the appeal be denied and the decision of the Planning Commission be upheld, in accordance with the Findings of Fact prepared by the City Attorney and on file in the Office of the City Clerk and made a part of this report by reference. (Petn No 265406)

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the matter of an environmental review process for the Stinson Hi-Tech Business District project, now recommends that the City Council order the development of an Alternative

Urban Areawide Review (AUAR) for the area along Stinson Blvd between E Hennepin Av and Broadway St, centered around the intersection of Stinson Blvd and Kennedy St, as depicted on the map in Petn No 265407.

Your Committee further recommends, with regard to the AUAR Scenarios, that the AUAR have a No-Build Scenario to serve as a base for comparison purposes; that the Build Scenario will include the project and all of its potential impacts; and that within the Build Scenario will be the evaluation of the project's two phases. The assumptions for Phase I of the project will be as close to the expected outcomes as possible. They will represent the Most Likely Case. The assumptions for Phase II of the project will be as conservative as reasonable from the perspective of environmental impacts. Phase II will serve as the Most Intensive Case.

Your Committee further recommends, with regard to the anticipated nature, location, and intensity of residential and commercial development within those boundaries, that the AUAR examine all reasonable impacts of the project. Elements to be studied include transportation (traffic, parking, pedestrian, transit, bicycling, etc), historic structures, air quality, noise, stormwater management, soil remediation, employment impacts, public financing and energy efficiency.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z & P** - Your Committee, having under consideration the application of Victor Karchenko for a waiver from Interim Ordinance 98-Or-083, providing for a moratorium on the establishment, reestablishment or expansion of any automobile service station, automobile convenience facility, garage for the storage, repair or servicing of motor vehicles, or automobile combination convenience facility in any of the B3 zoning districts or in the B-2-S zoning district, passed August 14, 1998, extended by passage of Ordinance 99-Or-092 on July 30, 1999, and having conducted a public hearing thereon, now recommends that the findings prepared by the Planning Department staff and set forth in Petn No 265404 be adopted and that said waiver be denied.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, to whom was referred on August 27, 1999 the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances, adding a new chapter providing for a moratorium on development and on alteration of residential uses within the area bounded by Chowen Av, St Louis Av, Sunset Blvd, Depot St and St Paul Av, now recommends that said ordinance be returned to author.

Adopted. Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

## MOTIONS

Council Member McDonald moved that Ordinance 99-Or-152, passed by the City Council on November 12, 1999, be amended by making the following changes to the zoning maps in Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, as set forth more fully in Petn No 265410:

PLATE 7 2018 W Broadway, Change from C4 to C1

PLATE 28 3600 East Lake Street, Change from C1 to C2

PLATE 32 4733 and 4737 Chicago Avenue South, Change from R2B to C1

PLATE 35 5101 France Avenue South, Remove PO Pedestrian Oriented Overlay.

McDonald moved that the above motion be amended by adding the following language:

"McDonald further moved that summary publication of this amendment be authorized."

Seconded.

Adopted upon a voice vote.

The motion, as amended, was adopted.

Yeas, 13; Nays none.

Passed November 24, 1999.

Approved November 30, 1999. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

Johnson moved to introduce the subject matter of a Resolution asking the Guthrie Theatre to move its new theatre to a location on Hennepin Avenue, for referral to the Community Development Committee. Seconded.

Adopted upon a voice vote.

#### **UNFINISHED BUSINESS**

Septran Inc, 3948 Nicollet Av: Deny appeal for nonconforming use certificate to allow gas station and repair garage, grant appeal for variance. (Postponed 10/30/98, Z&P)

McDonald moved to continue postponement. Seconded.

Adopted upon a voice vote.

Emerson Townhomes, 1221 W Lake St/3016-26 Emerson Av S: Passage of Resolution vacating alley to allow retail/residential development. (Postponed 11/12/99)

McDonald moved to continue postponement. Seconded.

Adopted upon a voice vote.

Campbell moved that when this Council adjourns, it adjourns to Monday, December 6, 1999, at 5:00 p.m. in Room 317, for the purpose of conducting a Truth in Taxation public hearing, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of November 24, 1999. Seconded.

Adopted. Yeas, 13; Nays none.

Adjourned.  
MERRY KEEFE,  
City Clerk.