# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF
## November 5, 2004

(Published November 13, 2004, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
November 5, 2004 - 9:30 a.m.
Council President Ostrow in the Chair.

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

Absent - Samuels, Schiff.

Lilligren moved acceptance of the minutes of the regular meeting held October 22, 2004. Seconded.

Adopted upon a voice vote.

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

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

**COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269977)

Sale of Property at 616 W 53rd St: Authorize sale to Creek Associates, Ltd.

State Biotechnology & Health Science Industry Zone Credits for Shepard Medical Company: Approve business subsidy agreement.

State Biotechnology & Health Science Industry Zone Credits for Twin Star Medical, Inc: Approve business subsidy agreement.

Management of Property at 3345 1st Av S: Authorize Hennepin County to plan and manage the sale and redevelopment of the tax forfeited property.

Riverfront Revitalization Consultant: Authorize issuance of request for proposals for new entity to participate in riverfront revitalization.

Grain Belt Housing Project: Amendment redevelopment contract terms.

Evangelical Lutheran Good Samaritan Society Project: Secure outstanding bonds under a master trust indenture.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269978)

Tax Increment Pooling for Affordable Housing: Modifications to Parcel C, E Hennepin and University, Humboldt Greenway, Bottineau and Heritage Landing tax increment plans.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269979)

St. Annes Community Development Corporation Project: Allocation of CEDF/CDBG funds for affordable housing project.

Lowry Hill Neighborhood Revitalization Program Action Plan: Modification to create new housing and safety strategy.

**HEALTH AND HUMAN SERVICES:**

HEALTH AND FAMILY SUPPORT SERVICES (269980)

Status of Children in Minneapolis: Report by Children's Defense Fund.

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

HEALTH AND FAMILY SUPPORT SERVICES (269981)

Domestic Abuse Project: Execute amendment to Master Agreement to add new scope of work to be provided by Police Department.

Maternal Case Management Excellence Program: Accept $104,000 in foundation funds from Medica Foundation to address social and behavioral case management needs of high risk pregnant women; and Approve appropriation.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

FINANCE/POLICE DEPARTMENT (269982)

Fine Revenue Estimates: Report.

LICENSES AND CONSUMER SERVICES (269983)

Liquor Licenses for Theaters: Report with assessment as to policy and practices to address the issuing of no food requirement liquor licenses for theaters.

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

INSPECTIONS DEPARTMENT (269984)

Chapter 249 Properties:

3838 Bryant Av N - Authorize demolition.

3438 Penn Av N - Authorize rehabilitation, subject to conditions.

2313 Portland Av S - Authorize rehabilitation, subject to conditions.

INSPECTIONS DEPARTMENT (269985)

Comp Card Testing: Ordinance amending Title 13, Chapter 278 of Code relating to Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumbers/Gas Fitter, Refrigeration and Steam and Hot Water Installers, substituting the contracted vendor instead of Human Resources Department for application screening process, and clarifying the appeals process.

Unpaid Rental License Fees: Ordinance amending Title 12, Chapter 244 of Code relating to Housing: Maintenance Code, requiring rental property owners to pay administrative fees for failure to renew rental dwelling license before December 31st of license year.

2004 Inspections Special Assessment Levies: Approve levies relating to removal of rubbish, weeds, hazardous trees, and brush and plant growth; inoperable vehicle tow administrative fees; unpaid administrative citations; removal of hazardous/nuisance condition buildings; vacant/boarded housing registrations; reinspection fees; securing of buildings (police board up) and abandoned buildings; and Passage of Resolutions directing the Director of Hennepin County Taxation Department to place assessments against certain properties.

LICENSES AND CONSUMER SERVICES (269986)

Licenses: Applications.

POLICE DEPARTMENT (269987)

Police Foundation: Authorize develop and implement a Police Foundation to assist Police Department with funding equipment, training, and other peripheral benefits beyond normal budgeting; and Direct staff to report back to PS&RS once initiative has been more fully developed.

Automated Traffic Law Enforcement System (Photo Cop): Issue Request for Proposals, contingent upon approval by Permanent Review Committee.

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

ATTORNEY (269988)

Hennepin County Jail Booking Fees: Authorize City staff to continue to review and have discussions with Hennepin County representatives so that a written agreement can be reached between City and County at the earliest possible time.

Legal Settlement - Auto Mart v. City of Minneapolis: Approve settlement relating to Motor Vehicle Licenses at 501 W Lake St and 4201 E Lake St; Execute settlement documents to bring Auto Mart into compliance with building and zoning codes and licensing requirements, including payment of $4,000 in administrative fines and approval of site plan for 4201 E Lake St.

FIRE DEPARTMENT (269989)

Metropolitan Medical Response System Program (MMRS) Federal Grant: Accept grant award of $800,000 from United States Department of Homeland Security to update Sustainment Plan for Minneapolis and St. Paul; Pharmaceutical Cache Management; and Assuring Currency of Planning, Training, Exercising and Equipping for rapid response capabilities to the threat of biological and chemical domestic terrorism; Execute any sub-recipient agreements necessary; and Approve appropriation.

Fire Department Surplus Apparatus Donations: Authorize donate outdated surplus pumper trucks to Metropolitan Airports Commission Fire Department; Clearbrook Fire Department; Northeast Sherburne Fire & Rescue Department; and Gonvick Fire Department.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (269990)

Sale of 506-11th Av S (Former Animal Shelter): Set Public Hearing.

Railroad Quiet Zones: Receive and file.

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

PUBLIC WORKS AND ENGINEERING (269991)

Humboldt Greenway Phase 2 Assessment Public Hearing: Adopt Assessments.

Special Service Districts (Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village, and 48th St E & Chicago Av S) Assessment Public Hearing: Approve services, charges, cost estimates; comments.

Block Event Ordinance: Amend regarding non-residential event applications.

MnDOT Lease: Extend lease for property under I-94 bridges to 4/30/06; Alternative Site Investigation Findings.

Stormwater Utility Ordinance: Amend Title 19 of Code adding new Chapter 510, “Stormwater Management System and Operation of a Stormwater Utility;” Credit Rules; comments.

City-Wide Transportation Action Plan Study: Request for Proposals.

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

PUBLIC WORKS AND ENGINEERING (269992)

Nicollet Mall Assessment Public Hearing: Adopt and levy assessments.

Security Radio Repeater Antenna: Agreement with Ted Glasrud & Assoc allowing installation of antenna on roof of Centre Village Complex.

Public Works Employee Recognition Program: Authorize expenditure of up to $2,500.

Midtown Greenway Phase 1: Extend contract with SRF Consulting to 3/31/05.

Lake Street Streetscape (Chicago/Lake and Bloomington/Cedar/Lake): Accept petitions and proposed assessments; amend 2004 General & Capital Appropriations Resolutions; approve establishing special service district; map; petition letters; streetscape enhancement illustrations.

2004 Off-Street Municipal Parking Rates: Establish base rates; rate structure summary; maps.

**WAYS AND MEANS BUDGET:**

BUSINESS INFORMATION SERVICES (269993)

Unisys Contract Amendment: Increase contract for City Attorney Case Management System project.

FINANCE DEPARTMENT (269994)

Travel Expense Report: 3rd Quarter 2004.

MINNEAPOLIS POLICE RELIEF ASSOCIATION (269995)

Pension Plan History, Funding, State Aids and Benefits and Analysis of 2004 Legislation and Effect on the City of Minneapolis financial obligation to the pension plan.

PURCHASING (269996)

Staff Purchasing Letters.

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

ATTORNEY (269997)

Legal Settlements: Claims of Helen J. M. Bassett, Mary Margaretta Hill and Todd Edwardson.

BUSINESS INFORMATION SERVICES (269998)

Unisys Contract Amendments: Increase for Third Police Precinct Network upgrade and Utility Billing server.

Contract with Bentley, Inc.: Execute contract for maintenance of Engineering 2000 project software.

Wireless Broadband Internet Services Program: Proposal to initiate citywide internet service program for commercial, residential and institutional users.

CONVENTION CENTER (269999)

Parking Contract with Central Lutheran Church: Amendment providing for payment of certain ramp revenue.

Internet and Wireless Services: Contract with Insite Wireless for services at the Convention Center.

COORDINATOR (270000)

New Central Library Project: Change order increasing contract with Egan Companies, Inc.

FINANCE DEPARTMENT (270001)

Property Tax Special Assessment of Delinquent Utility Charges.

General Fund Overhead-Rate Model.

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

HERITAGE PRESERVATION COMMISSION (270002)

Appointments of Chad Larsen, Judy Nieswander & Shan Lee (reappointment).

Phillips Architects & Contractors, Ltd (1717 University Ave SE): Historic variance for addition to Delta Tau Delta Fraternity.

PLANNING COMMISSION/DEPARTMENT (270003)

Vacations:

City of Mpls (re Heritage Park, area roughly bounded by Girard Ave N on the west, 5th Ave N on the north, Aldrich Ave N on the east & line midway between Glenwood Ave N & 4th Ave N on the south);

Financial Freedom Development (re The Edgewater Project, 1805 W Lake St & 3008 Knox Ave S) (See Appeals).

Rezonings:

Lupe Development (1701 Madison St NE).

Appeals:

Steve Buckley & Vicki Fraher (re Financial Freedom Development/The Edgewater Project, 1805 W Lake St & 3008 Knox Ave S): Re Condominium development & height increase in Shoreland Overlay District.

Rex II, LLC (re Bookman Project, 526-4th St N, 519-21 - 3rd St N): Re conditional use permits, variances, site plan review & preliminary registered land survey.

**FILED:**

CITY CLERK/SPECIAL PERMITS (270004)
28th St E, 1860 (Lets Get Graphic) sign;
Bloomington Av, 4040 (Kaufman Sign Co) sign;
Emerson Av N, 4639 (Jennifer Boyd) move garage;
Hennepin Av E, 983 (Taurus Sign) sign;
Olson Memorial Pkwy, 1300 (Sign A Rama) sign.
MINNEAPOLIS FIREFIGHTERS RELIEF ASSOCIATION (270005)
2003 Annual Report and July, 2004 Articles of Incorporation and By-laws.
MINNESOTA STATE OFFICES-State Auditor (270006)
Minneapolis Youth Coordinating Board, Management & Compliance Report, yr ended December 31, 2003.

*The following reports were signed by Mayor Rybak on 11/08/04, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

## REPORTS OF STANDING COMMITTEES

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

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property and termination of the ground lease on the property at 616 West 53rd Street to Creek Associates, Ltd.

Adopted 11/5/04.
Absent - Samuels, Schiff.

Resolution 2004R-498 approving sale of property and termination of a lease agreement on the property at 616 W 53rd St, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-498**
**By Goodman**

**Authorizing sale of land 53rd & Lyndale Avenue Project Disposition Parcel No. LP-53**

Whereas, the City of Minneapolis, hereinafter known as the City, has received written notice from Creek Associates, Ltd. of its intent to exercise its option to purchase Disposition Parcel LP-53, in the Tangle Town Neighborhood Association neighborhood, from Creek Associates, Ltd., hereinafter known as the Redeveloper, the Parcel LP-53, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION
Lots 34 thru 40 inclusive, Auditor's Subd. No. 148.

Whereas, the Redeveloper will to pay the sum of $17,810 (or as determined by the ground lease), for Parcel LP-53 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on October 15, 2004, a public hearing on the proposed sale was duly held on October 26, 2004, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the 53rd & Lyndale Avenue Project plan, as amended, is in accordance with the payment schedule set forth in the ground lease previously entered into between the parties for Parcel LP-53.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to execute a Business Subsidy Agreement with Shepard Medical Company for State Biotechnology and Health Science Industry Zone job creation and research and development credits, as further outlined in Petn No 269977. Said agreement will require that Shepard Medical will remain in the Minneapolis bioscience subzone until 2009.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to execute a Business Subsidy Agreement with Twin Star Medical, Inc. for State Biotechnology and Health Science Industry Zone research and development credits, as further outlined in Petn No 269977. Said agreement will require that Twin Star Medical will remain in the Minneapolis bioscience subzone until 2009.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing Hennepin County to plan and manage the sale and redevelopment of a tax forfeited property at 3345 1st Av S for a multifamily housing project.

Adopted 11/5/04.

Absent - Samuels, Schiff.

Resolution 2004R-499 authorizing Hennepin County to manage the redevelopment of the property at 3345 1st Av S for a multifamily housing project, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-499**
**By Goodman**

**Authorizing approval for Hennepin County to manage the sale and redevelopment of a tax forfeited property at 3345 1st Av S for a housing development project.**

Whereas, the Hennepin County Housing and Redevelopment Authority proposes to sell a tax forfeit property at 3345 1st Avenue South for a housing redevelopment project to be located at 3445 1st Avenue South in Minneapolis, Minnesota (the "Project"); and

Whereas, Minnesota Statutes, Section 383B.77, Subd 3, requires that this City Council must approve a project undertaken by the Hennepin County Housing and Redevelopment Authority before such a project may be undertaken within this City; and

Whereas, the Project is subject to the approval of this City Council; and

Whereas, it is deemed in the best interest of this community to approve the Hennepin County Housing and Redevelopment Authority's implementation of the Project as an approved project;

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

That pursuant to Minnesota Statutes, Section 383B.77, subd. 3, the City Council approves the Project and approves of the Project assistance to be provided by the Hennepin County Housing and Redevelopment Authority to facilitate the acquisition and new construction of a housing project by Borrower, subject to the following requirements:

(a) That this City retains its jurisdiction over all issues of local concern relating to zoning, land usage, building code requirements and compliance with all applicable city codes and ordinances.

(b) That repayment of the financing obligations owed the Hennepin County Housing and Redevelopment Authority by the Borrower will be made solely from revenues derived from the project.

(c) That the full faith and credit of this City will not be pledged in any fashion as a source of repayment of said financing obligation owed the Hennepin County Housing and Redevelopment Authority by the Borrower.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) seeking a consultant to assist the City in evaluating the need for a new entity to participate in riverfront revitalization.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**Comm Dev** - Your Committee, having under consideration the City's redevelopment contract with Sheridan Development Company for the Grain Belt Housing Project and having been advised of several proposed amendments to the business terms in said contract, now recommends approval of amendments as outlined in Petn No 269977.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**Comm Dev** - Your Committee recommends passage of the accompanying Resolution authorizing the execution of all necessary documents related to the request to secure outstanding bonds under a master trust indenture for the $6,840,000 refunding bonds issued in 1998 for the Evangelical Lutheran Good Samaritan Society Project at 22 27th Av SE.

Adopted 11/5/04.

Absent - Samuels, Schiff.

Resolution 2004R-500 authorizing the execution of documents to secure outstanding bonds under a master trust indenture for refunding bonds issued for the Evangelical Lutheran Good Samaritan Society Project, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-500**
**By Goodman**

**Consenting to the amendments of documents necessary to secure the $6,840,000 City of Minneapolis, Minnesota Health Facilities Refunding Revenue Bonds (The Evangelical Lutheran Good Samaritan Society Project) Series 1998 under a master trust indenture.**

Whereas, the City of Minneapolis, Minnesota (the "Issuer") has previously issued its $6,840,000 Health Facilities Refunding Revenue Bonds (The Evangelical Lutheran Good Samaritan Society Project) Series 1998 (the "Bonds") on behalf of The Evangelical Lutheran Good Samaritan Society (the "Society") pursuant to an Indenture of Trust dated as of May 1, 1998 by and between the Issuer and Wells Fargo Bank, National Association as trustee (the "Bond Trustee"); and

Whereas, the Society wishes to secure the Bonds under its Master Trust Indenture (the "Master Indenture") dated August 1, 2004 and executed by and among the Society, The Evangelical Lutheran Good Samaritan Foundation (the "Foundation") and Wells Fargo Bank, National Association (the "Master Trustee") and, to that end, the Society and the Master Trustee will enter into a Eleventh Supplement to Master Trust Indenture; and

Whereas, the Indenture of Trust for the Bonds authorizes the Issuer and the Bond Trustee for the Bonds to enter into supplemental indentures of trust and other amending documents, provided that such amendments are not materially prejudicial or adverse to the holders of such Bonds; and

Whereas, the Bond Trustee has concluded that the amendments proposed to be made to the documents executed in connection with the Bonds, to secure the Bonds under the Master Indenture, are not materially prejudicial or adverse to the holders of the Bonds;

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

The Issuer hereby resolves that the Issuer shall take all action necessary or reasonably required to secure the Bonds under the Master Indenture and, to that end, the Finance Officer is hereby authorized to execute and deliver amendments to the Indenture of Trust and Loan Agreement for the Bonds, and such other documents as are reasonably required to secure the Bonds under the Master Indenture. The execution of any such documents shall constitute conclusive evidence of the approval by the Issuer of such documents.

Adopted 11/5/04.

Absent - Samuels, Schiff.

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

**Comm Dev & W&M/Budget** - Your Committee recommends approval of a Community Economic Development Fund/Community Development Block Grant loan in amount of $100,000 for St. Anne's Community Development Corporation to support a mixed-use development at 2400 West Broadway.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**Comm Dev & W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Neighborhood Revitalization Program (NRP) Policy Board to approve Modification No. 7 to the Lowry Hill NRP Action Plan to create a new strategy in the Housing and Safety section of the Plan and reallocate $26,000 from other Plan areas to support the new strategy; and authorization for the proper City officers to enter into any contracts or agreements needed to implement the amendment.

Adopted 11/5/04.
Absent - Samuels, Schiff.

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

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to amend Master Contract #17184 with the Domestic Abuse Project to add a new scope of work to be provided to the Police Department.

Adopted 11/5/04.
Absent – Samuels, Schiff.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept $104,000 in foundation funds from the Medica Foundation for the Maternal Case Management Excellence Program, to address the social and behavioral case management needs of high risk pregnant women, with services to be provided under contract with NorthPoint Health & Wellness Center during the period October 1, 2004 through September 30, 2005. Further, passage of the accompanying Resolution appropriating $104,000 to Health & Family Support.

Adopted 11/5/04.
Absent – Samuels, Schiff.

**RESOLUTION 2004R-501**
**By Johnson Lee and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8615) by $104,000 and increasing the Revenue Source (060-860-8615 - Source 3720) by $104,000.

Adopted 11/5/04.
Absent – Samuels, Schiff.

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

**PS&RS -** Your Committee, to whom was referred an ordinance amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumbers/Gas Fitter*, substituting the contracted vendor instead of the City's Human Resources Department for the application screening process, and clarifying the appeals process, to become effective January 1, 2005, now recommends that said ordinance be given its second reading for amendment and passage.

Niziolek moved to amend the ordinance by adding a new Section 8 to read as follows:

"Section 8. That Chapter 278 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 278.535 to read as follows:

**278.535. Effective Date.** Sections 278.425 and 278.515 shall be effective on January 1, 2005. The amendments to sections 278.410, 278.420, 278.440, 278.470, and 278.510 shall be effective on January 1, 2005. " Seconded.

Adopted upon a voice vote.
The report, with the ordinance as amended, was adopted 11/5/04.
Absent – Samuels, Schiff.

Ordinance 2004-Or-129 amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting,*

*Oil, Plumber/Gas Fitter, Refrigeration and Steam and Hot Water Installers*, amending Sections 278.410, 278.420, 278.425, 278.440, 278.470, 278.510, 278.515 and 278.535 to substitute the contracted vendor instead of the City's Human Resources Department for the application screening process, and clarifying the appeals process, was passed 11/5/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2004-Or-129**
**By Niziolek and Ostrow**
**Intro & 1st Reading: 9/24/04**
**Ref to: PS&RS**
**2nd Reading: 11/5/04**

**Amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumber/ Gas Fitter, Refrigeration and Steam and Hot Water Installers.**

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

Section 1. That Section 278.410 of the above-entitled ordinance be amended to read as follows:

**278.410. Application for certification.** Each person desiring a certificate of competency, such as herein provided, whether for a master or journeyman heating, ventilating and air conditioning installer, master or journeyman refrigeration installer, master or journeyman gas fitter, master or journeyman oil burner installer or master or journeyman steam and hot water systems installer or master or journeyman plumber/gas fitter shall file with the ~~Minneapolis Human Resources Department~~ contracted vendor an application for certification and shall pay the appropriate filing fee to the contracted vendor. Such application shall contain information sufficient to determine whether the applicant meets the qualifications to be administered the appropriate test together with such documentation of qualifications as is required by ~~the human resources department~~ this chapter.

Once the ~~human resources department~~ contracted vendor has determined the applicant has met the qualifications ~~and has notified the contracted vendor~~, the applicant will register with and pay the appropriate fees to the contracted vendor to take the exam. No such fee so paid, shall be subject to refund to the applicant in case of failure to pass the examination. Each examination fee shall be in addition to the fee to be paid by the applicant for a certificate of competency as provided in this chapter.

Section 2. That Section 278.420 of the above-entitled ordinance be amended to read as follows:

**278.420. Qualification to take an examination, other than the Minneapolis plumber/gas fitter certificate examination.** (a) Each applicant for examination, with the exception of the Minneapolis plumber/gas fitter examination, must have completed at least four (4) years of appropriate job related education prior to applying for the examination. For the purposes of this requirement, one (1) year of education is defined as a minimum of one hundred forty-four (144) hours of appropriate job related education in a ~~twelve-calendar~~ twelve (12) calendar month period. In the alternative, the applicant must have completed five hundred seventy-six (576) hours of appropriate job related education in the ~~five-year~~ five (5) year period preceding the application. The appropriate trade related education may include, but is not limited to, classroom education and/or training, trade association or manufacturers training programs, self study materials including videotape, CD Rom, computer or other materials used under the supervision of a sponsor. Time spent in on-the-job production shall not be considered as trade related education hours for purposes of this provision. The employee and the employer will certify that the requirements of education have been met and will provide documentation of the specific education which has been completed.

(b) An applicant may meet the requirements for examination by:

(1) completion of a state approved voluntary apprenticeship program;

(2) participating in an employer sponsored training program that meets the educational, training and safety requirements of state approved programs in force at the time this article becomes effective; or

(3) submitting sufficient documentation of completion of any combination of employer sponsored education/training or education in an accredited educational institution that satisfies the requirements above. In no event shall standards be less than those established in paragraph (a) above.

(c) In addition to the required educational training, each applicant for examination must demonstrate at least four (4) years of on-the-job experience in the trade prior to applying for the examination. For the purposes of this requirement one (1) year of experience is defined as a minimum of one thousand six hundred (1,600) working hours in a twelve-calendar month period. The applicant and the employer must certify that the work experience requirement has been met. Work experience may be met upon the verification of more than one (1) employer.

(d) The requirements set forth above in paragraphs (a) and (c) must be accomplished reasonably concurrently.

~~(e) The Minneapolis Department of Human Resources shall establish and prepare forms and other documents to carry out the procedures set forth above and maintain records thereof, and shall verify the information submitted.~~

Section 3. That Chapter 278 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 278.425 to read as follows:

**278.425. Qualification to take the Minneapolis plumber/gas fitter certificate examination.** (a) Each applicant for examination shall have successfully passed the State of Minnesota plumber's license examination at either the journeyman or master level, and must possess a valid State of Minnesota plumber's license, pursuant to Minnesota Statutes, Section 326.40. A copy of that license must be submitted with the application.

b) An applicant may only apply for the same level of Minneapolis plumber/gas fitter certificate as the State of Minnesota plumber's license that they currently hold.

c) Each applicant for examination must demonstrate at least one thousand six hundred (1,600) hours of a combination of either on-the-job fuel gas related experience or fuel gas related education in the trade prior to applying for the examination. The appropriate trade related education may include, but is not limited to, classroom education and/or training, trade association or manufacturers training programs, self study materials including videotape, CD Rom, computer or other materials used under the supervision of a sponsor. The applicant is responsible for providing proof that this requirement has been met. For education, the applicant and the employer must provide documentation of the specific education which has been completed. For experience, the applicant and the employer must certify the amount of work experience which has been completed. Work experience and education may be met upon the verification of more than one (1) employer. An applicant only needs to comply with this requirement once, prior to the first examination.

Section 4. That Section 278.440 of the above-entitled ordinance be amended to read as follows:

**278.440. Appeals.** Any person aggrieved by any administrative decision of the ~~Minneapolis Human Resources Department~~ <u>contracted vendor</u> in accepting or rejecting any application for examination, certification of educational qualification, certification of on the job training, certification of an employer educational program or any issue related to the testing process ~~or an administrative decision of the human resources department or director of inspections to deny, revoke, suspend, cancel or not renew a certificate of competency~~ may appeal by filing with the inspections division written notice of appeal setting forth the specific issue(s) on appeal within thirty (30) days of notification of the decision. The notice of appeal shall be accompanied by a non-refundable fee of one hundred dollars ($100.00). Upon receiving notice of appeal, the director of inspections shall arrange for a hearing, which shall be held not less than ten (10) nor more than ninety (90) days from the date of receipt of the appeal. The director of inspections shall provide the appellant with not less than ten (10) days' notice of the time and place of the hearing.

Appeals shall be heard before a hearing officer who shall be an administrative law judge appointed by the chief administrative law judge of the Minnesota State Office of Administrative Hearings, pursuant to Minnesota Statutes Chapter 14. The hearing shall be a trial de novo, conducted according to the rules for contested case hearings found in Minnesota Rules Chapter 1400, and upon the evidence presented, the hearing officer shall affirm, modify or set aside the determination of the ~~human resources department~~

~~or director of inspections~~ contracted vendor. The decision of the hearing officer shall be rendered in writing and shall contain the findings of fact and conclusions reached, and all parties shall be bound thereby. Any person aggrieved by the decision of the hearing officer may appeal to the Minnesota court having jurisdiction as provided by law.

Costs of the appeal hearing, including fees charged by the office of administrative hearings and the expense of transcript preparation, but not including attorney fees of the opposing party, shall be paid by the non-prevailing party.

Section 5. That Section 278.470 of the above-entitled ordinance be amended to read as follows:

**278.470. Reciprocity.** Wherever a certificate of competency is required by the terms of this chapter, any applicant who has and presents a valid and subsisting card of competency from any other municipality in the State of Minnesota in which the technical and mechanical requirements for securing such card of competency are equal to or greater than those of the City of Minneapolis, as shall be determined by the ~~department of human resources in consultation with the~~ director of inspections, may receive a certificate of competency to carry on his or her trade or occupation in the city without examination or the payment of examination fees. However, nothing in this section shall exempt such an applicant from full compliance with all other requirements of this chapter, including payment of required fees.

Section 6. That Section 278.510 of the above-entitled ordinance be amended to read as follows:

**278.510. Denial, revocation, suspension or cancellation of certificate of competency.** Any certificate of competency issued, or proposed to be issued under this chapter may be denied, suspended, revoked, canceled or not renewed if the applicant or holder:

(1) Is convicted of failing to comply with any of the provisions of state law or this Code relating to the construction, installation, alteration, repair, cleaning or servicing of systems regulated under this chapter or of failure to comply with a lawful order issued pursuant thereto.

(2) As a master installer in responsible charge of work, fails to obtain appropriate permits for any work for which permits are required more than three (3) times within a one-year period. (3) In the application process for issuance or renewal of a certificate of competency, knowingly falsifies, conceals, misrepresents or misstates any material fact or matter bearing upon the holders eligibility or competency.

(4) Obtains, attempts to obtain, or assists another in obtaining or attempting to obtain a competency card through fraudulent or other improper means.

If the ~~human resources department or the~~ director of inspections determines that a certificate of competency should be denied, suspended, revoked, canceled or not renewed under this section, the director of inspections shall send the applicant or holder a notice of denial, suspension, revocation, cancellation or nonrenewal of the certificate. The notice shall state the proposed action to be taken, a summary statement of the reason or reasons that such action is recommended, that the matter has been referred to the city council with a recommendation for the proposed action, that the city council will take the proposed action unless the applicant or holder appeals the determination in the manner described in ~~this article,~~ section 278.515 ~~and a description of how an appeal may be filed under this article~~.

Section 7. That Chapter 278 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 278.515 to read as follows:

**278.515. Appeals.** Any person aggrieved by any administrative decision of the director of inspections to deny, revoke, suspend, cancel or not renew a certificate of competency may appeal by filing with the inspections division written notice of appeal setting forth the specific issue(s) on appeal within thirty (30) days of notification of the decision. The notice of appeal shall be accompanied by a non-refundable fee of one hundred dollars ($100.00). Upon receiving notice of appeal, the director of inspections shall arrange for a hearing, which shall be held not less than ten (10) nor more than ninety (90) days from the date of receipt of the appeal. The director of inspections shall provide the appellant with not less than ten (10) days' notice of the time and place of the hearing.

Appeals shall be heard before a hearing officer who shall be an administrative law judge appointed by the chief administrative law judge of the Minnesota State Office of Administrative Hearings, pursuant to Minnesota Statutes, Chapter 14. The hearing shall be a trial de novo, conducted according to the rules for contested case hearings found in Minnesota Rules, Chapter 1400, and upon the evidence presented, the hearing officer shall affirm, modify or set aside the determination of the director of inspections. The

decision of the hearing officer shall be rendered in writing and shall contain the findings of fact and conclusions reached, and all parties shall be bound thereby.
Any person aggrieved by the decision of the hearing officer may appeal to the Minnesota court having jurisdiction as provided by law.
Costs of the appeal hearing, including fees charged by the office of administrative hearings and the expense of transcript preparation, but not including attorney fees of the opposing party, shall be paid by the non-prevailing party.

Section 8. That Chapter 278 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 278.535 to read as follows:

**278.535. Effective Date.** Sections 278.425 and 278.515 shall be effective on January 1, 2005. The amendments to sections 278.410, 278.420, 278.440, 278.470, and 278.510 shall be effective on January 1, 2005.

Adopted 11/5/04.
Absent - Samuels, Schiff.

**PS&RS -** Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, requiring rental property owners to pay administrative fees for failure to renew their rental dwelling license before December 31st of the license year, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/5/04.
Absent – Samuels, Schiff.

Ordinance 2004-Or-130 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Sections 244.1860 and 244.1880 to require rental property owners to pay administrative fees for failure to renew their rental dwelling license before December 31st of the license year, was passed 11/5/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2004-Or-130**
**By Niziolek and Johnson**
**Intro & 1st Reading: 10/8/04**
**Ref to: PS&RS**
**2nd Reading: 11/5/04**

**Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.**

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

Section 1. That Section 244.1860 of the above-entitled ordinance be amended to read as follows:

**244.1860. Expiration; renewal.** All licenses and provisional licenses issued under this article shall expire on September thirtieth of each year, subject to renewal year to year in the manner provided in this article. All licensees and provisional licensees shall apply for renewal of their licenses on a form provided by the director of inspections. The renewal application may be in such abbreviated form as deemed sufficient by the director to verify current information on file concerning the licensee. No license or provisional license shall be granted without payment of the required annual license fee. <u>An individual who is operating a rental dwelling after the license has expired is operating an unlicensed rental dwelling.</u>

Section 2. That Section 244.1880 of the above-entitled ordinance be amended to read as follows:

**244.1880. License fees.** (a) The annual license fee for a rental dwelling license or provisional license is thirty-six dollars ($36.00) for the first dwelling unit and twenty dollars ($20.00) for each additional dwelling unit under common ownership in the same building. A change in ownership shall require a new license application and payment of the license fee. An increase in the number of licensed

dwelling units during the license year shall require an amended license application and the payment of an additional license fee to cover the additional units.

(b) The annual license fee shall be increased by fifty (50) percent when more than fifteen (15) calendar days late. Late applicants shall not be entitled to prorated license fees. After December 31 of the license year, renewal of an expired license shall require the payment of the administrative fee set forth in (d) instead of the fee set forth in this paragraph.

(c) License fees shall be prorated as follows:
Issued during first half of license year . . . Full fee
Issued during second half of license year . . . 1/2 fee

(d) Operation of an unlicensed dwelling unit shall be subject to an additional administrative fee of two hundred and fifty dollars ($250.00) for the first dwelling unit, and twenty dollars ($20.00) for each additional dwelling unit under common ownership in the same building. This fee shall be in addition to any other appropriate enforcement action or fees due.

Adopted 11/5/04.
Absent – Samuels, Schiff.

**PS&RS -** Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.
Adopted 11/5/04.
Declining to Vote – Benson.
Absent – Samuels, Schiff.

Resolution 2004R-502, granting applications for Liquor, Wine and Beer Licenses, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-502**
**By Niziolek**

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

Resolved by The City Council of The City of Minneapolis:
That the following applications for liquor, wine and beer licenses be granted:
**On-Sale Liquor Class D with Sunday Sales, to expire April 1, 2005**
Pacific Asian Restaurants Inc, dba Kikugawa, 43 Main St SE (new shareholder/partner & new corporate officer);
**On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2005**
The Bulldog Restaurant Inc, dba The Bulldog Restaurant, 2549 Lyndale Av S;
**Liquor Catering Services, to expire August 1, 2005**
Mintahoe Inc, dba Mintahoe Hospitality Group, 1021 Bandana Blvd E, St. Paul;
**On-Sale Wine Class E with Strong Beer, to expire April 1, 2005**
Seafood Palace Inc, dba Seafood Palace, 2523 Nicollet Av (change in ownership from Carl Wong);
**Temporary On-Sale Wine**
Loft Literary Center, 1011 Washington Av S (November 13, 2004, 10:00 p.m. to 1:00 a.m. at 1011 Washington Av S);
**Off-Sale Beer, to expire April 1, 2005**
ALDI Inc, dba ALDI Foods #67, 1311 E Franklin Av (new business);
Speedway Super America LLC, dba Super America #4392, 2618 Lowry Av N;
**Temporary On-Sale Beer**
Minneapolis Downtown Council, dba Twins Rally, 81 S 9th St (October 4, 2004, 4:30 p.m. to 8:30 p.m. at Peavey Plaza);

Lake Superior Water Trail Association, dba Lake Superior Water Trail Association, 309 Cedar Av S (November 11, 2004, 5:00 p.m. to 9:00 p.m.; November 12, 2004, 4:00 p.m. to 9:00 p.m.; November 13, 2004, 9:00 a.m. to 6:00 p.m.; and November 14, 2004, 11:00 a.m. to 5:00 p.m. at Midwest Mountaineering);

Zuhrah Shrine Center, dba Zuhrah Shrine Center, 2540 Park Av S (October 22, 2004, Noon to 11:00 p.m.; October 23, 2004, 8:00 p.m. to 11:00 p.m.; and October 24, 2004, Noon to 10:00 p.m. at Target Center).

Adopted 11/5/04.

Declining to Vote – Benson.

Absent – Samuels, Schiff.

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

Adopted 11/5/04.

Absent – Samuels, Schiff.

Resolution 2004R-503, granting applications for Business Licenses, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-503**
**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 5, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269986):

Amusement Devices; Bed & Breakfast Facility; Car Wash; Dancing School; Dry Cleaning & Laundry Pickup Station; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; Confectionery; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Gasfitter Class A; Gasoline Filling Station; Hospital; Hotel/Motel; Juke Box; Lodging House with Boarding; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class A; Towing Class B; Towing Class C; Towing Class D; Commercial Parking Lot Class A; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Antique Dealer Class B; Exhibition Operator Class A; Exhibition Operator Class C; Solid Waste Hauler; Suntanning Facility; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Theater Zone I; Theater Zone II; Theater Zone III; Combined Trades; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted 11/5/04.

Absent – Samuels, Schiff.

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

Adopted 11/5/04.

Absent – Samuels, Schiff.

Resolution 2004R-504, granting applications for Gambling Licenses, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-504**
**By Niziolek**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**Gambling Lawful Exempt**

Minneapolis Society of Fine Arts, dba Minneapolis Society of Fine Arts, 2400 3rd Av S (Raffle October 24, 2004);

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo November 14, 2004);

Church of St. Hedwig, dba Church of St. Hedwig, 129 29th Av NE (Raffle December 5, 2004);

Goldbrick Club, dba Goldbrick Club, 1828 4th St NE (Raffle December 12, 2004 at Police Federation Hall, 1811 University Av NE);

Women Against Military Madness, dba Women Against Military Madness, 310 E 28th St (Raffle December 14, 2004 at Hennepin Avenue United Methodist Church, 511 Groveland Av);

Goldbrick Club, dba Goldbrick Club, 1828 4th St NE (Raffle February 7, 2005 at Jax Cafe, 1928 University Av NE).

Adopted 11/5/04.

Absent – Samuels, Schiff.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Tabu, 323-25 1st Av N.

Adopted 11/5/04.

Declining to Vote – Benson.

Absent – Samuels, Schiff.

Resolution 2004R-505, approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Tabu, 323-25 1st Av N, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-505**
**By Niziolek**

**Approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Tabu, 323-25 1st Av N.**

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on April 15, 2004 with South Beach LLC, dba Tabu, and has received Findings of Fact, Conclusions and Recommendations as a result of the licensee having violated the Minneapolis Code of Ordinances by serving alcohol to an underage person; that the owner of Tabu engaged in conduct detrimental to his moral character and repute; and that Tabu's security and practices inside and outside the establishment have sometimes been inadequate to control the crowds at the establishment;

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

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

a. that the On-Sale Liquor Class A with Sunday Sales License issued to Tabu be suspended for 15 days, and that 13 days be stayed for a period of six months effective from the date of the TAC Agreement, subject to the following conditions:

1. the "date of the TAC Agreement" shall be defines as the date the City Council approves the Findings.

2. that the two days of the executed suspension be served on two consecutive operating days, a Sunday and a Tuesday of the licensee's choosing, but no later than November 30, 2004. The licensee shall give 14 days prior notice to the Police 1st Precinct and the Minneapolis Police License Investigation Division.

3. that South Beach LLC shall pay an administrative fee of $15,000 within 60 days of the effective date of the TAC Agreement.

4. that the owner, Mr. Fereshtehkhou withdraw his application to increase his ownership interest to 70%. Mr. Fereshtehkhou shall divest himself of any ownership interest over 40% of outstanding shares.

5. that the TAC Agreement shall be applicable only to the current ownership and management of South Beach, LLC. The 13 days stayed suspension shall not be applicable to any subsequent purchaser(s) of the assets of South Beach LLC where the present such ownership is changed in its entirety by such sale to the new ownership.

6. that South Beach LLC operate in compliance with all licensing and Liquor Code requirements.

7. that South Beach LLC operate in compliance with all other Federal, State and local laws and ordinances.

8. the TAC Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this agreement, or for subsequent violation of any Federal, State or local laws, ordinances or regulations during the six-month period from the effective date of the TAC Agreement.

Adopted 11/5/04.
Declining to Vote – Benson.
Absent – Samuels, Schiff.

**PS&RS** - Your Committee recommends that the following levies be approved and that the Director of the Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under authorization of the Inspections Division to correct nuisance or hazardous conditions on these properties (Petn No 269985):

Levy 1080 - Removal of Offensive Matter (rubbish), payable in one year - $218,837.18
Levy 1081 - Removal of Offensive Matter (weeds), payable in one year - $128,353.50
Levy 1084 - Removal of Offensive Matter (hazardous trees), payable in five years - $93,196.50
Levy 1085 - Removal of Offensive Matter (brush and plant growth), payable in one year - $32,549
Levy 1086 - Inoperable Vehicle Tow Administrative Fees, payable in one year - $24,300
Levy 1089 - Unpaid Administrative Citations, payable in one year - $1,760
Levy 1092 - Removal of Hazardous/Nuisance Condition Buildings, Lump sum payable in one year - $15,038.65
Levy 1096 - Vacant/Boarded Housing Registrations, payable in one year - $42,800
Levy 1097 - Reinspection Fees, payable in one year - $36,000
Levy 1098 - Securing of Buildings (Police Board Up), payable in one year - $87,950
Levy 1099 - Securing Abandoned Buildings, payable in one year - $45,525.96

Your Committee further recommends passage of the accompanying Resolutions, all in accordance with Chapter 227 of the Minneapolis Code of Ordinances, directing the Director of the Hennepin County Taxation Department to:

a. place assessments against certain properties to defray the cost of abating nuisance conditions (Levies 1080, 1081, 1084, 1085 and 1086).

b. place assessments against certain properties to defray the cost of unpaid penalties associated with administrative citations as defined in Chapter 2 of the Minneapolis Code of Ordinances (Levy 1089).

c. place assessments against certain properties to defray the cost of razing buildings determined to constitute a nuisance condition in accordance with Chapter 249 of the Minneapolis Code of Ordinances (Levy 1092).

d. place assessments against certain properties to defray the administrative costs for registering and processing the vacant building registration form and for the costs of the city in monitoring the vacant building site (Levy 1096).

e. place assessments against certain properties to defray the administrative cost of reinspection as defined in Chapter 244 of the Minneapolis Code of Ordinances and Minnesota Statute, Section 429.101, Subdivision 9 (Levy 1097).

f. place assessments against certain properties to defray the cost of securing the building and also levy and collect associated administrative costs not to exceed seventy-five dollars ($75) for each building that is secured in the manner provided by Minnesota Statutes, Sections 429.061, 429.071 and 429.081 and amendments thereto (Levy 1098).

g. place assessments against certain properties to defray the cost of securing abandoned buildings as authorized in Minnesota Statutes, Chapter 463 (Levy 1099).

Adopted 11/5/04.

Absent – Samuels, Schiff.

Resolution 2004R-506, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-506**
**By Niziolek**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances.**

Whereas, the Director of Inspections is authorized under Chapter 227 of the Minneapolis Code of Ordinances to abate nuisances relating to offensive matter on private premises including rubbish, long grass and weeds, brush and plant growth and dead trees; and

Whereas, the City Charter of the City of Minneapolis provides that costs incurred in the removal of nuisance conditions shall be levied and collected as a special assessment against the properties;

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

That the costs incurred in the removal of offensive matter are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Numbers 1080 (Rubbish Removal), 1081 (weed Removal), 1084 (Offensive Tree Removal), 1085 (Shrub, Brush Removal), and 1086 (Inoperable Vehicle Tow Administrative Fees) be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed under authorization of the Inspections Division to abate nuisances on private properties.

Be It Further Resolved that Levy Numbers 1080, 1081, 1085 and 1086 be payable in a single installment with interest thereon at eight percent (8%) and that Levy Number 1084 be paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 269985 on file at the Office of the City Clerk.

Adopted 11/5/04.

Absent – Samuels, Schiff.

Resolution 2004R-507, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-507**
**By Niziolek**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Number 1089 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 269985 on file at the Office of the City Clerk.

Adopted 11/5/04.

Absent – Samuels, Schiff.

Resolution 2004R-508, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing dangerous buildings in accordance with Chapter 87 of the Minneapolis Code of Ordinances, and to defray the cost of razing buildings determined to constitute a nuisance condition in accordance with Chapter 249 of the Minneapolis Code of Ordinances, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-508**
**By Niziolek**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing dangerous buildings in accordance with Chapter 87 of the Minneapolis Code of Ordinances, and to defray the cost of razing buildings determined to constitute a nuisance condition in accordance with Chapter 249 of the Minneapolis Code of Ordinances.**

Whereas, the Director of Inspections is authorized under Chapter 87 of the Minneapolis Code of Ordinances to abate the hazardous conditions by razing dangerous buildings after determination by the Director of Inspections and Chief of the Fire Department that a dangerous condition exists; and

Whereas, the City Charter of the City of Minneapolis provides that the costs incurred in the razing of dangerous buildings shall be levied and collected as a special assessment against the properties as provided for in Chapter 227 of the Minneapolis Code of Ordinances; and

Whereas, the City Council of the City of Minneapolis did determine that certain buildings constituted a nuisance condition in accordance with Chapter 249 of the Minneapolis Code of Ordinances and the Director of Inspections was empowered to abate the nuisance by having the buildings razed; and

Whereas, Chapter 249 provides that cost of such razing shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances;

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

That the costs incurred in razing dangerous buildings and buildings determined to constitute a nuisance condition are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Numbers 1092 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under the authorization of the Inspections Division to raze dangerous buildings on properties and buildings determined to constitute a nuisance condition.

Be It Further Resolved that Levy Number 1092 be payable in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 269985 on file at the Office of the City Clerk.

Adopted 11/5/04.

Absent – Samuels, Schiff.

Resolution 2004R-509, directing the Director of Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-509**
**By Niziolek**

**Directing the Director of Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 249.80 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 249 provides that the cost of registering a vacant property as defined by Chapter 249.80 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

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

That the costs incurred for registering vacant properties are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Number 1096 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 269985 on file at the Office of the City Clerk.

Adopted 11/5/04.

Absent – Samuels, Schiff.

Resolution 2004R-510, directing the Director of Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost relating to Re-inspection Fees in accordance with Chapter 244 of the Minneapolis Code of Ordinances, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-510**
**By Niziolek**

**Directing the Director of Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost relating to Re-inspection Fees in accordance with Chapter 244 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Section 244.190 of the Minneapolis Code of Ordinances that determine Re-inspection Fees and were authorized by the Director of Inspections to have the fees levied against the property in cases where property owners failed to pay the required fee; and

Whereas, Section 244.190 provides that the cost of Re-inspections to gain compliance with housing maintenance orders as defined by Section 244.190 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances and Chapter 429.101, Subsection 9 of Minnesota State Statutes when the property owner fails to meet the requirement for fee payment;

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

That the costs incurred for Re-inspection Fees are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Number 1097 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn
No 269985 on file at the Office of the City Clerk.

Adopted 11/5/04.

Absent – Samuels, Schiff.

Resolution 2004R-511, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-511**
**By Niziolek**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis is empowered to secure uninhabitable or unoccupied buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Chief of Police did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes Section 463.21;

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

That the costs of securing unoccupied or uninhabitable buildings open to trespass under the authority of the Chief of Police are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Number 1098 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 269985 on file at the Office of the City Clerk.

Adopted 11/5/04.

Absent – Samuels, Schiff.

Resolution 2004R-512, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned building in accordance with Chapter 227 of the Minneapolis Code of Ordinances, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-512**
**By Niziolek**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned building in accordance with Chapter 227 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis is empowered to secure vacant buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Director of Inspections did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes Section 463.21;

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

That the costs of securing abandoned buildings under the authority of the Director of Inspections are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Number 1099 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 269985 on file at the Office of the City Clerk.

Adopted 11/5/04.

Absent – Samuels, Schiff.

**PS&RS -** Your Committee, having under consideration the property located at 3838 Bryant Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 25, Block 3, Farnhams 3rd Addition to Minneapolis (PID #04-029-24-41-0140), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 11/5/04.

Absent – Samuels, Schiff.

**PS&RS -** Your Committee, having under consideration the property located at 3438 Penn Av N (PID #09-029-24-22-0114) which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the owner be authorized to rehabilitate the structure, subject to the following terms, and in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference:

a. the proper owner is ordered to schedule a Code Compliance inspection no later than November 12, 2004.

b. the property owner is ordered to pay the required $2,000 Code Compliance deposit and pull all necessary permits no later than December 1, 2004.

c. the property owner is ordered to complete rehabilitation of the property and obtain a certificate of Code Compliance no later than June 1, 2005.

d. the property owner is ordered to post a performance bond, in the amount of $94,350.

e. if the owner fails to abide by this order, the Director of Inspections shall immediately notify the Committee, who may order immediate demolition or otherwise amend its order.

Adopted 11/5/04.

Absent – Samuels, Schiff.

**PS&RS -** Your Committee, having under consideration the property located at 2313 Portland Av S (PID #35-029-24-22-0032) which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the owner be authorized to rehabilitate the structure, subject to the following terms, and in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference:

a. the property owner is ordered to complete rehabilitation of the property and obtain a certificate of Code Compliance no later than June 1, 2005.

b. the property owner is ordered to post a performance bond, in the amount of $200,000.

c. if the owner fails to abide by this order, the Director of Inspections shall immediately notify the Committee, who may order immediate demolition or otherwise amend its order.

Zimmermann moved to amend the report by deleting the language contained in item "b" and inserting in lieu thereof the following:

"b. the property owner is required to pay the required $2,000 Code Compliance deposit and pull all necessary permits no later than December 1, 2004." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/5/04.

Absent – Samuels, Schiff.

**PS&RS** - Your Committee recommends that the proper City Officers be authorized to develop and implement a Police Foundation for the Minneapolis Police Department that would assist with funding equipment, training and other peripheral benefits that are beyond normal budgeting. Further, Police Department Staff is directed to report back to the Public Safety & Regulatory Services Committee once the initiative has been more fully developed with information regarding the board composition, rules of incorporation, and other specifics regarding the foundation.

Adopted 11/5/04.

Absent – Samuels, Schiff.

**PS&RS** - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals for Automated Traffic Law Enforcement Systems, contingent upon approval by the Permanent Review Committee.

Adopted 11/5/04.

Absent – Samuels, Schiff.

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

**PS&RS & W&M/Budget** - Your Committee, having under consideration the Fiscal Year 2004 Metropolitan Medical Response System Program (MMRS) Federal Grant, now recommends that the proper City Officers be authorized to:

a. accept a grant award of $800,000 from the United States Department of Homeland Security to provide funds to focus on updating the Sustainment Plan for Minneapolis and St. Paul; Pharmaceutical Cache Management; and Assuring Currency of Planning, Training, Exercising and Equipping for rapid response capabilities to the threat of biological and chemical domestic terrorism.

b. execute any other sub-recipient agreements necessary to implement the grant.

Further, passage of the accompanying Resolution appropriating $800,000 to the Fire Department.

Adopted 11/5/04.

Absent – Samuels, Schiff.

**RESOLUTION 2004R-513**
**By Niziolek and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2880) by $800,000 and increasing the Revenue Source (030-280-2880 - Source 3210) by $800,000.

Adopted 11/5/04.

Absent – Samuels, Schiff.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to donate the following four outdated surplus Fire Department pumper trucks:

a. 1988 Pumper, Equipment Unit #71500, to the Metropolitan Airports Commission Fire Department.

b. 1981 Pumper, Equipment Unit #71650, to the Clearbrook Fire Department.

c. 1981 Pumper, Equipment Unit #71680, to the Northeast Sherburne Fire & Rescue Department.

d. 1984 Pumper, Equipment Unit #71740, to the Gonvick Fire Department.

Adopted 11/5/04.

Absent – Samuels, Schiff.

**PS&RS & W&M/Budget** - Your Committee, having previously given notice to Hennepin County of the City's intention to rescind the 1968 City Resolution related to the City-County consolidation of jail facilities, now recommends that the proper City Officers be authorized to continue to review and have discussions with Hennepin County representatives with respect to jail booking fees, so that a written agreement can be reached between the City and County at the earliest possible time.

Adopted 11/5/04.

Absent – Samuels, Schiff.

**PS&RS & W&M/Budget** - Your Committee recommends authorizing settlement in the matter of *Auto Mart v. City of Minneapolis* relating to Motor Vehicle Licenses at 501 W Lake St and 4201 E Lake St. Further, that the proper City Officers be authorized to execute settlement documents to bring Auto Mart into compliance with the City's building codes, zoning ordinances, and licensing requirements, including the payment of $4,000 to the City for various administrative fines, and approval of a site plan for 4201 E Lake St.

Adopted 11/5/04.

Absent – Samuels, Schiff.

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

**T&PW** - Your Committee, having under consideration the Humboldt Greenway Project, Phase II, and having held a public hearing thereon, now recommends passage of the accompanying Resolution adopting special assessments in the amount of $631,771 for the benefited properties.

Adopted 11/05/04.

Absent - Samuels, Schiff.

Resolution 2004R-514 adopting the special assessments for the Humboldt Greenway Project No. 9789, Phase II, for Water Main, Water Service Connections, Sanitary Sewer Main, Sanitary Sewer Connections and Street Lighting, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-514**
**By Colvin Roy**

**Adopting the special assessments for the Humboldt Greenway Project No. 9789, Phase II, for Water Main, Water Service Connections, Sanitary Sewer Main, Sanitary Sewer Connections and Street Lighting**.

Whereas, a public hearing was held on October 26, 2004, in accordance with Chapter 10, Section 6, of the Minneapolis City Charter, and Sections 24.180 and 509.465 of the Minneapolis Code of Ordinances to consider the proposed special assessments in accordance with the Construction Cooperative Agreement, Agreement No. A04310, as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed special assessments;

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

That the proposed special assessments for Water Mains in the total amount of $167,215.30, Water Service Connections in the total amount of $139,552.92, Sanitary Sewer Main in the total amount of $72,015.28, Sanitary Sewer Connections in the total amount of $64,480 and Street Lighting in the total amount of $188,507 as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the assessment bonds are sold for with the collection of the special assessments to begin on the 2005 real estate tax statements.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 11/05/04.

Absent - Samuels, Schiff.

**T&PW** - Your Committee, having under consideration the Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village, and 48th St E and Chicago Av S Special Service Districts, and having held a public hearing thereon, now recommends passage of the accompanying Resolution approving the special services, cost estimates, and the lists of service charges for 2005 in the afore-mentioned Special Service Districts, as set forth in Petn No 269991 on file in the office of the City Clerk, and directing the City Engineer to proceed with the work.

Adopted 11/5/04.

Absent - Samuels, Schiff.

Resolution 2004R-515, approving special services, the cost estimates, service charges and the lists of service charges for 2005 in the Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village, and

48th St E and Chicago Av S Special Service Districts and directing the City Engineer to proceed with the work, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-515**
**By Colvin Roy**

**Approving special services, the cost estimates, service charges and the lists of service charges for 2005 in the Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village, and 48th St E and Chicago Av S Special Service Districts and directing the City Engineer to proceed with the work.**

Whereas, public hearings were held on October 26, 2004 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 457 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 269991 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 $111,500 for 2005 and the proposed service charges and the proposed list of service charges for 2005 in the total amount of $137,315 (amount remaining after adjusting the cost estimate of $111,500 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 $80,500 for 2005 and the proposed service charges and the proposed list of service charges for 2005 in the total amount of $80,870 (amount remaining after adjusting the cost estimate of $80,500 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 $81,500 for 2005 and the proposed service charges and the proposed list of service charges for 2005 in the total amount of $88,185 (amount remaining after adjusting the cost estimate of $81,500 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 $72,500 for 2005 and the proposed service charges and the proposed list of service charges for 2005 in the total amount of $93,211 (amount remaining after adjusting the cost estimate of $72,500 for previous years' unexpended balances and additional costs as provided for in 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 $76,765 for 2005 and the proposed service charges and the proposed list of service charges for 2005 in the total amount of $71,142 (amount remaining after adjusting the cost estimate of $76,765 for previous years' unexpended balances and additional costs as provided for in 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 $9,500 for 2005 and that the proposed service charges and the proposed list of service charges for 2005 in the total amount of $10,469 (amount remaining after adjusting the cost estimate of $9,500 for previous years' unexpended balances and additional costs as provided for in Section 457.70 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 48th St E and Chicago Av S Special Service District.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2005 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 11/5/04.

Absent - Samuels, Schiff.

**T&PW** - Your Committee, to whom was referred an Ordinance amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Block Events*, and having held a public hearing thereon, now recommends that said Ordinance, adding provisions for petitions related to business and other non-residential block event applications to improve proper notification and approvals by adjacent properties and clarifying provisions for notification to Council Members for non-residential block events, now recommends that said Ordinance be given its second reading for amendment and passage.

Adopted 11/5/04.

Absent - Samuels, Schiff.

Ordinance 2004-Or-131, amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Block Events*, amending Sections 455.20 and 455.25 to add provisions for petitions related to business and other non-residential block event applications to improve proper notification and approvals by adjacent properties and clarifying provisions for notification to Council Members for non-residential block events, was passed 11/5/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2004-Or-131**
**By Schiff and Colvin Roy**
**Intro & 1st Reading: 8/6/04**
**Ref to: T&PW**
**2nd Reading: 11/5/04**

**Amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Block Events.**

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

Section 1. That Section 455.20(f) and (h) of the above-entitled ordinance be amended to read as follows:

**455.20. Application process.**

(f) *Notification of council member(s) of non-residential block event application*. ~~Immediately u~~Upon receipt of a non-residential block event application, ~~the director of public works for residential block events, or~~ the director of regulatory services ~~for business district block events,~~ shall forward a copy of the application to the council member(s) in whose ward(s) the event is proposed to take place. Prior to the issuance of the permit, such council member(s) may offer written comments to the ~~director of public works for residential block events, or the~~ director of regulatory services~~, for business district block events,~~ concerning whether the application is in compliance with the provisions of this chapter, or if there is a basis for denial under section 455.30.

(h) *Notification of issuance of permit.* Upon the issuance of the block event permit, the director of public works, for residential permits, or the director of regulatory services for business ~~district~~ or other non-residential permits, shall ~~immediately~~ so advise the chief of police, chief of the fire department, and the council member of the ward affected. The director of public works shall be informed by the director of regulatory services of the issuance of a business ~~district~~ or other non-residential block event permit.

Section 2. That Section 455.25 of the above-entitled ordinance be amended to read as follows:

**455.25. Conditions of application.** An application for a block event shall be executed by the applicant, or applicants, who shall each therein certify:

(a) That ~~I~~in the case of a residential block event~~,~~ the applicant's residence abuts the portion of the street wherein the event is to be held.

(b) That a good-faith attempt has been made to deliver to each residence or building management or tenants association or commercial entity's owner or their authorized representative abutting such portion of the street a notice containing the following information:

(1) A description of the event;

(2) The date and hours of the event;

(3) The name, address and phone number of the sponsor; and

(4) That anyone objecting to the block event may petition the city council for a hearing to protest the issuance of a permit for such event.

~~(c) In the case of a residential block event, the application must be accompanied by a document containing names and addresses representing seventy-five (75) percent of the households on the block or blocks abutting the street approving the event, and an affidavit by the applicant affirming that the residents and addresses on the petition have agreed to the event and represent a minimum of seventy-five (75) percent of the households on the block or blocks abutting the street approving the event.~~

(c) That the application contains documentation of the names and addresses of those on the block or blocks that approve of the block event. For a residential block event application, the documentation must contain seventy-five (75) percent of the households on the block or blocks that abut the block event. For business or other non-residential block event applications, the documentation must contain seventy-five (75) percent of the households and business owners or other authorized representatives on the block or blocks that abut the block event. An applicant must also affirm that the information provided with the application has met the above-stated requirements.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**T&PW** - Your Committee, having under consideration a lease with the Minnesota Department of Transportation (MnDOT) for property under I-94 bridges in the vicinity of 2nd Av N and Lyndale Av N, now recommends that the proper City officers be authorized to execute Amendment No 3 to Lease H-05829 extending the contract with MnDOT to April 30, 2006 for a total lease amount of $60,120. Funds are available in the Public Works operating budget. (Petn No 269991)

Adopted 11/5/04.

Absent - Samuels, Schiff.

**T&PW** - Your Committee, to whom was referred an Ordinance amending Title 19 of the Minneapolis Code of Ordinances relating to *Water, Sewers, and Sewage Disposal*, and having held a public hearing thereon, now recommends:

a) That said Ordinance, adding a new Chapter 510 entitled *Stormwater Management System and Operation of a Stormwater Utility*, now recommends that said Ordinance be given its second reading for amendment and passage;

b) Adopting the Stormwater *Utility* Credit Rules, as set forth in Petition No 269991 on file in the office of the City Clerk; and

c) Recognizing the Citizen Advisory Committee's dedication and efforts in providing feedback to the *Stormwater* Rate Model Project.

Colvin Roy moved to substitute a new Ordinance for the above-mentioned Ordinance. Seconded.

Adopted upon a voice vote.

The report, with the substitute Ordinance, was adopted 11/5/04.

Absent - Samuels, Schiff.

Ordinance 2004-Or-132, amending Title 19 of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal* by adding a new Chapter 510 relating to *Stormwater Management System and the Operation of a Stormwater Utility*, was passed 11/5/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2004-Or-132**
**By Colvin Roy, Goodman, Benson and Zimmermann**
**Intro & 1st Reading: 7/23/04**
**Ref to: T&PW**
**2nd Reading: 11/5/04**

**Amending Title 19 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal by adding a new Chapter 510 relating to Stormwater Management System and the Operation of a Stormwater Utility.**

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 510 to read as follows:

**CHAPTER 510. STORMWATER MANAGEMENT SYSTEM AND OPERATION OF A STORMWATER UTILITY**

**510.10. Definitions**. In addition to the words, terms and phrases elsewhere defined in this chapter, the following words, terms and phrases as used in this chapter shall have the following meanings:

*Bonds* means revenue or general obligation bonds, notes, loans or other debt obligations heretofore or hereafter issued to finance the costs of improvements and/or operations and maintenance.

*Building permit* means a permit issued by the director of inspections that permits construction of a structure.

*City* means City of Minneapolis, Minnesota.

*City council* means governing body of the city.

*Costs of capital improvements* means costs incurred in providing capital improvements to the stormwater management system or any portion thereof including, without limitation, the cost of alteration, enlargement, extension, improvement, construction, reconstruction, testing and development of the stormwater management system; insurance premiums for insurance taken out and maintained during construction, professional services and studies connected thereto; principal and interest on bonds heretofore or hereafter issued, acquisition of real and personal property by purchase, lease, donation, condemnation or otherwise for the stormwater management system or for its protection; and costs associated with purchasing equipment, computers, furniture, etc., that are necessary for the operation of the system or the utility.

*Debt service* means an amount equal to the sum of (i) all interest payable on bonds during a fiscal year, plus (ii) any principal installments payable on the bonds during that fiscal year.

*Developed property* means real property, other than undisturbed property; provided that, property used for agricultural uses, upon which no dwelling unit is located, shall not constitute developed property for purposes of this chapter.

*Director* means the city engineer/director of the public works department for the City of Minneapolis or the director's designee.

*Dwelling unit* means one or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with a single complete kitchen facility, sleeping area and bathroom provided within the unit for the exclusive use of a single household.

*Equivalent Stormwater Unit* (ESU) means a unit of measure that is equal to the average impervious area of single-family residential developed property that falls within the medium class, with a single-family detached dwelling unit located thereon and within the city's limits, as established by city council resolution or ordinance, as provided for herein.

*Equivalent Stormwater Unit rate* or *ESU rate* means the storm sewer charge imposed on single-family residential developed property within the medium class, as established by city council resolution or ordinance, as provided herein.

*Exempt property* means public rights-of-way, public trails, public streets, public alleys, public sidewalks, railroad tracks that are not in railroad yards, and also means public lands and/or easements upon which the stormwater management system is constructed and/or located.

*Fiscal year* means a twelve-month period commencing on the first day of January of any year or such other twelve (12) month period adopted as the fiscal year of the city.

*Impervious area* means the number of square feet of hard surface areas that either prevent or retard the entry of water into the soil matrix, as it entered under natural conditions as undisturbed property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undisturbed property, including, but not limited to, roofs, roof extensions, driveways, pavement and athletic courts.

*Other residential developed property* means developed property upon which two (2) or more family and/or multi-family dwellings are located.

*Non-residential developed property* means developed property other than single residential developed property and other residential developed property.

*Operating budget* means the annual stormwater utility operating budget adopted by the city for the succeeding fiscal year.

*Operations and maintenance* means, without limitation, the current expenses, paid or secured, of operation, maintenance, repair and minor replacement of the system, as calculated in accordance with generally accepted accounting practice. This shall include, without limiting the generality of the foregoing, cost of studies related to the operation of the system; costs of the study performed heretofore in relation to establishing storm sewer charges for the stormwater utility and other start up costs of the stormwater utility; costs related to the national pollutant discharge elimination system permit study, application, negotiation and implementation, including public education and outreach, as mandated by federal and state laws and regulations and the costs of obtaining and complying with all other permits required by law, insurance premiums, administrative expenses, equipment costs, including professional services, labor costs and the cost of materials and supplies used for current operations.

*Revenues* means all rates, fees, assessments, rentals or other charges or other income received by the stormwater utility in connection with the management and operation of the system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with generally accepted accounting practices.

*Runoff coefficients* means those numbers approved by the city council that are used to estimate the impervious area for each non-single family classified property. A list of the coefficients used for the city is found in Table 1 that is incorporated herein.

*Single family residential developed property* means developed property upon which single-family detached dwellings are located.

*Stormwater charge* means a charge authorized by this chapter**,** Minnesota Statutes 2004, Section 444.075, and other applicable law, and further as set forth in resolution or ordinance heretofore or hereafter adopted or hereafter amended by the city council, which is established to pay operation and maintenance, costs of capital improvements, debt service associated with the stormwater management system and other costs included in the operating budget.

*Stormwater management system*, *sewer system* or *system* means storm sewers that exist at the time the ordinance codified in this chapter is adopted or that are hereafter established and all appurtenances necessary in the maintaining and operating of the same, including, but not limited to pumping stations; enclosed storm sewers; outfall sewers; surface drains; street, curb and alley improvements associated with storm or surface water improvements; natural and manmade wetlands; channels; ditches; rivers; streams; wet and dry bottom basins; pocket ponds; multiple pond systems; settling basins; infiltration trenches or basins; filter systems; bioretention areas; dry or wet swales; grass channels; roof top detention; skimming devices; grit chambers and other flood control facilities; and works for the collection, transportation, conveyance, pumping, treatment, controlling, storing, managing, and disposing storm or surface water or pollutants originating from or carried by storm or surface water.

*Stormwater utility* or *utility* means the utility created by this chapter to operate, maintain and improve the stormwater management system and for all other purposes set forth in this chapter.

*Undisturbed property* means real property that has not been altered from its natural condition in a manner that disturbed or altered the topography or soils on the property to the degree that the entrance of water into the soil matrix is prevented or retarded.

*Vacant land* means real property upon which there is no structure, as shown in the records of the city assessor's office, which is not designed for or regularly used for commercial residential purposes, and which is not used in connection with another piece of property. Vacant land includes undisturbed property and land with no building used as a community garden.

**510.20. Creation of stormwater utility.** Pursuant to the provisions of Minnesota Statutes 2004, Section 444.075, the city's general home rule powers, its nuisance powers, police powers and all other authorized powers, the city council does establish a stormwater utility and stormwater management system and declares its intention to operate, construct, maintain, repair and replace the stormwater management system and operate the stormwater utility.

**510.30. Findings and determinations.** The city finds that the elements of the stormwater management system that provides for the collection, conveyance, detention/retention, treatment and release of stormwater, the reduction of hazard to property and life resulting from stormwater runoff, improvement in general health and welfare through reduction of undesirable stormwater conditions and improvement to the water quality in the storm and surface water system and its receiving waters are of benefit and provide services to all property within the city. It is further found, determined and declared that this chapter is in furtherance of and implements the goals and strategies of the local surface water management plan, the annual Combined Sewer Overflow (CSO) report and the city's National Pollutant Discharge Elimination System (NPDES) permit.

**510.40. Administration.** The stormwater utility, under the supervision of the director, shall have the power to:

(1) Administer the acquisition, design, construction, maintenance, operation, extension and replacement of the stormwater management system, including real and personal property that is or will become a part of or protect the system.

(2) Prepare regulations, as needed, to implement this chapter, and forward those regulations to the city council for consideration and adoption, and adopt those procedures, as are desirable, to implement adopted regulations or to carry out other responsibilities of the utility.

(3) Administer and enforce this chapter and all regulations, guidelines and procedures adopted relating to the design, construction, maintenance, operation and alteration of the stormwater management system, including, but not limited to, the flow rate, volume, quality and/or velocity of the stormwater conveyed thereby.

a. Advise the city council on matters relating to the stormwater management system.

b. Develop and review plans concerning creation, design, construction, extension and replacement of the system and make recommendations to the city council related thereto.

c. Inspect private systems, as necessary, to determine the compliance of those systems with this chapter and any regulations adopted pursuant hereto.

d. Make recommendations to the city council concerning the adoption of ordinances, resolutions, guidelines and regulations to protect and maintain water quality within the stormwater management system in compliance with water quality standards established by state, county, regional and/or federal agencies, as now adopted or hereafter adopted or amended.

e. Analyze the cost of services and benefits provided by the stormwater management system and the structure of fees, service charges, fines and other revenues of the stormwater utility at least once each year.

f. Make recommendations to the city council concerning the cost of service and benefits provided by the stormwater management system and structure of fees, service charges, fines and other revenues of the stormwater utility.

g. Analyze the appropriateness of providing credits against the stormwater charge for owners of property who employ structural or non-structural best management practices or other stormwater management practices on-site that significantly reduce the quantity or improve the quality of stormwater run-off from their property that enters the system and make recommendations to the city council regarding the provision of these credits.

h. Administer programs established pursuant hereto or pursuant to ordinances, resolutions, regulations or guidelines hereafter adopted by the city council that provide for credits and/or incentives that reduce stormwater charges imposed against properties.

**510.50. Operating budget.** The city shall, as part of its annual budget process, adopt an operating budget for the stormwater utility for the next following fiscal year. The operating budget shall be prepared in conformance with the state budget law, city policy and generally accepted accounting practices. The initial operating budget commences January 1, 2005, and ends December 31, 2005.

**510.60. Stormwater charge.** (a) *Stormwater charge established*. Subject to the provisions of this chapter, there is imposed on each and every single-family residential developed property, other residential developed property and non-residential developed property, and vacant property, other than exempt property, and the owner and non-owner users thereof, a stormwater charge. In the event the owner and non-owner user of a particular developed property are not the same, the liability for the owner and non-owner user for the stormwater charge attributable to the developed property shall be joint and several liability. This stormwater charge shall be determined and set by the provisions of this chapter in accordance with the ESU and ESU rate, which is established by ordinance or resolution of the city council and which may be amended from time to time by the city council.

(1) *Stormwater charge for single-family residential developed property.* Three classes of single-family residential developed property are established to account for the wide range of the amount of impervious area that exists on individual single-family residential developed properties in the city. The three single-family customer classes are based on statistical sampling of estimated impervious area as developed from the city assessor's single-family residential developed real estate property records which includes: foundation square footage, garage stalls, estimation of driveway square footage and foundation square footage of any outbuildings/other improvements. Classification of the single-family residential developed customer class properties into the three customer classes is made based on estimated impervious area. Single-family residential developed properties will be assigned to one of three single-family residential customer classes. The three single family residential customer classes are as follows:

a. Single-family residential developed property/high — greater than 1,578 square feet of estimated impervious area.

b. Single-family residential developed property/medium — equal to or greater than 1,485 square feet and less than or equal to 1,578 square feet of estimated impervious area.

c. Single-family residential developed property/low — less than 1,485 square feet of estimated impervious area.

The stormwater charge for each of these classes shall be as follows:

| | |
|---|---|
| High — | 1.25 % of an ESU |
| Medium – | 1 ESU |
| Low – | .75 % of an ESU |

In the event of a newly constructed dwelling unit, the charge for the stormwater charge attributable to that dwelling unit shall commence upon the issuance of the building permit for that dwelling unit.

(2) *Stormwater charge for other residential developed property*. The stormwater charge for other residential developed property shall be the ESU rate multiplied by the numerical factor obtained by multiplying the gross area of a property by the runoff coefficient for the other residential developed property, as set forth in Table 1 (the actual coefficient will be defined at the time of the annual rate adoption) and then dividing the above product by the ESU, as this ESU is established by City Council resolution or ordinance ((gross square footage X runoff coefficient)/ESU = ## ESU). In the event of a newly constructed dwelling unit, the stormwater charge attributable to that dwelling unit shall commence upon the issuance of the building permit for that dwelling unit.

(3) *Stormwater charge for non-residential developed property.* The stormwater charge for non-residential developed property shall be the ESU rate multiplied by the number of ESU's for each individual non-residential developed property. The number of ESU's for each individual non-residential developed property shall be obtained by multiplying the gross area of each individual property by the runoff coefficient for the customer class that is the most similar to the use to which that individual non-residential developed property is currently being put, as set forth in Table 1 (the actual coefficient will be defined at the time of the annual rate adoption) and then dividing the above product by the ESU, as this ESU is established by city council resolution or ordinance ((gross square footage X runoff coefficient)/ESU = ## ESU)). The minimum stormwater charge for any non-residential developed property shall be in an amount equal to that of one ESU. In the event of newly developed non-residential developed property, the stormwater charge attributable to that development shall commence upon the issuance of the building permit. In the event of additional development to property that is already developed property, the charge for the stormwater charge attributable to that additional development shall commence upon the issuance of the building permit.

(4) *Stormwater charge for vacant property.* The stormwater charge for vacant property shall be the ESU rate multiplied by the number of ESU's for each individual vacant property. The number of ESU's for each individual vacant property shall be obtained by multiplying the gross area of each individual property by the runoff coefficient for the vacant property class, as set forth in Table 1 (the actual coefficient will be defined at the time of the annual rate adoption) and then dividing the above product by the ESU, as this ESU is established by city council resolution or ordinance ((gross square footage X runoff coefficient)/ESU = ## ESU)). There is no minimum stormwater charge for vacant property.

(b) *Stormwater charge calculation*. The director shall initially, and from time to time, determine the class of residential developed property into which each individual residential developed property falls to establish the stormwater charge, based on the impervious area of the parcel as shown in the single-family records maintained by the city assessor's office. The stormwater charge for other residential developed property, for non-residential developed property, and for vacant property in the city shall be calculated as provided for subsection (a)(2), (3) & (4). The director shall make the initial calculation with respect to existing other residential developed property, non-residential developed property, and vacant property and may from time to time change this calculation from the information and data deemed pertinent by the director. With respect to property proposed to be non-residential developed property, the applicant for development approval shall submit square footage impervious area calculations, in accordance with the submission requirements for the application being submitted, as set forth in the applicable section of Title 20 of this Code.

(c) *Stormwater charge credit*. A system of credits, which may reduce the stormwater charge that is imposed, as provided for above, is hereby established. A credit shall be granted for developed or undeveloped property pursuant to the rules provided for herein. The director shall, pursuant to the rules provided for herein, grant a credit to those owners or non-owner users of properties, against which stormwater charges are imposed, who employ structural or non-structural best management practices or other stormwater management practices on-site that significantly reduce the quantity or significantly improve the quality of stormwater run-off from their property that enters the system. The director shall propose rules providing guidelines for the awarding of credits. The council shall approve, or approve as modified, these rules for the awarding of credits. The rules shall be consistent with this section. A credit

also shall be granted in a percentage amount set by said city council pursuant to the rules for properties with respect to which a final plan or final plat has been approved or other final development approval has been granted by the city, on or before the effective date of this ordinance, which requires the construction of an on-site structural or non-structural best management practices or other stormwater management practices that significantly reduce the quantity or improve the quality of stormwater run-off from their property that enters the system, provided that, the practices are constructed and/or operational within one (1) year from the date of the applicable final approval. The credit shall begin in the fiscal year that the practice becomes operational. The credit for the first year, however, shall be prorated to reflect the number of months of the first fiscal year that the practices are operational, where appropriate.

**510.70. Appeal procedure.** (a) Owners of residential developed property, non-residential developed property or vacant property, with respect to which a stormwater charge has been imposed, that disagree:

(1) with the class into which their single-family residential developed property is placed;

(2) with the calculation of the stormwater charge;

(3) with whether their property is benefited by the stormwater utility; or

(4) with whether their property is entitled to a credit or the continuation of a credit or on the amount of a credit;

may appeal the calculation or finding to a designee of the director by giving written notice of the appeal to the director at the director's customary offices within the (10) days of notice of that determination.

The director's designee assigned to hear such appeal shall not be a person that is regularly assigned to utility billing or the stormwater utility. Appeals from the calculation or finding to the designee of the director, as delineated herein above are separate and distinct from the billing complaint procedures established by Sections 509.920 and 509.930 of this Code.

(b) The director's designee shall give written notice of the time and place for the review requested, pursuant to subsection (a) hereof, to the appealing owner or non-owner user. The review shall be held within fifteen (15) days of receipt by the director of the written appeal. In addition to any oral presentation, appellant shall state all grounds supporting the appeal in writing, attaching any exhibits, such as photographs, drawings or maps and affidavits that support the claim. In addition, the appellant shall submit a land survey prepared by a registered surveyor showing dwelling units, total property area, type of surface material and impervious area, as appropriate, and any other information that the director shall designate in writing to the appellant. The director may waive the submission of a land survey, if director determines that the survey is not necessary to make a determination on the appeal.

(c) The burden of proof shall be on the appellant to demonstrate, by clear and convincing evidence, that the determination of the director, from which the appeal is being taken, is erroneous.

(d) The filing of a notice of appeal shall not stay the imposition, calculation or duty to pay the stormwater charge. The appellant shall pay the stormwater charge, as stated in the billing.

(e) Within fifteen (15) days of the review, the director's designee shall send a written copy of the designee's decision to the appellant with a copy to the director.

(f) If the appellant believes this decision is in error, the appellant may file a written request for a review by the city council based on the written record by filing a request with the city clerk with a copy to the director. The request for review shall be reviewed based on the written record by a committee or subcommittee of the city council, or by a person appointed by the city council, or any designated combination thereof, within thirty (30) days of the filing of the request. The report of the committee, subcommittee and/or other reviewer shall be referred to the full council and be acted upon by the full council within thirty (30) days of the review. The decision of the city council on appeal is subject to judicial review, as provided by the laws of the state.

(g) If the director's designee's determines, upon appeal, that appellant should not pay a charge, pay a charge amount less than the amount appealed from, receive a credit or receive a greater credit than the credit appealed from or the city council, upon appeal, so determines, the city shall issue a check to the appellant in the appropriate amount within ten (10) days of the date of the applicable decision, provided the charge has, as required herein, been paid by the appellant.

**510.80. Stormwater charge collection.** (a) The stormwater charge shall be billed and collected by the city. The stormwater charge shall be shown as a separate item on the billing from the sewer utility charge levied and assessed pursuant to Section 511.290. In the event the owner and non-owner of a

particular developed property are not the same, the liability for the owner and non-owner user for the stormwater charge attributable to the developed property shall be joint and severable. The same administrative procedures for special assessments shall be applied to the stormwater charge, as are applied for water use under Chapter 509 of this Code.

(b) Pursuant to Minnesota Laws 1973, Chapter 320, whenever payment remains in default for a stormwater charge, the city council may annually levy an assessment equal to the unpaid costs, including penalty and interest against each developed property that is not exempt property and upon which the stormwater charge is unpaid.

**510.90. Stormwater fund.** Stormwater charges collected by the city shall be paid into a fund that is hereby created and shall be known as the "Stormwater Fund." This fund shall be used for the purpose of paying costs of capital improvements, administration of the stormwater utility, operation and maintenance and debt service of the stormwater management system and to carry out all other purposes of the utility.

**510.100. Equivalent stormwater unit (ESU) rate.** The ESU and the ESU rate that is used to determine the charge for each class of residential developed property, other residential developed property, non-residential developed property, and vacant property shall be as established in an ordinance or a resolution heretofore adopted or hereafter adopted by the city council, and as thereafter amended.

**510.110. Severability.** In the event that any portion or section of this chapter is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, the decision shall in no manner affect the remaining portions or sections of this chapter, which shall remain in full force and effect.

**Table 1 - Ordinance**

| LANDUSE | Range |
|---|---|
| Bar- Rest.- Entertainment | .60 -.75 |
| Car Sales Lot | .60 - .95 |
| Cemetery w/Monuments | .10 - .25 |
| Central Business District | .85 - 1.00 |
| Common Area | .10 - .25 |
| Garage or Misc. Res. | .30 -.55 |
| Group Residence | .60 -.75 |
| Ind. Warehouse- Factory | .50 -.90 |
| Industrial Railway | .50 -.90 |
| Institution- Sch.- Church | .60 -.95 |
| Misc. Commercial | .60 - .95 |
| Mixed Comm.- Res - Apt. | .60 -.75 |
| Multi-Family Apartment | .60 - .75 |
| Multi-Family Residential | .60 - .75 |
| Office | .60 - .95 |
| Parks & Playgrounds | .10 - .25 |
| Public Accommodations | .60 - .95 |
| Retail | .60 - .95 |
| Single Family Attached | .60 -. 75 |
| Single Family Detached | ESU |
| Sport or Rec. Facility | .60 - .95 |
| Utility | .50 - .90 |
| Vacant Land Use | .10 - .25 |
| Vehicle Related Use | .60 - .90 |

Adopted 11/5/04.
Absent - Samuels, Schiff.

**T&PW** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP), as set forth in Petition No 269991 on file in the office of the City Clerk, in order to solicit consultants for the Transportation Action Plan Study.

Your Committee further recommends that the proper City officers evaluate the proposals, select the suitable candidate, and make recommendation to the City Council.

Adopted 11/5/04.

Absent - Samuels, Schiff.

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

**T&PW & W&M/Budget** - Your Committee, having under consideration the Nicollet Mall improvement, maintenance and operation assessments for payable 2005, and having held a public hearing thereon, now recommends:

a) That the assessments in the amount of $1,126,945 be adopted and levied;

b) That the assessment roll, as set forth in Petn No 269992 on file in the office of the City Clerk, be adopted; and

c) That a certified copy of said assessment roll be transmitted to the Hennepin County Auditor.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute an agreement with Ted Glasrud & Associates permitting the installation of a radio repeater antenna on the roof of the Centre Village Complex in order to improve communication between municipal marking ramp security staff.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to expend up to $2,500 on an Employee Recognition Program in order to recognize Public Works employees who perform above and beyond normal job expectations.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Midtown Greenway project (Phase 1), now recommends that the proper City officers be authorized to extend Contract No 09250 with SRF Consulting to March 31, 2005, to allow professional services to be completed. No additional appropriation required.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**T&PW & W&M/Budget** - Your Committee, having under consideration Lake Street Streetscape Petitions (Columbus Av S to 12th Av S and 12th Av S to Cedar Av S), as set forth in Petn No 269992 on file in the office of the City Clerk, now recommends:

a) Accepting the Enhanced Level Streetscape Petitions and the proposed assessments against the list of benefited properties;

b) Directing the City Engineer to proceed with the design and construction of the said Streetscape Projects;

c) Approving the establishment of Special Service Districts and authorizing the proper City officers to develop the enabling ordinances;

d) Passage of the accompanying Resolution amending the 2004 Capital Appropriations Resolution increasing the appropriation and revenue source to the Public Works - Paving Construction Capital by $1,745,545, thereby amending the five-year Capital Improvement program to include the afore-mentioned Streetscape Improvement projects; and

e) Passage of the accompanying Resolution amending the 2004 General Appropriations Resolution increasing the appropriation and revenue to the Public Works - Engineering Design Cost Center by $262,000.

Lilligren moved that the report be amended by deleting paragraph b) and inserting in lieu thereof the following:

"b) Direct the City Engineer to proceed with the design and construction of the Enhanced Level Streetscape Projects; final streetscape shall be approved by Council." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/5/04.

Absent - Samuels, Schiff.

**RESOLUTION 2004R-516**
**By Colvin Roy and Johnson**

**Amending the 2004 Capital Improvement Appropriation Resolution**.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation in PW – Paving Construction Capital (4100-937-9372-STS01) and increasing the revenue source (4100-937-9372-3910) by $1,745,545 to be reimbursed by special assessments collected for the Lake Street Reconstruction project, to include the Chicago/Lake and Bloomington/Cedar/Lake Streetscape Improvement Projects.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**RESOLUTION 2004R-517**
**By Colvin Roy and Johnson**

**Amending The 2004 General Appropriation Resolution**.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW – Engineering Design Cost Center (4100-600-6025) by $262,000 and increasing the revenue source (4100-600-6025-3455) by $262,000 for payment of contractual service costs associated with the Lake Street Reconstruction project.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**T&PW & W&M/Budget** - Your Committee, having under consideration the 2004 Off-Street Municipal Parking Rates, now recommends that the current parking rates, as set forth in Petn No 269992 on file in the office of the City Clerk, be established as the 2004 base rates.

Adopted 11/5/04.

Absent - Samuels, Schiff.

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

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

Adopted 11/5/04.

Absent - Samuels, Schiff.

Resolution 2004R-518 authorizing settlement of the legal claims of Helen J. M. Bassett, Mary Margaretta Hill and Todd Edwardson, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-518**
**By Johnson**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:
That the City Attorney is authorized to proceed with settlement of the following claims:
a) Helen J. M. Bassett and her attorney Andrea F. Rubenstein, by payment of $22,500;
b) Mary Margaretta Hill and her attorney Jack Neveaux, by payment of $62,500;
c) Todd R. Edwardson and his attorneys Saliterman & Siefferman, by payment of $8,500.
Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to finalize said settlements.
Adopted 11/5/04.
Absent - Samuels, Schiff.

**W&M/Budget** - Your Committee recommends that the 2004 special tax assessments for delinquent utility charges be approved, as indicated in the assessment roll adopted as part of this action and set forth in Petn No 270001 on file in the Office of the City Clerk.
Adopted 11/5/04.
Absent - Samuels, Schiff.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to amend the City's contract with Unisys (#C-18881) to provide for additional managed service costs totaling $68,793.27 for services initiated in 2004 and continuing support from 2005 through 2009 for network infrastructure upgrade of the Third Police Precinct network.
Adopted 11/5/04.
Absent - Samuels, Schiff.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute a contract with Bentley Systems Incorporated for the provision of annual maintenance services related to the Computer-Aided Civil Engineering Software and Enterprise System (Engineering 2000), in an amount of $100,000 per year for the duration of the software's use.
Adopted 11/5/04.
Absent - Samuels, Schiff.

**W&M/Budget** – Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order No.2 that increases the City's contract with Egan Companies, Inc. (dba Egan Mechanical – Contract No. C-20366) by $11,766, for a new contract total of $8,522,266.
Adopted 11/5/04.
Absent - Samuels, Schiff.
Approved by Mayor Rybak 11/8/04.
(Published 11/9/04)

**W&M/Budget** – Your Committee, having under consideration a request from the Business Information Services (BIS) Department to upgrade the technology and operating environment for the Utility Billing server, now recommends that the proper City officers be authorized to amend the City contract with Unisys (No. C-18881) for additional managed services to be initiated in 2004 and continuing from 2005 to 2009 for upgrading the Utility Billing server in an amount not to exceed $396,345; and further passage of the accompanying resolution increasing the BIS Agency appropriation to reflect revenue transferred for said services.
Adopted 11/5/04.
Absent - Samuels, Schiff.

**RESOLUTION 2004R-519**
**By Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Business Information Services Agency in the Intergovernmental Services Fund (6400-880-8870) by $143,637.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute Amendment No. 1 to the City contract with Central Lutheran Church (No. C-13728) to provide for payment of an equal amount of parking ramp revenue to the Church for the paid public parking on Sunday mornings between the hours of 6 a.m. and 11:30 a.m., effective July 1, 2003, with payment to be made from the Convention Center operating budget but to be offset by the parking ramp revenue.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to enter into a contract with Insite Wireless for provision of Internet and wireless services at the Minneapolis Convention Center, effective upon the successful negotiation and execution of a formal contract, at no cost to the City.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**W&M/Budget** – Your Committee recommends concurrence with the General Fund Overhead Rate Model (the process used to charge City departments outside the General Fund for management services they receive from General Fund departments as outlined in Petn No 270001) as presented by the Finance Department, with a direction to formulate an implementation plan using the option to phase in collection of certain overhead charges. Further that the rate model be referred to the 2005 Budget mark-up process.

Adopted 11/5/04.

Absent - Samuels, Schiff.

**W&M/Budget** – Your Committee recommends concurrence with the recommendation of the City's Chief Information Officer (CIO) request for authorization to initiate a program that will provide Citywide Broad Band Wireless Internet Services to all residential, commercial and institutional users, by proceeding with the following activities:

a) The Business Information Services Department is directed to initiate a Citywide Broad Band Wireless Internet Services project;

b) The proper City officers are authorized to issue a Request for Proposals (RFP) to deploy, manage and administer ubiquitous Citywide Broad Band Wireless Internet services;

c) Development of a Citywide Broad Band Wireless Internet services business case based on a public/private partnership and responses to the RFP.

Further, the initiative will be funded by a public/private partnership, with the private sector partner being responsible for all acquisition, design and implementation costs and management of the network going forward; the City will recover all soft costs expended from the project planning through network completion from the partner upon contract execution.

Adopted 11/5/04.

Absent - Samuels, Schiff.

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

**Z&P** – Your Committee recommends approval of the following appointments to the Heritage Preservation Commission:

a) Chad Larsen, 2825 Drew Ave S, Minneapolis (filling vacant seat held by Ginny Housum), to be effective 12/1/2004, for a term to expire 6/1/2006;

b) Judith Nieswander, 2412 – 33rd Ave S, Minneapolis (filling seat held by Kelley Lindquist), to be effective 12/1/04, for a term to expire 6/1/2007; and

c) Shan Lee, 5520 Pillsbury Ave S, Minneapolis (reappointment), for a term to expire 6/1/2007.

Adopted 11/5/04.

Absent – Samuels, Schiff.

**Z&P** - Your Committee, having under consideration the appeal filed by Steve Buckley and Vicki Fraher from the decision of the Planning Commission which approved the applications of Financial Freedom Development for a) conditional use permit for a 28-unit condominium development at 1805 W Lake St and 3008 Knox Ave S (The Edgewater); and b) conditional use permit to increase the height of the building located in the Shoreland Overlay District from 35 feet (2.5 stories) to 82 feet (6 stories), now recommends that the appeal be *forwarded without recommendation*.

Niziolek moved to amend the report by deleting the language following, "now recommends" and inserting in lieu thereof: "a) that the appeal be denied regarding the conditional use permit for a 28-unit condominium development, and that the decision of the Planning Commission be upheld; and b) that the appeal regarding the conditional use permit to increase the height of the building located in the Shoreland Overlay District be granted, in part, to approve an increase in the height of the building from 35 feet (2.5 stories) to 56 feet (4 stories), and that the findings prepared by the Department of Planning & Economic Development staff be adopted." Seconded.

Zimmermann moved a substitute motion to amend the report by deleting the language following, "now recommends" and inserting in lieu thereof, "that both appeals be denied, and that the decision of the Planning Commission be upheld." Seconded.

Johnson moved to amend Zimmermann's substitute motion by adding the following conditions.

1. The development will include a green roof system;
2. The development will include high quality materials as present in the drawings; and
3. The development team will continue in good faith to work with the council member of the 10th ward and E.C.C.O. neighborhood on design issues within the scope of the approval. Seconded.

Adopted upon a voice vote.

Zimmermann's substitute motion, as amended, was adopted.

Yeas – Johnson, Colvin Roy, Zimmermann, Lilligren, Benson, Goodman

Nays – Lane, Zerby, Johnson Lee, Niziolek, Ostrow.

Absent – Samuels, Schiff.

The report, as amended, was adopted 11/5/04.

Yeas – Johnson, Colvin Roy, Zimmermann, Lilligren, Benson, Goodman

Nays – Lane, Zerby, Johnson Lee, Niziolek, Ostrow.

Absent – Samuels, Schiff.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission in granting the application of Financial Freedom Development (#1445) to vacate part of the alley in the block bounded by Lake and 31st Sts, Knox Ave S and Calhoun Pkwy for a condominium development (the Edgewater) at 1805 W Lake St and 3008 Knox Ave, subject to retention of easement rights, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 11/5/04.

Absent – Samuels, Schiff.

Resolution 2004R-520, vacating that part of the east-west alley in Block 21, "Calhoun Park", according to the recorded plat thereof, Hennepin County, Minnesota (vicinity 1805 W Lake St and 3008 Knox Ave), was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-520**
**By Schiff**

**Vacating that part of the east-west alley in Block 21, "Calhoun Park", according to the recorded plat thereof, Hennepin County, Minnesota (#1445).**

Resolved by The City Council of The City of Minneapolis:

That all that part of the Alley in Block 21, "Calhoun Park", according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of the following described line and its extensions: Commencing at the southwest corner of Lot 3 in said Block 21, said southwest corner also being a point in the easterly line of said Alley; thence on an assumed bearing of North 00 degrees 13 minutes 00 seconds East along the westerly line of said Lot 3 and the easterly line of said Alley for 26.00 feet to the actual point of beginning of the line to be described; thence South 89 degrees 55 minutes 46 seconds West, parallel with the southerly line of said Lot 3 for 12.00 feet to the westerly line of said Alley and there terminating.

And

That certain Public Alley Easement reserved in favor of the City of Minneapolis, as disclosed in that certain Quit Claim Deed from the City of Minneapolis dated July 11, 1996, and filed for record in the office of the Hennepin County, Minnesota, Recorder on July 11, 1996, as Document No. 6605308, described as follows:

That part of Lot 3, Block 21, "Calhoun Park" described as follows: Commencing at the Southwest corner of said Lot 3, thence North along the West line of said Lot a distance of 15.00 feet to the point of beginning; thence continuing North along said West line 24.00 feet; thence East parallel with the South line of said Lot 3 to the East line of said Lot; thence South along said East line 14.00 feet; thence West parallel with said South line to a point lying 10.00 feet East of the West line and 25.00 feet North of the South line of said Lot 3; thence Southwesterly to the point of beginning and there terminating, according to the recorded plat thereof, subject to retention of easements by Xcel Energy, Qwest and the City of Minneapolis is hereby vacated except that such vacation shall not affect the existing authority of Xcel Energy, Qwest and the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforedescribed utilities which is described in regard to each of said corporations as follows, to wit:

An easement in favor of Xcel Energy: An easement over the westerly 10.00 feet of that part of the east-west alley within Block 21, as dedicated in the plat of Calhoun Park, Hennepin County, Minnesota, according to the recorded plat thereof;

An easement in favor of Qwest: An easement over the easterly 10.00 feet of that part of the north-south alley within Block 21, as dedicated in the plat of Calhoun Park, Hennepin County, Minnesota, according to the recorded plat thereof;

An easement in favor of the City of Minneapolis: A permanent easement for public alley purposes over, under and across Lot 3, Block 21, "Calhoun Park", according to the recorded plat thereof, Hennepin County, Minnesota. Said permanent easement consists of two parcels of land.

DESCRIPTION OF PERMANENT PUBLIC ALLEY EASEMENT PARCEL ONE

Said permanent public alley easement parcel one is all that part of said Lot 3 described as follows: Beginning at the southwest corner of said Lot 3; thence on an assumed bearing of North 00 degrees 13 minutes 00 seconds East along the westerly line of said Lot 3 for 26.00 feet; thence on a bearing of East for 10.00 feet to a point hereinafter described as POINT A; thence South 00 degrees 13 minutes 00 seconds West for 7.00 feet; thence on a bearing of East for 74.00 feet; thence North 00 degrees 13 minutes 00 seconds East for 7.00 feet; thence on a bearing of East for 44.61 feet to the easterly line of said Lot 3; thence South 00 degrees 12 minutes 43 seconds West along said easterly line for 16.00

feet; thence on a bearing of West for 118.67 feet; thence South 45 degrees 06 minutes 29 seconds West for 14.17 feet to the point of beginning.

DESCRIPTION OF PERMANENT PUBLIC ALLEY EASEMENT PARCEL TWO

Said permanent public alley easement parcel two is all that part of said Lot 3 described as follows: Beginning at POINT A as above described; thence South 00 degrees 13 minutes 00 seconds West for 7.00 feet; thence on a bearing of East for 74.00 feet; thence North 00 degrees 13 minutes 00 seconds East for 7.00 feet; thence on a bearing of West for 74.00 feet to the point of beginning; which lies below an elevation of 889.0 feet, NGVD 1929 Adjustment,

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

Adopted 11/5/04.

Absent – Samuels, Schiff.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission in granting the application of the City of Minneapolis (#1444a-1444s) to vacate parts of streets and easements for the fourth phase of the Heritage Park project, for property located within an area roughly bounded by Girard Ave N on the west, 5th Ave N on the north, Aldrich Ave N on the east, and a line midway between Glenwood Ave N and 4th Ave N on the south, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating streets and easements.

Adopted 11/5/04.

Absent – Samuels, Schiff.

Resolution 2004R-521, vacating streets and easements to allow the reconfiguration of streets and the redevelopment of property as part of the Heritage Park project, located within an area roughly bounded by Girard Ave N on the west, 5th Ave N on the north, Aldrich Ave N on the east, and a line midway between Glenwood Ave N and 4th Ave N on the south, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-521**
**By Schiff**

**Vacating Streets and Easements to allow the reconfiguration of streets and the redevelopment of property as part of the Heritage Park project (#1444a – 1444s).**

Resolved by The City Council of The City of Minneapolis:

That the following street segment is hereby vacated:

That part of 5th Avenue North as dedicated in GLENWOOD RENEWAL SUBDIVISION NO. 1, according to the recorded plat thereof, lying westerly of a line parallel with and distant 60 feet westerly of the following described “Line 1” and lying easterly of following described “Line 2”.

“Line 1” is described as beginning at the southeast corner of Outlot B, CITY OF MINNEAPOLIS HERITAGE PARK PLAT 3, according to the recorded plat thereof; thence southerly and southwesterly along the continuation of the easterly line of said Outlot B a distance of 633.40 feet; thence southwesterly, tangent to said continuation, a distance of 234.85 feet; thence southwesterly 226.07 feet along a tangential curve concave to the southeast having a radius of 159.00 feet and a central angle of 81 degrees 27 minutes 54 seconds and said “Line 1” there terminating.

"Line 2" is described as commencing at the northwest corner of Outlot B, CITY OF MINNEAPOLIS HERITAGE PARK PLAT 3, according to the recorded plat thereof; thence South 89 degrees 54 minutes 23 seconds East, assumed bearing, along the north line of said Outlot B a distance of 20.03 feet to the point of beginning of said "Line 2"; thence South 14 degrees 02 minutes 23 seconds West 30.30 feet; thence southwesterly 507.33 feet along a tangential curve concave to the northwest having a radius of 435.00 feet and a central angle of 66 degrees 49 minutes 22 seconds; thence South 80 degrees 51 minutes 45 seconds West, tangent to said curve, 118.47 feet; thence southerly 593.10 feet along a tangential curve concave to the east having a radius of 150.00 feet and a central angle of 188 degrees 47 minutes 28 seconds; thence easterly along a reverse curve concave to the south having a radius of 185.00 feet to the east line of Fremont Avenue North as dedicated in R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and said "Line 2" there terminating.

Except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, its successors and assigns, to enter upon the entire aforedescribed part of 5th Avenue North to operate, maintain, repair, alter, inspect or remove its storm drain facilities until December 31, 2005, and said easement right and authority is hereby expressly reserved to the City of Minneapolis until December 31, 2005, 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 5th Avenue North upon or within the above-described areas without first obtaining the written approval of the City of Minneapolis authorizing them to do so.

Be It Further Resolved that the following street segments are hereby vacated:

The entire part of 5th Avenue North as dedicated in GLENWOOD RENEWAL SUBDIVISION NO. 1, according to the recorded plat thereof, lying northeasterly of the said "Line 1".

That part of Dupont Avenue North as dedicated in R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, lying northeasterly of the said "Line 1", lying southerly of the westerly extension of the south line of Lot 5, Block 10, STINSON'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof and lying northwesterly of the southwesterly continuation of the northerly right of way line of 5th Avenue North as dedicated in CITY OF MINNEAPOLIS HERITAGE PARK PLAT 3, according to the recorded plat thereof.

That part of Lot 7, Block 1, R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS, according to the recorded plat thereof lying southerly of the westerly extension of the south line of Lot 5, Block 10, STINSON'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof and lying northwesterly of the southwesterly continuation of the northerly right of way line of 5th Avenue North as dedicated in CITY OF MINNEAPOLIS HERITAGE PARK PLAT 3, according to the recorded plat thereof.

That part of Old Bassett's Creek in the Northeast Quarter of the Southeast Quarter of Section 21, Township 29, Range 24, as shown on the plats of R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS and STINSON'S ADDITION TO MINNEAPOLIS lying between the westerly extension of the south line of Lot 5, Block 10, said STINSON'S ADDITION TO MINNEAPOLIS and the southwesterly continuation of the northerly right of way line of 5th Avenue North as dedicated in CITY OF MINNEAPOLIS HERITAGE PARK PLAT 3, according to the recorded plat thereof.

That part of 5th Avenue North as dedicated in R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, lying southerly of a line parallel with and distant 60 feet southerly of the westerly continuation of the northerly right of way line of 5th Avenue North as dedicated in CITY OF MINNEAPOLIS HERITAGE PARK PLAT 3 according to the recorded plat thereof, and lying easterly of the east line of Dupont Avenue North as dedicated in said R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS.

Be It Further Resolved that the following street segments are hereby vacated:

That part of Dupont Avenue North as dedicated in the plats of R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS and WALTON'S REARRANGEMENT IN STINSON'S ADDITION TO MINNEAPOLIS, according to the recorded plats thereof, described as beginning at the intersection of said "Line 1" with a line parallel with and distant 60 feet southerly of the northerly right of way line and its southwesterly continuation of 5th Avenue North as dedicated in CITY OF MINNEAPOLIS HERITAGE PARK PLAT 3, according to the recorded plat thereof; thence southeasterly along said "Line 1" to its intersection with the easterly right of way line of said Dupont Avenue North; thence northerly along said easterly right of way line to its intersection with said parallel line; thence southwesterly along said parallel line to the point of beginning.

That part of Dupont Avenue North as dedicated in WALTON'S REARRANGEMENT IN STINSON'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, described as commencing at the southwest corner of Block 1, said WALTON'S REARRANGEMENT IN STINSON'S ADDITION TO MINNEAPOLIS; thence North 0 degrees 10 minutes 48 seconds East, assumed bearing, along the west line of said Block 1 a distance of 176.38 feet to the intersection with said "Line 1", said point of intersection being the actual point of beginning; thence southwesterly along said "Line 1" a distance of 123.48 feet; thence South 56 degrees 24 minutes 28 seconds East 40.94 feet; thence southeasterly 6.87 feet along a tangential curve concave to the northeast having a radius of 257.50 feet to the intersection with the west line of said Block 1; thence northerly along said west line to the point of beginning.

Except that such vacations shall not affect the existing easement right and authority of the City of Minneapolis, its successors and assigns, to enter upon the entire aforedescribed parts of Dupont Avenue North to operate, maintain, repair, alter, inspect or remove its water, sanitary sewer and storm drain facilities, and said easement right and authority is hereby expressly reserved to 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 Dupont Avenue North upon or within the above-described areas without first obtaining the written approval of the City of Minneapolis authorizing them to do so.

Be It Further Resolved that the following street segments are hereby vacated:

That part of Dupont Avenue North and 4th Avenue North as now traveled described as commencing at the intersection of the west right of ay line of Dupont Avenue North as dedicated in R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, with a line parallel with and distant 168 feet south of the north line and its easterly extension of Lot 1, Block 9, said R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS; thence North 0 degrees 10 minutes 48 seconds East, assumed bearing, along said west right of way line of Dupont Avenue North a distance of 123.68 feet to the point of beginning; thence northeasterly 100.54 feet along a tangential curve concave to the east having a radius of 299.25 feet and a central angle of 19 degrees 15 minutes 00 seconds; thence northwesterly 11.06 feet along a nontangential curve concave to the northeast having a radius of 342.50 feet and a central angle of 1 degree 51 minutes 00 seconds, the chord of said curve bears North 57 degrees 19 minutes 58 seconds West; thence North 56 degrees 24 minutes 28 seconds West, tangent to said curve, 49.77 feet to the intersection with said "Line 1"; thence southwesterly along said "Line 1" to its intersection with the southerly right of way line of 4th Avenue North, said southerly right of way line being parallel with and distant 60 feet southerly of the southerly line of Block 2, GLENWOOD RENEWAL SUBDIVISION NO. 1, according to the recorded plat thereof; thence easterly along said southerly right of way line to its intersection with the northerly extension of said west right of way line of Dupont Avenue North; thence South 0 degrees 10 minutes 48 seconds West along said west right of way line to the point of beginning.

That part of 4th Avenue North as dedicated in R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS, according to the recorded plat thereof lying easterly of the northerly extension of the west line of Block 9, said R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS and lying northerly of a line parallel with and distant 60 feet northerly of said "Line 1".

That part of the East Half of Fremont Avenue North as dedicated in R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, lying southerly of the westerly extension of the south line of Block 4, said R.A. DAVIDSON'S 2ND ADDITION TO MINNEAPOLIS and lying northerly of said "Line 2".

That part of the West Half of Fremont Avenue North as dedicated in WILLIAMS AND GOLD'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, lying southerly of the easterly extension of the south line of Block 2, said WILLIAMS AND GOLD'S ADDITION TO MINNEAPOLIS and lying northerly of said "Line 2".

That part of 4th Avenue North as dedicated in RODELL AND NOERENBERG'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof lying westerly of the northerly extension of a line parallel with and distant 1 foot west of the east line of Lot 1, Block 3, RODELL AND NOERENBERG'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof and lying northeasterly of said "Line 2".

Except that such vacations shall not affect the existing easement right and authority of:

CenterPoint Energy for its existing gas main within the entire aforedescribed parts of Dupont Avenue North, 4th Avenue North and Fremont Avenue North.

The City of Minneapolis for its water main, sanitary sewer and storm drain facilities within the entire aforedescribed parts of Dupont Avenue North, 4th Avenue North and Fremont Avenue North, and said easement right and authority is hereby expressly reserved to 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, upon or within the above-described areas without first obtaining the written approval of the City of Minneapolis.

Where the areas described above in regard to any of the other corporations, or any part thereof lies within the areas 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 these parts of Dupont Avenue North, 4th Avenue North and Fremont Avenue North had not been vacated.

Be It Further Resolved that the following street segments are hereby vacated:

That part of 5th Avenue North being Lot 6, Block 10, STINSON'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, lying southerly of a line parallel with and distant 60 feet southerly of the northerly right of way line of 5th Avenue North as dedicated in CITY OF MINNEAPOLIS HERITAGE PARK PLAT 3, according to the recorded plat thereof.

That part of 5th Avenue North as dedicated in STINSON'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, lying easterly of the east line of Block 10, said STINSON'S ADDITION TO MINNEAPOLIS, lying northerly of the north line and its westerly extension of Block 8, said STINSON'S ADDITION TO MINNEAPOLIS, lying westerly of the northerly extension of a line parallel with and distant 6 feet westerly of the east line of said Block 8 and southerly of a line parallel with and distant 60 feet southerly of the northerly right of way line of 5th Avenue North as dedicated in CITY OF MINNEAPOLIS HERITAGE PARK PLAT 3, according to the recorded plat thereof.

That part of 5th Avenue North as dedicated in STINSON'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, lying northerly of a line described as beginning at the southeast corner of Outlot A, CITY OF MINNEAPOLIS HERITAGE PARK PLAT 3, according to the recorded plat thereof; thence South 86 degrees 51 minutes 35 seconds West, assumed bearing, along the southerly line of said Outlot A and its southwesterly extension a distance of 126.25 feet; thence westerly along a tangential curve concave to the north having a radius of 570.00 feet to the south line of said Outlot A and there terminating.

That part of 5th Avenue North as dedicated in STINSON'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, lying easterly of the northerly extension of the west line of Block 5, said STINSON'S ADDITION TO MINNEAPOLIS, lying westerly of the northerly extension of the east line of said Block 5 and lying southerly of a line run parallel with and distant 60 feet southerly of the northerly right of way line of 5th Avenue North as dedicated in CITY OF MINNEAPOLIS HERITAGE PARK PLAT 3, according to the recorded plat thereof.

Except that such vacations shall not affect the existing easement right and authority of the City of Minneapolis, its successors and assigns, to enter upon the entire aforedescribed parts of 5th Avenue North to operate, maintain, repair, alter, inspect or remove its storm drain facilities, and said easement right and authority is hereby expressly reserved to 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 5th Avenue North upon or within the above-described areas without first obtaining the written approval of the City of Minneapolis authorizing them to do so.

Be It Further Resolved that the following street segment is hereby vacated:

That part of Bryant Avenue North as dedicated in FREITAG'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof lying southerly of the easterly extension of the north line of Lot 1, Block 1, HAMILTON DAVIS ADDITION, according to the recorded plat thereof, and lying easterly of a line parallel with and distant 66 feet easterly of a line and its extensions from a point on the north line of said Lot 1 distant 32.15 feet westerly of the northeast corner thereof to a point on the east line of said Lot 1 distant 94.39 feet southerly of said northeast corner.

Except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, its successors and assigns, to enter upon the entire aforedescribed part of Bryant Avenue North to operate, maintain, repair, alter, inspect or remove its water and storm drain facilities, and said easement right and authority is hereby expressly reserved to 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 Bryant Avenue North upon or within the above-described areas without first obtaining the written approval of the City of Minneapolis authorizing them to do so.

Be It Further Resolved that the following utility easements are hereby vacated:

The utility easements as dedicated in Lot 1, Block 2, 5th Avenue North and Girard Terrace, GLENWOOD RENWAL SUBDIVISION NO. 1, according to the recorded plat thereof.

Except that such vacations shall not affect the existing easement right and authority of the City of Minneapolis, its successors and assigns, to enter upon the entire aforedescribed property to operate, maintain, repair, alter, inspect or remove its storm drain facilities until December 31, 2005, and said easement right and authority is hereby expressly reserved to the City of Minneapolis until December 31, 2005, 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 5th Avenue North upon or within the above-described areas without first obtaining the written approval of the City of Minneapolis authorizing them to do so.

Be It Further Resolved that the following utility easement is hereby vacated:

That part of the utility easement as granted in Document No. 588983 being described as the East 15 feet of the West Half of that part of Fremont Avenue North, as originally constituted, now vacated, which lies between the extension of the north line of Fourth Avenue North and a line distant 18 feet northerly from, measured at right angles to and parallel with the south line of Fifth Avenue North vacated.

Adopted 11/5/04.

Absent – Samuels, Schiff.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Lupe Development (BZZ-1963) to rezone the property at 1701 Madison St NE by adding the Industrial Living Overlay District to the existing I1 District to permit 70 dwelling units (Presidents Row Lofts), and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 11/5/04.

Absent – Samuels, Schiff.

Ordinance 2004-Or-133, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally,* rezoning the property at 1701 Madison St NE by adding the Industrial Living Overlay District to the existing I1 District, was passed 11/5/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2004-Or-133**
**By Schiff**
**1st & 2nd Readings: 11/5/04**

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

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

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

A. That part of Registered Land Survey No. 1207, Tract A (1701 Madison St NE – Plate 9) by adding the Industrial Living Overlay District to the existing I1 District.

Adopted 11/5/04.

Absent – Samuels, Schiff.

**Z&P** – Your Committee concurs in the recommendation of the Heritage Preservation Commission (HPC) in granting the application of Phillips Architects & Contractors, Ltd for a historic variance to vary the lot width from 80 feet to the current 49.5' width to permit an addition to the Delta Tau Delta Fraternity at 1717 University Ave SE, and adopting the related findings prepared by HPC staff.

Adopted 11/5/04.

Absent – Samuels, Schiff.

**Z&P** - Your Committee, having under consideration the appeal filed by Rex II, LLC from the decision of the Planning Commission which denied applications for the Bookman Project, 526-4th St N, 519-21 – 3rd St N, for: a) conditional use permit for a planned residential development to allow a 9,300 square foot sit-down restaurant and bar; to allow a sign increase on the Bookman Stacks building from 80 to 184 square feet; for an exception to the code to allow the elimination of the required parking for the restaurant; b) height variance for a wall; c) site plan review; and d) preliminary registered land survey, now recommends:

a) That the appeal be granted for the conditional use permit, in part, to allow a 9,300 square foot sit-down restaurant and bar; but denying the sign increase; and approving an exception to the code to allow the elimination of the required parking for the restaurant;

b) That the appeal be denied for increase in height for the fence variance;

c) That the appeal be granted for site plan review, as proposed and modified, with the request that the applicant submit drawings of what the building will look like with the addition of sliver windows on the west façade; and

d) That the appeal be granted for preliminary registered land survey.

Zimmermann moved to amend the report to add the following conditions to the conditional use permit and site plan approvals:

1. Approval by the Planning Department of the final construction drawings, elevations, lighting plan, fencing plan and the landscape plan;

2. The applicant will participate in the appropriate programs offered by the utilities in order to maximize energy efficiency on the project;

3. Regarding site plan, the applicant shall submit a performance bond for the project to insure the installation of all site improvements. The performance bond is due prior to the issuance of building permits or the permit may be revoked for noncompliance;

4. Regarding site plan, the site improvements for Phase III of the project shall be completed by 10/30/06 or the application may be revoked for noncompliance, unless the Zoning Administrator or the City Council extends this time period. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/5/04.

Absent – Samuels, Schiff.

**MOTION**

Zimmermann moved to concur in the recommendation of the Planning Commission in granting the application of Urban Ventures Leadership Foundation (#1374) to vacate part of the alley south of 29th St E between Clinton and 4th Aves S, for a community center with accessory uses, subject to retention of easement rights, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Zimmermann further moved passage of the accompanying resolution vacating said alley. Seconded.
Adopted 11/5/04. Yeas, 9; Nays, none as follows:
Yeas - Lane, Johnson, Colvin Roy, Zimmermann, Zerby, Johnson Lee, Niziolek, Benson, Ostrow.
Declining to vote – Lilligren, Goodman.
Absent – Samuels, Schiff.

Resolution 2004R-522, vacating part of the alley south of 29th St E between Clinton and 4th Aves S, north of the south line of Lot 3, Block 1, F.A. Parkers Addition to Minneapolis, was passed 11/5/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2004R-522**
**By Zimmermann**

**Vacating part of the alley south of 29th Street East between Clinton and 4th Avenue South, north of the south line of Lot 3, Block 1, F.A. Parkers Addition to Minneapolis (#1374).**

Resolved by The City Council of The City of Minneapolis:
That all that part of the alley South of 29th Street East between Clinton and 4th Avenue South, North of the South line of Lot 3, Block 1, F.A. Parkers Addition to Minneapolis is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Qwest Communication, their successors and assigns, which is described in regard to each of the said corporations as follows, to wit:
As to Qwest: All of the alley to be vacated;
As to Xcel: All of the alley to be vacated;
to operate, maintain, repair, alter, inspect or remove its above-described utility facilities in said easement right and authority is hereby expressly reserved to each of the above-named corporations.
Adopted 11/5/04. Yeas, 9; Nays, none as follows:
Yeas - Lane, Johnson, Colvin Roy, Zimmermann, Zerby, Johnson Lee, Niziolek, Benson, Ostrow.
Declining to vote – Lilligren, Goodman.
Absent – Samuels, Schiff.

**RESOLUTIONS**

All Council Members offered a Resolution honoring the Stormwater Rate Utility Citizen Advisory Committee's invaluable contribution to the Stormwater Rate Model Project.
Adopted 11/5/04.
Absent - Samuels, Schiff.
(Not Published. See Resolution 2004R-523 on file in the Office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2004R-523**
**By Colvin Roy, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, & Lane**

**Honoring the Stormwater Rate Utility Citizen Advisory Committee's invaluable contribution to the Stormwater Rate Model Project.**

Whereas, the City of Minneapolis ended a two year journey by adopting a more equitable means of paying for stormwater management; and

Whereas, a valuable contributor on this journey was the Citizen Advisory Group whose members gave their diverse perspectives on all aspects of the proposed utility fee; and

Whereas, the Citizen Advisory Group brought together a broad range of interests, including residents, apartment operators, downtown business interests, churches, and other governmental bodies; and

Whereas, the group's recommendations on property exemptions, credits, and the importance of the bottom line cost to rate payers brought changes that strengthened the proposal; and

Whereas, the cumulative effect of everyone's work is a stormwater utility fee that is equitable for rate payers as well as being a very large step forward in improving the environmental aspects of stormwater management in our city;

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

That the Stormwater Utility Fee Citizen Advisory Committee be recognized and thanked for their dedicated volunteer service to the City of Minneapolis.

Adopted 11/5/04.

Absent - Samuels, Schiff.

Lilligren moved to discharge the Intergovernmental Relations Committee from further consideration of a resolution adopting a succession plan to address leadership contingencies relating to the City's Emergency Plan. Seconded.

Adopted 11/5/04.

Absent – Samuels, Schiff.

Lilligren moved passage of the accompanying resolution adopting a succession plan to address leadership contingencies relating to the City's Emergency Plan. Seconded.

Adopted 11/5/04.

Absent – Samuels, Schiff.

Lilligren offered a Resolution adopting a succession plan to address leadership contingencies relating to the City's Emergency Plan.

Adopted 11/5/04.

Absent - Samuels, Schiff.

(Not Published. See Resolution 2004R-524 on file in the Office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2004R-524**
**By Lilligren**

**Adopting a succession plan to address leadership contingencies relating to the City's Emergency Plan.**

Whereas, the Minneapolis City Charter, Chapter 3, Section 2, requires the City Council, by resolution, to adopt a succession plan to address leadership contingencies in the event that the Mayor, City Council President, and the City Council Vice - President are all unable to discharge the duties of their elected offices;

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

That the City's line of succession of the remaining eleven (11) Council Members shall be as follows:

1. Chair, Public Safety & Regulatory Services Committee;
2. Chair, Transportation & Public Works Committee;
3. Chair, Health & Human Services Committee;
4. Chair, Intergovernmental Relations Committee;
5. Chair, Ways & Means/Budget Committee;
6. Chair, Community Development Committee;

7. Chair, Zoning & Planning Committee; and
8 to 11. Council Members in Ward number order, lowest to highest.
Be It Further Resolved that the City's Director of Emergency Preparedness is directed to amend the City Council Annex portion of the City's Emergency Plan to include how the determination is made when the Mayor, the Council President, and the Council Vice-President are unable to discharge their required duties.
Adopted 11/5/04.
Absent - Samuels, Schiff.

**UNFINISHED BUSINESS**

Spincycle Coin Laundry (2937 Dupont Av S): Sent forward without recommendation application for Laundry License (Postponed 2/13/04, PS&RS)
By unanimous consent, the above report continued to be postponed.

Parking for Minnesota State Fair and Use of Office Space at State Fairgrounds:
Approve execution of lease agreement with the Minnesota State Fair for parking and office use. (Postponed 10/8/04, W&M)
By unanimous consent, the above report continued to be postponed.

Lilligren moved to adjourn to Room 315 City Hall to consider authorizing the City Attorney to initiate litigation against the Federal Aviation Administration (FAA) and/or the Metropolitan Airports Commission (MAC) to enforce the FAA's and MAC's commitments to noise mitigation at the Minneapolis/St. Paul International Airport. Seconded.
Adopted upon a voice vote.

Room 315 City Hall
Minneapolis, Minnesota
November 5, 2004 - 11:20 a.m.
The Council met pursuant to adjournment.
President Ostrow in the Chair.
Present - Lane (Out at 12:26 p.m.), Johnson (Out at 11:50 a.m.), Colvin Roy, Zimmermann (Out at 12:11 p.m. and In at 12:18 p.m.), Zerby, Lilligren, Johnson Lee (Out at 12:10 p.m. and In at 12:32 p.m.), Niziolek, Benson (Out at 12:10 p.m.), Goodman, Ostrow.
Absent - Samuels, Schiff.
Also present - Jay Heffern, City Attorney; Peter Ginder, Acting Deputy City Attorney; Corey Conover, Assistant City Attorney; Peter Kirsch, Esq and Steve Kaplan, Esq, Kaplan Kirsch & Rockwell LLP; Mayor R.T. Rybak; Laura Sether (Out at 12:15 p.m. and In at 12:22 p.m.) and Peter Wagenius, Mayor's Office; Merland Otto, Airport Planner; Merry Keefe (Out at 11:58 a.m.), City Clerk; Jan Hrncir and Jackie Hanson, City Clerk's Office.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving authorizing the City Attorney to initiate litigation against the Federal Aviation Administration (FAA) and/or the Metropolitan Airports Commission (MAC) to enforce the FAA's and MAC's commitments to noise mitigation at the Minneapolis/St. Paul International Airport.

Lilligren moved that the meeting be closed. Seconded.
Adopted upon a voice vote.

The meeting was closed at 11:25 a.m.

Ginder summarized the potential lawsuit from 11:25 a.m. to 12:39 p.m.

Lilligren moved that the meeting be opened. Seconded.
Adopted upon a voice vote.

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

Zimmermann moved to adjourn. Seconded.
Adopted upon a voice vote.

Merry Keefe,
City Clerk.

Unofficial Posting: 11/10/04
Official Posting: 11/15/04
Correction: 12/06/04